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## EXPLANATORY NOTE

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

1. These Regulations, which apply in relation to Wales only, further amend the Sweeteners in Food Regulations 1995 (S.I.1995/3123 as already amended), which extend to Great Britain, and implement —

- (a) Directive 2003/115/EC of the European Parliament and of the Council amending Directive 94/35/EC on sweeteners for use in foodstuffs (OJNo. L24, 29.1.2004, p.65); and
- (b) Commission Directive 2004/46/EC amending Directive 95/31/EC as regards E955 sucralose and E962 salt of aspartame-acesulfame (OJ No. L114, 21.4.2004, p.15).

2. These Regulations amend the Sweeteners in Food Regulations 1995 in relation to Wales by —

- (a) bringing up to date the definition of “Directive 94/35/EC” so as to cover the amendment of that Directive by Directive 2003/115/EC (regulation 3(1)(a));
- (b) bringing up to date the definition of “Directive 95/31/EC” (the Directive relates to specific purity criteria for sweeteners which are to be used in foodstuffs) so as to cover its amendment by Directive 2004/46/EC (regulation 3(1)(b));
- (c) substituting a new definition for the definition of the term “permitted sweetener” to reflect the fact that sucralose and salt of aspartame-acesulfame are now permitted sweeteners (regulation 3(1)(c));
- (d) making minor amendments to the definition of the term “maximum usable dose” as applied to those sweeteners which under the Regulations are permitted to be used in specified foodstuffs (regulation 3(2));
- (e) making explicit the fact that Schedule 1 (permitted sweeteners and the foods in or on which they may be used) is to be read in conjunction with the notes thereto (regulation 4(a));
- (f) deleting the provision which laid down that the controls on the use in specified foods of aspartame and acesulfame-K to be contained in Schedule 1 applied also to salt of aspartame-acesulfame in such foods (regulation 4(b));
- (g) extending to salt of aspartame-acesulfame the existing requirement that table top sweeteners containing aspartame be marked or labelled as specified in the Regulations (regulation 5);
- (h) including transitional provisions (regulation 6);
- (i) adding a further category of food to the categories in which the permitted sweetener E951 aspartame may lawfully be used and specifying the maximum usable dose applicable to such use (regulation 7(a));
- (j) as regards the permitted sweetener E952 cyclamic acid and its Na and Ca salts, reducing the maximum usable dose of that sweetener applicable in relation to specified foods, and making it unlawful to use that sweetener in specified items of confectionery and in certain edible ices (regulation 7(b));
- (k) inserting into Schedule 1 new entries relating to the permitted sweeteners E955 sucralose and to E962 salt of aspartame-acesulfame (regulation 7(c) and (d) respectively);
- (l) omitting the entries relating to sucralose previously contained in Schedule 1 (regulation 7(e));

**Status:** This is the original version (as it was originally made).

- (m) in accordance with Directive [2003/115/EC](#), substituting new descriptions for the descriptions of certain food categories specified in Column 3 of Schedule 1 (regulation 7(f) to (j)); and
- (n) adding to Schedule 1 further footnotes relating to the permitted sweetener salt of aspartame-acesulfame (regulation 7(k)).

**3.** A regulatory appraisal has been prepared for these Regulations and placed in the library of the National Assembly for Wales, together with a transposition note setting out how the main elements of the Directives referred to in paragraph 1 above are transposed into domestic law by these Regulations. Copies may be obtained from the Food Standards Agency, 11th Floor, Southgate House, Wood Street, Cardiff, CF10 1EW.