
STATUTORY INSTRUMENTS

1998 No. 2257

FOOD

**The Extraction Solvents in Food
(Amendment) Regulations 1998**

<i>Made</i>	- - - -	<i>14th September 1998</i>
<i>Laid before Parliament</i>		<i>1st October 1998</i>
<i>Coming into force</i>		
<i>Regulations 1 and 2(a), (c) (ii) and (e)(ii)</i>		<i>27th October 1998</i>
<i>Remainder</i>		<i>27th April 1999</i>

The Minister of Agriculture, Fisheries and Food, the Secretary of State for Health and the Secretary of State for Wales, acting jointly, in relation to England and Wales, and the Secretary of State for Scotland in relation to Scotland, in exercise of the powers conferred on them by sections 6(4), 16(1), 17(1), 26(1)(a) and (3) and 48(1) of the Food Safety Act 1990⁽¹⁾ and of all other powers enabling them in that behalf, after consultation in accordance with section 48(4) of that Act with such organisations as appear to them to be representative of interests likely to be substantially affected by the Regulations, hereby make the following Regulations:

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Extraction Solvents in Food (Amendment) Regulations 1998.

(2) This regulation and regulation 2(a), (c)(ii) and (e)(ii) shall come into force on 27th October 1998 and the remainder of these Regulations shall come into force on 27th April 1999.

(3) In these Regulations “the principal Regulations” means the Extraction Solvents in Food Regulations 1993⁽²⁾.

Amendment of the principal Regulations

2. The principal Regulations shall be amended as follows—

- (a) in regulation 4 (sale of food containing extraction solvents and of extraction solvents) in paragraph (2) subparagraph (e) for the words “items 11 to 20” there shall be substituted the words “items 11 to 21”;

⁽¹⁾ 1990 c. 16; “the Ministers” is defined in section 4(1) of the Act. Section 6(4) of the Act was amended by paragraph 6 of Schedule 9 to the Deregulation and Contracting Out Act 1994 (c. 40).
⁽²⁾ S.I. 1993/1658, amended by S.I. 1995/1440.

- (b) after regulation 8 (transitional provision) there shall be inserted the following regulation—

“Defence in relation to existing stocks

9. In any proceedings for an offence under these Regulations it shall be a defence for the person charged to prove that—

- (a) the food or, as the case may be, the extraction solvent in respect of which the offence is alleged to have been committed was placed on the market or labelled before 27th April 1999; and
- (b) the act or omission alleged to constitute the offence would not, if it had been committed or had occurred, as appropriate, before 27th April 1999, have constituted an offence under these Regulations prior to their amendment by the Extraction Solvents in Food (Amendment) Regulations 1998.”;

- (c) in Schedule 1 Part I (permitted extraction solvents) in Column 1—

- (i) entry number 3 “Butyl acetate” and entry number 18 “Methyl-propan-1-ol” shall be omitted;
- (ii) after entry number 20 there shall be inserted the following entry—

“**21.** 1,1,1,2-tetrafluoroethane”;

- (d) for Schedule 2 (foods in which only certain permitted extraction solvents may be used and then only for certain purposes) there shall be substituted the content of the Schedule to these Regulations; and
- (e) in Schedule 3 (maximum residues of extraction solvent permitted in foods due to the use in those foods of food consisting of flavourings prepared from natural flavouring materials by using those extraction solvents)—
 - (i) in Column 1 (extraction solvent) the entry “Methyl-propan-1-ol” shall be omitted together with the corresponding entry in Column 2 (maximum residue); and
 - (ii) there shall be inserted at the end in Column 1 the entry “1,1,1,2-tetrafluoroethane” and in Column 2 the entry “0.02 mg/kg”.

9th September 1998

Jeff Rooker
Minister of State, Ministry of Agriculture,
Fisheries and Food

Signed by authority of the Secretary of State for Health

9th September 1998

Tessa Jowell
Minister of State for Public Health,
Department of Health

Signed by authority of the Secretary of State for Wales

14th September 1998

Jon Owen Jones
Parliamentary Under-Secretary of State, Welsh
Office

14th September 1998

Sam Galbraith
Parliamentary Under-Secretary of State, Scottish
Office

SCHEDULE

Regulation 2(d)

“SCHEDULE 2

Regulation 4(2)(d)

Foods in which certain permitted extraction solvents may be used only for certain purposes

Column 1 <i>Specified foods</i>	Column 2 <i>Permitted extraction solvent</i>	Column 3 <i>Purpose for which permitted extraction solvent may be added</i>	Column 4 <i>Maximum permitted residue of permitted extraction solvent in the specified food (or, where indicated, in any food in which the specified food is an ingredient)</i>
1. Fats	(a) Hexane, or (b) Ethylmethylketone	(a) in respect of hexane, the production or fractionation of the fats (b) in respect of ethylmethylketone, the fractionation of the fats	(a) in respect of hexane, 1 mg/kg (b) in respect of ethylmethylketone, 5 mg/kg
2. Oils	(a) Hexane, or (b) Ethylmethylketone	(a) in respect of hexane, the production or fractionation of the oils (b) in respect of ethylmethylketone, the fractionation of the oils	(a) in respect of hexane, 1 mg/kg (b) in respect of ethylmethylketone, 5 mg/kg
3. Cocoa butter	Hexane	production of the cocoa butter	1 mg/kg
4. Defatted protein products	Hexane	preparation of the defatted protein products	10 mg/kg in any food in which the defatted protein products are an ingredient but 30 mg/kg in any defatted soya product as sold to the final consumer
5. Defatted flours	Hexane	preparation of the defatted flours	10 mg/kg in any food in which the defatted flours are an ingredient

Column 1 <i>Specified foods</i>	Column 2 <i>Permitted extraction solvent</i>	Column 3 <i>Purpose for which permitted extraction solvent may be added</i>	Column 4 <i>Maximum permitted residue of permitted extraction solvent in the specified food (or, where indicated, in any food in which the specified food is an ingredient)</i>
6. Defatted cereal germs	Hexane	preparation of the defatted cereal germs	5 mg/kg
7. Coffee	(a) Methyl acetate, or (b) Ethylmethylketone, or (c) Dichloromethane, alone or in combination	(a) decaffeination, (b) removal of irritants and bitterings, or both	(a) in respect of methyl acetate or ethylmethylketone, 20 mg/kg, and if these are used in combination their combined total shall not exceed 20 mg/kg (b) in respect of dichloromethane, 2 mg/kg
8. Tea	(a) Methyl acetate; or (b) Ethylmethylketone, or (c) Dichloromethane, alone or in combination	(a) decaffeination, (b) removal of irritants and bitterings, or both	(a) in respect of methyl acetate or ethylmethylketone, 20 mg/kg, and if these are used in combination their combined total shall not exceed 20 mg/kg (b) in respect of dichloromethane, 5 mg/kg
9. Sugar molasses	from Methyl acetate	production of the sugar from molasses	1 mg/kg"

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to Great Britain, amend the Extraction Solvents in Food Regulations 1993 (“the principal Regulations”) in implementation of European Parliament and Council Directive [97/60/EC](#) amending for the third time Directive [88/344/EEC](#) on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (OJ No. L331, 3.12.97, p.7).

The Regulations—

- (a) from 27th October 1998 add one extraction solvent to the list of permitted extraction solvents and make consequential amendments (regulations 1(2), 2(a), (c)(ii) and (e)(ii)); and
- (b) from 27th April 1999—
 - (i) remove two extraction solvents from the list of permitted extraction solvents and make consequential amendments (regulations 1(2), 2(c)(i) and (e)(i));
 - (ii) provide a defence in respect of food or an extraction solvent placed on the market or labelled before 27th April 1999 which complies with the principal Regulations prior to their amendment by these Regulations (regulation 2(b)); and
 - (iii) in relation to the permitted extraction solvent “hexane”—
 - (aa) reduce the maximum permitted residue in fats, oils and cocoa butter to 1 mg/kg; and
 - (bb) as regards protein products, specify that only those products which have been defatted are those in the preparation of which such solvent may be added and provide that such products include defatted soya products as sold to the final consumer (regulation 2(d) and the Schedule).

No Regulatory Impact Assessment has been prepared in relation to these Regulations.