



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.11.1995
COM(95) 551 final

Proposal for a

COUNCIL DIRECTIVE

amending Commission Directive 94/54/EC

**concerning the compulsory indication on the labelling
of certain foodstuffs of particulars other than those provided for
in Council Directive 79/112/EEC**

(presented by the Commission)

Explanatory memorandum

Article 6 of Directive 94/35/EC on sweeteners for use in foodstuffs provides for the adoption of provisions concerning the details which must appear on the labelling of foodstuffs containing sweeteners before the expiry of the time limit laid down in the Directive.

This is partly in order to inform consumers that the sugars they used to find in certain foodstuffs have been replaced by sweeteners, but also to warn certain consumers suffering from phenylketonuria of the presence in foodstuffs of aspartame, a substance which could affect their health if ingested. It is also important for consumers to realize that eating too much food containing polyols can have a laxative effect.

A number of Member States already have legislation of this kind, and this is giving rise to barriers to the free movement of foodstuffs. Given that these particulars are justified on grounds of health protection and consumer information, it seems useful to introduce the relevant provisions into Community law. The attached draft Directive meets these concerns.

**Proposal for a
Council Directive
amending Commission Directive 94/54/EC concerning the compulsory indication on the
labelling of certain foodstuffs of particulars other than those provided for
in Council Directive 79/112/EEC**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community,

Having regard to Council Directive 79/112/EEC of 18 December 1978 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs,¹ as last amended by Directive 93/102/EC,² and in particular Article 4(2) thereof,

Having regard to European Parliament and Council Directive 94/35/EC on sweeteners for use in foodstuffs, and in particular Article 6 thereof,³

Having regard to the proposal from the Commission⁴,

Whereas Directive 94/54/EC concerning the compulsory indication on the labelling of certain foodstuffs of particulars other than those provided for in Directive 79/112/EEC contains an Annex listing foodstuffs for which the labelling must include one or more additional particulars;

Whereas the purpose of this Directive is to supplement that Annex with regard to foodstuffs containing sweeteners;

Whereas, having regard to the scope and effects of the proposed action, the Community measures introduced by this Directive are essential if the objectives set are to be attained; whereas those objectives cannot be attained by the Member States acting individually; whereas, moreover, Directive 94/35/EC already provides for the attainment of such objectives at Community level;

¹ OJ L 33, 8.2.1979, p. 1.

² OJ L 291, 25.11.1993, p. 14.

³ OJ L 237, 10.9.1994, p. 3.

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Whereas, with a view to providing adequate consumer information, the labelling of foodstuffs which contain sweeteners must bear details to that effect;

Whereas, moreover, warnings should also be given on the labelling of foodstuffs containing certain categories of sweetener;

Whereas, in pursuance of the procedure laid down in Article 17 of Directive 79/112/EEC and Article 7 of Directive 94/35/EC this text was submitted to the Standing Committee for Foodstuffs, which was unable to deliver an opinion, and whereas in accordance with that same procedure the Commission is required to address a proposal to the Council,

HAS ADOPTED THIS DIRECTIVE:

Article 1

The Annex to Directive 94/54/EC is hereby supplemented as follows:

Annex I

Type or category of foodstuff	Particulars
- Foodstuffs containing a sweetener or sweeteners as authorized by Directive 94/35/EC	"with sweetener(s)" This particular shall accompany the name under which the product is sold, as laid down in Article 5 of Directive 79/112/EEC
- Foodstuffs containing both an added sugar or sugars and a sweetener or sweeteners as authorized by Directive 94/35/EC	"with sugar(s) and sweetener(s)" This particular shall accompany the name under which the product is sold as laid down in Article 5 of Directive 79/112/EEC
- Foodstuffs containing aspartame	"contains a source of phenylalanine"
- Foodstuffs containing more than 10 % added polyols	"excessive consumption may induce laxative effects"

Article 2

Member States shall, where necessary, amend their laws, regulations and administrative provisions before 31 December 1995 so as to:

- allow trade in products conforming to this Directive by 1 January 1996 at the latest;

- prohibit trade in products not conforming to this Directive from 1 January 1997. However, products placed on the market or labelled before that date which do not conform to this Directive may be marketed until stocks are exhausted.

They shall inform the Commission thereof immediately.

All such provisions adopted by the Member States shall contain a reference to this Directive or shall be accompanied by such a reference at the time of official publication. The detailed arrangements for making this reference shall be adopted by the Member States.

Article 3

This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Communities.

Article 4

This Directive is addressed to the Member States.

Done at

For the Council

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