

**EXPLANATORY MEMORANDUM TO THE
COLOURS IN FOOD (AMENDMENT) (ENGLAND) REGULATIONS 2005**

2005 No.519

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty. Its purpose is to assist the reader in understanding the Regulations it accompanies.

2. Description

This Statutory Instrument updates in England the rules relating to the use of colours in foods. The Colours in Food Regulations 1995 (as amended) implement all existing European legislation relating to colours for use in foods. These Regulations amend the 1995 Regulations.

3 Matters of special interest to the Joint Committee on Statutory Instruments

None.

4 Legislative Background

General

4.4 The Colours in Food (Amendment) (England) Regulations 2005 are being made to implement the provisions of Commission Directive 2004/47/EC, which itself amends Commission Directive 95/45/EC.

4.2 The ministerial powers under which the Regulations are made are Sections 16(1) (a), 17(1), 26 (1) and (3) and 48 (1) of, and paragraph 1 of schedule 1 to, the Food Safety Act 1990.

EU Legislation

4.3 A Transposition Note showing how the key elements of Directive 2004/47/EC are being implemented is attached at Annex A.

4.4 Commission Directive 2004/47/EC of 16 April 2004 was published in the Official Journal of the European Communities (L113/24) on 20 April 2004 and amends Directive 95/45/EC for the third time. Directive 95/45/EC sets out specific purity criteria (specifications) for individual approved food colours.

5. Extent

The Regulations apply to England only.

6 **European Convention on Human Rights**

The Parliamentary Under Secretary for Public Health has made the following statement regarding Human Rights:

“In my view the provisions of the Colours in Food (Amendment) (England) Regulations 2005 are compatible with the Convention Rights.”

7 **Policy Background**

7.1 Commission Directive 95/45/EC forms part of a continuing programme to update EU wide specifications for food colours which are used to ensure the purity of these substances.

7.2 Directive 95/45/EC was amended on this occasion to incorporate recent advice from the European Commission’s Scientific Committee on Food (SCF) (now the European Food Safety Authority’s Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food) and to bring the specifications for mixed carotenes E160 a (i) and beta carotene E160 a (ii) into line with international standards.

7.3 The key aspects are:

- the specification for beta-carotene from *Blakeslea trispora* (E160 a (ii)) has been amended to include two additionally permitted extraction solvents (isobutyl acetate and isopropyl alcohol) in line with a recent opinion of the SCF ;
- Levels for heavy metals in the specifications for mixed carotenes (E 160a(i)) and beta-carotene (E160 a(ii)) have been amended to bring them into line with international standards.

7.4 A public consultations was carried out on the draft Colours in Food (Amendment) (England) Regulations 2005. Details of the responses to the consultation are attached at Annex B. The level of public interest was low for this consultation exercise as shown by the limited number of responses received (two responses to the consultation).

8 **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as there are no identifiable costs on business, charities or voluntary bodies.

8.2 There are no identifiable costs to the public or the exchequer.

9 **Contact Point**

Alison Asquith at the Food Standards Agency (Tel: 0207 276 8000 or E-mail: alison.asquith@foodstandards.gsi.gov.uk) can answer any queries regarding the instrument.

