
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations come into operation on 14th September 1998.

These Regulations implement—

- (a) Council Directive (EEC) 82/711 (O.J. No. L297, 23.10.82, p. 26), as amended by Commission Directives 93/8/EEC (O.J. No. L90, 14.4.93, p. 22) and 97/48/EC (O.J. No. L222, 12.8.97, p. 10), laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs;
- (b) Council Directive (EEC) 85/572 (O.J. No. L372, 30.12.85, p. 14) 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; and
- (c) Commission Directive (EEC) 90/128 (O.J. No. L75, 21.3.90, p. 19, to be read with the corrigendum in O.J. No. L349, 13.12.90, p. 26), as amended by Commission Directives (EEC) 92/39 (O.J. No. L168, 23.6.92, p. 21), 93/9 (O.J. No. L90, 14.4.93, p. 26), 95/3/EEC (O.J. No. L41, 23.2.95, p. 44) and 96/11/EC (O.J. No. L61, 12.3.96, p. 26), relating to plastic materials and articles intended to come into contact with foodstuffs.

These Regulations—

- (a) prohibit the use, sale or importation of plastic materials and articles which do not meet specified standards and provide a defence in relation to plastic materials and articles intended for export (regulation 3(1), (2) and (4));
- (b) prohibit the manufacture of plastic materials and articles with any monomer other than one which meets specified requirements and provide a defence in relation to plastic materials and articles manufactured before 14th September 1998 and in accordance with regulation 4 of the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 1993 (regulations 3(3) and 4);
- (c) prohibit the use in the manufacture of plastic materials or articles of any specified additive which is not of good technical quality (regulation 5);
- (d) provide the methods for testing the capability of plastic materials or articles of transferring constituents to food (regulation 6);
- (e) stipulate the overall migration limit for plastic materials and articles (regulation 7);
- (f) require, at marketing stages other than retail, persons in possession of any plastic material or article intended to come into contact with food to ensure such material or article is accompanied by a specified declaration (regulation 8);
- (g) specify the enforcement authority (regulation 9);
- (h) provide offences and defences and specify penalties (regulation 10);
- (i) provide that specified presumptions shall arise from particulars shown in relation to a plastic material or article in accordance with the Materials and Articles in Contact with Food Regulations (Northern Ireland) 1987 (“the 1987 Regulations”) (regulation 11);
- (j) apply provisions of the 1987 Regulations and of the Food Safety (Northern Ireland) Order 1991 (regulation 12); and
- (k) amend and revoke other legislation (regulations 13 and 14).

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

The materials and articles to which these Regulations relate are also subject to the 1987 Regulations. These Regulations are made under specified provisions of the Food Safety (Northern Ireland) Order 1991 and, in so far as they cannot be made under those provisions, section 2(2) of the European Communities Act 1972. The provisions included under the 1972 Act are those which key into provisions of the 1987 Regulations (save where covered by Article 47(2)(a) of the 1991 Order) and revocations of Regulations made under section 2(2) of the 1972 Act.