STATUTORY INSTRUMENTS

2020 No. 1476

The Nutrition (Amendment etc.) (EU Exit) Regulations 2020

PART 3

Amendment of EU Tertiary Legislation

Amendment of 2009/980/EU: Commission Decision

7.—(1) 2009/980/EU: Commission Decision of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council is amended as follows.

(2) In Article 1, for "the Community list" to the end of that Article, substitute " the Annex to Commission Regulation (EU) 432/2012 ".

(3) Omit Article 2.

Commencement Information
I1 Reg. 7 in force at 31.12.2020 on IP completion day, see reg. 1(3)

Amendment of Commission Delegated Regulation (EU) 2016/127

8.—(1) Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding is—

(a) modified so that from 22nd February **[**[F1]2022**]** it applies to infant formula and follow-on formula manufactured from protein hydrolysates; and

(b) amended as follows.

(2) In Article 10 (requirements for promotional and commercial practices for infant formula)—

(a) in paragraph 1, for "Member States" substitute " The appropriate authority ";

(b) after paragraph 4, insert—

"**5.** In this Article, "appropriate authority" means—

(a) in respect of advertising in England, the Secretary of State;

(b) in respect of advertising in Wales, the Welsh Ministers;

(c) in respect of advertising in Scotland, the Scottish Ministers.".

(3) In Article 11 (requirements on information relating to infant and young child feeding)—

(a) in paragraph 1, for "Member States" substitute " The appropriate authority ";

(b) in paragraph 3, for "appropriate national authority" substitute " appropriate authority ";

(c) after paragraph 3, insert—

"**4.** In this Article, "appropriate authority" means—

(a) in respect of information or educational equipment or materials to be provided in England, the Secretary of State;

(b) in respect of information or educational equipment or materials to be provided in Wales, the Welsh Ministers;

(c) in respect of information or educational equipment or materials to be provided in Scotland, the Scottish Ministers.".

(4) For Article 12 (notification), substitute—

"**1.** When infant formula is placed on the market, the food business operator shall notify the competent authority of each part of Great Britain where the product concerned is being marketed of the information appearing on the label, by sending to it a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation.

2. When follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II are placed on the market, the food business operator shall notify the competent authority of each part of Great Britain where the product concerned is being marketed of the information appearing on the label, by sending to it a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation.

3. In this Article, "competent authority" means—

(a) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in England, the Secretary of State;

(b) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in Wales, the Welsh Ministers;

(c) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in Scotland, Food Standards Scotland.".

(5) Omit Articles 13 and 14.

(6) In Annex VI—

(a) in Part A (name referred to in Article 5(1)), for ":" where it first appears to the end of that Part, substitute " " Infant formula " and "Follow-on formula".";

(b) in Part B (name referred to in Article 5(2)), for ":" where it first appears to the end of that Part, substitute " " Infant milk " and "Follow-on milk".".

Textual Amendments

F1 Word in reg. 8(1)(a) substituted (21.2.2021) by The Nutrition (Amendment) and Food for Specific Groups (Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula) (Information and Compositional Requirements) (Amendment) Regulations 2021 (S.I. 2021/168), regs. 1(2), **3(2)**

Commencement Information

I2 Reg. 8 in force at 31.12.2020 on IP completion day, see reg. 1(3)

Amendment of Commission Delegated Regulation (EU) 2019/343

9.—(1) Commission Delegated Regulation (EU) 2019/343 of 28 February 2019 providing derogations from Article 1(3) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on food for the use of certain generic descriptors is amended as follows.

(2) After Article 3, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States.".

(3) For the table in the Annex, substitute—

"Class of food	*Generic descriptor*
Hard and soft sweets based on sugars as well as sugar-free and calorie-reduced variants based on sweeteners (polyols and/or intense sweeteners) containing extracts of herbs, fruit or other plant substances, honey or malt	Cough drops
Non-alcoholic carbonated beverage containing the bittering agent quinine in the form of the flavourings FL 14.011, FL 14.152 or FL 14.155 as referred to in the domestic list of flavourings as laid down in Annex I to Regulation (EC) No 1334/2008	Tonic"

Commencement Information

I3 Reg. 9 in force at 31.12.2020 on IP completion day, see reg. 1(3)

Amendment of Commission Regulation (EU) No 2019/651

10.—(1) Commission Regulation (EU) No 2019/651 of 24 April 2019 refusing to authorise a health claim made on foods and referring to children's development and health is amended as follows.

(2) In Article 1, for "shall not" to the end of that Article, substitute " may not be made on foods on the Great Britain market. ".

(3) After Article 2, omit "This Regulation shall be binding in its entirety and directly applicable in all Member States.".

Commencement Information

I4 Reg. 10 in force at 31.12.2020 on IP completion day, see reg. 1(3)

Status:
Point in time view as at 21/02/2021.

Changes to legislation:
There are currently no known outstanding effects for the The Nutrition (Amendment etc.) (EU Exit) Regulations 2020, PART 3.