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STATUTORY INSTRUMENTS

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**2020 No. 1476**

**The Nutrition (Amendment etc.) (EU Exit) Regulations 2020**

**PART 3**

**Amendment of EU Tertiary Legislation**

**Amendment of 2009/980/EU: Commission Decision**

7.—(1) 2009/980/EU: Commission Decision of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No 1924/2006 of the European Parliament and of the Council is amended as follows.

(2) In Article 1, for “the Community list” to the end of that Article, substitute “the Annex to Commission Regulation (EU) 432/2012”.

(3) Omit Article 2.

**Amendment of Commission Delegated Regulation (EU) 2016/127**

8.—(1) Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding is—

- (a) modified so that from 22nd February 2021 it applies to infant formula and follow-on formula manufactured from protein hydrolysates; and
- (b) amended as follows.

(2) In Article 10 (requirements for promotional and commercial practices for infant formula)—

- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
- (b) after paragraph 4, insert—

“5. In this Article, “appropriate authority” means—

- (a) in respect of advertising in England, the Secretary of State;
- (b) in respect of advertising in Wales, the Welsh Ministers;
- (c) in respect of advertising in Scotland, the Scottish Ministers.”.

(3) In Article 11 (requirements on information relating to infant and young child feeding)—

- (a) in paragraph 1, for “Member States” substitute “The appropriate authority”;
- (b) in paragraph 3, for “appropriate national authority” substitute “appropriate authority”;
- (c) after paragraph 3, insert—

“4. In this Article, “appropriate authority” means—

- (a) in respect of information or educational equipment or materials to be provided in England, the Secretary of State;

- (b) in respect of information or educational equipment or materials to be provided in Wales, the Welsh Ministers;
  - (c) in respect of information or educational equipment or materials to be provided in Scotland, the Scottish Ministers.”.
- (4) For Article 12 (notification), substitute—
- “1. When infant formula is placed on the market, the food business operator shall notify the competent authority of each part of Great Britain where the product concerned is being marketed of the information appearing on the label, by sending to it a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation.
2. When follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II are placed on the market, the food business operator shall notify the competent authority of each part of Great Britain where the product concerned is being marketed of the information appearing on the label, by sending to it a model of the label used for the product, and of any other information the competent authority may reasonably request to establish compliance with this Regulation.
3. In this Article, “competent authority” means—
- (a) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in England, the Secretary of State;
  - (b) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in Wales, the Welsh Ministers;
  - (c) in respect of infant formula, or follow-on formula manufactured from protein hydrolysates or follow-on formula containing other substances than those listed in Annex II being placed on the market in Scotland, Food Standards Scotland.”.
- (5) Omit Articles 13 and 14.
- (6) In Annex VI—
- (a) in Part A (name referred to in Article 5(1)), for “:” where it first appears to the end of that Part, substitute ““Infant formula” and “Follow-on formula”.”;
  - (b) in Part B (name referred to in Article 5(2)), for “:” where it first appears to the end of that Part, substitute ““Infant milk” and “Follow-on milk”.”.

### **Amendment of Commission Delegated Regulation (EU) 2019/343**

9.—(1) Commission Delegated Regulation (EU) 2019/343 of 28 February 2019 providing derogations from Article 1(3) of Regulation (EC) No 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on food for the use of certain generic descriptors is amended as follows.

(2) After Article 3, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(3) For the table in the Annex, substitute—

<i>“Class of food</i>	<i>Generic descriptor</i>
Hard and soft sweets based on sugars as well as sugar-free and calorie-reduced variants based on sweeteners (polyols and/or intense sweeteners)	Cough drops

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<i>“Class of food</i>	<i>Generic descriptor</i>
containing extracts of herbs, fruit or other plant substances, honey or malt	
Non-alcoholic carbonated beverage containing the bittering agent quinine in the form of the flavourings FL 14.011, FL 14.152 or FL 14.155 as referred to in the domestic list of flavourings as laid down in Annex I to Regulation (EC) No 1334/2008	Tonic”

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### **Amendment of [Commission Regulation \(EU\) No 2019/651](#)**

**10.**—(1) [Commission Regulation \(EU\) No 2019/651](#) of 24 April 2019 refusing to authorise a health claim made on foods and referring to children’s development and health is amended as follows.

(2) In Article 1, for “shall not” to the end of that Article, substitute “may not be made on foods on the Great Britain market.”.

(3) After Article 2, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.