
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, implement a number of Community instruments relating to foods for particular nutritional uses through amendment of a series of statutory instruments.

The following instruments are amended:

- (a) The Infant Formula and Follow-on Formula Regulations 1995 (S.I. [1995/77](#) as amended). Regulation 22 is amended to take account of the derogation in Article 1 of Commission Regulation (EC) No. [1609/2006](#) regarding compositional criteria of infant formulae (*regulation 2*);
- (b) The Foods Intended for Use in Energy Restricted Diets for Weight Reduction Regulations 1997 (S.I. [1997/2182](#), as amended). This amendment implements Commission Directive [2007/29/EC](#) amending Directive [96/8/EC](#) as regards labelling, advertising or presenting foods intended for use in energy restricted diets for weight reduction (O.J. No. L 139, 31.5.07, p.22). Regulation 4 is amended to remove the restriction on using wording referring to “a reduction in the sense of hunger or an increase in the sense of satiety” in the labelling, advertising or presentation of food. Health claims that relate to such wording are now covered by Regulation (EC) No. [1924/2006](#) on nutrition and health claims made on foods (O.J. No. L 12, 18.1.07, p.3) (*regulation 3*);
- (c) The Foods for Special Medical Purposes (Scotland) Regulations 2000 (S.S.I. [2000/130](#), as amended). Regulation 2 is amended to update a definition of a Commission Directive which has itself been amended. This implements Commission Directive [2006/82/EC](#) adapting Directive [91/321/EEC](#) on infant formulae and follow-on formulae and Directive [1999/21/EC](#) on dietary foods for special medical purposes, by reason of the accession of Bulgaria and Romania (*regulation 4*);
- (d) The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (Scotland) Regulations 2002 (S.S.I. [2002/397](#), as amended). Regulation 3(5) is amended to allow the sale of certain foods until 1st January 2010. This implements Commission Directive [2007/26/EC](#) amending Directive [2004/6/EC](#) to extend its period of application (O.J. No. L 118, 8.5.07, p.5) (*regulation 5*); and
- (e) The Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004 (S.S.I. [2004/8](#), as amended). Regulation 2 is amended to substitute a definition of Directive as the existing Directive ([96/5/EC](#)) referred to has now been repealed by Commission Directive [2006/125/EC](#) on processed cereal-based foods and baby foods for infants and young children (*regulation 6*).

A full regulatory impact assessment of the effect that this instrument will have on business costs 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.