

2011 No. 1738

FOOD, ENGLAND

**The Extraction Solvents in Food (Amendment) (England)
Regulations 2011**

<i>Made</i>	- - - -	<i>13th July 2011</i>
<i>Laid before Parliament</i>		<i>19th July 2011</i>
<i>Coming into force</i>	- -	<i>15th August 2011</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 16(1)(a) and (c), 17(1) and 48(1) of the Food Safety Act 1990(a) and now vested in him(b).

In accordance with section 48(4A) of that Act, he has had regard to relevant advice given by the Food Standards Agency.

As required by 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(c), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Title, application and commencement

1. These Regulations may be cited as the Extraction Solvents in Food (Amendment) (England) Regulations 2011, apply in relation to England only and come into force on 15th August 2011.

(a) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 17 and 48 were amended by paragraphs 12 and 21 respectively of Schedule 5 to the Food Standards Act 1999 (1999 c.28), “the 1999 Act”. Section 48 was also amended by S.I. 2004/2990. Section 53(2) was amended by paragraph 19 of Schedule 16 to the Deregulation and Contracting Out Act 1994 (1994 c.40), Schedule 6 to the 1999 Act, S.I. 2004/2990 and S.I. 2004/3279.

(b) Functions formerly exercisable by “the Ministers” (being, in relation to England and Wales and acting jointly, the Minister of Agriculture, Fisheries and Food and the Secretaries of State respectively concerned with health in England and food and health in Wales and, in relation to Scotland, the Secretary of State) are now exercisable in relation to England by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28). Those functions, 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 and subsequently transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).. Those functions, so far as exercisable in relation to Scotland, were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act.

(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Commission Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p14).

Amendment of the Extraction Solvents in Food Regulations 1993

2.—(1) The Extraction Solvents in Food Regulations 1993(a) are amended in accordance with paragraphs (2) and (3).

(2) At the end of the table in Schedule 2 (foods in which certain permitted extraction solvents may be used only for certain purposes), insert the following entries —

<i>“Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
10 Defatted protein products	Dimethyl ether	Preparation of defatted animal protein products	0.009 mg/kg in the defatted protein products”

(3) At the end of the table in Schedule 3 (maximum residues of extraction solvent permitted in foods due to the use in those foods of food consisting of flavourings prepared from natural flavouring materials by using those extraction solvents), insert the following entries —

<i>“Column 1</i>	<i>Column 2</i>
Methanol	1.5 mg/kg
Propan-2-ol	1 mg/kg”

Signed by authority of the Secretary of State for Health.

13th July 2011

Anne Milton
Parliamentary Under-Secretary of State,
Department of Health

(a) S.I. 1993/1658. These Regulations have been amended by S.I. 1995/1440, S.I. 1998/2257 and , in relation to England only, by S.I. 2005/2626.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations amend the Extraction Solvents in Food Regulations 1993 (S.I. 1993/1658) in order to implement in England Commission Directive 2010/59/EU amending 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 (OJ No. L225, 27.8.2010, p.10).

2. The amendments to the 1993 Regulations consist of —

- (a) the listing in Schedule 2 of dimethyl ether as an extraction solvent that may be used in the preparation of defatted animal protein products (*regulation 2(2)*); and
- (b) the inclusion in Schedule 3 (which concerns the use of extraction solvents in the preparation of natural flavourings) of methanol and propanol-2-ol, with associated prescribed residue limits (*regulation 2(3)*).

3. An impact assessment has not been prepared for this instrument as it has no impact on business or the public or third sectors.

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STATUTORY INSTRUMENTS

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