STATUTORY RULES OF NORTHERN IRELAND

2018 No. 186

FOOD

The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018

Made - - - -	*31st October 2018*
Coming into operation	*29th November 2018*

The Department of Health(**1**), in exercise of the powers conferred by Articles 15(2), 16(1) and (2), 25(1)(a), (2)(a) and (3), and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**) makes the following Regulations.

In accordance with Article 47(3A) of that Order, it has had regard to relevant advice given by the Food Standards Agency.

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**), as last amended by Regulation (EC) No 652/2014 of the European Parliament and of the Council(**4**), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2018 and come into operation on 29th November 2018.

Amendment of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012

2. The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012(**5**) are amended in accordance with regulations 3 to 12.

3. In regulation 2 (interpretation)—

(**1**) Formerly the Department of Health, Social Services and Public Safety; see 2016 c.5 (N.I.), section 1(5)
(**2**) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I. 12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 No. 482 and 505
(**3**) OJ No. L 31, 1.2.2002, p.1
(**4**) OJ No L 189, 27.6.2014, p 1
(**5**) S.R. 2012 No.384 as amended by S.R. 2017 No. 157

(a) in the definition of "Directive 84/500/EEC" after "foodstuffs" insert "as last amended by Commission Directive 2005/31/EC"(**6**);

(b) in the definition of "Regulation 1935/2004" after "89/109/EEC" insert "as last amended by Regulation (EC) No 596/2009 of the European Parliament and of the Council"(**7**);

(c) in the definition of "Regulation 2023/2006" after "food" insert "as last amended by Commission Regulation (EC) No 282/2008"(**8**);

(d) in the definition of "Regulation 10/2011" for "Commission Regulation (EU) No. 2017/752" substitute "Commission Regulation (EU) 2018/831"(**9**)

(e) after the definition of "Regulation 10/2011" insert—

> ""Regulation 2018/213" means Commission Regulation (EU) 2018/213 on the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No 10/2011 as regards the use of that substance in plastic food contact materials;"(**10**);

(f) in paragraph (2), for "Regulation 450/2009 or Regulation 10/2011" substitute "Regulation 450/2009, Regulation 10/2011 or Regulation 2018/213".

4. In regulation 13, for "In this Part and in the Schedule any reference" substitute "Except in regulation 14(1), any reference in this Part and in Schedule 1".

5. In regulation 14(1), for "Article 22(4) and (5) and Article 23," substitute "Article 2 of Commission Regulation (EU) No 1282/2011, Article 2 of Commission Regulation (EU) No 1183/2012, Article 2 of Commission Regulation (EU) No 202/2014, Article 2 of Commission Regulation (EU) 2015/174, Article 2 of Commission Regulation (EU) 2016/1416, Article 2 of Commission Regulation (EU) 2017/752; Article 2 of Commission Regulation (EU) 2018/79; Article 6 of Commission Regulation (EU) 2018/213 and Article 2 of Commission Regulation (EU) 2018/831,".

6. In regulation 16(2), for "Subject to Article 6(1), (2) and (4) (transitional provisions) a" substitute "A".

7. After regulation 17 (competent authorities for the purposes of Regulation 1895/2005) insert—

"PART 7A

Requirements for bisphenol A in varnishes and coatings intended to come into contact with food

Interpretation of Part 7A

17A. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 2018/213.

Offences of contravening specified provisions of Regulation 2018/213

17B. Subject to the transitional provisions contained in Article 6, any person who places on the market a material or article that fails to comply with Article 2 is guilty of an offence.

(**6**) OJ No. L110, 30.4.2005, p.36
(**7**) OJ No. 188, 18.7.2009, p.14
(**8**) OJ No. L86, 28.3.2008, p9
(**9**) OJ L 140, 6.6.2018, p. 35
(**10**) OJ No L 41 14.2.2018 p.6