

2012 No. 180

FOOD

**The Food Additives (Amendment) and the Extraction Solvents
in Food (Amendment) Regulations (Northern Ireland) 2012**

Made - - - - *24th April 2012*

Coming into operation - *23rd May 2012*

The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred by Articles 15(1)(a), (c) and (f), 16(1) and (2) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b) as read with paragraph 1A of Schedule 2 to the European Communities Act 1972^(c).

These Regulations make provision for a purpose mentioned in section 2(2) of the European Communities Act 1972 and it appears to the Department of Health, Social Services and Public Safety that it is expedient for references to an Annex to an EU instrument specified in Regulation 2(3) to be construed as references to that Annex as amended from time to time.

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991, it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety^(d), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Food Additives (Amendment) and the Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 2012 and come into operation on 23rd May 2012.

(2) The Interpretation Act (Northern Ireland) 1954^(e) shall apply to these Regulations at it applies to an Act of the Assembly.

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(c) 1972 c.68. Paragraph 1A of Schedule 2 was inserted by section 28 of the Legislative and Regulatory Reform Act 2006 (2006 c.51) and amended by Part 1 of Schedule 1 to the European Union (Amendment) Act 2008 (2008 c.7)
(d) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p14)
(e) 1954 c.33 (NI)

Amendment of the Food Additives Regulations (Northern Ireland) 2009

2.—(1) The Food Additives Regulations (Northern Ireland) 2009^(a) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 2(1) (interpretation) —

(a) for the definition of “permitted colour” substitute—

““permitted colour” means —

- (a) before 1st December 2012, any colour listed in Annex I to Directive 94/36 which satisfies the specific purity criteria for that colour set out in the Annex to Directive 08/128;
- (b) on or after 1st December 2012, any colour listed in Annex I to Directive 94/36 which satisfies the specific purity criteria for that colour set out in the Annex to Regulation 231/2012”;

(b) for the definition of “permitted sweetener” substitute —

““permitted sweetener” means —

(a) before 1st December 2012 —

- (i) any sweetener specified in the second column of the Annex to Directive 94/35 which satisfies the specific purity criteria for that sweetener set out in Annex I to Directive 08/60, or
- (ii) in the case of E960 steviol glycosides, a sweetener which satisfies the purity criteria for that sweetener set out in the Annex to Regulation 231/2012;

(b) on or after 1st December 2012—

- (i) any sweetener specified in the second column of the Annex to Directive 94/35, or
- (ii) E960 steviol glycosides
which satisfies the specific purity criteria for that sweetener set out in the Annex to Regulation 231/2012;”;

(c) for the definition of “purity criteria” substitute —

““purity criteria”, in relation to a miscellaneous additive, means —

- (a) before 1st December 2012, the purity criteria set out in relation to that additive in Annex I to Directive 08/84 or, in the case of E1205 basic methacrylate copolymer, in the Annex to Regulation 231/2012;
- (b) on or after 1st December 2012, the purity criteria set out in relation to that additive in the Annex to Regulation 231/2012;”;

(d) at the end of the definition of “Regulation 1333/2008” insert “as read with Regulation 231/2012”; and

(e) after the definition of “Regulation 1333/2008” insert —

““Regulation 1129/2011” means Commission Regulation (EU) No. 1129/2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives, as read with Commission Regulation (EU) No. 1131/2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council with regard to steviol glycosides;

“Regulation 1130/2011” means Commission Regulation (EU) No. 1130/2011 amending Annex III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives by establishing a Union list of food additives approved for use in food additives, food enzymes, food flavourings and nutrients;

(a) S.R. 2009 No. 416 as amended by S.R. 2011 Nos. 39 and 217

“Regulation 231/2012” means Commission Regulation (EU) No. 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council;”

(3) For regulation 2(5), substitute—

“(5) The EU instruments are Directive 94/35, Directive 95/2, Regulation 1333/2008 and Regulation 231/2012.”.

(4) In regulation 14(2) (offences and penalties) —

(a) after “Article 34 of Regulation 1333/2008,” insert “Article 2 of Regulation 1129/2011 and Article 2 of Regulation 1130/2011,”; and

(b) omit sub-paragraphs (b) and (c).

(5) In the table in Schedule 1 (specified Regulation 1333/2008 provisions), after the entries relating to Article 4.1 insert—

| | |
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| “Article 4.2 (as read with Articles 12, 13.2 and 18.3) | Requirement that only food additives included in the list in Annex III to Regulation 1333/2008 may be used in food additives, food enzymes, food flavourings and nutrients and under the conditions of use specified in that Annex.” |
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Amendment of the Extraction Solvents in Food Regulations (Northern Ireland) 1993

3.—(1) The Extraction Solvents in Food Regulations (Northern Ireland) 1993(a) are amended in accordance with paragraph (2).

(2) In Schedule 1 Part I (permitted extraction solvents) after entry number 21 in Column 1 insert “22 Dimethyl ether”.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 24th April 2012.



Linda Devlin

A senior officer of the Department of Health, Social Services and Public Safety

(a) S.R. 1993 No. 330 as amended by S.R. 1995 No. 263, S.R. 1998 No.345 and S.R. 2011 No. 284

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make certain amendments to the Food Additives Regulations (Northern Ireland) 2009 (S.R. 2009 No. 416) (“the 2009 Regulations”) in order to provide for the execution and enforcement of —

- (a) Commission Regulation (EU) No. 1129/2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives (OJ No. L295, 12.11.2011, p.1) (“Regulation 1129/2011”);
- (b) Commission Regulation (EU) No. 1130/2011 amending Annex III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council on food additives by establishing a Union list of food additives approved for use in food additives, food enzymes, food flavourings and nutrients (OJ No. L295, 12.11.2011, p.178) (“Regulation 1130/2011”);
- (c) Commission Regulation (EU) No. 1131/2011 amending Annex II to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council with regard to steviol glycosides (OJ No. L295, 12.11.2011, p.205); and
- (d) Commission Regulation (EU) No. 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No. 1333/2008 of the European Parliament and of the Council (OJ No. L83, 22.3.2012, p.1) (“Regulation 231/2012”).

These Regulations amend the 2009 Regulations so as to —

- (a) amend the definitions of “permitted colour”, “permitted sweetener” and “purity criteria” to refer to Regulation 231/2012 (*regulation 2(2)(a), (b) and (c)*);
- (b) extend the definition of Regulation 1333/2008 to include reference to Regulation 231/2012 (*regulation 2(2)(d)*);
- (c) insert definitions of Commission Regulations 1129/2011, 1130/2011 and 231/2012 (*regulation 2(2)(e)*);
- (d) include Regulation 231/2012 in the list of EU instruments to which ambulatory reference is made (*regulation 2(3)*);
- (e) include reference to Regulations 1129/2011 and 1130/2011 in regulation 14 (*regulation 2(4)(a)*);
- (f) omit references in regulation 14 to Article 4.2 of Regulation 1333/2008 (*regulation 2(4)(b)*); and
- (g) insert reference to Article 4.2 in the Schedule of specified Regulation 1333/2008 provisions (*regulation 2(5)*).

These Regulations also make an amendment to the Extraction Solvents in Food Regulations (Northern Ireland) 1993 (S.R. 1993 No. 330) in order to rectify an omission from the Extraction Solvents in Food (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011 No. 284) (*regulation 3*).

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