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## EXPLANATORY NOTE

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

These Regulations, which extend to Scotland only, amend the Miscellaneous Food Additives Regulations 1995 (S.I.No.1995/3187) and implement Directive 2003/114/EC of the European Parliament and of the Council amending Directive 95/2/EC on food additives other than colours and sweeteners (O.J. No. L 24, 29.1.2004, p.58).

These Regulations amend the Miscellaneous Food Additives Regulations 1995 in relation to Scotland by–

- (a) inserting a definition of flavouring, as the Regulations now apply to control the use of miscellaneous additives in flavourings (regulation 3(a) and (c));
- (b) bringing up to date the definition of “Directive 95/2/EC” to cover the amendment of that Directive by Directive 2003/114/EC (regulation 3(b));
- (c) substituting a new definition for “stabiliser” to include substances which increase the binding capacity of food (regulation 3(d));
- (d) making an amendment to regulation 4 to ensure that a flavouring which lawfully has in or on it a permitted miscellaneous additive can be used as an ingredient in a compound food
- (e) .(regulation 4);
- (f) providing that where a permitted miscellaneous additive used in a flavouring performs a technological function in the final food in which that flavouring is an ingredient, it is to be regarded as an additive of the final food (regulation 5);
- (g) prohibiting the use of additives in flavourings in quantities greater than the minimum necessary, or in circumstances where they would be a hazard to human health or misleading to the consumer (regulation 5);
- (h) making transitional provision to allow the marketing of additives, flavourings or foods marketed or labelled before 27th January 2006, which are legal under existing rules (regulation 6);
- (i) allowing standardisation of, E407a, in addition to E407 and E440 with sugars, provided this is stated in addition to the number and designation of the additive (regulation 7(a));
- (j) substituting “calcium carbonate” as the name for E170 (regulations 7(b), 13(b) and 14(b));
- (k) adding to the acceptable names for E446, E468 and E469 (regulations 7(c) and (d) and 12(a));
- (l) adding a new additive, E907, for use as a glazing agent in sugar confectionery and dried fruit (regulation 11(j));
- (m) substituting new definitions of food categories in which permitted miscellaneous additives may be used (regulations 8(a) and 10(b));
- (n) extending food categories in which permitted miscellaneous additives can be used (regulations 8(b(i)), 9(b),), 11(d) ), 13(a) and (c) (e), 14(d));
- (o) adding one new carrier solvent (E555) to the permitted list in Schedule 4 for use in certain specified colours (regulation 12(b));
- (p) introducing numerical limits for the use of E903 (carnauba wax) (regulation 11(i));

**Status:** This is the original version (as it was originally made).

- (q) introducing new provisions for the restricted use of additives in flavourings (regulations 10(a), 11(a)(i) (c) and (e) (g) and (k)).
- (r) deleting one additive (E230) from the permitted list in Schedule 2 Part C (regulation 9(a));
- (s) deleting one food category (cider and perry) from the foods permitted to contain phosphates (regulation 11(a) (ii));
- (t) providing a definition of spice oleoresins in Schedule 3 (regulation 11(l));
- (u) clarifying the extent to which E1450 may be carried over into formulae and weaning foods for infants (regulation 14(a)); and
- (v) bringing up to date the title of Part 4 of Schedule 8 to take account of Commission Directive 1999/21/EC on dietary foods for special medical purposes (O.J. No. L 91, 7.4.1999, p.29) (regulation 14(c)).

A full Regulatory Impact Assessment which includes an assessment the effect which 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 (Scotland), St Magnus House, 25 Guild Street, Aberdeen, AB11 6NJ./