STATUTORY RULES OF NORTHERN IRELAND

2005 No. 18

FOOD

The Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2005

Made - - - -	*20th January 2005*
Coming into operation	*29th January 2005*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 15(1) (a) and (e), 16(1), 25(1) and (3), 26(3) and 47(2) of, and paragraph 1 of Schedule 1 to, the Food Safety (Northern Ireland) Order 1991(**2**), and of all other powers enabling it in that behalf, having had regard in accordance with Article 47(3A) of the said Order 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**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2005 and shall come into operation on 29th January 2005.

Amendment of the Sweeteners in Food Regulations (Northern Ireland) 1996

2. The Sweeteners in Food Regulations (Northern Ireland) 1996(**4**) shall be amended in accordance with regulations 3 to 7.

3.—(1) In Regulation 2 (interpretation) paragraph (1) –

(a) in the definition of "Directive 94/35/EC" after "Directive 96/83/EC of the European Parliament and Council" there shall be inserted –

(**1**) Formerly the Department of Health and Social Services: *see*S.I.1999/283 (N.I. 1) Article 3(6)

(**2**) S.I 1991/762 (N.I.7) as amended by S.I.1996/1633 (N.I.12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28

(**3**) O.J. No. L31, 1.2.2001, p. 1. That Regulation was last amended by Regulation (EC) No. 1642/2003 of the European Parliament and of the Council (O.J. No. L245, 29.9.2003, p. 4). By virtue of regulation 5 of the Food Safety (Northern Ireland) Order 1991 (Amendment) Regulations (Northern Ireland) 2004 (S.R. 2004 No. 482), with effect from 7th December 2004 the consultation requirement contained in Article 47(3) of the 1991 Order is disapplied in any case in which consultation is required by Article 9 of Regulation (EC) No. 178/2002

(**4**) S.R. 1996 No. 48 as amended by S.R. 1997 No. 257, S.R. 1999 No. 216, S.R. 2002 No. 39 and S.R. 2003 No. 257

"and by Directive 2003/115/EC"(**5**);

(b) in the definition of "Directive 95/31/EC" after "Directive 2001/52/EC" there shall be inserted –

"and by Directive 2004/46/EC"(**6**); and

(c) for the definition of "permitted sweetener" there shall be substituted –

""permitted sweetener" means any sweetener specified in Column 2 of Schedule 1 which satisfies the specific purity criteria for that sweetener specified in the Annex to Directive 95/31/EC;".

(2) In regulation 2 paragraph (2) –

(a) in sub-paragraph (c)(i) –

"and salt of aspartame-acesulfame"

(b) in sub-paragraph (c)(ii) after "as the case may be" where those words first appear in that sub-paragraph, there shall be inserted –

"the maximum amount of free imide contained in the".

4. In regulation 3 (sale and use of sweeteners) –

(a) in paragraph (3) there shall be added at the end "as read with the notes to that Schedule"; and

(b) paragraph (5) shall be omitted.

5. In regulation 4 (sale of table-top sweeteners) in paragraph (b)(iii) after "where it contains aspartame" there shall be inserted –

"or salt of aspartame – acesulfame".

6. In regulation 11 (transitional provision and exemption) after paragraph (1A) there shall be inserted –

"(1B) In any proceedings for an offence under these Regulations which allege a contravention of regulations 3, 4 or 5 it shall be a defence to prove that –

(a) the act was committed before 29th January 2006;

(b) the act was that of –

(i) selling a sweetener or food, or

(ii) using a sweetener in or on food,

which in either case was placed on the market before 29th July 2005; and

(c) the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made by regulations 3(1)(a) or (c) or (2), or 4 to 7 of the Sweeteners in Food (Amendment) Regulations (Northern Ireland) 2005 had not been made when the act was committed.".

7. In Schedule 1 (permitted sweeteners and the foods in or which they may be used) –

(a) in the entries in Column 3 relating to "E951 Aspartame" after "Snacks": certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts" there shall be inserted in Column 3 –

"Essoblaten"

and in the corresponding place in Column 4 there shall be inserted –

"1000mg/kg";

(**5**) O.J. No. L24, 29.1.2004, p. 65
(**6**) O.J. No. L114, 21.4.2004, p. 15

(b) in the entries relating to "E952 Cyclamic Acid and its Na and Ca salts" –

(i) in the entry under the heading "non-alcoholic drinks" relating to "Water-based flavoured drinks, energy-reduced or with no added sugar", for the entry "400 mg/l" in Column 4 there shall be substituted –

"250 mg/l",

(ii) in the entry under that heading relating to "Milk and milk-derivative based or fruit juice-based energy- reduced or with no added sugar", for the entry "400 mg/l" in Column 4 there shall be substituted –

"250 mg/l",

(iii) the entries listed in Columns 3 and 4 under the heading "Confectionery" shall be omitted, and

(iv) the entry in Columns 3 and 4 under the heading "Miscellaneous" relating to "Edible ices, energy-reduced or with no added sugar" shall be omitted;

(c) after the entries relating to "E954 Saccharin and its Na, K and Ca salts", the following entries shall be inserted –

"E955	Sucralose	**Non-alcoholic drinks**	
		– Water-based flavoured drinks, energy-reduced or with no added sugar	300 mg/l
		– Milk and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	300 mg/l
		Desserts and similar products	
		– Water-based flavoured desserts, energy-reduced or with no added sugar	400 mg/kg
		– Milk and milk-derivative-based preparations, energy-reduced or with no added sugar	400 mg/kg
		– Fruit and vegetable-based desserts, energy-reduced or with no added sugar	400 mg/kg

– Egg-based desserts, energy-reduced or with no added sugar	400 mg/kg
– Cereal-based desserts, energy-reduced or with no added sugar	400 mg/kg
– Breakfast cereals with a fibre content of more than 15% and containing at least 20% bran, energy-reduced or with no added sugar	400 mg/kg
– Fat-based desserts, energy-reduced or with no added sugar	400 mg/kg
Confectionery	
– Confectionery with no added sugar	1000 mg/kg
– Cocoa or dried-fruit based confectionery, energy-reduced or with no added sugar	800 mg/kg
– Starch-based confectionery, energy-reduced or with no added sugar	1000 mg/kg
– Cornets and wafers, for ice cream, with no added sugar	800 mg/kg
– Breath freshening micro-sweets with no added sugar	2400 mg/kg
– Strongly flavoured freshening throat pastilles with no added sugar	1000 mg/kg

– Chewing gum with no added sugar	3000 mg/kg
– Energy-reduced tablet form confectionery	200 mg/kg
Miscellaneous	
– "Snacks": certain flavours of ready to eat, pre-packed, dry, savoury starch products and coated nuts	200 mg/kg
– *Essoblaten*	800 mg/kg
– Cocoa, milk, dried fruit or fat-based sandwich spreads, energy-reduced or with no added sugar	400 mg/kg
– Cider and Perry	50 mg/l
– Drinks consisting of a mixture of non-alcoholic drink and beer, cider, perry, spirits or wine	250 mg/l
– Spirit drinks containing less than 15% alcohol by volume	250 mg/l
– Alcohol-free beer or with an alcohol content not exceeding 1.2% vol	250 mg/l
– Biere de table/ Tafelbier/Table beer (original wort content less than 6% except for "Obergäriges Einfachbier"	250 mg/l
– Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	250 mg/l