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## EXPLANATORY NOTE

*(This note is not part of the Regulations.)*

These Regulations implement European Parliament and Council Directive 95/2/EC (O.J. No. L61, 18.3.95, p. 1) on food additives other than colours and sweeteners (which has to be read with Council Directive 89/107/EEC (O.J. No. L40, 11.2.89, p. 27) on the approximation of the laws of the Member States concerning food additives authorised for use in foodstuffs intended for human consumption.

The principal provisions of the Regulations—

(1) prohibit the use in or on any food of any miscellaneous additive (as defined in regulation 2(1)) other than a permitted miscellaneous additive (also defined in regulation 2(1)) (regulation 3(1));

(2) prohibit the use in or on any food of any permitted miscellaneous additive otherwise than in accordance with the Regulations (regulation 3(2) to (5) and (7));

(3) restrict the use of miscellaneous additives primarily as a carrier or carrier solvent (regulation 3(6)) and the presence of such additives in certain food (regulation 3(8));

(4) prohibit the sale for use in or on food, or the sale direct to the consumer, of any miscellaneous additive other than a permitted miscellaneous additive (regulation 5(1) and (3));

(5) restrict the sale of miscellaneous additives for use primarily as a carrier or carrier solvent (regulation 5(2)) and the sale of food additives in combination with miscellaneous additives which have been so used (regulation 5(5));

(6) prohibit the sale of any food containing any added miscellaneous additive other than a permitted miscellaneous additive used or present in accordance with regulation 3 (regulation 5(4)).

Pending adoption of specific purity criteria for all permitted miscellaneous additives in accordance with Article 3(3)(a) of Directive 89/107/EEC, the purity criteria specified or referred to in Schedule 5 apply (definition of “purity criteria” in regulation 2(1)).

The Regulations also—

- (a) make provision in relation to compound foods (regulation 4);
- (b) make provision in relation to the condemnation of food (regulation 6);
- (c) create offences, prescribe a penalty and provide for enforcement of the Regulations (regulation 7);
- (d) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive [89/397/EEC](#) (O.J. No. L186, 30.6.89, p. 23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 8);
- (e) incorporate specified provisions of the Food Safety (Northern Ireland) Order 1991 (regulation 9);
- (f) revoke the Regulations and order specified in Schedule 9 to the extent specified in that Schedule, and make consequential amendments (regulation 10);
- (g) contain a transitional provision and exemptions (regulation 11).