

Commission Directive 2008/39/EC of 6 March 2008 amending  
Directive 2002/72/EC relating to plastic materials and articles intended  
to come into contact with food (Text with EEA relevance) (repealed)

*Article 1*

Directive 2002/72/EC is amended as follows:

1. In Article 4, paragraph 1 is replaced by the following:
  1. A Community list of additives which may be used for the manufacture of plastic materials and articles, together with the restrictions and/or specifications on their use, is set out in Annex III.

Until 31 December 2009, additives which are not included in the Community list of additives may continue to be used subject to national law.

As from 1 January 2010, only additives included in the Community list of additives may be used for the manufacture of plastic materials and articles (positive list).
2. Article 4a is amended as follows:
  - (a) Paragraphs 3 and 4 are replaced by the following:
    3. A provisional list of additives that are under evaluation by the Authority shall be made public by the Commission by 11 April 2008 at the latest. It shall be kept updated.
    4. By derogation from the third subparagraph of Article 4(1), additives not included in the Community list referred to in that Article may continue to be used subject to national law after 1 January 2010 for as long as they are included in the provisional list.
  - (b) Paragraph 6 is added:
    6. An additive shall be removed from the provisional list:
      - a when it is included in the Community list of additives; or
      - b when a decision is taken by the Commission not to include it in the Community list of additives; or
      - c if during the examination of the data, the Authority calls for supplementary information and that information is not submitted within the time limits specified by the Authority.
  3. Annexes II, III, IVa, V and VI are amended in accordance with Annexes I, II, III, IV and V to this Directive.

*Article 2*

1 Member States shall adopt and publish, by 7 March 2009 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

They shall apply those provisions in such a way as to:

- a permit the trade in and use of plastic materials and articles intended to come into contact with food and complying with Directive 2002/72/EC, as amended by this Directive, from 7 March 2009;
- b prohibit the manufacture and importation into the Community of plastic materials and articles intended to come into contact with food and which do not comply with Directive 2002/72/EC, as amended by this Directive, from 7 March 2010.

2 Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 6 March 2008.

*For the Commission*

Androulla VASSILIOU

*Member of the Commission*