
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to Scotland only, implement Commission Decision [2008/352/EC](#) imposing special conditions governing guar gum originating in or consigned from India due to contamination risk of those products by pentachlorophenol and dioxins (“the Commission Decision”).

By virtue of European Parliament and Council Directive [95/2/EC](#) (O.J. No. L 61, 18.3.95, p.1), the additive guar gum is legally authorised for use in all Member States. That Directive was implemented by the Miscellaneous Food Additive Regulations 1995. However, the Commission Decision imposes special conditions for guar gum and products containing guar gum originating or consigned from India.

These Regulations—

- (a) provide that no person shall first place on the market any “guar gum product” (defined in regulation 2(1)), except where various conditions specified in the Commission Decision have been complied with (regulation 3(1));
- (b) provide that a person who knowingly contravenes that prohibition is guilty of an offence and prescribe penalties for that offence (regulation 3(2));
- (c) make special provision in relation to products that leave or are consigned from India before 5th May 2008 (regulation 3(3));
- (d) provide for their enforcement (regulation 4);
- (e) provide for the recovery of costs incurred from sampling, analysis, storage or measures following non-compliance (regulation 5); and
- (f) apply with modifications certain provisions of the Food Safety Act 1990 for the purposes of the Regulations (regulation 6).

No regulatory impact assessment has been prepared in relation to these Regulations.