
DRAFT STATUTORY INSTRUMENTS

2019 No.

The Nutrition (Amendment etc.) (EU Exit) Regulations 2019

PART 5

AMENDMENT OF EU TERTIARY LEGISLATION

Amendment of Commission Delegated Regulation (EU) 2016/128

72.—(1) Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes is amended as follows.

(2) In Article 1 (placing on the market), after “food for special medical purposes” insert “, other than food for infants,”.

(3) In Article 2 (compositional requirements), in paragraph 3, omit the first sentence.

(4) In Article 3 (requirements on pesticides in food for special medical purposes developed to satisfy the nutritional requirements of infants and young children)—

(a) in the heading, omit “infants and”;

(b) in paragraphs 2 and 4, omit “infants and”.

(5) Omit Article 8.

(6) For Article 9 (notifications) substitute—

“**1.** When food for special medical purposes is placed on the market, the food business operator shall notify the competent authority of each part of the United Kingdom where the product concerned is being marketed of the information appearing on the label, by sending to the competent authority a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation.

2. In this Article, “competent authority” means—

(a) in respect of food being placed on the market in England, the Secretary of State,

(b) in respect of food being placed on the market in Wales, the Welsh Ministers,

(c) in respect of food being placed on the market in Scotland, Food Standards Scotland,

(d) in respect of food being placed on the market in Northern Ireland, the Food Standards Agency.”.

(7) Omit Articles 10 and 11.