

**EXPLANATORY MEMORANDUM ON THE COLOURS IN FOOD  
(AMENDMENT) (ENGLAND) REGULATIONS 2007 No.453**

1. This explanatory memorandum has been prepared by the Food Standards Agency and is laid before Parliament by Command of Her Majesty. Its purpose is to assist the reader in understanding the Regulations it accompanies.

2. **Description**

This Statutory Instrument updates in England the rules relating to the use of colours in foods. The Colours in Food Regulations 1995 (as amended) implement all existing European legislation relating to colours for use in foods. These Regulations amend the 1995 Regulations.

- 3 **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

- 4 **Legislative Background**

**General**

- 4.4 The Colours in Food (Amendment) (England) Regulations 2007 are being made to implement the provisions of Commission Directive 2006/33/EC, which itself amends Commission Directive 95/45/EC.

- 4.2 The ministerial powers under which the Regulations are made are 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.

**EU Legislation**

- 4.3 A Transposition Note showing how the key elements of Directive 2006/33/EC are being implemented is attached at Annex A.

- 4.4 Commission Directive 2006/33/EC of 20 March 2006 was published in the Official Journal of the European Communities (L82/10) on 21 March 2006 and amends Directive 95/45/EC for the fourth time. Directive 95/45/EC sets out specific purity criteria (specifications) for individual approved food colours.

5. **Extent**

The Regulations apply to England only.

## 6. **European Convention on Human Rights**

The Parliamentary Under Secretary for Public Health has made the following statement regarding Human Rights:

“In my view the provisions of the Colours in Food (Amendment) (England) Regulations 2007 are compatible with the Convention Rights.”

## 7 **Policy Background**

7.1 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.

7.2 The key aspects are of the new amendment are:

- The specification for Sunset Yellow FCF (E 110 ) has been amended to include a new limit for Sudan I of 0.5 mg/kg, as requested by the UK delegation at the European Commission’s Food Additives Working Group meeting in Brussels on 21 November 2005. Sudan I is an illegal colour and a genotoxic carcinogen, which may be formed under certain circumstances as an impurity during the production of Sunset Yellow.
- The permitted level of lead in Sunset Yellow has been reduced from 10 mg/kg to 2 mg/kg in line with the FAO/WHO Joint Expert Committee on Food Additives (JECFA) specifications.
- The specification for titanium dioxide (E 171) has been amended to permit the use of rutile titanium dioxide as well as the presently permitted anatase form, in line with the opinion of the European Food Safety Authority’s Scientific Panel on Food Additives, adopted on 7 December 2004.

7.3 A public consultations was carried out on the draft Colours in Food (Amendment) (England) Regulations 2007. Details of the responses to the consultation are attached at Annex B. The level of public interest was low for this consultation exercise as shown by the limited number of responses received (three responses to the consultation).

## 8 **Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as there are no identifiable costs on business, charities or voluntary bodies.

8.2 There are no identifiable costs to the public or the exchequer.

## 9 **Contact Point**

Helen Chapman at the Food Standards Agency (Tel: 0207 276 8000 or E-mail: [Helen.chapman@foodstandards.gsi.gov.uk](mailto:Helen.chapman@foodstandards.gsi.gov.uk)) can answer any queries regarding the instrument.

