
STATUTORY INSTRUMENTS

2006 No. 1401

**The Plastic Materials and Articles in Contact
with Food (England) Regulations 2006**

PART 1

Preliminary

Title, application and commencement

1. These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (England) Regulations 2006, apply in relation to England only and come into force on 30th June 2006.

Interpretation

2.—(1) In these Regulations —

“the Act” means the Food Safety Act 1990;

“authorised officer” means any person, whether or not an officer of the enforcement authority, who is authorised by it in writing to act in matters arising under these Regulations;

“BADGE” has the meaning given in Article 1(1)(a) of Regulation 1895/2005;

“BFDGE” has the meaning given in Article 1(1)(b) of Regulation 1895/2005;

“business” is to be construed in accordance with section 1(3) of the Act;

“capable” means capable as established under regulation 11;

“Directive 82/711” means Council Directive [82/711/EEC](#)(1) laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs, as last amended by Commission Directive [97/48/EC](#)(2);

“Directive 85/572” means Council Directive [85/572/EEC](#) laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs(3);

“Directive 88/388” means Council Directive [88/388/EEC](#) on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production(4);

“Directive 89/107” means Council Directive [89/107/EEC](#) on the approximation of the laws of the Member States concerning food additives authorised in foodstuffs intended for human consumption(5);

(1) OJNo. L297, 23.10.1982, p.26.
(2) OJ No. L222, 12.8.1997, p.10.
(3) OJ No. L372, 31.12.1985, p.14.
(4) OJ No. L184, 15.7.1988, p.61.
(5) OJ No. L40, 11.2.1989, p. 27.

“the Directive” means Commission Directive [2002/72/EC](#)(6) relating to plastic materials and articles intended to come into contact with foodstuffs, as last amended by Commission Directive [2004/19/EC](#)(7);

“EEA State” means a Member State (other than the United Kingdom), Norway, Iceland and Liechtenstein;

“EFSA” means the European Food Safety Authority;

“enforcement authority” means an authority having responsibility under regulation 14 for executing and enforcing these Regulations;

“food” is to be construed in accordance with section 16(5) of the Act;

“good technical quality” means good technical quality as regards the purity criteria;

“handling of food” means use in connection with the storage, preparation, packaging, sale or serving of food;

“import” means import in the course of a business;

“material or article” means a material or article falling within the definition of materials and articles in Article 1(2) of Regulation 1895/2005;

“monomer” means any substance that is included for the purposes of the Directive among monomers and other starting substances;

“NOGE” has the meaning given in Article 1(1)(c) of Regulation 1895/2005;

“the 1998 Regulations” means the Plastic Materials and Articles in Contact with Food Regulations 1998(8);

“the 2005 Regulations” means the Materials and Articles in Contact with Food (England) Regulations 2005(9);

“plastic material or article” means anything which for the purposes of the Directive is included among those plastic materials and articles and parts thereof to which the Directive applies;

“the Purity Directives” means Commission Directive [95/31/EC](#) laying down specific criteria of purity concerning sweeteners for use in foodstuffs(10), Commission Directive [95/45/EC](#) laying down purity criteria concerning colours for use in foodstuffs(11) and Commission Directive [96/77/EC](#) laying down specific purity criteria for food additives other than colours or sweeteners(12);

“Regulation 1895/2005” means Commission Regulation (EC) No 1895/2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food(13);

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly;

(2) For the purposes of these Regulations the supply otherwise than on sale, in the course of a business, of any material or article is deemed to be a sale.

(3) Any other expression used in these Regulations and in the Directive, Directive 82/711, Directive 85/572 or Regulation 1895/2005 bears the same meaning in these Regulations as it bears in that Directive or Regulation.

(6) OJ No. L220, 15.8.2002, p.18.

(7) OJ No. L71, 10.3.2004, p.8.

(8) S.I.1998/1376, as amended in relation to England by S.I. 2000/3162, S.I. 2002/2364, S.I. 2002/3008, S.I. 2004/3113 and S.I. 2005/325.

(9) S.I.2005/898.

(10) OJ No. L178, 28.7.97, p.1, as last amended by Commission Directive 2004/46, OJ No. L114, 21.4.2004, p.15.

(11) OJ No. L226, 22.9.95, p.1, as last amended by Commission Directive 2004/47, OJ No. L113, 20.4.2004, p.24.

(12) OJ No. L339, 30.12.96, p.1, as last amended by Commission Directive 2003/95, OJ No. L283, 31.10.2003, p.71.

(13) OJ No. L302, 19.11.2005, p.28.

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