

**2024 No. 000**

**RETAINED EU LAW REFORM**

**FOOD**

**The Health Claims (Revocation) Regulations 2024**

*Sift requirements satisfied*

*Made - - - -*

*Laid before Parliament*

*Coming into force*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 14(1) of the Retained EU Law (Revocation and Reform) Act 2023 (“the 2023 Act”)(a).

The Secretary of State is a relevant national authority for the purposes of section 14(1) of the 2023 Act(b).

The requirements of paragraph 6(2) of Schedule 5 to the 2023 Act (relating to the appropriate Parliamentary procedure for these Regulations) have been satisfied.

**Citation, commencement, and extent**

- 1.—(1) These Regulations may be cited as the Health Claims (Revocation) Regulations 2024.
- (2) These Regulations come into force on 1st October 2024.
- (3) These Regulations extend to England and Wales and Scotland.

**Revocation of enactments**

2. The enactments listed in the Schedule are revoked.

Signed by authority of the Secretary of State for Health and Social Care

2024

Department of Health and Social Care

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(a) 2023 c.28.

(b) The term “relevant national authority” is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

## SCHEDULE

Regulation 2

### Enactments revoked

**1.** Commission Regulation (EC) No. 984/2009 of 21 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health**(a)**.

**2.** Commission Regulation (EC) No. 1025/2009 of 29 October 2009 refusing to authorise certain health claims made on food, other than those referring to the reduction of disease risk and to children's development and health**(b)**.

**3.** Commission Regulation (EC) No. 1167/2009 of 30 November 2009 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health**(c)**.

**4.** Commission Regulation (EC) No. 1168/2009 of 30 November 2009 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health**(d)**.

**5.** Commission Decision of 17 December 2009 authorising a health claim on the effect of water-soluble tomato concentrate on platelet aggregation and granting the protection of proprietary data under Regulation (EC) No. 1924/2006 of the European Parliament and of the Council (2009/980/EU)**(e)**.

**6.** Commission Regulation (EU) No. 375/2010 of 3 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health**(f)**.

**7.** Commission Regulation (EU) No. 376/2010 of 3 May 2010 amending Regulation (EC) No. 983/2009 on the authorisation and refusal of authorisation of certain health claims made on food and referring to the reduction of disease risk and to children's development and health**(g)**.

**8.** Commission Regulation (EU) No. 382/2010 of 5 May 2010 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(h)**.

**9.** Commission Regulation (EU) No. 383/2010 of 5 May 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health**(i)**.

**10.** Commission Regulation (EU) No. 958/2010 of 22 October 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health**(j)**.

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- (a)** EUR 2009/984.
  - (b)** EUR 2009/1025.
  - (c)** EUR 2009/1167.
  - (d)** EUR 2009/1168.
  - (e)** EUDN 2009/980.
  - (f)** EUR 2010/375.
  - (g)** EUR 2010/376.
  - (h)** EUR 2010/382.
  - (i)** EUR 2010/383.
  - (j)** EUR 2010/958.

**11.** Commission Regulation (EU) No. 1161/2010 of 9 December 2010 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health**(a)**.

**12.** Commission Regulation (EU) No. 1162/2010 of 9 December 2010 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health**(b)**.

**13.** Commission Decision of 13 December 2010 amending Decision 2009/980/EU as regards the conditions of use of an authorised health claim on the effect of water-soluble tomato concentrate on platelet aggregation (2010/770/EU)**(c)**.

**14.** Commission Regulation (EU) No. 432/2011 of 4 May 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(d)**.

**15.** Commission Regulation (EU) No. 666/2011 of 11 July 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(e)**.

**16.** Commission Regulation (EU) No. 1170/2011 of 16 November 2011 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk**(f)**.

**17.** Commission Regulation (EU) No. 1171/2011 of 16 November 2011 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(g)**.

**18.** Commission Regulation (EU) No. 378/2012 of 3 May 2012 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk and to children's development and health**(h)**.

**19.** Commission Regulation (EU) No. 379/2012 of 3 May 2012 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(i)**.

**20.** Commission Regulation (EU) No. 536/2013 of 11 June 2013 amending Regulation (EU) No. 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health**(j)**.

**21.** Commission Regulation (EU) No. 851/2013 of 3 September 2013 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012**(k)**.

**22.** Commission Regulation (EU) No. 1017/2013 of 23 October 2013 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health**(l)**.

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**(a)** EUR 2010/1161.

**(b)** EUR 2010/1162.

**(c)** EUDN 2010/770.

**(d)** EUR 2011/432.

**(e)** EUR 2011/666.

**(f)** EUR 2011/1170.

**(g)** EUR 2011/1171.

**(h)** EUR 2012/378.

**(i)** EUR 2012/379.

**(j)** EUR 2013/536.

**(k)** EUR 2013/851.

**(l)** EUR 2013/1017.

**23.** Commission Regulation (EU) No. 1018/2013 of 23 October 2013 amending Regulation (EU) No. 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health(**a**).

**24.** Commission Regulation (EU) No. 1066/2013 of 30 October 2013 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**b**).

**25.** Commission Regulation (EU) No. 40/2014 of 17 January 2014 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(**c**).

**26.** Commission Regulation (EU) No. 155/2014 of 19 February 2014 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**d**).

**27.** Commission Regulation (EU) No. 175/2014 of 25 February 2014 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**e**).

**28.** Commission Regulation (EU) No. 686/2014 of 20 June 2014 amending Regulations (EC) No. 983/2009 and (EU) No 384/2010 as regards the conditions of use of certain health claims related to the lowering effect of plant sterols and plant stanols on blood LDL-cholesterol(**f**).

**29.** Commission Regulation (EU) No. 1154/2014 of 29 October 2014 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**g**).

**30.** Commission Regulation (EU) No. 1229/2014 of 17 November 2014 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**h**).

**31.** Commission Regulation (EU) 2015/7 of 6 January 2015 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(**i**).

**32.** Commission Regulation (EU) 2015/8 of 6 January 2015 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**j**).

**33.** Commission Regulation (EU) 2015/391 of 9 March 2015 refusing to authorise certain health claims made on foods and referring to children's development and health(**k**).

**34.** Commission Regulation (EU) 2015/402 of 11 March 2015 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**l**).

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(a) EUR 2013/1018.

(b) EUR 2013/1066.

(c) EUR 2014/40.

(d) EUR 2014/155.

(e) EUR 2014/175.

(f) EUR 2014/686.

(g) EUR 2014/1154.

(h) EUR 2014/1229.

(i) EUR 2015/7.

(j) EUR 2015/8.

(k) EUR 2015/391.

(l) EUR 2015/402.

**35.** Commission Regulation (EU) 2015/539 of 31 March 2015 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No 432/2012(a).

**36.** Commission Regulation (EU) 2015/1041 of 30 June 2015 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(b).

**37.** Commission Regulation (EU) 2015/1052 of 1 July 2015 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk(c).

**38.** Commission Regulation (EU) 2015/1886 of 20 October 2015 refusing to authorise certain health claims made on foods and referring to children's development and health(d).

**39.** Commission Regulation (EU) 2015/1898 of 21 October 2015 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health(e).

**40.** Commission Regulation (EU) 2015/2314 of 7 December 2015 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(f).

**41.** Commission Regulation (EU) 2016/371 of 15 March 2016 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(g).

**42.** Commission Regulation (EU) 2016/372 of 15 March 2016 refusing to authorise a health claim made on foods and referring to the reduction of disease risk(h).

**43.** Commission Implementing Regulation (EU) 2016/854 of 30 May 2016 authorising certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(i).

**44.** Commission Implementing Regulation (EU) 2016/862 of 31 May 2016 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health(j).

**45.** Commission Regulation (EU) 2016/1379 of 16 August 2016 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(k).

**46.** Commission Regulation (EU) 2016/1381 of 16 August 2016 refusing to authorise a health claim made on foods and referring to children's development and health(l).

**47.** Commission Regulation (EU) 2016/1390 of 17 August 2016 refusing to authorise a health claim made on foods and referring to children's development and health(m).

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(a) EUR 2015/539.

(b) EUR 2015/1041.

(c) EUR 2015/1052.

(d) EUR 2015/1886.

(e) EUR 2015/1898.

(f) EUR 2015/2314.

(g) EUR 2016/371.

(h) EUR 2016/372.

(i) EUR 2016/854.

(j) EUR 2016/862.

(k) EUR 2016/1379.

(l) EUR 2016/1381.

(m) EUR 2016/1390.

**48.** Commission Regulation (EU) 2016/1411 of 24 August 2016 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**a**).

**49.** Commission Regulation (EU) 2016/1412 of 24 August 2016 refusing to authorise a health claim made on foods and referring to the reduction of disease risk(**b**).

**50.** Commission Regulation (EU) 2016/1413 of 24 August 2016 amending Regulation (EU) No. 432/2012 establishing a list of permitted health claims made on foods other than those referring to the reduction of disease risk and to children's development and health(**c**).

**51.** Commission Regulation (EU) 2017/236 of 10 February 2017 refusing to authorise a health claim made on foods and referring to the reduction of disease risk(**d**).

**52.** Commission Implementing Regulation (EU) 2017/672 of 7 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(**e**).

**53.** Commission Implementing Regulation (EU) 2017/676 of 10 April 2017 authorising a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health and amending Regulation (EU) No. 432/2012(**f**).

**54.** Commission Regulation (EU) 2017/1200 of 5 July 2017 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**g**).

**55.** Commission Regulation (EU) 2017/1201 of 5 July 2017 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health(**h**).

**56.** Commission Regulation (EU) 2017/1202 of 5 July 2017 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**i**).

**57.** Commission Regulation (EU) 2018/199 of 9 February 2018 refusing to authorise a health claim made on foods, other than those referring to the reduction of disease risk and to children's development and health(**j**).

**58.** Commission Regulation (EU) 2018/1555 of 17 October 2018 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk(**k**).

**59.** Commission Regulation (EU) 2018/1556 of 17 October 2018 refusing to authorise certain health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health(**l**).

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(a) EUR 2016/1411.

(b) EUR 2016/1412.

(c) EUR 2016/1413.

(d) EUR 2017/236.

(e) EUR 2017/672.

(f) EUR 2017/676.

(g) EUR 2017/1200.

(h) EUR 2017/1201.

(i) EUR 2017/1202.

(j) EUR 2018/199.

(k) EUR 2018/1555.

(l) EUR 2018/1556.

**60.** Commission Regulation (EU) 2019/651 of 24 April 2019 refusing to authorise a health claim made on foods and referring to children's development and health<sup>(a)</sup>.

### **EXPLANATORY NOTE**

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

These Regulations revoke 60 instruments of secondary assimilated law (as defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023 (c.28)) (“the REUL Act”) for Great Britain.

The instruments revoked by these Regulations authorised the use of, or refused authorisation for the use of, health claims in respect of food. They were made by the European Commission prior to the UK’s exit from the EU and became part of domestic law by virtue of section 3 of the European Union (Withdrawal) Act 2018 (c.16) (“EUWA”). Where a health claim was approved by the European Commission, it was added to the register in the Annex to Commission Regulation (EU) No 432/2012 of 16 May 2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children’s development and health (“Regulation 432/2012”). Regulation 432/2012 was also incorporated into domestic law by section 3 of EUWA, amended by the Nutrition (Amendment etc) (EU Exit) Regulations 2019 (S.I. 2019/651) (“the EU Exit Regulations”) and became secondary assimilated law under section 5 of the REUL Act.

The regulation of the use of health claims on food is governed by Regulation (EC) No 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods, which was incorporated into domestic law by section 3 of EUWA, amended by the EU Exit Regulations and became assimilated law under section 5 of the REUL Act. Under article 20 of that Regulation, the Commission is obliged to keep a register of authorised and rejected health claims, and after EU Exit, that obligation falls on the Secretary of State in relation to Great Britain. The Great Britain Nutrition and Health Claims Register is available on the Department of Health and Social Care’s website <https://www.gov.uk/government/publications/great-britain-nutrition-and-health-claims-nhc-register>.

The instruments revoked by these Regulations, therefore, have no ongoing legal purpose, as the health claims which they authorised or rejected are listed in the register mentioned above or, for authorised health claims, in the Annex to Regulation 432/2012.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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(a) EUR 2019/651.