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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

1. These Regulations, which apply in relation to England only, make provision for the execution and enforcement of Commission Regulation (EC) No. 953/2009 on substances that may be added for specific nutritional purposes in foods for particular nutritional uses (OJ No. L269, 14.10.2009, p.9) (“the Commission Regulation”). The Commission Regulation repeals and replaces Commission Directive 2001/15/EC on substances that may be added for specific nutritional purposes in food for particular nutritional uses (OJ No. L52, 22.2.2001, p.19) and Commission Directive 2004/6/EC derogating from Directive 2001/15/EC to postpone the application of the prohibition of trade to certain products (OJ No. L15, 22.1.2004, p.31).

2. These Regulations —

- (a) provide that a person who contravenes specified provisions of the Commission Regulation set out in the Schedule to these Regulations is guilty of an offence (*regulation 3(1)*);
- (b) provide penalties for offences (*regulation 3(2)*);
- (c) specify the enforcement authority (*regulation 3(3)*);
- (d) provide for the application of specified provisions of the Food Safety Act 1990 (1990 c.16) for the purposes of these Regulations (*regulation 4*);
- (e) make consequential amendments to the Tryptophan in Food (England) Regulations 2005 (S.I. 2005/2630) (*regulation 5*); and
- (f) revoke the Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2002 (S.I. 2002/1817) (*regulation 6*).

3. Article 3(2) of the Commission Regulation refers to the competent authorities referred to in Article 11 of Directive 2009/39/EC of the European Parliament and of the Council on foodstuffs intended for particular nutritional uses (OJ No. L124, 20.5.2009, p.21). The Notification of Marketing of Food for Particular Nutritional Uses (England) Regulations 2007 (S.I. 2007/181) provide at regulation 3 that the Food Standards Agency is the competent authority in respect of food for a particular nutritional use manufactured in England or imported into England from outside the United Kingdom.

4. A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Food for Particular Nutritional Uses (Addition of Substances for Specific Nutritional Purposes) (England) Regulations 2009.