

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2005 No. (W.)

FOOD, WALES

**The Colours in Food (Amendment)
(Wales) Regulations 2005**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply in relation to Wales, implement Commission Directive 2004/47/EC⁽¹⁾ amending Directive 95/45/EC⁽²⁾. They do so by further amending the Colours in Food Regulations 1995⁽³⁾. The Regulations —

- (a) provide amended purity criteria for mixed carotenes E160 a (i) and beta carotene E160 a (ii) (regulation 2(2));
- (b) insert a transitional defence provision for products put on the market or labelled before 1 April 2005 which otherwise comply with the Colours in Food Regulations 1995, allowing current stocks to be exhausted (regulation 2(3)).

A Regulatory Appraisal pursuant to section 65 of the Government of Wales Act 1998 has been prepared for these Regulations and placed in the Library of the National Assembly for Wales. Copies of this document may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff CF10 1EW.

⁽¹⁾ OJ No. L113, 20.4.2004, p.24.
⁽²⁾ Commission Directive 95/45/EC of 26 July 1995 laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L226, 22.9.1995, p.1).
⁽³⁾ S.I. 1995/3124, relevant amendments are S.I. 2000/1799 (W 124) and S.I. 2001/3909 (W 321).

2005 No. (W.)

FOOD, WALES

**The Colours in Food (Amendment)
(Wales) Regulations 2005**

Made 2005

Coming into force 24 June 2005

The National Assembly for Wales, in exercise of the powers conferred by sections 16(1) (a), 17(1), 26(1) and (3) and 48(1) of and paragraph 1 of Schedule 1 to, the Food Safety Act 1990⁽¹⁾ and now vested in it⁽²⁾, and having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation 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⁽³⁾ makes the following Regulations:

Title, commencement and application

1. These Regulations —

- (a) may be cited as the Colours in Food (Amendment) (Wales) Regulations 2005;
- (b) come into force on 24 June 2005; and
- (c) apply in relation to Wales.

⁽¹⁾ 1990 c. 16

⁽²⁾ Functions of the Secretary of State under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

⁽³⁾ OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p.4). By virtue of regulation 5 of the Food Safety Act 1990 (Amendment) Regulations 2004 (S.I. No. 2004/2990), with effect from 7th December 2004 the consultation requirement contained in section 48(4) of the 1990 Act is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002.

Amendment of the Colours in Food Regulations 1995

2.—(1) The Colours in Food Regulations 1995(1) are amended in accordance with the following paragraphs of this regulation.

(2) In paragraph (1) of regulation 2 (interpretation) in the definition of “Directive 95/45/EC”(2), for the words “and Directive 2001/50/EC” substitute the words —

“Directive 2001/50/EC(3) and Directive 2004/47/EC(4)”.

(3) In regulation 13 (transitional provision and exemption) after paragraph (1) insert the following paragraph —

“(1A) In any proceedings for an offence against these Regulations it is a defence to prove that —

- (a) the colour or food which is the subject of the allegation was put on the market or labelled before 1 April 2005; and
- (b) the matter constituting the offence would not have constituted an offence under these Regulations as they stood immediately before the coming into force of the Colours in Food (Amendment) (Wales) Regulations 2005.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

Date

The Presiding Officer of the National Assembly

-
- (1) S.I. 1995/3124, relevant amending instruments are S.I. 2000/1799 (W 124) and S.I. 2001/3909 (W 321).
 - (2) The definition of “Directive 95/45/EC” was amended by S.I. 2000/1799 (W 124) and S.I. 2001/3909 (W 321).
 - (3) Commission Directive 2001/50/EC of 3 July 2001 amending Directive 95/45/EC laying down specific purity criteria concerning colours for use in foodstuffs (OJ No. L190, 12.7.2001, p.14).
 - (4) Commission Directive 2004/47/EC of 16 April 2004 amending Directive 95/45/EC as regards mixed carotenes (E160 a (i)) and beta-carotene (E160 a (ii)) (OJ No. L113, 20.4.2004, p.24).
 - (5) 1998 c.38.

To: Business Committee
From: Brian Gibbons AM
Minister for Health and Social Services

EXPLANATORY MEMORANDUM

FOOD, WALES

THE COLOURS IN FOOD (AMENDMENT) (WALES) REGULATIONS 2005

Summary

The new Regulations will amend the Colours in Food Regulations 1995 (as amended) in Wales to implement all existing European legislation relating to colours for use in foods. It will transpose and implement Commission Directives 2004/47/EC, the third amendment to Directive 95/45/EC, which lays down specific purity criteria for colours throughout the EU. This is a technical amendment to an existing specification for two food colours, mixed carotenes (E160 a(i), and beta-carotene (E160 a(ii)), which takes into account advice from the European Commission's Scientific Committee on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food, and brings specifications into line with international standards. Food additives E160 are carotenoids, which are plant pigments derived from carrots, tomatoes, apricots, oranges, rosehip and green leafy vegetables. These are mostly manufactured and provide a range of colours from yellow to red. Beta-carotene is a substance that is converted by the body to vitamin A and is usually orange in colour. These food colours are usually added to biscuits, cakes, margarine, creamed rice, coffee creamer, pastry, cheese and cheese products in order to enhance the appearance of food.

1. This Memorandum is submitted to the Assembly's Business Committee in relation to the Colours in Food (Amendment) (Wales) Regulations 2005, in accordance with Standing Order 24.6.
2. A copy of the Instrument is submitted with this Memorandum.

Enabling Powers

3. The powers enabling these Regulations to be made are contained in sections 16(1)(a), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990. These powers have been transferred to the National Assembly for Wales and in turn, have been delegated to my portfolio as Minister for Health and Social Services.

Effect

4. The proposed legislation will transpose and implement Commission Directive 2004/47/EC, which itself amends Commission Directive 95/45/EC. A Transposition Note showing how the key elements of Directive 2004/47/EC are being implemented is attached at Annex B to the Regulatory Appraisal.

Commission Directive 2004/47/EC

5. Directive 2004/47/EC of 16 April 2004, which was published in the Official Journal of the European Communities on 20 April 2004, amends Directive

94/45/EC for the third time. Commission Directive 95/45/EC forms part of a continuing programme to update EU wide specifications for food colours, which are used to ensure the purity of these substances.

6. Directive 95/45/EC was amended on this occasion to incorporate recent advice from the European Commission's Scientific Committee on Food (SCF) (now the European Food safety Authority's Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food) and to bring the specifications for mixed carotenes (E160 a(i) and beta carotene (E160 a(ii)), into line with international specifications.
7. The main amendments introduced by Directive 2004/47/EC are:
 - the specification for beta-carotene from *Blakeslea trispora* (E160 a(ii)) has been amended to include two additionally permitted extraction solvents (isobutyl acetate and isopropyl alcohol) in line with a recent opinion of the SCF; and
 - levels for heavy metals in the specifications for mixed carotenes (E160a(i)) and beta-carotene (E160 a(ii)), have been amended to bring them into line with international standards
8. *Blakeslea trispora* is a fungus found on a number of tropical plants. Strains of *Blakeslea trispora* are able to synthesise large quantities of carotenoids.
9. Isobutyl acetate and isopropyl alcohol are clear odourless extraction solvents which are used for the extraction of beta-carotene from *Blakeslea trispora*.

Target Implementation

10. It is intended that these Regulations be made on 10 May 2005, and come into force on 24 June 2005. Member States were required to implement the provisions of Directive 2004/47/EC into national legislation by 1 April 2005.
11. Failure to transpose Commission Directive 2004/47/EC will lead to inconsistency in UK law, with different marketing arrangements and Welsh citizens not being afforded the same levels of choice to elsewhere in the UK. Also a delay could leave the UK open to infraction proceedings.
12. The Colours in Food Regulations were made in England on 7 March 2005 and 28 February 2005 in Scotland. In Northern Ireland the Regulations were made on 9 March 2005. It has not been possible to bring forward the Regulations in Wales earlier due to resourcing issues within Food Standards Agency Wales and the need to provide for a full twelve week consultation on the proposals within Wales.

Financial Implications

13. The public consultation exercise invited comments on any additional costs envisaged in implementing the legislation within Wales. No comments were received. No comments were forthcoming from the Local Authorities Co-ordinators of Regulatory Services (LACORS) (the co-ordinating body for local authority trading standards departments in England and Wales) or

the Welsh Local Government Association. No additional costs to local authorities, or the Assembly have been identified.

14. These regulations implement an EC Directive. There is no reasonable alternative to introducing the proposed amending regulations since failure to do so could lead to criticism. Non-implementation would also lead to undoubtedly successful legal proceedings against the UK in the European Court of Justice, as the terms of the measures require the implementation of all their provisions. The cost on non-implementation would include the costs of infraction proceedings to the UK Government as well as any financial penalties imposed. It has not been possible to identify the costs which would be incurred if infraction proceedings were initiated.

Regulatory Appraisal

15. A Regulatory Appraisal has been carried out on this Instrument and is attached.

Consultation

With Stakeholders

16. The Food Standards Agency Wales' consultation ran from 8 November 2004 to 24 January 2005. Stakeholders included all Assembly Members and consumer and industry representative bodies (a full list of consultees is attached at Annex A). They were invited to comment on the draft Regulations and any costs associated with the implementation of these Regulations. No comments were received in Wales.

17. Parallel consultations were carried out from 20 October 2004 until 14 January 2005 in England, from 21 October until 14 January 2005 in Scotland and from 20 October 2004 until 14 January 2005 in Northern Ireland. In England two responses were received to this consultation, both supporting the draft Regulations. Scotland received two responses to the consultation exercise, no substantive comments were made. Whilst in Northern Ireland one response was received, but no substantive comment was made. Overall, the responses demonstrated that there was no disproportionate impact on businesses (including small businesses) as a result of the new Regulations coming into force. There were therefore no issues of significance raised.

18. No policy changes to the draft Regulations were identified as a consequence of the public consultation.

With Subject Committee

19. There has been no prior scrutiny of the proposed Regulations by the Health and Social Services Committee. However, these Regulations were notified to the Committee via the list of forthcoming legislation, on 19 November 2004 (HSS(2)-14-04 (p.2b), item no. FSA 12-(04)) and in successive meetings. The Regulations have not been identified for detailed scrutiny.

Recommended Procedure

20. Subject to the views of the Business Committee, I recommend that the Instrument proceed to Plenary under the Accelerated procedure, as this legislation implements a Commission Directive and the Health and Social

Services Committee did not identify any need for detailed scrutiny of the Instrument.

Compliance

21. I confirm that the proposed legislation will (as far as is applicable):

- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- be compatible with the Assembly's scheme for sustainable development (Section 121);
- be compatible with Community law (Section 106);
- be compatible with the Assembly's human rights legislation (Section 107); and
- be compatible with any international obligations binding the UK Government and the Assembly (Section 108).

22. The information in this Memorandum has been cleared by the Directorate of Legal Services and the Assembly Compliance Office.

23. Policy contact: Deb Morgan (Food Standards Agency) 029 2067 8999

24. Head of Division: Joy Whinney (Food Standards Agency) 029 2067 8903

25. Drafting Lawyer: Sarah Wakeling in, DLS (Ext 3754)

BRIAN GIBBONS
MINISTER FOR HEALTH AND SOCIAL SERVICES

APRIL 2005

ANNEX A

Contact	Company Name
Judyth Jenkins	All Wales Dietetic Advisory Committee
Colin Hunt	Biotrace Limited
Charles Phillips, Head of Public Protection Services	Conwy County Borough Council
Rhian Connick	National Federation of Womens Institutes - Wales
David Jackson	Peters Food Service Ltd
Mr T B Dickens	Tillery Valley Foods Ltd
Mr Norman Biggs	Welsh Food Laboratories
Mr Robert Kennard	Graig Farm Organics
Brian Davies, Principal EHO	Ceredigion County Council
Mr Bryan Thomas, Director of Env. Services	Ceredigion County Council
Kim Pugh, Environmental Health Manager	Monmouthshire CC
A Jenkins, Director of Consumer Services	Neath Port Talbot CBC
CJ Taylor, Head of Public Protection	Powys CC
Mrs Reena Owen, Director of Environment	City and County of Swansea
Mr David Roberts	Senior Assistant Trading Standards Officer
Kate Thompson	Vale of Glamorgan Council
Steve Delahaye, Secretary	Society of Directors of Public Protection Wales - Trading Standards Group
Mike Stoddart, Ass Director of Public Protection	Bridgend CBC
Ms Susan Perkins	LACORS (Welsh Officer)
Viv Sugar, Chair	Welsh Consumer Council
Mr Arwyn Owen, Director of Policy	Farmers' Union of Wales
Mr Sandy Blair	Welsh Local Government Association
Diane McCrea	
Paul Lenartowicz - Vice President	The Association of Public Analysts
Jean Sullivan	Welsh Food Alliance
Katherine Gallimore	UWIC
R Andrew Young	Rhondda Cynon Taff CBC
Paul Gandy	Rhondda Cynon Taff CBC
David Dier, Head of Public Health	Merthyr Tydfil CBC
Ceri J Baillie	Clark's Original Pies
Cate Barrow - Food Business Development Manager	ADAS Wales
R A Ennion	Ruddock & Sherratt
Rod Denley-Jones	Torfaen County Borough Council
Julie Barratt, Director	Chartered Institute of Environmental Health in Wales
Peter Lee	Iceland Frozen Foods
Alan Lowe, Director of Public Protection	Flintshire County Council
The Secretary	G C Hahn & Co Ltd
Mr M Howard	Brookfield Foods Limited
Elizabeth Williams	Halo Foods Ltd
Mr K F Powell	Good Food Distributors
Sheila Dooley	Denbighshire CC
Mr Paul Handby, Development Co-ordinator	Chartered Institute of Environmental Health in Wales
Ffion Roberts, Public Protection Manager	Gwynedd CC
Emyr Searell Jones	Gwynedd CC
Wendy Cave	Co-operative Group (CWS) Ltd
Bob Mitchard - Director of Environmental Services	Caerphilly CBC
Norman Gatehouse, Chief Environmental Health Offic	Caerphilly CBC
David Hughes, Chief Public Protection Officer	Blaenau Gwent CBC
AD Fretter, Director of the Environment	Torfaen County Borough Council
Mr S J Whitehouse, Env Management Dept	Torfaen CBC
Stephen Davison	Newport CBC
Mr J Frow	RCT Trading Standards Dept

Mr Lester Lewis	Society of Directors of Public Protection
Gary Sumner, Acting Head of Public Protection	Denbighshire CC
Kevin P Jones, Panel Chairman	Society of Directors of Public Protection - North Wales
Mr Derek Mitchell, Quality Manager	Red Star BioProducts
Dr David Lindsay	Department of Food Science & Technology
Mrs Mary James	National Farmers Union (Wales)
The Secretary	British Institute for Allergy and Environmental Therapy
Mrs Brenda Davies	Meridian Foods
Philip Walton, Director of Environmental Services	Wrexham CBC
Professor James Parry	Member - Welsh Food Advisory Committee
Dr Robert Bell	Member - Welsh Food Advisory Committee
Mrs Dilwen Phillips	Member - Welsh Food Advisory Committee
Mrs Gilli Davies	Member - Welsh Food Advisory Committee
Professor Robert Pickard	Member - Welsh Food Advisory Committee
Professor SM Griffiths	Member - Welsh Food Advisory Committee
Dr David Casemore	Member - Welsh Food Advisory Committee
Mr David Smith	Member - Welsh Food Advisory Committee

REGULATORY APPRAISAL

FOOD, WALES

THE COLOURS IN FOOD (AMENDMENT) (WALES) REGULATIONS 2005

Background

1. At meetings of the European Commission's Standing Committee on the Food Chain and Animal Health in February 2004, Member States agreed a number of amendments to the purity criteria set out in Directive 95/45/EC. These amendments were subsequently included in Commission Directive 2004/47/EC.
2. The Colours in Food (Amendment) (Wales) Regulations 2005 are being made to implement all existing European legislation relating to colours for use in foods. It will transpose and implement Commission Directives 2004/47/EC, the third amendment to Directive 95/45/EC, which lays down specific purity criteria for colours throughout the EU.
3. Commission Directive 95/45/EC forms part of a continuing programme to update EU wide specifications for food colours which are used to ensure the purity of these substances.
4. Directive 95/45/EC was amended on this occasion to incorporate recent advice from the European Commission's Scientific Committee on Food (SCF) (now the European Food Safety Authority's Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food), and to bring the specifications for mixed carotenes E160 a (i) and beta carotene E 160 a (ii) into line with international standards.
5. This is a technical amendment to an existing specification for two food colours, mixed carotenes (E160 a (i)), and beta-carotene (E160 a (ii)), which takes into account advice from the EU SCF.
6. Food additives E160 are carotenoids, which are plant pigments derived from carrots, tomatoes, apricots, oranges, rosehip and green leafy vegetables. These are mostly manufactured and provide a range of colours from yellow to red. Beta-carotene is a substance that is converted by the body to vitamin A and is usually orange in colour. These food colours are usually added to biscuits, cakes, margarine, creamed rice, coffee creamer, pastry, cheese and cheese products in order to enhance the appearance of food.

Purpose and Intended Effect of the Measures

7. The proposed legislation will transpose and implement Commission Directive 2004/47/EC, which itself amends Commission Directive 95/45/EC. A Transposition Note showing how the key elements of Directive 2004/47/EC are being implemented is attached at Annex B.

Commission Directive 2004/47/EC

8. Directive 2004/47/EC of 16 April 2004, which was published in the Official Journal of the European Communities on 20 April 2004, amends Directive 94/45/EC for the third time. Commission Directive 95/45/EC forms part of a continuing programme to update EU wide specifications for food colours, which are used to ensure the purity of these substances and sets out specific purity criteria (specifications) for individual approved food colours.
9. Directive 95/45/EC was amended on this occasion to incorporate recent advice from the European Commission's Scientific Committee on Food (SCF) (now the European Food safety Authority's Scientific Panel on Food Additives, Flavourings, Processing Aids and Materials in Contact with Food), and to bring the specifications for mixed carotenes (E160 a (i) and beta carotene (E160 a (ii)), into line with international specifications.
10. The main amendments introduced by Directive 2004/47/EC are:
 - the specification for beta-carotene from *Blakeslea trispora* (E160 a(ii)) has been amended to include two additionally permitted extraction solvents (isobutyl acetate and isopropyl alcohol) in line with a recent opinion of the SCF; and
 - levels for heavy metals in the specifications for mixed carotenes (E160 a (i)) and beta-carotene (E160 a (ii)), have been amended to bring them into line with international standards.
11. *Blakeslea trispora* is a fungus found on a number of tropical plants. Strains of *Blakeslea trispora* are able to synthesise large quantities of carotenoids.
12. Isobutyl acetate and isopropyl alcohol are clear odourless extraction solvents which are used for the extraction of beta-carotene from *Blakeslea trispora*.

Risk Assessment

13. This is a technical amendment to an existing specification for two food colours, mixed carotenes (E160 a (i)), and beta-carotene (E160 a (ii)), which takes into account advice from the European Commission's SCF.
14. Food additives E160 are carotenoids, which are plant pigments derived from carrots, tomatoes, apricots, oranges, rosehip and green leafy vegetables. These are mostly manufactured and provide a range of colours from yellow to red. Beta-carotene is a substance that is converted by the body to vitamin A and is usually orange in colour. These food colours are usually added to biscuits, cakes, margarine, creamed rice, coffee creamer, pastry, cheese and cheese products in order to enhance the appearance of food.

Devolution

15. The Regulations will apply in Wales only. Separate but parallel Regulations have been made in England, Scotland, and Northern Ireland on 7 March 2005, 28 February 2005 and 9 March 2005, respectively.

Options

16. In respect of this Legislation, the “Do Nothing” option is not an option, as it would ultimately lead to infraction proceedings against the National Assembly for Wales by the European Commission. Therefore, the “Make the Legislation” option, to implement the changes required to comply with the European legislation, is being implemented.

Benefits

Social

17. There would appear to be no identifiable social benefits or disadvantages arising from either the non-implementation or the full implementation of 2004/47/EC.

Economic

18. There would appear to be no identifiable economic benefits or disadvantages arising from either the non-implementation or the full implementation of 2004/47/EC.

Environmental

19. There would appear to be no identifiable environmental benefits or disadvantages arising from either the non-implementation or the full implementation of 2004/47/EC.

Compliance Costs for Business, Charities and Voluntary Organisations

20. A public consultation was carried out on the draft Colours in Food (Amendment) (Wales) Regulations 2005. No identifiable costs on business, charities or voluntary organisations or to the public have been established.

Financial Costs

21. Enforcement of this legislation is the responsibility of Local Authority Public Protection Departments in Wales. Enforcers do not acquire any additional burdens from these proposals.

22. The public consultation exercise invited comments on any additional costs envisaged in implementing the Regulation. The Food Standards Agency in its consultation throughout the UK suggested that there would be no financial impact on business arising from the proposed legislation. No comments were forthcoming from the Local Authorities Co-ordinators of Regulatory Services (LACORS) (the co-ordinating body for local authority trading standards departments in England and Wales), or the Welsh Local Government Association. No additional costs to local authorities or the Assembly have been identified either.

23. These regulations implement an EC Directive. There is no reasonable alternative to introducing the proposed amending regulations since failure to do so could lead to criticism. Non-implementation would also lead to undoubtedly successful legal proceedings against the UK in the European Court of Justice, as the terms of the measures require the implementation of all their provisions. The cost on non-implementation would include the

costs of infraction proceedings to the UK Government as well as any financial penalties imposed. It has not been possible to identify the costs which would be incurred if infraction proceedings were initiated.

Other Costs

24.No other costs have been identified.

Equality and Fairness

25.The new Regulations will apply to all businesses throughout the United Kingdom and the European Community. There is no disadvantage for businesses in Wales.

Enforcement and Sanctions

26.Enforcement of the food additives legislation is the responsibility of Local Authority Public Protection Departments in Great Britain and the Department of Agriculture and Rural Development in Northern Ireland.

Monitoring and Review

27.The Food Standards Agency will consider proposals from stakeholders for any further changes to the rules that they consider necessary in the light of experience, and the effectiveness, of the new legislation.

Consultation

Public Consultation

28.The Food Standards Agency Wales carried out a consultation from 8 November 2004 to 24 January 2005. Stakeholders included Assembly Members, consumer and industry representative bodies (a full list of the consultees is at Annex A). They were invited to comment on the draft Regulations and any costs associated with the implementation of the Regulations. No comments were received in Wales.

29.Parallel consultations were carried out from 20 October 2004 until 14 January 2005 in England, from 21 October 2004 until 14 January 2005 in Scotland and from 20 October until 14 January 2005 in Northern Ireland. In England two responses were received to this consultation both supporting the draft Regulations. Scotland received two responses to the consultation exercise, no substantive comments were made. Whilst in Northern Ireland one response was received, however again no substantive comment was made. Overall, the responses demonstrated that there was no disproportionate impact on businesses (including small businesses) as a result of the new Regulations coming into force. There, were, therefore, no issues of significance raised.

30.No policy changes to the draft Regulations were identified as a consequence of the public consultation.

With Subject Committee

31. There has been no prior scrutiny of the proposed Instrument by the Health and Social Services Committee. However, the Instrument has been notified to the Committee via the list of forthcoming legislation, put to the Committee on 19 November 2004 (HSS(2)-01-05(p.2b) item: FSA No.

12(04)) on the Food Standards Agency schedule) and in successive meetings but was not identified for scrutiny.

Consultation with Small Businesses (The Small Firms Impact Test)

32. The Federation of Small Businesses stakeholders were included in the consultation on the draft Regulations but did not respond.

Summary and Recommendations

33. The Food Standards Agency believes that the full implementation of the proposals into the Colours in Food (Amendment) (Wales) Regulations 2005 will provide essential consumer health protection. Support for the adoption of these proposals is recommended.

Contact Point

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ANNEX A

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Kate Thompson	Vale of Glamorgan Council
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Mike Stoddart, Ass Director of Public Protection	Bridgend CBC
Ms Susan Perkins	LACORS (Welsh Officer)
Viv Sugar, Chair	Welsh Consumer Council
Mr Arwyn Owen, Director of Policy	Farmers' Union of Wales
Mr Sandy Blair	Welsh Local Government Association
Diane McCrea	
Paul Lenartowicz - Vice President	The Association of Public Analysts
Jean Sullivan	Welsh Food Alliance
Katherine Gallimore	UWIC
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Paul Gandy	Rhondda Cynon Taff CBC
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Mrs Dilwen Phillips	Member - Welsh Food Advisory Committee
Mrs Gilli Davies	Member - Welsh Food Advisory Committee
Professor Robert Pickard	Member - Welsh Food Advisory Committee
Professor SM Griffiths	Member - Welsh Food Advisory Committee
Dr David Casemore	Member - Welsh Food Advisory Committee
Mr David Smith	Member - Welsh Food Advisory Committee

ANNEX B

EUROPEAN COMMISSION DIRECTIVE 2004/47/EC AMENDING DIRECTIVE 95/45/EC LAYING DOWN SPECIFIC PURITY CRITERIA CONCERNING COLOURS FOR USE IN FOODSTUFFS

Articles	Objectives	Implementation	Responsibility
Article 1	Article 1 amends Directive 95/45/EC by way of a reference to the Annex to the Directive, which contains new provisions regarding the purity criteria for mixed carotenes (E 160 a (i)) and beta-carotene (E 160 a (ii)).	Article 1 is implemented by Regulation 2 (2) of the Colours in Food (Amendment) (Wales) Regulations 2005.	The Minister for Health and Social Services on the advice of the Food Standards Agency Wales is responsible for the measures taken to implement the Directive in Wales
Article 2	Article 2 of Directive 2004/47/EC specifies a date of compliance of 1 April 2005	Implemented by Regulation 1(b) of the above Regulations, which will come into force on 1 April 2005.	As above.
Article 3	Permits products put on the market or labelled before 1 April 2005 to be marketed until stocks are exhausted.	Implemented by Regulation 2 (3) of the above Regulations.	As above.