



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE: **The Food Supplements and Food for Specific Groups
(Miscellaneous Amendments) Regulations 2022**

Date **January 2023**

BY **Lynne Neagle
Deputy Minister for Mental Health and Wellbeing**

Members of the Senedd will wish to be aware that I gave consent to the Secretary of State for Health and Social Care exercising a subordinate legislation-making power in a devolved area in relation to Wales.

Agreement was sought by Jo Churchill MP (Parliamentary Under Secretary of State for Prevention, Public Health and Primary Care) to make a Statutory Instrument (SI) titled The Food Supplements and Food for Specific Groups (Miscellaneous Amendments) Regulations 2022 which sets provisions to apply in relation to Great Britain. The above titled SI was made by the Secretary of State in exercise of powers conferred by sections 16(1)(a) and 48(1) of the Food Safety Act 1990([1]), Articles 11(1)(b)(g), 16(1)(a) and 16A(2) of 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 ([2]) and regulation 2(2) of the Nutrition (Amendment etc.) (EU Exit) Regulations 2019([3]) on official controls and other official activities. The SI amended the following legislation to effect changes in Wales and England.

- The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 (SI 2019/651) as amended,

([1]) 1990 c.16. Section 16(1) was 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 48 was amended by section 40(1) of, and paragraphs 7 and 8 of Schedule 5 to, the 1999 Act. There are other amendments which are not relevant to these Regulations.

([2]) EUR 2013/609, amended by EUR 2017/1091, S.I. 2019/651 and S.I. 2020/1476.

([3]) S.I. 2019/651, amended by S.I. 2020/1476.

- 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 feeding¹ and,
- 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 purposes¹

These amendments:

- 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).

The regulations were laid before UK Parliament on (13 January) to come into force on 10 February 2023, except for the amendment to update the unit of measurement used for copper in food supplements, which will come into force on 10 August 2024 to allow for an 18-month transition period.

¹ Retained EU regulation as amended by The Nutrition (Amendment etc.) (EU Exit) Regulations 2019 and 2020