

1994 No. 174

FOOD

**The Materials and Articles in Contact with Food
(Amendment) Regulations (Northern Ireland) 1994**

Made 4th May 1994

Coming into operation—

All regulations except regulation 2(6) 8th June 1994

Regulation 2(6) 1st July 1994

The Department of Health and Social Services for Northern Ireland, being a designated Department(a) for the purposes of section 2(2) of the European Communities Act(b) in relation to materials and articles in contact with food or drink or intended for such contact, in exercise of the powers conferred on it by the said section 2(2) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 1994 and shall come into operation—

(a) as respects all regulations except for regulation 2(6), on 8th June 1994; and

(b) as respects regulation 2(6) on 1st July 1994.

(2) In these Regulations “the principal Regulations” means the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987(c).

(3) The Interpretation Act (Northern Ireland) 1954(d) shall apply to these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Amendment of the principal Regulations

2.—(1) The principal Regulations shall be amended in accordance with paragraphs (2) to (12).

(2) In regulation 2(1) for the definition of “import” there shall be substituted—

“ “import” means import in the course of a business from any place other than a member State of the European Community;”.

(a) S.I. 1976/2141

(b) S.R. 1972 c. 68

(c) S.R. 1987 No. 432; to which there are amendments not relevant to these Regulations

(d) 1954 c. 33 (N.I.)

(3) In regulation 6(5) for “50 milligrams” there shall be substituted “30 milligrams”.

(4) At the beginning of regulation 6(6) there shall be inserted “Subject to regulation 6A”.

(5) After regulation 6 there shall be inserted—

“6A.—(1) The prohibition in regulation 6(6) shall not apply to the sale, importation or use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food before 1st July 1994, of any regenerated cellulose film—

(a) which has been manufactured before 8th June 1994; and

(b) in the manufacture of which there has been used—

(i) any one or more of the following substances or groups of substances—

(aa) butyl methylcarboxybutyl phthalate [= butyl-phthalyl butyl glycolate];

(bb) di-isobutyl phthalate;

(cc) di-(methylcyclohexyl) phthalate and its isomers [= sextolphthalate];

(dd) methyl-methylcarboxyethyl phthalate [= methylphthalyl ethyl glycolate];

(ii) any one or more of the following substances where the use in manufacture is not in accordance with the conditions and restrictions specified in the opposite and corresponding entry in column 2 of Part II of Schedule 1—

(aa) butyl benzyl phthalate;

(bb) di-n-butyl phthalate;

(cc) dicyclohexyl phthalate;

(iii) any substance in Part II of Schedule 1 item 3 under the heading “Other coating additives” where the use in manufacture is not in accordance with any entry in column 2 opposite and corresponding to the said heading if the substance does not exceed 6 mg/dm² in total on the side for contact with food; or

(iv) any substance in Part II of Schedule 1 item 3 under the heading “Other coating additives” subheading “(a) Any additive specified in item 2 of Part I” where the use is not in accordance with the condition or restriction in column 2 opposite and corresponding to the said subheading if such use in manufacture is in accordance with any condition or restriction in column 2 of Part I of Schedule 1 item 2 in relation to that substance.

(2) The prohibition in regulation 6(6) shall not apply to the sale, importation or use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food, before 1st January 1995, of any regenerated cellulose film—

- (a) which has been manufactured before 8th June 1994; and
- (b) in the manufacture of which there has been used—
 - (i) either or both of the substances referred to in regulation 6(5), not in accordance with that regulation, if that coated cellulose film has been manufactured in such a way that it does not transfer either or both of the substances referred to in regulation 6(5) to food in a quantity exceeding 50 milligrams per kilogram of food; or
 - (ii) the substance toluene, not in accordance with the condition or restriction in column 2 of Part II of Schedule 1, item 4 “Solvents for coating substances” opposite and corresponding to the entry of that substance in column 1.”

(6) After regulation 6A (as inserted by these Regulations) there shall be inserted—

“6B.—(1) Subject to paragraph (2), any material or article made of regenerated cellulose film intended to come into contact with food and at a marketing stage other than the retail stage shall be accompanied by a written declaration attesting that it complies with the legislation applicable to it.

(2) Paragraph (1) shall not apply to any material or article made of regenerated cellulose film which by its nature is clearly intended to come into contact with food.”

(7) In column 1 of Part I of Schedule 1 item 2 “Additives” under the heading “Softeners”, there shall be inserted “tetraethyleneglycol” immediately under the entry “sorbitol”.

(8) In column 1 of Part II of Schedule 1 item 3 “Coating substances” under the heading “Plasticisers” the following shall be deleted—

- (a) “-butyl methylcarboxybutyl phthalate [= butylphthalyl butyl glycolate]”;
- (b) “and di-isobutyl phthalate”;
- (c) “-di (methylcyclohexyl) phthalate and its isomers [= sextol-phthalate]”;
- (d) “-methyl methylcarboxyethyl phthalate [= methylphthalyl ethyl glycolate]”.

(9) In column 2 of Part II of Schedule 1 item 3 “Coating substances” under the heading “Plasticisers”—

- (a) opposite and corresponding to the entry “butyl benzyl phthalate” in column 1 there shall be inserted “Not more than 2 mg/dm² in the coating on the side for contact with food”;
- (b) opposite and corresponding to entry “di-n-butyl phthalate” in column 1 there shall be inserted “Not more than 3 mg/dm² in the coating on the side for contact with food”;
- (c) opposite and corresponding to the entry “dicyclohexyl phthalate” in column 1 there shall be inserted “Not more than 4 mg/dm² in the coating on the side for contact with food”.

(10) In column 1 of Part II of Schedule 1 item 3, "Coating substances" in the heading "Other coating additives", the word "coating" shall be deleted and in the entry in column 2 opposite and corresponding to that heading, after "in total" there shall be inserted "in the uncoated regenerated cellulose film, inclusive of the coating".

(11) In column 2 of Part II of Schedule 1 item 3 "Coating substances" under the heading "Other additives" (as hereby amended)—

(a) in the entry opposite and corresponding to subheading "(a) Any additive specified in item 2 of Part I" in column 1, after "additive" there shall be inserted "and where in any condition or restriction specified in column 2 in item 2 of Part I a substance is stated not to exceed a quantity in mg/dm^2 that quantity in mg/dm^2 shall in this Part refer to the uncoated regenerated cellulose film inclusive of the coating on the side for contact with food";

(b) in the entry opposite and corresponding to sub-heading "(b) Specific coating additives" in column 1 after "one is specified" there shall be inserted "in the coating".

(12) In column 2 of Part II of Schedule 1 item 4 "Solvents for coating substances" opposite and corresponding to the entry "toluene" there shall be inserted "Not more than $0.06 \text{ mg}/\text{dm}^2$ on the side for contact with food".

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th May 1994.

(L.S.)

D. A. Baker

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations amend the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987 (“the principal Regulations”) to implement both Commission Directive 93/10/EEC (O.J. No. L93, 17.4.93, p. 47) relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs, as amended by Commission Directive 93/111/EEC (O.J. No. L310, 14.12.93, p. 41), and Commission Directive 92/15/EEC (O.J. No. L102, 16.4.92, p. 44) amending Council Directive 83/229/EEC (O.J. No. L123, 11.5.83, p. 31) on the approximation of the laws of the member States relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs.

The Regulations—

- (a) substitute in regulation 2(1) of the principal regulations a definition of “import” to mean import in the course of a business from any place other than a member state of the European Community (regulation 2(2));
- (b) amend regulation 6 of the principal Regulations—
 - (i) to reduce the maximum permissible limit for two substances, the transfer to food in excess of which is prohibited (regulation 2(3)); and
 - (ii) to allow before 1st July 1994 or 1st January 1995, as specified, the sale, importation or use in connection with the storage, preparation, packaging, selling or serving of food, of film manufactured before the coming into operation of the Regulations where a substance used in the manufacture of that film does not comply with specified conditions or restrictions as amended (regulation 2(4) and (5));
- (c) require materials and articles made of regenerated cellulose film at a marketing stage to be accompanied by a written declaration (regulation 2(6));
- (d) amend Schedule 1 to the principal Regulations—
 - (i) to permit an additional substance to be used in the manufacture of regenerated cellulose film (regulation 2(7));
 - (ii) to prohibit the use of specified substances in the manufacture of regenerated cellulose film (regulation 2(8));
- (e) amend Schedule 1 to the principal Regulations to add conditions and restrictions and amend existing conditions and restrictions in respect of specified substances which may be used in the manufacture of regenerated cellulose film (regulation 2(9), (10), (11) and (12)).