

Statutory Instrument

S.I. No. 369 of 2005

European Communities (Food Additives other than Colours and Sweeteners) (Amendment) Regulations 2005

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S.I. No. 369 of 2005

**European Communities (Food Additives other than Colours
and Sweeteners) (Amendment) Regulations 2005**

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 Directive 2003/114/EC¹ of the European Parliament and of the Council of 22 December 2003 amending Directive 95/2/EC² on food additives other than colours and sweeteners, 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 2005.

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

(3) Subject to Regulation 4(2), these Regulations shall come into force on 27 January 2006.
2. In these Regulations “Principal Regulations” means the European Communities (Food Additives other than Colours and Sweeteners) Regulations 2004 (S.I. No. 58 of 2004).
3. The Principal Regulations are amended -
 - (a) in Regulation 2(1) by inserting the following words in the definition of “Annexes” after “18 June 2003”:

“and Directive 2003/114/EC^{5a} of the European Parliament and of the Council of 22 December 2003”

and by adding the following footnote thereto:

“^{5a} OJ L 24, 29.1.2004, p.58.”;

¹ OJ L 24, 29.1.2004, p. 58.

² OJ L 61, 18.3.1995, p. 1.

(b) in Regulation 2(1) by inserting the following words in the definition of “Directive” after “18 June 2003”:

“and Directive 2003/114/EC^{5a} of the European Parliament and of the Council of 22 December 2003”;

(c) in Regulation 2(1), by substituting for the definition of “stabilisers” the following definition:

“‘stabilisers’ are substances which make it possible to maintain the physico-chemical state of a foodstuff; stabilisers include substances which enable the maintenance of a homogenous dispersion of two or more immiscible substances in a foodstuff, substances which stabilise, retain or intensify an existing colour of a foodstuff and substances which increase the binding capacity of the food, including the formation of cross-links between proteins enabling the binding of food pieces into reconstituted food;”;

(d) in Regulation 5, by substituting for paragraph (1) the following:

“(1) The presence of a food additive is permissible:

- (a) in a compound foodstuff other than one mentioned in paragraphs (3), (4) and (5) of Regulation 4, to the extent to which the food additive is permitted in one of the ingredients of the compound foodstuff;
- (b) in a foodstuff where a flavouring has been added, to the extent to which the food additive is permitted in the flavouring in compliance with these Regulations and has been carried over to the foodstuff via the flavouring, provided the food additive has no technological function in the final foodstuff; or
- (c) if the foodstuff is destined to be used solely in the preparation of a compound foodstuff and to an extent such that the compound foodstuff conforms to the provisions of these Regulations.”; and

(e) in Regulation 5, by inserting after paragraph (2) the following:

“(3) The level of additives in flavourings shall be limited to the minimum necessary to guarantee the safety and quality of flavourings and to facilitate their storage. Furthermore, the presence of additives in flavourings must not mislead consumers or present a hazard to their health. If the presence of an additive in a foodstuff, as a consequence

of adding flavourings, has a technological function in the foodstuff, it shall be considered as an additive of the foodstuff and not as an additive of the flavouring.”.

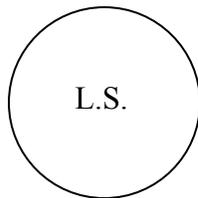
4. (1) In this Regulation, “Directive” means Directive 2003/114/EC¹ of the European Parliament and of the Council of 22 December 2003 amending Directive 95/2/EC² on food additives other than colours and sweeteners.

(2) Products complying with the Directive may be used and placed on the market from 27 July 2005.

(3) Products placed on the market or labelled before 27 January 2006 may be marketed until stocks are exhausted, notwithstanding that such stocks fail to comply with the Directive, and such provisions of these Regulations as give effect to the Directive shall not apply to these stocks.

GIVEN under my Official Seal,

This 15 day of July 2005,



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 2005.

These Regulations implement Directive 2003/114/EC¹ of the European Parliament and of the Council of 22 December 2003 amending Directive 95/2/EC² on food additives other than colours and sweeteners.