STATUTORY RULES OF NORTHERN IRELAND

2009 No. 377

FOOD

The Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2009

Made - - - -	*20th November 2009*
Coming into operation	*19th December 2009*

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

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**), 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) 2009 and come into operation on 19th December 2009.

Amendments to the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007

2. The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007(**4**) are amended in accordance with regulations 3 to 9.

3. In regulation 2 (interpretation) —

(a) in paragraph (1) —

(**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. 1996/1663 (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 Nos. 482 and 505

(**3**) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188,18.7.2009 p.14)

(**4**) S.R. 2007 No. 434, as amended by S.R. 2008 No. 167 and S.R. 2009 No. 56

(i) after the definition of "Regulation 2023/2006" insert the following definition —

""Regulation 450/2009" means Commission Regulation (EC) No. 450/2009 on active and intelligent materials and articles intended to come into contact with food"(**5**); and

(ii) in the definition of "import" for "a Member State" substitute "a Member State of the European Communities, Norway, Iceland or Liechtenstein"; and

(b) paragraph (2) is omitted.

4. After regulation 4 (enforcement of Regulation 1935/2004) insert the following as regulation 4A —

"**Enforcement of Regulation 450/2009**

4A. Any person who contravenes any of the following provisions of Regulation 450/2009 is guilty of an offence —

(a) Article 4(f) (prohibition on the placing on the market of active and intelligent materials and articles that do not comply with labelling requirements);

(b) Article 11(1) and (2) (additional rules on labelling), as read with the 4th indent of Article 14;

(c) Article 12 (declaration of compliance); and

(d) Article 13 (supporting documentation).".

5. After regulation 6 (competent authorities for the purposes of Regulation 1935/2004), insert the following as regulation 6A —

"**Competent authorities for the purposes of Regulation 450/2009**

6A. The competent authorities for the purposes of Article 13 of Regulation 450/2009 are the Food Standards Agency and the district council having responsibility for enforcement pursuant to regulation 14(1).".

6. In regulation 13(2)(a) (offences and penalties), for "regulation 4 or 5" substitute "regulation 4, 4A or 5".

7. For regulation 14 (enforcement) substitute —

"**14.**—(1) Each district council in its district shall execute and enforce —

(a) the provisions of Regulation 1935/2004 mentioned in regulation 4;

(b) the provisions of Regulation 450/2009 mentioned in regulation 4A;

(c) the provisions of Regulation 2023/2006 mentioned in regulation 5; and

(d) these regulations.

(2) The Food Standards Agency may execute and enforce the provisions of —

(a) Articles 16(1) and 17(2) of Regulation 1935/2004; and

(b) Article 13 of Regulation 450/2009".

8. In regulation 17(2) (general defences), for "regulation 4 or 13(1)(a)" substitute "regulation 4, 4A or 13(1)(a)".

9. In regulation 20 (application of various provisions of the Order) —

(**5**) OJ No. L135, 30.5.2009, p.3