
WELSH STATUTORY INSTRUMENTS

2023 No. 343 (W. 50)

**FOOD, WALES
AGRICULTURE, WALES**

The Food Additives, Food Flavourings, and
Novel Foods (Authorisations) and Food and Feed
(Miscellaneous Amendments) (Wales) Regulations 2023

Made - - - - 20 March 2023

Laid before Senedd Cymru 20 March 2023

*Coming into force in accordance with regulation 1(3)
and (4)*

The Welsh Ministers make these Regulations in exercise of the powers conferred by—

- Articles 7(5) and 14A(2)(b) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings(1);
- Article 12(1) of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods(2);
- sections 16(1)(a) and (2)(b), and 48(1)(c) of the Food Safety Act 1990(3);
- sections 74A(1) and 84(1) of the Agriculture Act 1970(4).

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- (1) EUR 2008/1331, amended by S.I. 2019/860 and 2022/1351. S.I. 2019/860 was amended by S.I. 2020/1504. The terms “domestic list”, “prescribe” and “appropriate authority” are defined in Article 2 of EUR 2008/1331. The term “sectoral food law” is defined in Article 1(2) of EUR 2008/1331. In relation to Part 2 of these Regulations, Article 7(5) of EUR 2008/1331 applies in accordance with Articles 10(3), 14 and 30(4) of Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives (EUR 2008/1333). In relation to Part 3 of these Regulations, Article 7(5) of EUR 2008/1331 applies in accordance with Article 11(3) of Regulation (EC) No 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods (EUR 2008/1334).
- (2) EUR 2015/2283, amended by S.I. 2019/702 ; there are other amending instruments but none is relevant. S.I. 2019/702 was amended by S.I. 2020/1504. The terms “prescribe”, “appropriate authority” and “list” are defined in Article 3 of EUR 2015/2283. Article 12(1) of EUR 2015/2283 applies in accordance with Articles 9 and 27(1) of that Regulation.
- (3) 1990 c. 16. Sections 16(1) and (2), and 48(1) were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28) (“the 1999 Act”). There are other amendments not relevant to these Regulations. Those functions, formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672 as read with section 40(3) of the 1999 Act. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).
- (4) 1970 c. 40. Section 74A was inserted by paragraph 6 of Schedule 4 to the European Communities Act 1972 (c. 68); that section was subsequently amended by section 33(3) of the Agriculture Act 2020 (c. 21). Section 84 was amended by S.I. 2004/3254. The terms “the Ministers”, “prescribed” and “regulations” are defined in section 66(1) of the Agriculture Act 1970. Functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by S.I. 1999/672. Those functions are now exercisable by the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Welsh Ministers have sought, and had regard to, advice from the Food Standards Agency as required by Article 7(5) of Regulation (EC) No 1331/2008⁽⁵⁾ (in relation to Parts 2 and 3) and section 48(4A) of the Food Safety Act 1990⁽⁶⁾ (in relation to regulations 7 and 8).

There has been open and transparent public consultation during the preparation of these Regulations in accordance with the requirements of Article 9 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety⁽⁷⁾ or, in the case of provisions relating to feed for non food-producing animals, of section 84(1) of the Agriculture Act 1970.

⁽⁵⁾ The term “Authority” is defined in Article 2(3) of EUR 2008/1331.

⁽⁶⁾ Section 48(4A) was inserted by paragraph 21 of Schedule 5 to, the 1999 Act.

⁽⁷⁾ EUR 2002/178, amended by S.I. 2019/641; there are other amending instruments but none is relevant.