
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the execution and enforcement of [Commission Regulation \(EC\) No. 953/2009](#) on substances that may be added for specific nutritional purposes in foods for particular nutritional uses (OJNo. L269, 14.10.2009, p.9) (“the Commission Regulation”). The Commission Regulation repeals and replaces Commission Directive [2001/15/EC](#) on substances that may be added for specific nutritional purposes in food for particular nutritional uses (OJ No. L52, 22.2.2001, p.19) and Commission Directive [2004/6/EC](#) derogating from Directive [2001/15/EC](#) to postpone the application of the prohibition of trade to certain products (OJ No. L15, 22.1.2004, p.31).

These Regulations —

- (a) provide that a person who contravenes specified provisions of the Commission Regulation set out in the Schedule to these Regulations is guilty of an offence (*regulation 3(1)*);
- (b) provide penalties for offences (*regulation 3(2)*);
- (c) specify the enforcement authority (*regulation 3(3)*);
- (d) provide for the application of specified provisions of the Food Safety (Northern Ireland) Order 1991 for the purposes of these Regulations (*regulation 4*);
- (e) make consequential amendments to the Tryptophan in Food Regulations (Northern Ireland) 2005 ([S.R. 2005 No. 440](#)) (*regulation 5*); and
- (f) revoke the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2002 ([S.R. 2002 No. 264](#)); the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Amendment) Regulations (Northern Ireland) 2004 ([S.R. 2004 No. 105](#)); and the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Amendment) Regulations (Northern Ireland) 2006 ([S.R. 2006 No. 481](#)) (*regulation 6*).

Article 3(2) of the Commission Regulation refers to the competent authorities referred to in Article 11 of Directive [2009/39/EC](#) of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (OJ No. L124, 20.5.2009, p.21). The Notification of Marketing of Food for Particular Nutritional Uses Regulations (Northern Ireland) 2007 ([S.R. 2007 No. 60](#)) provide at regulation 3 that the Food Standards Agency is the competent authority in respect of food for a particular nutritional use manufactured in Northern Ireland or imported into Northern Ireland from outside the United Kingdom.

Changes to legislation:

There are currently no known outstanding effects for the The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) Regulations (Northern Ireland) 2009.