



Huw Irranca-Davies MS,
Chair, Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

21 November 2022

Dear Huw

I am writing to give you early notification of an amending SI entitled the Food Supplement and Food for Specific Groups (Miscellaneous Amendments) Regulations 2022, which will be laid before UK Parliament on (14 December) to come into force on 18 January 2023, except for the amendment to update the unit of measurement used for copper in food supplements, which will come into force on 11 July 2024 to allow for an 18-month transition period.

The proposed SI will amend the following legislation to effect changes in Scotland, Wales and England.

- The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/651) as amended,
- Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009¹,
- Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding^{Error!}
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¹ Retained EU regulation as amended by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 and 2020

- Commission Delegated Regulation (EU) 2016/128 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for food for special medical purposes^{Error! Bookmark not defined.}

These amendments will:

- update the unit of measurement used for copper in food supplements;
- update the unit of measurement used for zinc in food supplements;
- update the forms of niacin which are permitted for use in the manufacture of food supplements to include nicotinamide riboside chloride;
- update the forms of magnesium which are permitted for use in the manufacture of food supplements to include magnesium citrate malate;
- update the forms of folate that are permitted for use in the manufacture of infant formula and follow-on formula (IFFOF) to include calcium L-methylfolate;
- update the forms of folate that are permitted for use in the manufacture of processed cereal-based foods and baby foods to include calcium L-methylfolate;
- standardise the definition of pesticide residues used in the regulations on IFFOF; and
- standardise the definition of pesticide residues used in the regulations on food for special medical purposes developed to satisfy the nutritional requirements of infants and young children (iFSMPs).

There is no divergence between the Welsh Government and the UK Government (Department of Health and Social Care) on the policy for the corrections. Therefore, making separate SIs in Wales and England would lead to duplication, and unnecessary complication of the statute book. Consenting to a UK wide SI ensures that there is a single legislative framework across the UK which promotes clarity and accessibility. In this circumstance, the Welsh Government considers it appropriate that the UK Government legislates on our behalf in this instance.

I have also sent a letter to the Chair of the Children, Young People, and Education Committee and Chair of Health and Social Care Committee.

Yours sincerely,



Lynne Neagle AS/MS

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant
Deputy Minister for Mental Health and Wellbeing