
STATUTORY INSTRUMENTS

2020 No. 1476

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

PART 3

Amendment of EU Tertiary Legislation

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 [^{F1}2022] 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”. ”.

Textual Amendments

- F1** Word in reg. 8(1)(a) substituted (21.2.2021) by [The Nutrition \(Amendment\) and Food for Specific Groups \(Food for Special Medical Purposes for Infants, Infant Formula and Follow-on Formula\) \(Information and Compositional Requirements\) \(Amendment\) Regulations 2021 \(S.I. 2021/168\)](#), regs. 1(2), 3(2)

Commencement Information

- II** Reg. 8 in force at 31.12.2020 on IP completion day, see reg. 1(3)

Changes to legislation:

There are currently no known outstanding effects for the The Nutrition (Amendment etc.) (EU Exit) Regulations 2020, Section 8.