
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations provide for the enforcement of certain provisions of Regulation (EC) No. 178/2002 of the European Parliament and of the Council (OJ No. L31, 1.2.2002, p.1) laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety.

2. The provisions concerned are as follows —

- (a) Article 14 which prohibits the placing of unsafe food on the market;
- (b) Article 16 in so far as it prohibits labelling, advertising or presentation of food from misleading consumers;
- (c) Article 18 on traceability in so far as it imposes obligations on food business operators;
- (d) Article 19 which imposes obligations on food business operators to act where food is not in compliance with food safety requirements.

In the EC Regulation, “food”, “food business operator” and associated expressions are defined in Articles 2 and 3.

3. These Regulations —

- (a) designate food authorities, port health authorities and the Food Standards Agency as the competent authorities for the purposes of certain provisions of those Articles of the EC Regulation (regulation 3) and also make provision as to enforcement authorities (regulation 6);
- (b) make provision for offences (regulation 4) and penalties (regulation 5);
- (c) apply certain provisions of the Food Safety Act 1990 (regulation 7);
- (d) make some consequential amendments to the Food Safety Act 1990 (regulations 8 to 15) and to regulations referring to section 8(3) of that Act (regulation 16).

4. A full regulatory impact assessment of the effect that these Regulations will have on the costs of business has been prepared and placed in the Library of each House of Parliament. Copies may be obtained from the Food Law Policy Branch of the Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH.