

EXPLANATORY MEMORANDUM TO
THE PURITY CRITERIA FOR COLOURS, SWEETENERS AND
MISCELLANEOUS FOOD ADDITIVES (ENGLAND) REGULATIONS 2009

2009 No. 891

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the Instrument**
 - 2.1 These Regulations provide for the implementation of three new Commission Directives which consolidate existing European Community rules governing the purity criteria for colours, sweeteners and other miscellaneous additives used in foods.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 These Regulations further amend in relation to England the Colours in Food Regulations 1995 (S.I.1995/3124, as amended), the Sweeteners in Food Regulations 1995 (S.I.1995/3123, as amended) and the Miscellaneous Food Additives Regulations 1995 (S.I.1995/3187, as amended).
5. **Territorial Extent and Application**
 - 5.1 This Instrument applies to England only. Separate but parallel legislation is being enacted for Scotland, Wales and Northern Ireland.
6. **European Convention on Human Rights**
 - 6.1 As the Instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The new Directives codify and replace the existing legislation on purity criteria for colours, sweeteners and miscellaneous additives previously set out in (respectively) Commission Directives 95/45/EC, 95/31/EC and 96/77/EC, all as amended. The aim of the codification process is to consolidate, clarify and rationalise these Directives, without making any changes of substance.

8. Consultation outcome

- 8.1 The Food Standards Agency consulted all Stakeholders on the Regulations for England. As no changes of substance have been made to any of the existing purity criteria and no financial or other impact on industry is foreseen, the consultation was for four weeks. Four hundred and thirty five Stakeholders were consulted on these proposals. These ranged from food industry organisations to sector specific organisations, such as those representing manufacturers of colours, sweeteners and miscellaneous additives; as well as others with an interest in colours, sweeteners and miscellaneous additives. We also consulted enforcement authorities, Cabinet Office, Department of Health, consumer organisations and other non-governmental organisations.
- 8.2 In total one response was received from LACORS. They had no comments to make.

9. Guidance

- 9.1 The Food Standards Agency does not consider that guidance on the new Regulations is necessary, as no changes of substance have been made to any of the existing purity criteria.

10. Impact

- 10.1 A Regulatory Impact Assessment has not been prepared for this Instrument as there are no identifiable costs on business, charities, voluntary bodies, rural areas nor on members of the ethnic communities of any particular racial group.
- 10.2 There are no identifiable costs to the public or the exchequer.

11. Regulating small business

- 11.1 The legislation on purity criteria will apply to all businesses, small and large.
- 11.2 There will be no impact on small or medium sized businesses as there is no change to the substance of the legislation.

12. Monitoring & review

- 12.1 Central and local authorities in England routinely monitor foodstuffs on sale to the public to ensure compliance with the Regulations.

13. Contact

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ANNEX A

EUROPEAN COMMISSION DIRECTIVE 2008/128/EC LAYING DOWN SPECIFIC PURITY CRITERIA CONCERNING COLOURS FOR USE IN FOODSTUFFS

Articles	Objectives	Implementation	Responsibility
Article 1	Article 1 implements the purity criteria referred to in Article 3(3)(a) of Directive 89/107/EEC for colours mentioned in Directive 94/36/EC as amended.	Article 1 is implemented by Regulation 2 of the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (England) Regulations 2009.	The Secretary of State for Health on the advice of the Food Standards Agency is responsible for the measures taken to implement the Directive in England
Article 2	Article 2 repeals the existing purity criteria for colours set out in Directive 95/45/EC as amended.	As above.	As above.

ANNEX B

EUROPEAN COMMISSION DIRECTIVE 2008/60/EC LAYING DOWN SPECIFIC PURITY CRITERIA CONCERNING SWEETENERS FOR USE IN FOODSTUFFS

Articles	Objectives	Implementation	Responsibility
Article 1	Article 1 implements the purity criteria referred to in Article 3(3)a of Directive 89/107/EEC for sweeteners mentioned in Directive 94/35/EC	Article 1 is implemented by Regulation 3 of the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (England) Regulations 2009.	The Secretary of State for Health on the advice of the Food Standards Agency is responsible for the measures taken to implement the Directive in England
Article 2	Article 2 repeals the existing purity criteria for sweeteners set out in Directive 95/31/EC as amended.	As above.	As above.

ANNEX C

EUROPEAN COMMISSION DIRECTIVE 2008/84/EC LAYING DOWN SPECIFIC PURITY CRITERIA ON FOOD ADDITIVES OTHER COLOURS AND SWEETENERS

Articles	Objectives	Implementation	Responsibility
Article 1	Article 1 implements the purity criteria referred to in Article 3(3)(a) of Directive 89/107/EEC for food additives other than colours and sweeteners mentioned in Directive 95/2/EC	Article 1 is implemented by Regulation 4 of the Purity Criteria for Colours, Sweeteners and Miscellaneous Food Additives (England) Regulations 2009.	The Secretary of State for Health on the advice of the Food Standards Agency is responsible for the measures taken to implement the Directive in England
Article 2	Article 2 repeals the existing purity criteria for food additives other than colours and sweeteners set out in Directive 96/77/EC as amended.	As above.	As above.