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I

(Acts whose publication is obligatory)

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 94/34/EC

of 30 June 1994

amending Directive 89/107/EEC on the approximation of the laws of Member States concerning food additives authorized for use in foodstuffs intended for human consumption

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 the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the Economic and Social Committee ⁽²⁾,

Acting in accordance with the procedure referred to in Article 189b of the Treaty ⁽³⁾,

Whereas rules for harmonization in the field of additives should not affect the application of provisions of Member States existing on 1 January 1992, which prohibit the use of certain additives in certain specific foodstuffs which are considered as traditional and are produced on their territory, provided that those provisions do not cover a whole series of foodstuffs including foodstuffs which do not come under this Directive but regarding which Community provisions provide for authorization of additives;

Whereas these products could be distinguished by an appropriate labelling;

Whereas the free circulation of foodstuffs conforming with directives concerning additives should not be affected;

Whereas the freedom of establishment, the production and sale on the territory of each Member State of

foodstuffs conforming with Directives concerning additives should not be affected,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The following Article 3a shall be inserted in Directive 89/107/EEC ⁽⁴⁾:

'Article 3a

1. By way of derogation from Article 3 (2) (a) and (b), the Council shall, acting on a proposal from the Commission pursuant to the procedure laid down in Article 100a of the Treaty, authorize the Member States to maintain the prohibition on the use of certain additives in the production of certain foodstuffs considered as traditional provided that:

- this prohibition existed on 1 January 1992,
- the Member States concerned authorize on their territory the production and sale of all foodstuffs not considered as traditional which conform to the rules provided for in Article 3.

2. Without prejudice to Regulations (EEC) No 2081/92 ⁽¹⁾ and (EEC) No 2082/92 ⁽²⁾, before 1 July 1994, Member States shall communicate to the list of foodstuffs which they consider as traditional, giving their reasons in detail, together with the relevant legislative provisions prohibiting the use of certain additives in such foodstuffs.

Before 1 April 1995, the Commission shall submit a proposal to the Council on the criteria to be applied for deciding whether or not a product is traditional

⁽¹⁾ OJ No C 206, 13. 8. 1992, p. 1.

⁽²⁾ OJ No C 73, 15. 3. 1993, p. 4.

⁽³⁾ Opinion of the European Parliament of 26 May 1993 (OJ No C 176, 28. 6. 1993, p. 117), confirmed on 2 December 1993 (OJ No C 342, 20. 12. 1993), Council common position of 9 March 1994 (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. 75).

⁽⁴⁾ OJ No L 40, 11. 2. 1989, p. 27.

and on the national prohibitions which may be maintained in conformity with these criteria.

The Council shall act on the proposal before 1 April 1996.

3. Until such time as the Council has ruled on paragraph 2, Member States may maintain any prohibitions which have been communicated to the Commission pursuant to the first subparagraph of paragraph 2, provided that they comply with the general conditions laid down in paragraph 1.

- (¹) Council Regulation (EEC) No 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ No L 208, 24. 7. 1992, p. 1).
(²) Council Regulation (EEC) No 2082/92 of 14 July 1992 on certificates of specific character for agricultural products and foodstuffs (OJ No L 208, 24. 7. 1992, p. 9).'

Article 2

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive.

They shall inform the Commission thereof.

When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference when they are officially published. The methods of making such reference shall be laid down by the Member States.

Article 3

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

Article 4

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

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

EUROPEAN PARLIAMENT AND COUNCIL DIRECTIVE 94/36/EC

of 30 June 1994

on colours 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⁾,

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

Whereas differences between national laws relating to the
conditions of use of colours in food hinder the free
movement of foodstuffs; whereas this may create
conditions of unfair competition;

Whereas the prime consideration for any rules on these
food additives and their conditions of use should be the
need to protect and inform the consumer;

Whereas a food additive may only be used when there is
evidence that it is technologically necessary and that its
use is not harmful to health;

Whereas colours are used to restore original appearance
of food whose colour has been affected by processing,
storage, packaging and distribution, whereby visual
acceptability may have been impaired;

Whereas colours are used to make food more visually
appealing and help identify flavours normally associated
with particular foods and to give colour to food
otherwise colourless;

Whereas it is necessary to include certain colours
intended for health marking of meat under the
responsibility of the official veterinarian pursuant to the
requirements of Directive 91/497/EEC ⁽⁵⁾, in particular
Chapter XI of Annex I thereto;

Whereas only those colours authorized by this Directive
should be used for the decoration of eggs or for the
stamping of eggs as provided in Regulation (EEC) No
1274/91 ⁽⁶⁾;

Whereas colours are used to reinforce colours already
present in food;

Whereas it is generally recognized that unprocessed
foodstuffs and certain other basic foodstuffs should be
free from food additives;

Whereas, having regard to the most recent scientific and
toxicological information on additives, some of these are
to be permitted only for certain foodstuffs and under
certain conditions of use;

Whereas it is necessary to lay down strict rules for the
use of additives in food for infants and young children;

Whereas the Scientific Committee for Food has been
consulted for those substances not yet being the subject
of a Community provision;

Whereas it is desirable that when a decision is taken on
whether a particular foodstuff belongs to a certain
category of foods, the consultation of the Standing
Committee for Food procedure be followed;

Whereas this Directive replaces partially the Council
Directive of 23 October 1962 on the approximation of
the rules of the Member States concerning the colouring
matters authorized for use in foodstuffs intended for
human consumption ⁽⁷⁾;

Whereas the modification of existing purity criteria on
colouring matters and new specification for those where
no purity criteria exist, will be proposed in accordance
with the procedure of Article 11 of Directive
89/107/EEC;

⁽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 12, 8. 1. 1992, p. 7.

⁽³⁾ OJ No C 313, 30. 11. 1992, p. 1.

⁽⁴⁾ Opinion of the European Parliament of 10 March 1993 (OJ
No C 115, 26. 4. 1993, p. 105), confirmed on 2 December
1993 (OJ No C 342, 20. 12. 1993), Council common
position of 9 March 1994 (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. 79).

⁽⁵⁾ OJ No 268, 24. 9. 1991, p. 69. Directive as amended by
Directive 92/5/EEC (OJ No L 57, 2. 3. 1992, p. 1).

⁽⁶⁾ Commission Regulation (EEC) No 1274/91 of 15 May 1991
introducing detailed rules for implementing Regulation (EEC)
No 1907/90 on certain marketing standards for eggs (OJ No
L 121, 16. 5. 1991, p. 11). Regulation as last amended by
Regulation (EC) No 1259/94 (OJ No L 137, 1. 6. 1994,
p. 54).

⁽⁷⁾ OJ No 115, 11. 11. 1962, p. 2645/62. Directive as last
amended by Directive 85/7/EEC (OJ No L 2, 3. 1. 1985,
p. 22).

Whereas, in order to protect consumers, the Community should promote research into the possible effects (including those of a cumulative and synergic nature) on human health of colours used in foodstuffs, with special reference to those whose harmlessness is in doubt,

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. For the purposes of this Directive, 'colours' are substances which add or restore colour in a food, and include natural constituents of foodstuffs and natural sources which are normally not consumed as foodstuffs as such and not normally used as characteristic ingredients of food.

Preparations obtained from foodstuffs and other natural source materials obtained by physical and/or chemical extraction resulting in a selective extraction of the pigments relative to the nutritive or aromatic constituents are colours within the meaning of this Directive.

3. However, the following substances shall not be considered colours for the purposes of this Directive:

- foodstuffs, whether dried or in concentrated form and flavourings incorporated during the manufacturing of compound foodstuffs, because of their aromatic, sapid or nutritive properties together with a secondary colouring effect, such as paprika, turmeric and saffron,
- colours used for the colouring of the inedible external parts of foodstuffs, such as cheese coatings and sausage casings.

Article 2

1. Only the substances listed in Annex I may be used as colours in foodstuffs.

2. Colours may be used only in the foodstuffs listed in Annexes III, IV and V and under the conditions specified therein; colours may be used in those same foodstuffs

when they are intended for particular uses in accordance with Directive 89/398/EEC ⁽¹⁾.

3. Colours may not be used in the foodstuffs listed in Annex II except where specifically provided for in Annex III, IV or V.

4. Colours permitted for certain uses only are listed in Annex IV.

5. Colours permitted in general in foodstuffs and the conditions of use therefor are listed in Annex V.

6. The maximum levels indicated in the Annexes:

- relate to ready-to-eat foodstuffs prepared according to the instructions for use,
- refer to the quantities of colouring principle contained in the colouring preparation.

7. In the Annexes to this Directive '*quantum satis*' means that no maximum level is specified. However, colouring matters shall be used according to good manufacturing practice at a level not higher than is necessary to achieve the intended purpose and provided that they do not mislead the consumer.

8. For the purpose of health marking as provided in Directive 91/497/EEC and other marking required on meat products, only E 155 Brown HT, E 133 Brilliant Blue FCF or E 129 Allura Red AC or an appropriate mixture of E 133 Brilliant Blue FCF and E 129 Allura Red AC may be used.

9. Only those colours mentioned in Annex I may be used for the decorative colouring of eggshells or for the stamping of eggshells as provided in Regulation (EEC) No 1274/91.

10. Only those colours listed in Annex I, except E 123, E 127, E 128, E 154, E 160b, E 161g, E 173 and E 180, may be sold directly to consumers.

11. Within the meaning of this Directive 'unprocessed' means not having undergone any treatment resulting in a substantial change in the original state of the foodstuffs. However, they may have been for example divided, parted, servered, boned, minced, skinned, pared, peeled, ground, cut, cleaned, trimmed, deep-frozen, frozen, chilled, milled or husked, packed or unpacked.

⁽¹⁾ OJ No L 186, 30. 6. 1989, p. 27.

Article 3

Without prejudice to other Community provisions, the presence of a colour in a foodstuff is permissible:

- in a compound foodstuff other than one mentioned in Annex II to the extent that the colour is permitted in one of the ingredients of the compound foodstuff,

or

- if the foodstuff is destined to be used solely in the preparation of a compound foodstuff and to such an extent that the compound foodstuff conforms to the provisions of this Directive.

Article 4

It may be decided by the procedure laid down in Article 5, whether a particular foodstuff belongs to a category of foods mentioned in the Annexes, and whether substances are colours in the meaning of Article 1.

Article 5

1. Where the procedure laid down in this Article is to be followed, the Commission shall be assisted by the Standing Committee on Foodstuffs, set up pursuant to Decision 69/414/EEC ⁽¹⁾, hereinafter referred to as 'the Committee'.

2. The chairman shall refer the matter to the Committee either on his own initiative or at the request of the representative of a Member State.

3. 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 down in that Article. The chairman shall not vote.

4. (a) The Commission shall adopt the measures envisaged if they are in accordance with the Committee's opinion.

(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 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 6

Member States shall, within three years of the adoption of this Directive, establish systems to monitor the consumption and use of colours and report their findings to the Commission.

The Commission shall report to the European Parliament within five years of the adoption of the Directive on changes which have taken place in the colours market, the levels of use and consumption.

In accordance with the general criteria of point 4 of Annex II to Directive 89/107/EEC, within five years from the adoption of this Directive, the Commission shall review the conditions of use mentioned in this Directive, and propose modifications where necessary.

Article 7

Articles 1 to 7, Article 8 (1), second indent and (2), and Articles 9 to 15 of the Directive of 23 October 1962 on colouring matters in foodstuffs are hereby repealed.

References to the repealed provisions shall be construed as references to the corresponding provisions of this Directive.

Article 8

The Commission shall, to coincide with the date of entry into force of this Directive, launch a campaign, in conjunction with the European Parliament, national ministries, the food and retail industries and consumer bodies, to inform consumers about the evaluation and authorization procedures for permitted colours, and the meaning of the 'E' number system.

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 in order to:

⁽¹⁾ OJ No L 291, 19. 11. 1969, p. 9.

- 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 at once inform the Commission thereof.

2. When Member States adopt the measures referred to in paragraph 1, 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 Member States.

Article 10

This Directive shall enter into force on the day 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 I

LIST OF PERMITTED FOOD COLOURS

Note: Aluminium lakes prepared from colours mentioned in this Annex are authorized.

EC No	Common name	Colour index No ⁽¹⁾ or description
E 100	Curcumin	75300
E 101	(i) Riboflavin (ii) Riboflavin-5'-phosphate	
E 102	Tartrazine	19140
E 104	Quinoline Yellow	47005
E 110	Sunset Yellow FCF Orange Yellow S	15985
E 120	Cochineal, Carminic acid, Carmines	75470
E 122	Azorubine, Carmoisine	14720
E 123	Amaranth	16185
E 124	Ponceau 4R, Cochineal Red A	16255
E 127	Erythrosine	45430
E 128	Red 2G	18050
E 129	Allura Red AC	16035
E 131	Patent Blue V	42051
E 132	Indigotine, Indigo carmine	73015
E 133	Brilliant Blue FCF	42090
E 140	Chlorophylls and Chlorophyllins: (i) Chlorophylls (ii) Chlorophyllins	75810 75815
E 141	Copper complexes of chlorophylls and chloro- phyllins (i) Copper complexes of chlorophylls (ii) Copper complexes of chlorophyllins	75815
E 142	Greens S	44090
E 150a	Plain caramel ⁽²⁾	
E 150b	Caustic sulphite caramel	
E 150c	Ammonia caramel	
E 150d	Sulphite ammonia caramel	
E 151	Brilliant Black BN, Black PN	28440
E 153	Vegetable carbon	
E 154	Brown FK	
E 155	Brown HT	20285

EC No	Common name	Colour index No ⁽¹⁾ or description
E 160a	Carotenes: (i) Mixed carotenes (ii) Beta-carotene	75130 40800
E 160b	Annatto, bixin, norbixin	75120
E 160c	Paprika extract, capsanthin, capsorubin	
E 160d	Lycopene	
E 160e	Beta-apo-8'-carotenal (C 30)	40820
E 160f	Ethyl ester of beta-apo-8'-carotenic acid (C 30)	40825
E 161b	Lutein	
E 161g	Canthaxanthin	
E 162	Beetroot Red, betanin	
E 163	Anthocyanins	Prepared by physical means from fruits and vegetables
E 170	Calcium carbonate	77220
E 171	Titanium dioxide	77891
E 172	Iron oxides and hydroxides	77491 77492 77499
E 173	Aluminium	
E 174	Silver	
E 175	Gold	
E 180	Litholrubine BK	

⁽¹⁾ Colour index numbers are taken from the third edition 1982 of the Colour Index, volumes 1 to 7, 1315. Also amendments 37 to 40 (125), 41 to 44 (127-50), 45 to 48 (130), 49 to 52 (132-50), 53 to 56 (135).

⁽²⁾ The term caramel relates to products of a more or less intense brown colour which are intended for colouring. It does not correspond to the sugary aromatic product obtained from heating sugars and which is used for flavouring food (e.g. confectionery, pastry, alcoholic drinks).

ANNEX II

FOODSTUFFS WHICH MAY NOT CONTAIN ADDED COLOURS, EXCEPT WHERE SPECIFICALLY PROVIDED FOR IN ANNEX III, IV OR V

(The designations used in Annex II do not prejudice the 'carry over' principle in cases where products contain ingredients with legitimate colouring in their own right.)

1. Unprocessed foodstuffs
2. All bottled or packed waters
3. Milk, semi-skimmed and skimmed milk, pasteurized or sterilized (including UHT sterilization) (unflavoured)
4. Chocolate milk
5. Fermented milk (unflavoured)
6. Preserved milks as mentioned in Directive 76/118/EEC
7. Butter-milk (unflavoured)
8. Cream and cream powder (unflavoured)
9. Oils and fats of animal or vegetable origin
10. Eggs and egg products as defined in Article 2 (1) of Directive 89/437/EEC
11. Flour and other milled products and starches
12. Bread and similar products
13. Pasta and gnocchi
14. Sugar, including all mono- and disaccharides
15. Tomato paste and canned and bottled tomatoes
16. Tomato-based sauces
17. Fruit juice and fruit nectar as mentioned in Directive 75/726/EEC and vegetable juice
18. Fruit, vegetables (including potatoes) and mushrooms — canned, bottled or dried; processed fruit, vegetables (including potatoes) and mushrooms
19. Extra jam, extra jelly, and chestnut purée as mentioned in Directive 79/693/EEC; crème de pruneaux
20. Fish, molluscs and crustaceans, meat, poultry and game as well as their preparations, but not including prepared meals containing these ingredients
21. Cocoa products and chocolate components in chocolate products as mentioned in Directive 73/241/EEC
22. Roasted coffee, tea, chicory; tea and chicory extracts; tea, plant, fruit and cereal preparations for infusions, as well as mixes and instant mixes of these products
23. Salt, salt substitutes, spices and mixtures of spices
24. Wine and other products defined by Regulation (EEC) No 822/87
25. Korn, Kornbrand, fruit spirit drinks, fruit spirits, Ouzo, Grappa, Tsikoudia from Crete, Tsipouro from Macedonia, Tsipouro from Thessaly, Tsipouro from Tyrnavos, Eau de vie de marc Marque nationale luxembourgeoise, Eau de vie de seigle Marque nationale luxembourgeoise, London gin, as defined in Regulation (EEC) No 1576/89
26. Sambuca, Maraschino and Mistra as defined in Regulation (EEC) No 1180/91

27. Sangria, Clarea and Zurra as mentioned in Regulation (EEC) No 1601/91
 28. Wine vinegar
 29. Foods for infants and young children as mentioned in Directive 89/398/EEC including foods for infants and young children not in good health
 30. Honey
 31. Malt and malt products
 32. Ripened and unripened cheese (unflavoured)
 33. Butter from sheep and goats' milk
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ANNEX III

FOODSTUFFS TO WHICH ONLY CERTAIN PERMITTED COLOURS MAY BE ADDED

Foodstuffs	Permitted colour	Maximum level
Malt bread	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Beer Cidre bouché	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Butter (including reduced-fat butter and concentrated butter)	E 160a Carotenes	<i>quantum satis</i>
Margarine, minarine, other fat emulsions, and fats essentially free from water	E 160a Carotenes E 100 Curcumin E 160b Annatto, Bixine, Norbixine	<i>quantum satis</i> <i>quantum satis</i> 10 mg/kg
Sage Derby cheese	E 140 Chlorophylls Chlorophyllins E 141 Copper complexes of chlorophylls and chlorophyllins	<i>quantum satis</i>
Ripened Orange, Yellow and broken-white cheese; unflavoured processed cheese	E 160a Carotenes E 160c Paprika extract	<i>quantum satis</i>
	E 160b Annatto, Bixin, Norbixin	15 mg/kg
Red Leicester cheese	E 160b Annatto, Bixin, Norbixin	50 mg/kg
Mimolette cheese	E 160b Annatto, Bixin, Norbixin	35 mg/kg
Morbier cheese	E 153 Vegetable carbon	<i>quantum satis</i>
Red marbled cheese	E 120 Cochineal, Carminic acid, Carmines	125 mg/kg
	E 163 Anthocyanins	<i>quantum satis</i>
Vinegar	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>

Foodstuffs	Permitted colour	Maximum level
Whisky, Whiskey, grain spirit (other than Korn or Kornbrand or Eau de vie de seigle Marque nationale luxembourgeoise), wine spirit, rum, Brandy, Weinbrand, grape marc, grape marc spirit (other than Tsikoudia and Tsipouro and Eau de vie de marc Marque nationale luxembourgeoise), Grappa invecchiata, Bagaceira velha as mentioned in Regulation (EEC) No 1576/89	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Aromatized wine-based drinks (except bitter soda) and aromatized wines as mentioned in Regulation (EEC) No 1601/91	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Americano	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 163 Anthocyanins	<i>quantum satis</i>
	E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 102 Tartrazine E 104 Quinoline Yellow E 120 Cochineal, Carminic acid Carmines E 122 Azorubine carmoisine E 123 Amaranth E 124 Ponceau 4R	100 mg/l (individually or in combination)
Bitter soda, bitter vino as mentioned in Regulation (EEC) No 1601/91	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
	E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 102 Tartrazine E 104 Quinoline Yellow E 110 Sunset Yellow FCF Orange Yellow S E 120 Cochineal, Carminic acid Carmines E 122 Azorubine, Carmoisine E 123 Amaranth E 124 Ponceau 4R, Cochineal Red A E 129 Allura Red AC	100 mg/l (individually or in combination)

Foodstuffs	Permitted colour	Maximum level
Liqueur wines and quality liqueur wines produced in specified regions	E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	<i>quantum satis</i>
Vegetables in vinegar, brine or oil (excluding olives)	E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 140 Chlorophylls, Chlorophyllins E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 141 Copper complexes of chlorophylls and chlorophyllins E 160a Carotenes: (i) Mixed carotenes (ii) Beta-carotene E 162 Beetroot Red, betanin E 163 Anthocyanins	<i>quantum satis</i>
Extruded, puffed and/or fruit-flavoured breakfast cereals	E 150c Ammonia caramel E 160a Carotenes E 160b Annatto, Bixin, Norbixin E 160c Paprika extract, Capsanthin, Capsorubin	<i>quantum satis</i> <i>quantum satis</i> 25 mg/kg <i>quantum satis</i>
Fruit-flavoured breakfast cereals	E 120 Cochineal, Carminic acid Carmines E 162 Beetroot Red, betanin E 163 Anthocyanins	200 mg/kg (individually or in combination)
Jam, jellies and marmalades as mentioned in Directive 79/693/EEC and other similar fruit preparations including low calorie products	E 100 Curcumin E 140 Chlorophylls and chlorophyllins E 141 Copper complexes of chlorophylls and chlorophyllins E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 160a Carotenes: (i) Mixed carotenes (ii) Beta-carotene E 160c Paprika extract, Capsanthin, Capsorubin E 162 Beetroot Red, betanin E 163 Anthocyanins	<i>quantum satis</i>

Foodstuffs	Permitted colour	Maximum level
	E 104 Quinoline Yellow E 110 Sunset Yellow E 120 Cochineal, Carminic acid, Carmines E 124 Ponceau 4R, Cochineal E 142 Green S E 160d Lycopene E 161b Lutein	100 mg/kg (individually or in combination)
Sausages, pâtés and terrines	E 100 Curcumin E 120 Cochineal, Carminic acid, Carmines E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel E 160a Carotenes E 160c Paprika extract, Capsanthin, Capsorubin E 162 Beetroot Red, betanin	20 mg/kg 100 mg/kg <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> 20 mg/kg 10 mg/kg <i>quantum satis</i>
Luncheon meat	E 129 Allura Red	25 mg/kg
Breakfast sausages with a minimum cereal content of 6 %	E 129 Allura Red AC	25 mg/kg
Burger meat with a minimum vegetable and/or cereal content of 4 %	E 120 Cochineal, Carminic acid, Carmines E 150a Plain caramel E 150b Caustic sulphite caramel E 150c Ammonia caramel E 150d Sulphite ammonia caramel	100 mg/kg <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i> <i>quantum satis</i>
Chorizo sausage Salchichon	E 120 Cochineal, Carminic acid, Carmines E 124 Ponceau 4R, Cochineal Red A	200 mg/kg 250 mg/kg
Sobrasada	E 110 Sunset Yellow FCF E 124 Ponceau 4R, Cochineal Red A	135 mg/kg 200 mg/kg
Pasturmas (edible external coating)	E 100 Curcumin E 101 (i) Riboflavin (ii) Riboflavin-5'-phosphate E 120 Cochineal, Carminic acid, Carmines	<i>quantum satis</i>
Dried potato granules and flakes	E 100 Curcumin	<i>quantum satis</i>
Processed mushy and garden peas (canned)	E 102 Tartrazine E 133 Brilliant Blue E 142 Green S	100 mg/kg 20 mg/kg 10 mg/kg

ANNEX IV

COLOURS PERMITTED FOR CERTAIN USES ONLY

Colour	Foodstuff	Maximum level
E 123 Amaranth	Aperitif wines, spirit drinks including products with less than 15 % alcohol by volume	30 mg/l
	Fish roe	30 mg/kg
E 127 Erythrosine	Cocktail cherries and candied cherries	200 mg/kg
	Bigarreaux cherries in syrup and in cocktails	150 mg/kg
E 128 Red 2G	Breakfast sausages with a minimum cereal content of 6 %	20 mg/kg
	Burger meat with a minimum vegetable and/or cereal content of 4 %	
E 154 Brown FK	Kippers	20 mg/kg
E 161g Canthaxanthin	Saucisses de Strasbourg	15 mg/kg
E 173 Aluminium	External coating of sugar confectionery for the decoration of cakes and pastries	<i>quantum satis</i>
E 174 Silver	External coating of confectionery	<i>quantum satis</i>
	Decoration of chocolates	
	Liqueurs	
E 175 Gold	External coating of confectionery	<i>quantum satis</i>
	Decoration of chocolates	
	Liqueurs	
E 180 Litholrubine BK	Edible cheese rind	<i>quantum satis</i>
E 160b Annatto, Bixin, Norbixin	Margarine, minarine, other fat emulsions, and fats essentially free from water	10 mg/kg
	Decorations and coatings	20 mg/kg
	Fine bakery wares	10 mg/kg
	Edible ices	20 mg/kg
	Liqueurs, including fortified beverages with less than 15 % alcohol by volume	10 mg/l
	Flavoured processed cheese	15 mg/kg
	Ripened Orange, Yellow and broken-white cheese Unflavoured processed cheese	15 mg/kg

Colour	Foodstuff	Maximum level
	Desserts	10 mg/kg
	'Snacks': dry, savoury potato, cereal or starch-based snack products:	
	— Extruded or expanded savoury snack products	20 mg/kg
	— Other savoury snack products and savoury coated nuts	10 mg/kg
	Smoked fish	10 mg/kg
	Edible cheese rind and edible casings	20 mg/kg
	Red Leicester cheese	50 mg/kg
	Mimolette cheese	35 mg/kg
	Extruded, puffed and/or fruit-flavoured breakfast cereals	25 mg/kg

ANNEX V

COLOURS PERMITTED IN FOODSTUFFS OTHER THAN THOSE MENTIONED
IN ANNEXES II AND III

Part 1

The following colours may be used in foodstuffs mentioned in Annex V Part 2 and in all other foodstuffs other than those listed in Annexes II and III at *quantum satis*.

- E 101 (i) Riboflavin
(ii) Riboflavin-5'-phosphate
- E 140 Chlorophylls and chlorophyllins
- E 141 Copper complexes of chlorophylls and chlorophyllins
- E 150a Plain caramel
- E 150b Caustic sulphite caramel
- E 150c Ammonia caramel
- E 150d Sulphite ammonia caramel
- E 153 Vegetable carbon
- E 160a Carotenes
- E 160c Paprika extract, capsanthin, capsorubin
- E 162 Beetroot Red, betanin
- E 163 Anthocyanins
- E 170 Calcium carbonate
- E 171 Titanium dioxide
- E 172 Iron oxides and hydroxides

Part 2

The following colours may be used singly or in combination in the following foods up to the maximum level specified in the table. However, for non-alcoholic flavoured drinks, edible ices, desserts, fine bakery wares and confectionery, colours may be used up to the limit indicated in the appropriate table but the quantities of each of the colours E 110, E 122, E 124 and E 155 may not exceed 50 mg/kg or mg/l.

- E 100 Curcumin
- E 102 Tartrazine
- E 104 Quinoline Yellow
- E 110 Sunset Yellow FCF
Orange Yellow S
- E 120 Cochineal, Carminic acid, Carmines
- E 122 Azorubine, Carmoisine
- E 124 Ponceau 4R, Cochineal Red A
- E 129 Allura Red AC
- E 131 Patent Blue V
- E 132 Indigotine, Indigo carmine
- E 133 Brilliant Blue FCF
- E 142 Green S
- E 151 Brilliant Black BN, Black PN
- E 155 Brown HT
- E 160d Lycopene
- E 160e Beta-apo-8'-carotenal (C 30)
- E 160f Ethyl ester of Beta-apo-8'-carotenic acid (C 30)
- E 161b Lutein

Foodstuffs	Maximum level
Non-alcoholic flavoured drinks	100 mg/l
Candied fruits and vegetables, Mostarda di frutta	200 mg/kg
Preserves of red fruits	200 mg/kg
Confectionery	300 mg/kg
Decorations and coatings	500 mg/kg
Fine bakery wares (e.g. viennoiserie, biscuits, cakes and wafers)	200 mg/kg
Edible ices	150 mg/kg
Flavoured processed cheese	100 mg/kg
Desserts including flavoured milk products	150 mg/kg
Sauces, seasonings (for example, curry powder, tandoori), pickles, relishes, chutney and piccalilli	500 mg/kg

Foodstuffs	Maximum level
Mustard	300 mg/kg
Fish paste and crustacean paste	100 mg/kg
Pre-cooked crustaceans	250 mg/kg
Salmon substitutes	500 mg/kg
Surimi	500 mg/kg
Fish roe	300 mg/kg
Smoked fish	100 mg/kg
'Snacks': dry, savoury potato, cereal or starch-based snack products:	
— Extruded or expanded savoury snack products	200 mg/kg
— Other savoury snack products and savoury coated nuts	100 mg/kg
Edible cheese rind and edible casings	<i>quantum satis</i>
Complete formulae for weight control intended to replace total daily food intake or an individual meal	50 mg/kg
Complete formulae and nutritional supplements for use under medical supervision	50 mg/kg
Liquid food supplements/dietary integrators	100 mg/l
Solid food supplements/dietary integrators	300 mg/kg
Soups	50 mg/kg
Meat and fish analogues based on vegetable proteins	100 mg/kg
Spirituous beverages (including products less than 15 % alcohol by volume), except those mentioned in Annex II or III	200 mg/l
Aromatized wines, aromatized wine-based drinks and aromatized wine-product cocktails as mentioned in Regulation (EEC) No 1601/91, except those mentioned in Annex II or III	200 mg/l
Fruit wines (still or sparkling) cider (except cidre bouche) and perry aromatized fruit wines, cider and perry	200 mg/l