WELSH STATUTORY INSTRUMENTS

2003 No. 1713 (W.181)

FOOD, WALES

The Sweeteners in Food (Amendment) (Wales) Regulations 2003

Made - - - -	*8th July 2003*
Coming into force - -	*23 July 2003*

In exercise of the powers conferred by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(**1**) and now vested in the National Assembly for Wales(**2**), the National Assembly for Wales, having had regard in accordance with section 48(4A) of that Act to relevant advice given by the Food Standards Agency, and after consultation as required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety(**3**) and in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Citation, commencement and application

1. These Regulations may be cited as the Sweeteners in Food (Amendment) (Wales) Regulations 2003, shall come into force on 23 July 2003 and shall apply to Wales only.

Amendments to the Sweeteners in Food Regulations 1995

2.—(1) The Sweeteners in Food Regulations 1995(**4**) shall be amended, in so far as they apply to Wales, in accordance with the following paragraphs of these Regulations.

(2) In paragraph (1) of regulation 2 (interpretation) for the definition of "permitted sweetener" there shall be substituted the following definition —

> ""permitted sweetener" means the sweetener salt of aspartame-acesulfame so far as it satisfies the purity criteria for it set out at pages 19 to 21 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 8 (2000) FAO Food and Nutrition

(**1**) 1990 c. 16.
(**2**) Functions formerly exercisable by the Secretary of State under the Food Safety Act 1990, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).
(**3**) OJ No. L31, 1.2.2002, p.1.
(**4**) S.I. 1995/3123, amended by S.I. 1996/1477, S.I.1997/814, S.I. 1999/982, S.I. 2001/2679 (W.220) and S.I. 2002/330 (W.43).

Paper 52 Addendum 8 and any sweetener specified in column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener set out —

(a) in the case of sucralose, at pages 119 to 124 of the Food and Agriculture Organisation's Compendium of Food Additives Specifications Addendum 2 (1993) FAO Food and Nutrition Paper 52 Addendum 2; and

(b) in the case of any sweetener other than sucralose, in the Annex to Directive 95/31/EC(**5**)."

(3) The following sub-paragraph is substituted for sub-paragraph (c) of regulation 2(3) —

"(c) in column 4, the maximum usable dose indicated in relation to a food is —

(i) in the case of all permitted sweeteners except cyclamic acid and its Na and Ca salts, saccharin and its Na, K and Ca salts and salt of aspartame-acesulfame, the maximum amount, in milligrams, of permitted sweeteners per kilogram or, as the case may be, per litre of that food which is ready to eat having been prepared according to any instructions for use, and

(ii) in the case of cyclamic acid and its Na and Ca salts and saccharin and its Na, K and Ca salts, the maximum amount of free acid contained in the cyclamic acid and its Na and Ca salts or, as the case may be saccharin and its Na, K and Ca salts present in that food which is ready to eat having been prepared according to any instructions for use measured in milligrams per kilograms or, as the case may be, per litre of the food.".

(4) In paragraph (3) of regulation 3 (sale and use of sweeteners) the phrase "paragraphs (4) and (5)" is substituted for the phrase "paragraph (4)".

(5) The following paragraph is inserted immediately after paragraph (4) of regulation 3 —

"(5) The prohibition on using aspartame and acesulfame K in or on any food which is imposed by virtue of paragraph (3) above shall apply equally in relation to the use of salt of aspartame-acesulfame in or on that food.".

Consequential amendments

3.—(1) Paragraph (2) of regulation 3 (consequential amendments) of the Sweeteners in Food (Amendment) (Wales) Regulations 2002(**6**) shall cease to have effect.

(2) In the provisions specified in paragraph (3), insofar as they apply to Wales, references to the Sweeteners in Food Regulations 1995 shall be construed as references to those Regulations as amended up to and including the amendments effected by these Regulations.

(3) The provisions are —

(a) the definition of "permitted sweetener" in paragraph (1) of regulation 2 (interpretation) of the Jam and Similar Products Regulations 1981(**7**);

(b) the definition of "additive" in paragraph (1) of regulation 2 (interpretation) of the Meat Products and Spreadable Fish Products Regulations 1984(**8**);

(c) the definition of "sweetener" in Part II of Schedule 1 (categories of food additives) to the Food Additives Labelling Regulations 1992(**9**);

(**5**) OJ No. L178, 28.7.95, p.1, as amended by Directive 1998/66/EC (OJ No. L257, 19.9.98, p.35), Directive 2000/51/EC (OJ No. L198, 4.8.2000, p.41) and Directive 2001/52/EC (OJ No. L190, 12.7.2001, p.18).
(**6**) S.I. 2002/330 (W.43).
(**7**) S.I. 1981/1063; the relevant amending instruments are S.I. 1983/1211 and S.I. 1995/3123.
(**8**) S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3123, S.I. 1995/3124 and S.I. 1995/3187.
(**9**) S.I. 1992/1978; the relevant amending instrument is S.I. 1995/3123.