STATUTORY RULES OF NORTHERN IRELAND

2003 No. 2

FOOD

Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2003

Made - - - -	*3rd January 2003*
Coming into operation	*28th February 2003*

The Department of Health, Social Services and Public Safety(**1**), in exercise of the powers conferred on it by Articles 15(2), 16(1), 25(1)(a) and (3), 32 and 47(2) of the Food Safety (Northern Ireland) Order 1991(**2**), having had regard, in accordance with Article 47(3A) of the said Order, to relevant advice given by the Food Standards Agency, and after consultation 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**), and in accordance with Article 47(3) and (3B) of the said Order, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2003 and shall come into operation on 28th February 2003.

Amendments to the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1998

2. The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1998(**4**) ("the principal Regulations") shall be amended in accordance with regulations 3 to 6.

3. In regulation 10 (offences), immediately after paragraph (18) there shall be added the following paragraphs–

"(19) In any proceedings for an offence under these Regulations, it shall be a defence to prove that–

(**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 /1633 (N.I. 12) and paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c. 28
(**3**) O.J. No. L31, 1.2.2002, p. 1
(**4**) S.R. 1998 No. 264, as amended by S.R. 2000 No. 402 and S.R. 2002 No. 316

(a) the act constituting the offence was committed in relation to a plastic material or article which was manufactured or imported into the European Community before 1st March 2004 and the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by the provisions specified in paragraph (20) had not been in force at the time that matter occurred; or

(b) the act constituting the offence was committed in relation to a plastic material or article which was manufactured or imported into the European Community before 1st March 2003, and the matter constituting the offence would not have constituted an offence under these Regulations if the amendments made to them by regulation 4(a)(i) and (b) (in so far as they relate to the monomer divinylbenzene) and 6 of the Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2003 had not been in force at the time that matter occurred.

(20) The provisions referred to in paragraph (19)(a) are the provisions of the Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2003, except in so far as they relate to the monomer divinylbenzene.".

4. In Schedule 1 (monomers authorised without time limit, monomers authorised up to the end of 2001, monomers authorised up to the end of 1998 and supplementary)–

(a) in Section A of Part I–

(i) in the case of each monomer listed in Part I of Schedule 1 to these Regulations, the item number, PM/REF No, CAS No, name and restriction or specification specified for that monomer in that Part shall be inserted in the appropriate numerical position for that item number,

(ii) in the case of each monomer named in the second column of Part II of Schedule 1 to these Regulations, for the item number for that monomer specified opposite to it in the column headed "Item" there shall be substituted the item number for it specified in the first column (item) of that Part,

(iii) in the case of the monomer Bis (4-isocyanatocyclohexyl) methane (item 43), for the entry for that monomer specified in column 1 (PM/REF/No) there shall be substituted the entry "13560", and

(iv) in the case of each monomer named in the first column of Part III of Schedule 1 to these Regulations, for the entry for that monomer specified opposite to it in column 4 (restrictions and specifications) there shall be substituted the entry for it specified in the second column (restrictions and specifications) of that Part;

(b) in Section B of Part I, all the entries for the monomers named in Part IV of Schedule 1 to these Regulations shall be deleted; and

(c) in Part II, at the end of paragraph 4 there shall be inserted the following provisions–

"(22) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 13620, 36840, 40320 and 87040.

(23) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 13720 and 40580.

(24) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 16650 and 51570.

(25) QM(T) in this case means that the restriction shall not be exceeded by the sum of the residual quantities of the substances having PM/REF/Nos. 14950, 15700, 16240, 16570, 16600, 16630, 18640, 19110, 22332, 22420, 22570, 25210, 25240 and 25270.".

5. In Schedule 2 (additives and supplementary)–

(a) in Part I–

(i) in the case of each additive listed in Part I of Schedule 2 to these Regulations, the item number, PM/REF No, CAS No, name and restriction or specification specified for that additive in that Part shall be inserted in the appropriate numerical position for that item number,

(ii) in the case of the additive Bis (polyethyleneglycol) hydroxymethylphosphonate, there shall be inserted in column 2 (CAS No) the entry "68951-50-8", and

(iii) in the case of the additive named in the first column of Part II of Schedule 2 to these Regulations, for the entry for that additive specified opposite to it in column 4 (restrictions and specifications) there shall be substituted the entry for it specified in the second column (restrictions and specifications) of that Part; and

(b) in Part II–

(i) in the case of each additive listed in Part III of Schedule 2 to these Regulations, the item number, PM/REF/No, CAS No, name and restriction or specification specified for that additive in that Part shall be inserted in the appropriate numerical position for that item number, and

(ii) in the case of each additive named in the first column of Part IV of Schedule 2 to these Regulations, for the entry for that additive specified opposite to it in column 4 (restrictions and specifications) there shall be substituted the entry for it specified in the second column (restrictions and specifications) of that Part; and

(c) in Part III–

(i) in note (11) of paragraph 4, after "36800" there shall be inserted ", 36840", and

(ii) at the end of that paragraph there shall be added the following provisions–

"(22) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 13620, 36840, 40320 and 87040.

(23) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 13720 and 40580.

(24) SML(T) in this case means that the restriction shall not be exceeded by the sum of the migration levels of the substances having PM/REF/Nos. 16650 and 51570.".

6. In Schedule 2B (specifications) in the case of the substance specified in Schedule 3 to these Regulations, the item number, PM/REF No and specification set out for that substance in that Schedule shall be inserted in the appropriate numerical position for that item number and letter.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 3rd January 2003.

Don Hill
A Senior Officer of the
Department of Health, Social Services and
Public Safety

SCHEDULE 1 Regulation 4(a)(i), (ii) and (iv) and (b)

PART I

LIST OF MONOMERS TO BE ADDED TO SECTION A OF PART I OF SCHEDULE I TO THE PRINCIPAL REGULATIONS

Item	*PM/REF No.*	*CAS No.*	*Name*	*Restrictions and specifications*
33B	13075	00091-76-9	Benzoguanamine	see "2,4-Diamino-6-Phenyl-1,3,5-Triazine"
47B	13620	10043-35-3	Boric acid	SML(T) = 6 mg/kg (22) (expressed as boron) without prejudice to the provisions of Directive 98/83/EC on water for human consumption(**5**).
49A	13720	00110-63-4	1,4-Butanediol	SML(T) = 0.05 mg/kg (23)
76A	15310	00091-76-9	2,4-Diamino-6-phenyl-1,3,5-triazine	QMA = 5 mg/6 dm^2
92A	16650	00127-63-9	Diphenyl sulphone	SML(T) = 3 mg/kg (24)
93A	16690	01321-74-0	Divinylbenzene	QMA = 0.01 mg/6 dm^2 of SML = ND (DL = 0.02 mg/kg, analytical tolerance included) for the sum of divinylbenzene and ethylvinylbenzene and in compliance with the specifications laid down in Schedule 2B.

(**5**) OJ No. L330, 5.12.1998, p. 32