

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 381 final - SYN 296

Brussels, 11 September 1990

Proposal for a
COUNCIL DIRECTIVE

on sweeteners for use in foodstuffs

(presented by the Commission)

Explanatory Memorandum

Directive 89/107/EEC of 21 December 1988 states in article 3 paragraphs 1 and 2 :

- " 1. Particular provisions in respect of the additives in the categories given in Annex I shall be laid down in a comprehensive directive, including existing specific directives. That directive may, however, be drawn up in stages.
2. The Council shall, acting on a proposal from the Commission under the procedure laid down in article 100 A of the Treaty, adopt :
- (a) a list of additives the use of which is authorized to the exclusion of all others;
 - (b) the list of foodstuffs to which these additives may be added, the conditions under which they may be added and, where appropriate, a limit on the technological purpose of their use;
 - (c) the rules on additives used as carrier substances and solvents, including where necessary their purity criteria."

In this context and considering the rapid market development and the increasing consumer demand for reduced energy food, action on sweeteners is called for as a priority.

The Scientific Committee for Food has been consulted. Their opinions are published in the 16th and 21st series of the Reports of the Scientific Committee for Food.

For those sweeteners for which specific acceptable daily intakes have been specified by the Scientific Committee for Food maximum levels are proposed. Where the Scientific Committee for Food considered that it was not necessary to numerically specify the acceptable daily intake the principle of "quantum satis" is applied.

Specifications of identity and purity for sweeteners will be drawn up according to the procedure laid down in Article 11 of Directive 89/107/EEC.

The Commission is presently examining the need for further mandatory labelling of certain sweeteners and foodstuffs containing these sweeteners.

Proposal for a
COUNCIL DIRECTIVE

on sweeteners for use in foodstuffs

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,
and in particular Article 100a thereof,

Having regard to the proposal from the Commission¹,

In cooperation with the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Having regard to Council Directive 89/107/EEC of 21 December 1988 on the
approximation of the laws of the Member States concerning food additives
authorized for use in foodstuffs intended for human consumption⁴, and in
particular Article 3(2) thereof,

After consultation of the Scientific Committee for Food,

Whereas, differences between national laws relating to sweeteners and
their conditions of use hinder the free movement of foodstuffs; whereas
this situation may create conditions of unfair competition;

Whereas the prime consideration for any rules on sweeteners and their con-
ditions of use should be the need to protect the consumer;

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⁴OJ No L 40, 11.2.1989, p.27.

Whereas, having regard to the most recent scientific and toxicological information, these substances are to be permitted only for certain foodstuffs and under certain conditions of use;

Whereas this Directive is not intended to affect rules relating to functions other than the sweetening properties of the substances covered by this Directive;

Whereas the Commission is to adapt Community provisions to bring them into line with the rules laid down in this Directive;

Whereas the use of sweeteners to replace sugar is justified for the production of energy-reduced or sugar-free food and in some cases where the replacement of sugar extends the shelf life,

HAS ADOPTED THIS DIRECTIVE :

Article 1

1. This Directive is a specific directive forming a part of the comprehensive directive within the meaning of Article 3 of Directive 89/107/EEC.
2. This Directive shall apply to food additives which are used to impart a sweet taste to foodstuffs, hereinafter referred to as "sweeteners".
3. This Directive shall not apply to foodstuffs with sweetening properties such as mono-, disaccharides and honey.

Article 2

1. Only sweeteners listed in the Annex may be used in foodstuffs.
2. Sweeteners may only be used in those foodstuffs listed in the Annex under the conditions specified therein.
3. Sweeteners may not be used in foods intended for particular nutritional use by infants and young children, except where specially provided for.
4. Maximum levels indicated in the Annex refer to the ready-for-consumption foodstuffs prepared according to the manufacturer's instructions.

Article 3

This Directive shall apply without prejudice to specific directives permitting additives listed in the Annex to be used for functions other than sweetening.

Article 4

Where necessary, it may be decided by the procedure laid down in Article 6 of this Directive, whether a particular foodstuff belongs to a category of foods mentioned in Article 2(3) and foodstuffs listed in the Annex.

Article 5

Any provision necessary to adapt existing Community provisions to the rules laid down in this Directive shall be adopted within 6 months of its notification according to the procedure laid down in Article 6 of this Directive.

Article 6

Where the procedure laid down in this Article is to be followed, the matter shall be referred to the Standing Committee for Foodstuffs ("Committee") by the Chairman on his own initiative or at the request of the representative of a Member State.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 7

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than April 30, 1992 in order to :

- allow trade in and use of products conforming to this Directive no later than April 30, 1992,
- prohibit trade in and use of products not conforming to this Directive no later than April 30, 1993.

They shall inform the Commission thereof.

These provisions shall make express reference to this Directive.

Article 8

This Directive is addressed to Member States.

Done at Brussels

for the Council

The President

ANNEX

Note : sugar free = without any added mono- and disaccharides.

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
E 420	Sorbitol (i) Sorbitol (ii) Sorbitol	All foodstuffs excluding water based flavoured non-alcoholic drinks	quantum satis
E 421	Mannitol		
E 953	Isomalt		
E 965	Maltitol (i) Maltitol (ii) Maltitol syrup		
E 966	Lactitol		
E 967	Xylitol		

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
		<u>Confectionery</u> Sugar free confectionery Energy reduced or sugar free cocoa or nut based confectionery Energy reduced or sugar free starch based confectionery Energy reduced or sugar free cocoa, dairy, nut or fat based sandwich spreads Sugar free chewing gum <u>Bakery products</u> Fine bakery wares for special nutritional uses <u>Fish, crustaceans, molluscs</u> Sweet sour preserves and marinades of fish, crustaceans and molluscs <u>Vegetables</u> Sweet sour vegetables preserves	 500 mg/kg 500 mg/kg 1000 mg/kg 1000 mg/kg 2000 mg/kg 1000 mg/kg 200 mg/kg 200 mg/kg

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
		<p><u>Alcoholic drinks</u></p> <p>Cider and perry Beer of the following types : - gueuze - kriek-lambic - bière de table (original wort content not more than 6%) - oud bruin - obergæriges Einfachbier (original wort content not more than 6%)</p> <p><u>Other</u></p> <p>Emulsified sauces Non-emulsified sauces Mustard Salads prepared with sauces</p> <p><u>Special diets</u></p> <p>Formulae for weight control intended to replace total daily food intake or an individual meal Complete formulae and nutritional supplements for use under medical control Liquid dietary supplements Solid dietary supplements</p>	<p>350 mg/l</p> <p>350 mg/l</p> <p>350 mg/kg 350 mg/kg 350 mg/kg 350 mg/kg</p> <p>450 mg/kg 450 mg/kg 350 mg/kg 500 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
E 951	Aspartame	<p><u>Non-alcoholic drinks</u></p> <p>Energy reduced or sugar free water based flavoured drinks</p> <p>Energy reduced or sugar free dairy based drinks</p> <p>Energy reduced or sugar free fruit juice based drinks</p> <p><u>Desserts</u></p> <p>Energy reduced or sugar free water based desserts</p> <p>Energy reduced or sugar free dairy based desserts</p> <p>Energy reduced or sugar free fruit based desserts</p> <p>Energy reduced or sugar free egg based desserts</p> <p>Energy reduced or sugar free cereal based desserts</p> <p>Energy reduced or sugar free fat based desserts</p> <p><u>Breakfast cereals</u></p> <p><u>Edible Ices</u></p> <p>Energy reduced or sugar free edible ices</p> <p><u>Fruit</u></p> <p>Energy reduced or sugar free canned or bottled fruit</p> <p>Energy reduced jams, jellies, marmalades</p> <p>Energy reduced fruit preparations</p> <p>Sweet sour preserves of fruit</p>	<p>600 mg/l</p> <p>600 mg/l</p> <p>600 mg/l</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>800 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>300 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
		<p><u>Confectionery</u></p> <p>Sugar free confectionery</p> <p>Energy reduced or sugar free cocoa or nut based confectionery</p> <p>Energy reduced or sugar free starch based confectionery</p> <p>Energy reduced or sugar free cocoa, dairy, nut or fat based sandwich spreads</p> <p>Sugar free chewing gum</p> <p><u>Bakery products</u></p> <p>Fine bakery wares for special nutritional uses</p> <p><u>Fish, crustaceans, molluscs</u></p> <p>Sweet sour preserves and marinades of fish, crustaceans and molluscs</p> <p><u>Vegetables</u></p> <p>Sweet sour vegetables preserves</p>	<p>2000 mg/kg</p> <p>2000 mg/kg</p> <p>2000 mg/kg</p> <p>1000 mg/kg</p> <p>5500 mg/kg</p> <p>1700 mg/kg</p> <p>300 mg/kg</p> <p>300 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
		<p><u>Alcoholic drinks</u></p> <p>Cider and perry</p> <p>Beer of the following types :</p> <ul style="list-style-type: none"> - gueuze - kriek-lambic - bière de table (original wort content not more than 6%) - oud bruin - obergæriges Einfachbier (original wort content not more than 6%) <p><u>Other</u></p> <p>Emulsified sauces</p> <p>Non-emulsified sauces</p> <p>Mustard</p> <p>Salads prepared with sauces</p> <p><u>Special diets</u></p> <p>Formulae for weight control intended to replace total daily food intake or an individual meal</p> <p>Complete formulae and nutritional supplements for use under medical control</p> <p>Liquid dietary supplements</p> <p>Solid dietary supplements</p>	<p>600 mg/l</p> <p>600 mg/l</p> <p>350 mg/kg</p> <p>350 mg/kg</p> <p>350 mg/kg</p> <p>300 mg/kg</p> <p>800 mg/kg</p> <p>1000 mg/kg</p> <p>600 mg/kg</p> <p>2000 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL (*)
E 952	Cyclamic acid and its Na and Ca salts	<p><u>Non-alcoholic drinks</u></p> <p>Energy reduced or sugar free water based flavoured drinks</p> <p>Energy reduced or sugar free dairy based drinks</p> <p>Energy reduced or sugar free fruit juice based drinks</p> <p><u>Desserts</u></p> <p>Energy reduced or sugar free water based desserts</p> <p>Energy reduced or sugar free dairy based desserts</p> <p>Energy reduced or sugar free fruit based desserts</p> <p>Energy reduced or sugar free egg based desserts</p> <p>Energy reduced or sugar free cereal based desserts</p> <p>Energy reduced or sugar free fat based desserts</p> <p><u>Breakfast cereals</u></p> <p><u>Edible Ices</u></p> <p>Energy reduced or sugar free edible ices</p> <p><u>Fruit</u></p> <p>Energy reduced or sugar free canned or bottled fruit</p> <p>Energy reduced jams, jellies, marmalades</p> <p>Energy reduced fruit preparations</p>	<p>400 mg/l</p> <p>400 mg/l</p> <p>400 mg/l</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>250 mg/kg</p> <p>400 mg/kg</p> <p>1000 mg/kg</p> <p>1000 mg/kg</p> <p>250 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL (*)
		<u>Confectionery</u> Sugar free confectionery Energy reduced or sugar free cocoa or nut based confectionery Energy reduced or sugar free starch based confectionery Energy reduced or sugar free cocoa, dairy, nut or fat based sandwich spreads Sugar free chewing gum <u>Bakery products</u> Fine bakery wares for special nutritional uses <u>Alcoholic drinks</u> Cider and perry <u>Special diets</u> Formulae for weight control intended to replace total daily food intake or an individual meal Complete formulae and nutritional supplements for use under medical control Liquid dietary supplements Solid dietary supplements	1000 mg/kg 1000 mg/kg 1000 mg/kg 1000 mg/kg 3000 mg/kg 1700 mg/kg 350 mg/l 400 mg/kg 400 mg/kg 400 mg/kg 1000 mg/kg

(*) expressed as free acid

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL (*)
E 954	Saccharin and its Na, K and Ca salts	<p><u>Non-alcoholic drinks</u></p> <p>Energy reduced or sugar free water based flavoured drinks</p> <p>Energy reduced or sugar free dairy based drinks</p> <p>Energy reduced or sugar free fruit juice based drinks</p> <p><u>Desserts</u></p> <p>Energy reduced or sugar free water based desserts</p> <p>Energy reduced or sugar free dairy based desserts</p> <p>Energy reduced or sugar free fruit based desserts</p> <p>Energy reduced or sugar free egg based desserts</p> <p>Energy reduced or sugar free cereal based desserts</p> <p>Energy reduced or sugar free fat based desserts</p> <p><u>Breakfast cereals</u></p> <p><u>Edible Ices</u></p> <p>Energy reduced or sugar free edible ices</p> <p><u>Fruit</u></p> <p>Energy reduced or sugar free canned or bottled fruit</p> <p>Energy reduced jams, jellies, marmalades</p> <p>Energy reduced fruit preparations</p> <p>Sweet sour preserves of fruit</p>	<p>80 mg/l</p> <p>80 mg/l</p> <p>80 mg/l</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>100 mg/kg</p> <p>200 mg/kg</p> <p>200 mg/kg</p> <p>100 mg/kg</p> <p>160 mg/kg</p>

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL (*)
		<p><u>Alcoholic drinks</u></p> <p>Cider and perry</p> <p>Beer of the following types :</p> <ul style="list-style-type: none"> - gueuze - kriek-lambic - bière de table (original wort content not more than 6%) - oud bruin - obergæriges Einfachbier (original wort content not more than 6%) <p><u>Other</u></p> <p>Emulsified sauces</p> <p>Non-emulsified sauces</p> <p>Mustard</p> <p>Salads prepared with sauces</p> <p><u>Special diets</u></p> <p>Formulae for weight control intended to replace total daily food intake or an individual meal</p> <p>Complete formulae and nutritional supplements for use under medical control</p> <p>Liquid dietary supplements</p> <p>Solid dietary supplements</p>	<p>80 mg/l</p> <p>80 mg/l</p> <p>160 mg/kg</p> <p>160 mg/kg</p> <p>320 mg/kg</p> <p>100 mg/kg</p> <p>240 mg/kg</p> <p>200 mg/kg</p> <p>80 mg/kg</p> <p>500 mg/kg</p>

(*) expressed as free imide

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
E 957	Thaumatín	<u>Confectionery</u> Sugar free confectionery Energy reduced or sugar free cocoa or nut based confectionery Sugar free chewing gum	50 mg/kg 50 mg/kg 50 mg/kg

EEC N°	NAME	FOODSTUFFS	MAXIMUM LEVEL
		<p><u>Confectionery</u></p> <p>Sugar free confectionery Energy reduced or sugar free cocoa or nut based confectionery Sugar free chewing gum</p> <p><u>Alcoholic drinks</u></p> <p>Cider and perry Beer of the following types : - gueuze - kriek-lambic - bière de table (original wort content not more than 6%) - oud bruin - obergæriges Einfachbier (original wort content not more than 6%)</p>	<p>100 mg/kg 100 mg/kg 400 mg/kg</p> <p>20 mg/l</p> <p>10 mg/l</p>

COMPETITIVENESS AND EMPLOYMENT IMPACT STATEMENT

- I. What is the main reason for introducing the measure ?
a) Completion on the framework directive on food additives (107/89/CEE)
b) To take into account the increasing consumer demand for reduced energy foodstuffs
c) Initiates in the case of certain sweeteners new community legislation and harmonizes their use within the internal market.
- II. Features of the businesses in question. In particular :
- (a) Are there many SMEs ? Yes
- (b) Are they concentrated in regions which are :
- i) eligible for regional aid in the Member States ? No
- ii) eligible under the ERDF ? No
- III. What direct obligations does this measure impose on businesses ?
Alternations in manufacturing processes
Alterations in the labelling of the food product
- IV. What indirect obligations are local authorities likely to impose on businesses ?
None as is known
- V. Are there any special measures in respect of SMEs ? Please specify
None
- VI. What is the likely effect on :
- (a) the competitiveness of businesses ?
Increase competitiveness
- (b) the employer ?
minimal
- VII. Have both sides of industry been consulted ?
Yes, frequently
Please indicate their opinions
All sides of industry in this case are in favour of the proposal. DGIII has had to balance industry demands against safety aspects of the levels eventually opted for.

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DOCUMENTS

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