

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 94/35/EC

of 30 June 1994

on sweeteners for use in foodstuffs

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF
THE EUROPEAN UNION,

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

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 consumption ⁽¹⁾,
and in particular Article 3 (2) thereof,

Having regard to the proposal from the Commission ⁽²⁾,

Having regard to the opinion of the Economic and Social
Committee ⁽³⁾,

After consultation of the Scientific Committee for Food,

Acting in accordance with the procedure referred to in
Article 189b of the Treaty ⁽⁴⁾,

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 conditions of use should be the need
to protect and inform the consumer;

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

Whereas the use of sweeteners to replace sugar is justified
for the production of energy-reduced food, non-
cariogenic foodstuffs or food without added sugars, for
the extension of shelf life through the replacement of
sugar, and for the production of dietetic products,

HAVE 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,
hereinafter referred to as 'sweeteners', which are used:

— to impart a sweet taste to foodstuffs,

— as table-top sweeteners.

3. For the purposes of this Directive, 'with no added
sugar' and 'energy-reduced' in column III of the Annex
shall be defined as follows:

— 'with no added sugar': without any added mono- or
disaccharides or any other foodstuff used for its
sweetening properties,

— 'energy-reduced': with an energy value reduced by at
least 30 % compared with the original foodstuff or a
similar product.

4. This Directive shall not apply to foodstuffs with
sweetening properties.

Article 2

1. Only sweeteners listed in the Annex may be placed
on the market with a view to:

— sale to the ultimate consumer,

or

— use in the manufacture of foodstuffs.

2. Sweeteners referred to in the second indent of
paragraph 1 may only be used in the manufacture of the
foodstuffs listed in the Annex under the conditions
specified therein.

⁽¹⁾ OJ No L 40, 11. 2. 1989, p. 27. Directive as amended by
Directive 94/34/EC (see page 1 of this Official Journal).

⁽²⁾ OJ No C 206, 13. 8. 1992, p. 3.

⁽³⁾ OJ No C 332, 16. 12. 1992, p. 10.

⁽⁴⁾ Opinion of the European Parliament of 29 October 1993 (OJ
No C 305, 23. 11. 1993), confirmed on 2 December 1993
(OJ No C 342, 20. 12. 1993), Council common position of
11 November 1993 (not yet published in the Official
Journal) and Decision of the European Parliament of
9 March 1994 (OJ No C 91, 28. 3. 1994, p. 81).

3. Except where specially provided for, sweeteners may not be used in foods for infants or young children, as specified in Directive 89/398/EEC ⁽¹⁾.

4. The maximum usable doses indicated in the Annex refer to ready-to-eat foodstuffs prepared according to the instructions for use.

Article 3

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

2. This Directive shall also apply without prejudice to Community provisions governing the composition and the description of foodstuffs.

Article 4

Where there are differences of opinion as to whether sweeteners can be used in a given foodstuff under the terms of this Directive, it may be decided by the procedure laid down in Article 7 whether that foodstuff is to be considered as belonging to one of the categories listed in column III of the Annex.

Artikel 5

1. The sales description of a table-top sweetener must include the term '...-based table-top sweetener', using the name(s) of the sweetening substance(s) used in its composition.

2. The labelling of a table-top sweetener containing polyols and/or aspartame must bear the following warnings:

- polyols: 'excessive consumption may induce laxative effects',
- aspartame: 'contains a source of phenylalanine'.

Article 6

Provisions concerning:

- the details which must appear on the labelling of foodstuffs containing sweeteners in order to make their presence clear,
- warnings concerning the presence of certain sweeteners in foodstuffs,

shall be adopted in accordance with the procedure laid down in Article 7 before expiry of the time limit laid down in the first indent of Article 9 (1).

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 27.

Article 7

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

2. 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. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee shall be weighted in the manner set out in that Article. The chairman shall not vote.

3. (a) The Commission shall adopt the measures envisaged if they are in accordance with the opinion of the Committee.

(b) If the measures envisaged are not in accordance with the opinion of the Committee, or if no opinion is delivered, the Commission shall, without delay, submit to the Council a proposal relating to the measures to be taken. The Council shall act by a qualified majority.

If, on the expiry of a period of three months from the date of referral to the Council, the Council has not acted, the proposed measures shall be adopted by the Commission.

Article 8

1. Within three years of adoption of this Directive, in accordance with the general criteria of point 4 of Annex II to Directive 89/107/EEC, Member States shall establish a system of consumer surveys to monitor sweetener consumption.

The details of this monitoring system shall be coordinated in accordance with the procedure laid down in Article 7.

2. Within five years of adoption of this Directive, the Commission shall submit to the European Parliament and the Council a report, based on information obtained through the monitoring system referred to in paragraph 1, on changes in the sweeteners market, levels of use, and whether there is a further need to restrict conditions of use, including by means of appropriate warnings to consumers, to ensure that use does not exceed the acceptable daily intake. If necessary, the report shall be accompanied by proposals for amendment to this Directive.

Article 9

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive not later than 31 December 1995. These measures are intended to:

- allow, not later than 31 December 1995, trade in and use of products conforming to this Directive,
- prohibit, not later than 30 June 1996, trade in and use of products not conforming to this Directive; products put on the market or labelled before that date which do not comply with this Directive may, however, be marketed until stocks are exhausted.

They shall inform the Commission forthwith thereof.

2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their

official publication. The methods of making such reference shall be laid down by the Member States.

Article 10

This Directive shall enter into force on the date of its publication in the *Official Journal of the European Communities*.

Article 11

This Directive is addressed to the Member States.

Done at Brussels, 30 June 1994.

For the European Parliament

The President

E. KLEPSCH

For the Council

The President

A. BALTAS

ANNEX

EC No	Name	Foodstuffs	Maximum usable dose
E 420	Sorbitol	Desserts and similar products	<i>quantum satis</i>
	(i) Sorbitol		
	(ii) Sorbitol syrup	— Water-based flavoured desserts, energy-reduced or with no added sugar	
E 421	Mannitol	— Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	
E 953	Isomalt	— Fruit- and vegetable-based desserts, energy-reduced or with no added sugar	
E 965	Maltitol	— Egg-based desserts, energy-reduced or with no added sugar	
	(i) Maltitol		
	(ii) Maltitol syrup	— Cereal-based desserts, energy-reduced or with no added sugar	
E 966	Lactitol	— Breakfast cereals or cereal-based products, energy reduced or with no added sugar	
E 967	Xylitol	— Fat-based desserts, energy-reduced or with no added sugar	
		— Edible ices, energy-reduced or with no added sugar	
		— Jams, jellies, marmalades and crystallized fruit, energy-reduced or with no added sugar	
		— Fruit preparations, energy-reduced or with no added sugar, with the exception of those intended for the manufacture of fruit-juice-based drinks	
		Confectionery	
		— Confectionery with no added sugar	
		— Dried-fruit-based confectionery, energy-reduced or with no added sugar	
		— Starch-based confectionery, energy-reduced or with no added sugar	
		— Cocoa-based products, energy-reduced or with no added sugar	
		— Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	
		— Chewing gum with no added sugar	
		— Sauces	
		— Mustard	
		— Fine bakery products, energy-reduced or with no added sugar	
		— Products intended for particular nutritional uses	
		— Solid food supplements/dietary integrators	
E 950	Acesulfame K	Non-alcoholic drinks	
		— Water-based flavoured drinks, energy-reduced or with no added sugar	350 mg/l
		— Milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar	350 mg/l

EC No	Name	Foodstuffs	Maximum usable dose
E 950 (<i>cont'd</i>)		Desserts and similar products	
		— Water-based flavoured desserts, energy-reduced or with no added sugar	350 mg/kg
		— Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	350 mg/kg
		— Fruit- and vegetable-based desserts, energy-reduced or with no added sugar	350 mg/kg
		— Egg-based desserts, energy-reduced or with no added sugar	350 mg/kg
		— Cereal-based desserts, energy-reduced or with no added sugar	350 mg/kg
		— Fat-based desserts, energy-reduced or with no added sugar	350 mg/kg
		— 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts	350 mg/kg
		Confectionery	
		— Confectionery with no added sugar	500 mg/kg
		— Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar	500 mg/kg
		— Starch-based confectionery, energy-reduced or with no added sugar	1 000 mg/kg
		— Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	1 000 mg/kg
		— Chewing gum with no added sugar	2 000 mg/kg
		— Cider and perry	350 mg/l
		— Alcohol-free beer or with an alcohol content not exceeding 1,2 % vol	350 mg/l
		— 'Bière de table/Tafelbier/Table beer' (original wort content less than 6 %) except for 'Obergäriges Einfachbier'	350 mg/l
		— Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	350 mg/l
		— Brown beers of the 'oud bruin' type	350 mg/l
		— Edible ices, energy-reduced or with no added sugar	800 mg/kg
		— Canned or bottled fruit, energy-reduced or with no added sugar	350 mg/kg
		— Energy-reduced jams, jellies and marmalades	1 000 mg/kg
		— Energy-reduced fruit and vegetable preparations	350 mg/kg
		— Sweet-sour preserves of fruit and vegetables	200 mg/kg
		— Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	200 mg/kg
		— Sauces	350 mg/kg
		— Mustard	350 mg/kg
		— Fine bakery products for special nutritional uses	1 000 mg/kg
		— Complete formulae for weight control intended to replace total daily food intake or an individual meal	450 mg/kg

EC No	Name	Foodstuffs	Maximum usable dose
E 950 (<i>cont'd</i>)		— Complete formulae and nutritional supplements for use under medical supervision — Liquid food supplements/dietary integrators — Solid food supplements/dietary integrators	450 mg/kg 350 mg/l 500 mg/kg
		Vitamins and dietary preparations	2 000 mg/kg
E 951	Aspartame	Non-alcoholic drinks — Water-based flavoured drinks, energy-reduced or with no added sugar — Milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar Desserts and similar products — Water-based flavoured desserts, energy-reduced or with no added sugar — Milk- and milk-derivate-based preparations, energy-reduced or with no added sugar — Fruit- and vegetable-based desserts, energy-reduced or with no added sugar — Egg-based desserts, energy-reduced or with no added sugar — Cereal-based desserts, energy-reduced or with no added sugar — Fat-based desserts, energy-reduced or with no added sugar — 'snacks': certain flavours of ready to eat, prepacked, dry, savoury starch products and coated nuts Confectionery — Confectionery with no added sugar — Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — Starch-based confectionery, energy-reduced or with no added sugar — Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar — Chewing gum with no added sugar — Cider and perry — Alcohol-free or with an alcohol content not exceeding 1,2 % vol — 'Bière de table/Tafelbier/Table beer' (original wort content less than 6 %) except for 'Obergäriges Einfachbier' — Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH — Brown beers of the 'oud bruin' type	600 mg/l 600 mg/l 1 000 mg/kg 1 000 mg/kg 1 000 mg/kg 1 000 mg/kg 1 000 mg/kg 500 mg/kg 1 000 mg/kg 2 000 mg/kg 2 000 mg/kg 1 000 mg/kg 5 500 mg/kg 600 mg/l 600 mg/l 600 mg/l 600 mg/l

EC No	Name	Foodstuffs	Maximum usable dose
E 951 (cont'd)		— Edible ices, energy-reduced or with no added sugar — Canned or bottled fruit, energy-reduced or with no added sugar — Energy-reduced jams, jellies and marmalades — Energy-reduced fruit and vegetable preparations — Sweet-sour preserves of fruit and vegetables — Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs — Sauces — Mustard — Fine bakery products for special nutritional uses — Complete formulae for weight control intended to replace total daily food intake or an individual meal — Complete formulae and nutritional supplements for use under medical supervision — Liquid food supplements/dietary integrators — Solid food supplements/dietary integrators Vitamins and dietary preparations	800 mg/kg 1 000 mg/kg 1 000 mg/kg 1 000 mg/kg 300 mg/kg 300 mg/kg 350 mg/kg 350 mg/kg 1 700 mg/kg 800 mg/kg 1 000 mg/kg 600 mg/kg 2 000 mg/kg 5 500 mg/kg
E 952	Cyclamic acid and its Na and Ca salts	Non-alcoholic drinks — Water-based flavoured drinks, energy-reduced or with no added sugar — Milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar Desserts and similar products — Water-based flavoured desserts, energy-reduced or with no added sugar — Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — Fruit- and vegetable-based desserts, energy-reduced or with no added sugar — Egg-based desserts, energy-reduced or with no added sugar — Cereal-based desserts, energy-reduced or with no added sugar — Fat-based desserts, energy-reduced or with no added sugar Confectionery — Confectionery with no added sugar — Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — Starch-based confectionery, energy-reduced or with no added sugar — Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	400 mg/l 400 mg/l 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 250 mg/kg 500 mg/kg 500 mg/kg 500 mg/kg 500 mg/kg

EC No	Name	Foodstuffs	Maximum usable dose
E 952 (cont'd)		— Chewing gum with no added sugar — Edible ices, energy-reduced or with no added sugar — Canned or bottled fruit, energy-reduced or with no added sugar — Energy-reduced jams, jellies and marmalades — Energy-reduced fruit and vegetable preparations — Fine bakery products for special nutritional uses — Complete formulae for weight control intended to replace total daily food intake or an individual meal — Complete formulae and nutritional supplements for use under medical supervision — Liquid food supplements/dietary integrators — Solid food supplements/dietary integrators	1 500 mg/kg 250 mg/kg 1 000 mg/kg 1 000 mg/kg 250 mg/kg 1 600 mg/kg 400 mg/kg 400 mg/kg 400 mg/kg 500 mg/kg
E 954	Saccharin and its Na, K and Ca salts	Non-alcoholic drinks — Water-based flavoured drinks, energy-reduced or with no added sugar — Milk- and milk-derivative-based or fruit-juice-based drinks, energy-reduced or with no added sugar — 'Gaseosa': non-alcoholic water-based drink with added carbon dioxide, sweeteners and flavourings Desserts and similiar products — Water-based flavoured desserts, energy-reduced or with no added sugar — Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar — Fruit- and vegetable-based desserts, energy-reduced or with no added sugar — Egg-based desserts, energy-reduced or with no added sugar — Cereal-based desserts, energy-reduced or with no added sugar — Fat-based desserts, energy-reduced or with no added sugar — 'snacks': certain flavours of ready to eat, prepacked, dry savoury starch products and coated nuts Confectionery — Confectionery with no added sugar — Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — Starch-based confectionery, energy-reduced or with no added sugar — Essoblaten — Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	80 mg/l 80 mg/l 100 mg/l 100 mg/kg 100 mg/kg 100 mg/kg 100 mg/kg 100 mg/kg 100 mg/kg 500 mg/kg 500 mg/kg 300 mg/kg 800 mg/kg 200 mg/kg

EC No	Name	Foodstuffs	Maximum usable dose
E 954 (cont'd)		— Chewing gum with no added sugar — Cider and perry — Alcohol-free beer or with an alcohol content not exceeding 1,2 % vol — 'Bière de table/Tafelbier/Table beer' (original wort content less than 6 %) except 'Obergäriges Einfachbier' — Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH — Brown beers of the 'oud bruin' type — Edible ices, energy-reduced or with no added sugar — Canned or bottled fruit, energy-reduced or with no added sugar — Energy-reduced jams, jellies and marmalades — Energy-reduced fruit and vegetable preparations — Sweet-sour preserves of fruit and vegetables — Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs — Sauces — Mustard — Fine bakery products for special nutritional uses — Complete formulae for weight control intended to replace total daily food intake or an individual meal — Complete formulae and nutritional supplements for use under medical supervision — Liquid food supplements/dietary integrators — Solid food supplements/dietary integrators - Vitamins and dietary preparations	1 200 mg/kg 80 mg/l 80 mg/l 80 mg/l 80 mg/l 80 mg/l 100 mg/kg 200 mg/kg 200 mg/kg 200 mg/kg 160 mg/kg 160 mg/kg 160 mg/kg 320 mg/kg 170 mg/kg 240 mg/kg 200 mg/kg 80 mg/kg 500 mg/kg 1 200 mg/kg
E 957	Thaumatococcus	Confectionery — Confectionery with no added sugar — Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar — Chewing gum with no added sugar Vitamins and dietary preparations	50 mg/kg 50 mg/kg 50 mg/kg 400 mg/kg
E 959	Neohesperidine DC	Non-alcoholic drinks — Water-based flavoured drinks, energy-reduced or with no added sugar — Milk- and milk-derivative-based drinks, energy-reduced or with no added sugar — Fruit-juice-based drinks, energy-reduced or with no added sugar	30 mg/l 50 mg/l 30 mg/l

EC No	Name	Foodstuffs	Maximum usable dose
E 959 (cont'd)		Desserts and similar products	
		— Water-based flavoured desserts, energy-reduced or with no added sugar	50 mg/kg
		— Milk- and milk-derivative-based preparations, energy-reduced or with no added sugar	50 mg/kg
		— Fruit- and vegetable-based desserts, energy-reduced or with no added sugar	50 mg/kg
		— Egg-based desserts, energy-reduced or with no added sugar	50 mg/kg
		— Cereal-based desserts, energy-reduced or with no added sugar	50 mg/kg
		— Fat-based desserts, energy-reduced or with no added sugar	50 mg/kg
		Confectionery	
		— Confectionery with no added sugar	100 mg/kg
		— Cocoa- or dried-fruit-based confectionery, energy-reduced or with no added sugar	100 mg/kg
		— Starch-based confectionery, energy-reduced or with no added sugar	150 mg/kg
		— Cocoa-, milk-, dried-fruit- or fat-based sandwich spreads, energy-reduced or with no added sugar	50 mg/kg
		— Chewing gum with no added sugar	400 mg/kg
		— Cider and perry	20 mg/l
		— Alcohol-free beer or with an alcohol content not exceeding 1,2 % vol	10 mg/l
		— 'Bière de table/Tafelbier/Table beer' (original wort content less than 6 %) except 'Obergäriges Einfachbier'	10 mg/l
		— Beers with a minimum acidity of 30 milli-equivalents expressed as NaOH	10 mg/l
		— Brown beers of the 'oud bruin' type	10 mg/l
		— Edible ices, energy-reduced or with no added sugar	50 mg/kg
		— Canned or bottled fruit, energy-reduced or with no added sugar	50 mg/kg
		— Energy-reduced jams, jellies and marmalades	50 mg/kg
		— Sweet-sour preserves of fruit and vegetables	100 mg/kg
		— Energy-reduced fruit and vegetable preparations	50 mg/kg
		— Sweet-sour preserves and semi-preserves of fish and marinades of fish, crustaceans and molluscs	30 mg/kg
		— Sauces	50 mg/kg
		— Mustard	50 mg/kg
		— Fine bakery products for special nutritional uses	150 mg/kg
		— Complete formulae for weight control intended to replace total daily food intake or an individual meal	100 mg/kg
		— Liquid food supplements/dietary integrators	50 mg/kg
		— Solid food supplements/dietary integrators	100 mg/kg