

CLA319 - The Food Additives, Flavourings, Enzymes and Extraction
Solvents (Wales) Regulations 2013

These Regulations provide for the execution and enforcement of the following EU Regulations —

- Regulation (EC) No 2065/2003 of the European Parliament and of the Council on smoke flavourings used or intended for use in or on foods;
- Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes;
- Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives; and
- 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.

These Regulations also implement Directive 2009/32/EC of the European Parliament and of the Council on the approximation of the laws of the Member States on extraction solvents used in the production of foodstuffs and food ingredients.

Procedure: Negative

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument:

1. Regulations 17(2) and 19(1)(b)(i) both refer to regulation 7(4), but no such provision exists.
[Standing Order 21.2(vi) - defective drafting]
2. Regulation 19(1)(e) refers to paragraph (3)(c), but no such provision exists.
[Standing Order 21.2(vi) - defective drafting]

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument:

3. Table 1 of Schedule 4 provides for the enforcement of specified provisions of Regulation 1332/2008. Articles 14.1 and 14.2 are specified as both require the provision of information to the Commission. Article 14.3 also contains such a requirement, but no provision appears to be made for its enforcement.

[Standing Order 21.3(iv) – inappropriate implementation of EU legislation.]

Legal Advisers

Constitutional and Legislative Affairs Committee

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