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STATUTORY INSTRUMENTS

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**2011 No. 1849 (W.199)**

**FOOD, WALES**

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

<i>Made</i>	- - - -	<i>25 July 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>25 July 2011</i>
<i>Coming into force</i>	- -	<i>15 August 2011</i>

The Welsh Ministers make 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<sup>(1)</sup> and now vested in them<sup>(2)</sup>.

In accordance with section 48(4A) of that Act, they have 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<sup>(3)</sup>, there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

**Title, application and commencement**

1.—(1) The title of these Regulations is the Extraction Solvents in Food (Amendment) (Wales) Regulations 2011.

(2) These Regulations apply in relation to Wales and come into force on 15 August 2011.

**Amendment of the Extraction Solvents in Food Regulations 1993**

2.—(1) The Extraction Solvents in Food Regulations 1993<sup>(4)</sup> are amended in accordance with paragraphs (2) and (3).

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- (1) 1990 c. 16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 16, 17 and 48 were amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the Food Standards Act 1999 (c. 28) (“the 1999 Act”). Section 17 was also amended by paragraph 12(a) of Schedule 5 to the 1999 Act. Section 48 was also amended by paragraph 21 of Schedule 5 to the 1999 Act and S.I. 2004/2990.
- (2) 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).
- (3) 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).
- (4) S.I. 1993/1658. These Regulations have been amended by S.I. 1995/1440, S.I. 1998/2257, and in relation to Wales by S.I. 2005/3254 (W.247).

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(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>
<b>10.</b> 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”

25 July 2011

*Lesley Griffiths*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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## 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 Wales 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. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.