
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations implement European Parliament and Council Directive 94/35/EC (O.J. No. L237, 10.9.94, p. 3) on sweeteners for use in foodstuffs (which has to be read with Council Directive [89/107/EEC](#) (O.J. No. L40, 11.2.89, p. 27) on the approximation of the laws of the member States concerning food additives authorised for use in foodstuffs intended for human consumption) and Commission Directive 95/31/EC (O.J. No. L178, 28.7.95, p. 1) laying down specific criteria of purity concerning sweeteners for use in foodstuffs.

The principal provisions of the Regulations—

(1) prohibit the sale of any sweetener intended either for sale to the ultimate consumer or for use in or on any food, other than a permitted sweetener (regulation 3(1));

(2) prohibit the use of any sweetener in or on any food, other than for certain foods in which only specified permitted sweeteners may be used in accordance with conditions contained in the Regulations (regulation 3(2) and (3) and Schedule 1);

(3) prohibit the use of any sweetener in or on foods for infants and young children specified in Council Directive [89/398/EEC](#) (O.J. No. L186, 30.6.89, p. 27) on the approximation of the laws of the member States relating to foodstuffs intended for particular nutritional uses (regulation 3(4));

(4) prohibit the sale of table-top sweeteners unless they contain no sweetener other than a permitted sweetener and are labelled in accordance with the Regulations (regulation 4);

(5) prohibit the sale of any food containing any added sweetener other than a permitted sweetener used in or on it in accordance with the Regulations (regulation 5).

The Regulation also—

- (a) make provision in relation to the condemnation of food (regulation 6);
- (b) create offences, prescribe a penalty and provide for the Regulations to be enforced by district councils (regulation 7);
- (c) provide a defence in relation to exports, in implementation of Articles 2 and 3 of Council Directive [89/397/EEC](#) (O.J. No. L186, 30.6.89, p. 23) on the official control of foodstuffs, as read with the ninth recital to that Directive (regulation 8);
- (d) incorporate specified provisions of the Food Safety (Northern Ireland) Order 1991 (regulation 9);
- (e) revoke the Regulations and order specified in Schedule 2 to the extent specified in that Schedule, and make consequential amendments (regulation 10);
- (f) contain a transitional provision and exemption (regulation 11).