

**2011 No. 306**

**FOOD**

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

<i>Made</i>	- - - -	<i>16th August 2011</i>
<i>Laid before the Scottish Parliament</i>		<i>18th August 2011</i>
<i>Coming into force</i>	- -	<i>15th September 2011</i>

The Scottish 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(a) and all other powers enabling them to do so.

In accordance with section 48(4A) of that Act, the Scottish Ministers have had regard to relevant advice given by the Food Standards Agency(b).

There has been 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(c).

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Extraction Solvents in Food Amendment (Scotland) Regulations 2011 and come into force on 15th September 2011.

(2) These Regulations extend to Scotland only.

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

2.—(1) The Extraction Solvents in Food Regulations 1993(d) are amended as follows.

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- (a) 1990 c.16. Section 1(1) and (2) (definition of “food”) was substituted by S.I. 2004/2990. Sections 16(1), 17(1) and 48(1) were amended by paragraph 8 of Schedule 5 to the Food Standards Act 1999 (c.28) (“the 1999 Act”). Section 17(1) was also amended by paragraph 12 of Schedule 5 to the 1999 Act. Section 48(4) is disapplied in respect of these Regulations by virtue of section 48(4C) which was inserted by S.I. 2004/2990. By virtue of section 40(2) of the 1999 Act, amendments made by Schedule 5 to that Act are to be taken as pre-commencement enactments for the purposes of the Scotland Act 1998 (c.46) (“the 1998 Act”). The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act. In so far as not transferred, and in so far as relating to food (including drink) including the primary production of food, relevant functions were transferred to the Scottish Ministers by the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 2005 (S.I. 2005/849).
- (b) Section 48(4A) was inserted by paragraph 21 of Schedule 5 to the 1999 Act.
- (c) O.J. L 31, 1.2.2002, p.1. That Regulation was last amended by 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 (O.J. L 188, 18.7.2009, p.14).
- (d) S.I. 1993/1658, as amended by S.I. 1995/1440, 1998/2257 and S.S.I. 2005/616.

(2) In Schedule 1, Part I (permitted extraction solvents), in column 1, after entry 21 (1,1,1,2-tetrafluoroethane), insert “22. Dimethyl ether”.

(3) In Schedule 2 (foods in which certain permitted extraction solvents may be used only for certain purposes), after entry 9 (sugar from molasses) insert—

“10. Defatted animal protein products	Dimethyl ether	Preparation of defatted animal protein products	0.009 mg/kg in the defatted protein products”
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(4) 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), after the entry for “1,1,1,2-tetrafluoroethane”, insert—

“Methanol	1.5 mg/kg
Propan-2-ol	1 mg/kg”

*MICHAEL MATHESON*  
Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
16th August 2011

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Extraction Solvents in Food Regulations 1993 (“the principal Regulations”) in order to implement in Scotland 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 (O.J. L 225, 27.8.2010, p.10).

Regulation 2 amends the principal Regulations to:—

- (a) include dimethyl ether in Schedule 1, Part 1, as a permitted extraction solvent (regulation 2(2));
- (b) include dimethyl ether in Schedule 2, as an extraction solvent that may be used in the preparation of defatted animal protein products (regulation 2(3)); and
- (c) include methanol and propanol-2-ol in Schedule 3 (which concerns the use of extraction solvents in the preparation of natural flavourings) with associated prescribed residue limits (regulation 2(4)).

A Business and Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on the costs of business.

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