

# **S.I. No. 126/2009 - European Communities (Additives, Colours and Sweeteners In Foodstuffs) (Amendment) Regulations 2009**

S.I. No. 126/2009 - European Communities (Additives, Colours and Sweeteners In Foodstuffs) (Amendment) Regulations 2009 2009 126

S.I. No. 126 of 2009

EUROPEAN COMMUNITIES (ADDITIVES, COLOURS AND SWEETENERS IN FOODSTUFFS) (AMENDMENT) REGULATIONS 2009

*Notice of the making of this Statutory Instrument was published in*

*"Iris Oifigiúil" of 10th April, 2009.*

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 Commission Directive 2008/128/EC 1 of 22 December 2008 laying down specific purity criteria concerning colours for use in foodstuffs, hereby make the following regulations-

1. (1) These Regulations may be cited as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2009.

(2) The Principal Regulations, the Regulations of 2001, the Regulations of 2002, the Regulations of 2005, the Regulations of 2007, the Regulations of 2008 and these Regulations may be cited together as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 to 2009.

2. In these Regulations-

"Principal Regulations" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 ( S.I. No. 437 of 2000 );

"Regulations of 2001" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2001 ( S.I. No. 342 of 2001 );

"Regulations of 2002" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2002 ( S.I. No. 344 of 2002 ) and the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment No. 3) Regulations 2002 ( S.I. No. 380 of 2002 );

"Regulations of 2005" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2005 ( S.I. No. 61 of 2005 ), the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment)

(No. 2) Regulations 2005 ( S.I. No. 192 of 2005 ) and the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) (No. 3) Regulations 2005 ( S.I. No. 193 of 2005 );

"Regulations of 2007" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2007 (S.I. No. 171 of 2007), and

"Regulations of 2008" means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2008 ( S.I. No. 34 of 2008 ), the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) (No. 2) Regulations 2008 ( S.I. No. 59 of 2008 ) and the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) (No. 3) Regulations 2008 ( S.I. No. 369 of 2008 ).

3. The Principal Regulations are amended-

(a) in Regulation 2(1), in the definition of "the Directives", by substituting-

"Commission Directive 2008/128/EC of 22 December 2008"

for

"Commission Directive 95/45/EC of 26 July 1995 (as amended by Commission Directive 1999/75/EC of 22 July 1999 and Commission Directive 2001/50/EC of 3 July 2001 and Commission Directive 2004/47/EC of 16 April 2004 and Commission Directive 2006/33/EC of 20 March 2006)"

and by the deletion of all previous footnotes to that part of the definition of "the Directives",

and by the addition of the following footnote to the definition of "the Directives":-

"8AOJ L 6, 10.1.2009, p.20.",

(b) in Regulation 2(1), by substituting for the definition of "Directive 95/45/EC" the following definition:

"Directive 2008/128/EC' means Commission Directive 2008/128/EC of 22 December 2008 laying down specific purity criteria concerning colours for use in foodstuffs;"

and

(c) by substituting for Regulation 21 the following:

"21. (1) The manufacturer of a product containing a colour shall comply with the purity criteria for the relevant colour as set out in Annex I to Directive 2008/128/EC.

(2) A person shall not place on the market any product which contains a colour which, he or she knows or in the circumstances ought to know, does not comply with purity criteria for the colour as set out in Annex I to Directive 2008/128/EC8A."



GIVEN under my Official Seal,

6 April 2009

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 give effect to Commission Directive 2008/128/EC of 22 December 2008 laying down specific purity criteria concerning colours for use in foodstuffs.

These Regulations amend the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 ( S.I. No. 437 of 2000 ) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2009.

1 OJ L 6, 10.1.2009, p20.

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas