

Explanatory Memorandum to the Food Additives (Wales) (Amendment) Regulations 2011

This Explanatory Memorandum has been prepared by the Food Standards Agency and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 24.1.

Member's Declaration

In my view the Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Food Additives (Wales) (Amendment) Regulations 2011. I am satisfied that the benefits outweigh any costs.

Gwenda Thomas AM

Deputy Minister for Social Services
Assembly Minister in Charge of the Proposed Measure

5 March 2011

Explanatory Memorandum for the Food Additives (Wales) (Amendment) Regulations 2011

1. Description

This Statutory Instrument will provide for the implementation of two new Commission Directives 2010/37/EU and 2010/67/EU which amend existing European Union rules governing the purity criteria for miscellaneous additives and sweeteners

2. Matters of Special Interest to the Constitutional Affairs Committee

None

3. Legislative Background

The Welsh Ministers have the powers to make these Regulations under sections 16(1)(a) and (f), 17 (1) and 48 (1) of the Food Safety Act 1990. Functions transferred to the National Assembly for Wales are now exercisable by Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This instrument is subject to the negative procedure.

4. Purpose and Intended Effect of the Legislation

The new Directives amend the existing legislation on purity criteria for miscellaneous additives and sweeteners set out in (respective) Commission Directives 2008/84/EC and 2008/60/EC. The aim of the purity criteria legislation is to ensure that each additive meets specified compositional criteria for the manufacture and production of the substance concerned.

The main purpose of the two new Directives is to introduce purity criteria for four new additives and one sweetener recently permitted to be used within the EU. In addition, minor amendments have been made to the existing specifications to bring them into line with international safety standards and update them to take account of new technological developments.

5. Consultation

The Food Standards Agency held a shortened public consultation from 13 January 2011 to 11 February 2011. No stakeholders in Wales responded to the consultation and there were no changes required to the SI as drafted.

6. Regulatory Impact Assessment

A Regulatory Impact Assessment has not been prepared to accompany these Regulations as there are no changes to the current controls and

therefore no identified costs to consumers, businesses or enforcement authorities associated with implementation of these new Regulations.

These Regulations will not impose any significant new burden on Government or enforcement officers. Rural areas and members of the ethnic communities, or of any particular racial group are unaffected by these proposals. Charities and voluntary organisations are unaffected by these proposals.