

S.I. No. 40/2008 — European Communities (Food Additives Other Than Colours and Sweeteners) (Amendment) Regulations 2008

S.I. No. 40 of 2008

EUROPEAN COMMUNITIES (FOOD ADDITIVES OTHER THAN COLOURS AND SWEETENERS) (AMENDMENT) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 26th February, 2008.

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to specific provisions relating to food additives other than colours and sweeteners of Directive 2006/52/EC ¹ of the European Parliament and of the Council of 5 July 2006, amending Directive 95/2/EC ² on food additives other than colours and sweeteners and Directive 94/35/EC ³ on sweeteners for use in foodstuffs, hereby make the following regulations—

1. (1) These Regulations may be cited as the European Communities (Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2008.

(2) The Principal Regulations, the Regulations of 2005 and these Regulations may be cited together as the European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004 to 2008.

(3) Subject to Regulation 4(3), these Regulations shall come into operation on 15 August 2008.

2. In these Regulations—

“Minister” means the Minister for Health and Children;

“Principal Regulations” means the European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004 (S.I. No. 58 of 2004), and

“Regulations of 2005” means the European Communities (Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2005 (S.I. No. 369 of 2005).

3. The Principal Regulations are amended—

(a) in Regulation 2(1) by inserting the following words in the definition of “Annexes” after “22 December 2003”:

“and Directive 2006/52/EC 5b of the European Parliament and of the Council of 5 July 2006”

and by adding the following footnote thereto:

“ 5b OJ L 204, 26.7.2006, p. 10.”;

(b) in Regulation 2(1) by substituting for the definition of “carriers” the following definition:

““carriers’ (including carrier solvents) means substances used to dissolve, dilute, disperse or otherwise physically modify a food additive or flavouring without altering its function (and without exerting any technological effect themselves) in order to facilitate its handling, application or use;”;

(c) in Regulation 2(1) by inserting the following words in the definition of “Directive” after “22 December 2003”:

“and Directive 2006/52/EC 5b of the European Parliament and of the Council of 5 July 2006”;

(d) in Regulation 5(2) by substituting the words “infant formulae, follow-on formulae and weaning foods” with the words “infant formulae, follow-on formulae, processed cereal-based foods and baby foods”.

4. (1) Products placed on the market or labelled before 15 August 2008 which do not comply with the provisions of Directive 2006/52/EC 1 relating to food additives other than colours and sweeteners may be marketed until stocks are exhausted.

(2) Such provisions of these Regulations as give effect to Directive 2006/52/EC 1 shall not apply to the stocks referred to in paragraph (1).

(3) Products complying with Directive 2006/52/EC¹ may be used and placed on the market from the date these Regulations are signed by the Minister.

(4) In this Regulation, “Directive 2006/52/EC” means Directive 2006/52/EC¹ of the European Parliament and of the Council of 5 July 2006 amending Directive 95/2/EC² on food additives other than colours and sweeteners and Directive 94/35/EC³ on sweeteners for use in foodstuffs.

GIVEN under my Official Seal,

22 February 2008

MARY HARNEY

Minister for Health and Children

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations amend the European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004 (S.I. No. 58 of 2004). These Regulations may be cited as the European Communities (Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2008.

These Regulations give effect to Directive 2006/52/EC of the European Parliament and of the Council of 5 July 2006 insofar as it amends Directive 95/2/EC on food additives other than colours and sweeteners.

¹ OJ L 204, 26.7.2006, p. 10, as affected by Corrigendum to Directive 2006/52/EC, OJ L 78, 17.03.2007, p. 32.

² OJ L 61, 18.3.1995, p. 1.

³ OJ L 237, 10.9.1994, p. 3.

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