

Annex A - Transposition plan and table for extraction solvents

The Directive on extraction solvents (and its amendments) have already been transposed into national legislation by:

The Extraction Solvents in Food Regulations 1993 No. 1658 (as amended)

In the proposed draft SI, the drafting of the provisions on extraction solvents have been simplified and there is now closer textual alignment with Directive 2009/32/EC. However, the requirements on food business operators remain the same.

Title	Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients (Recast)
EU Legislation Ref.	Directive 2009/32/EC
Lead Department	Food Standards Agency
Lead Minister	Anna Soubry
TRANSPOSITION PROJECT PLAN/MILESTONES	
23 April 2009	Date the EU legislation was adopted
6 June 2009	Published in the Official Journal of the EU http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:141:0003:0011:EN:PDF
Dependencies and Issues	None There has been one amendment to Directive 2009/32/EC - Commission Directive 2010/59/EU . This amendment has been implemented into national legislation by The Extraction Solvents in Food (Amendment) (England) 2011 No. 1738.
Method of Transposition	The current national legislation on extraction solvents will be repealed by the proposed new SI which will copy out the requirements in the Extraction Solvent Directive 2009/32/EC.
September 2011	Decision taken to consolidate ‘food additive’ type legislation (Delivery plan on FSA website in March 2012)
April-June 2013	Consultation on consolidated SI.
October 2013	Lay regulations covering England. <i>NB</i> although the Red Tape Challenge only applies to England, NI, Scotland and Wales also intend to consolidate ‘food additive’ type legislation into a single SI.

Autumn 2013	Expected date for transposition in NI/Scotland/Wales
N/A	Expected date for transposition in Gibraltar Extraction solvents 2009 Directive was not transposed by Gibraltar as Article 95 is its legal base (free movement of goods). Therefore the Directive does not to Gibraltar.
N/A	Expected date for publication of guidance Guidance is not considered necessary as there are no changes to current provisions.
N/A	Planned date for notifying the Commission of transposition
October 2013	UK legislation covering ‘food additive’ type legislation enters into force
N/A	Final transposition deadline (from the EU legislation) All the current Directives on extraction solvents have already been transposed into national legislation.
5 years after coming into force date	Proposed date for review of SI.

Transposition table

Article in Directive 2009/32/EC	Copy out	If no – Reason for Elaboration	National Provision
<p>Article 1</p> <p>General article covering scope of Directive.</p> <p><i>Article 1 (1) para 2</i> States what is outside the scope of the Directive.</p> <p>(The 3rd paragraph of Article 1(1) is given effect by the General Food Regulations 2004, which enforces the food safety requirements of Regulation (EC) No. 178/2002)</p> <p><i>Article 1 (2)</i> Defines ‘solvent’ and ‘extraction solvent’.</p>	Yes		<p>Regulation 10 (a) states when the provisions do not apply as set out in Article 1 (1) para 2</p> <p>The definitions for ‘solvent’ and ‘extractions solvent’ apply by way of regulation 2(2).</p>

<p>Article 2</p> <p>Regarding authorised extraction solvents.</p> <p>Article 2 (1) & (2) relates to Annex I which lists the authorised extraction solvents and sets conditions of use.</p> <p>Article 2 (3) authorises as an extraction solvent, water and other food substances with solvent properties.</p>	<p>Yes, with necessary adaptation</p>	<p>There is no elaboration, but the text of the Directive cannot be exactly copied out since it is phrased in terms of what MSs must ensure is done rather than what persons must or must not do</p>	<p>Regulation 11 (a) (i) and (ii) as read with regulations 12 and 13 and with Annex I to the Directive transposes Article 2(1) & (2)</p> <p>Regulation 11 (b) and (c) transpose Article 2 (3)</p>
<p>Article 3 and Annex I</p> <p>Covers purity criteria for extraction solvents</p>	<p>Yes, with necessary adaptation</p>	<p>See above</p>	<p>Regulation 11 (a) (iii), (iv) and (v) as read with regulations 12 and 13 transposes Article 3.</p>
<p>Article 4</p> <p>Applies to requirements that the Commission should adopt e.g. amendments to Annex I, methods of analysis.</p>	<p>No</p>	<p>No transposition required</p>	<p>N/A</p>
<p>Article 5</p> <p>Refers to Member States' ability to temporarily suspend or restrict the use of a permitted extraction solvent and the associated actions required by the European Commission.</p>	<p>No</p>	<p>No transposition required</p>	<p>N/A</p>
<p>Article 6</p> <p>Relates to EC administrative elements in updating the legislation.</p>	<p>No</p>	<p>No transposition required</p>	<p>N/A</p>
<p>Article 7</p> <p>Covers labelling provisions</p>	<p>Yes</p>		<p>Regulation 14 covers all the labelling provisions stated in Article 7.</p>

<p>Article 8</p> <p><i>Article 8 (1)</i> States Directive also applies to extraction solvents used in the production of foods which are imported into the EU.</p> <p><i>Article 8 (2)</i> States the Directive does not apply to extractions solvent or foods exported outside the EU.</p>	Yes		<p>Regulation 13 (b) (restriction on placing on the market) will apply equally to products imported from outside the EU</p> <p>Regulation 10 (b) states the provisions do not apply if intended for export outside the EU</p>
<p>Articles 9-11</p> <p>Article 9 - repeals Directive 88/344/EEC and associated amendments</p> <p>Article 10 – specifies the entry into force date of the Directive.</p> <p>Article 11 – states the Directive is addressed to Member States.</p>	No	No transposition required	N/A