
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, provide for the enforcement of Commission Regulation (EC) No. 608/2004 (O.J. No. L 97, 1.4.04, p.44) (“the Commission Regulation”) concerning the labelling of foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and/or phytostanol esters. The Commission Regulation requires such foods and food ingredients to be labelled with additional information, including the words “with added plant sterols/ plant stanols”.

The Commission Regulation was made pursuant to Directive 2000/13/EC of the European Parliament and of the Council (O.J. No. L 109, 6.5.00, p.29) on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (“the Directive”). In consequence, the products covered by the Commission Regulation are foods and food ingredients which are to be delivered as such to the ultimate consumer or which are intended for supply to mass caterers. By virtue of Article 13(4) of the Directive, certain small packages and indelibly marked glass bottles are exempt from certain of the labelling requirements of the Commission Regulation. There is a transitional provision in Article 3 of the Commission Regulation.

Pursuant to Articles 14 and 15 of the Directive, these Regulations contain an exemption from the need to be labelled with some of the particulars required by the Commission Regulation in the case of food which is not prepacked, certain similar foods and fancy confectionery products (regulation 4);

These Regulations also—

- (a) create offences and prescribe a penalty (regulation 3);
- (b) make provision as to the manner of labelling in the case of the required particulars, pursuant to Articles 13(1) and (2) and 14 of the Directive (regulations 5 to 7);
- (c) specify the enforcement authorities (regulation 8);
- (d) provide a defence in relation to exports, in accordance with Articles 2 and 3 of Council Directive 89/397/EEC (O.J. No. L 186, 30.6.89, p.23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 9); and
- (e) apply various provisions of the Food Safety Act 1990 (regulation 10).

A full Regulatory Impact Assessment of the effect that these Regulations will have on the costs of business has been prepared and placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.