

S.I. No. 61/2005 — European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2005

STATUTORY INSTRUMENT

S.I. No. 61 of 2005

EUROPEAN COMMUNITIES (ADDITIVES, COLOURS AND SWEETENERS IN FOODSTUFFS) (AMENDMENT) REGULATIONS 2005

S.I. No. 61 of 2005

EUROPEAN COMMUNITIES (ADDITIVES, COLOURS AND SWEETENERS IN FOODSTUFFS) (AMENDMENT) REGULATIONS 2005

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purpose of giving effect to Directive 2003/115/EC¹ of the European Parliament and of the Council of 22 December 2003 amending Directive 94/35/EC² on sweeteners for use in foodstuffs, hereby make the following regulations:

1. (1) These Regulations may be cited as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2005.

(2) The Principal Regulations, the Regulations of 2001 and 2002 and these Regulations may be cited together as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 to 2005.

(3) Subject to Regulation 4(2), these Regulations shall come into operation on 29 July 2005.

2. In these Regulations—

“Minister” means the Minister for Health and Children;

“Principal Regulations” means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 (S.I. No. 437 of 2000);

“Regulations of 2001” means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2001 (S.I. No. 342 of 2001), and

“Regulations of 2002” means the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2002 (S.I. No. 344 of 2002) and the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment No. 3) Regulations 2002 (S.I. No. 380 of 2002).

3. The Principal Regulations are amended—

(a) in Regulation 2(1), in the definition of “the Directives”, by substituting

“European Parliament and Council Directive 94/35/EC of 30 June 1994 (as amended by Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996, and Directive 2003/115/EC of the European Parliament and of the Council of 22 December 2003)”

for

“European Parliament and Council Directive 94/35/EC of 30 June 1994 (as amended by Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996)”,

(b) in Regulation 2(1), by substituting for the definition of “Directive 94/35/EC” the following definition:

““Directive 94/35/EC” means European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs (as amended by Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996, and Directive 2003/115/EC^{10C} of the European Parliament and of the Council of 22 December 2003)”,

and by the addition of the following footnote thereto:

“^{10C} OJ L 24, 29.1.2004, p.65”;

(c) in Regulations 10, 11, 12 and 14, by deleting the words (as supplemented by the Annex to Directive 96/83/EC)” in each place where they occur, and

(d) by substituting for Regulation 15(1)(b) the following:

(b) “the labelling of a table-top sweetener, containing polyols, or aspartame, or salt of aspartame and acesulfame, or any of these, bears the

following warnings, as appropriate—

- (i) in the case of polyols, “excessive consumption may induce laxative effects”,
- (ii) in the case of aspartame, “contains a source of phenylalanine”, and
- (iii) in the case of salt of aspartame and acesulfame, “contains a source of phenylalanine.”

4. (1) Products placed on the market before 29 July 2005, which do not comply with Directive 2003/115/EC, may be marketed until 29 January 2006 at the latest and such provisions of these Regulations as give effect to Directive 2003/115/EC shall not apply to such stocks.

(2) Products complying with Directive 2003/115/EC may be placed on the market from the date these Regulations are signed by the Minister.

(3) In this Regulation, “Directive 2003/115/EC” means Directive 2003/115/EC¹ of the European Parliament and of the Council of 22 December 2003 amending Directive 94/35/EC on sweeteners for use in foodstuffs.

GIVEN under my Official Seal, this 8th day of February 2005.

MARY HARNEY,

Minister for Health and Children.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

These Regulations give effect to Directive 2003/115/EC of the European Parliament and of the Council of 22 December 2003 amending European Parliament and Council Directive 94/35/EC of 30 June 1994 on sweeteners for use in foodstuffs (as previously amended by Directive 96/83/EC of the European Parliament and of the Council of 19 December 1996).

These Regulations amend the European Communities (Additives, Colours and Sweeteners in Foodstuffs) Regulations 2000 (S.I. No. 437 of 2000) in the manner specified in these Regulations.

These Regulations may be cited as the European Communities (Additives, Colours and Sweeteners in Foodstuffs) (Amendment) Regulations 2005 (S.I. No.61 of 2005).

¹OJ L24, 29/1/2004, p.65

¹OJ L237, 10/9/1994, p.3

© Government of Ireland. Oireachtas Copyright Material is reproduced with the permission of the House of the Oireachtas