
STATUTORY RULES OF NORTHERN IRELAND

2009 No. 56

**The Plastic Materials and Articles in Contact
with Food Regulations (Northern Ireland) 2009**

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009 and come into operation on 13th March 2009.

Commencement Information

II Reg. 1 in operation at 13.3.2009, see [reg. 1](#)

Interpretation

2.—(1) In these Regulations —

“authorised officer” means any person who is authorised in writing by a district council (whether or not that person is an officer of that district council) 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 Article 2(2) of the Order;

“capable” means capable as established under regulation 13;

“Directive 82/711” means Council Directive [82/711/EEC](#) laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs(1);

“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(2);

“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(3);

(1) OJNo. L297, 23.10.1982, p.26. This was last amended by Commission Directive [97/48/EC](#) (OJ No. L222, 12.8.1997, p.10)

(2) OJ No. L372, 31.12.1985, p.14. This was last amended by Commission Directive [2007/19/EC](#) (OJ No. L97, 12.4.2007 p.50)

(3) OJ No. L184, 15.7.1988, p.61

Status: Point in time view as at 13/03/2009.

Changes to legislation: There are currently no known outstanding effects for the The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009, PART 1. (See end of Document for details)

“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⁽⁴⁾;

“the Directive” means Commission Directive [2002/72/EC](#) relating to plastic materials and articles intended to come into contact with foodstuffs ⁽⁵⁾;

“the Purity Directives” means Commission Directive [2008/60/EC](#) laying down specific purity criteria concerning sweeteners for use in foodstuffs⁽⁶⁾, Commission Directive [2008/128/EC](#) laying down purity criteria concerning colours for use in foodstuffs⁽⁷⁾ and Commission Directive [2008/84/EC](#) laying down specific purity criteria for food additives other than colours or sweeteners⁽⁸⁾;

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

“EFSA” means the European Food Safety Authority;

“fatty foods” means foods for which, in migration testing, simulant D is specified in Directive [85/572/EEC](#);

“food” is to be construed in accordance with Article 15(5) of the Order;

“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;

“infants” means children under the age of twelve months;

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

“Member State” means a Member State of the European Communities;

“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 Order” means the Food Safety (Northern Ireland) Order 1991;

“plastic functional barrier” means a barrier consisting of one or more layers of plastics which ensures that the finished material or article complies with Article 3 of Regulation 1935/2004 and with the Directive;

“plastic layers or coatings” means plastic layers or plastic coatings forming gaskets in lids that together are composed of two or more layers of different types of materials;

“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;

“plastic multi-layer material or article” means a plastic material or article composed of two or more layers of materials each consisting exclusively of plastics, which are bound together by means of adhesives or other means;

(4) OJ No. L40, 11.2.1989, p. 27

(5) OJ No. L220, 15.8.2002, p.18. This was amended by Commission Directives [2004/1/EC](#) (OJ No. L7, 13.1.2004, p.45), [2004/19/EC](#) (OJ No. L71, 10.3.2004, p.8), [2005/79/EC](#) (OJ No. L302, 19.11.2005, p.35), [2007/19/EC](#) (published in revised and corrected form in OJ No. L97, 12.4.2007, p.50), and [2008/39/EC](#) (OJ No. L63, 7.3.2008, p.6)

(6) OJ No. L158, 18.6.2008, p.17

(7) OJ No. L6, 10.1.2009, p.20

(8) OJ No. L253, 20.9.2008, p.1

“Regulation 1935/2004” means Regulation (EC) No 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC⁽⁹⁾;

“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⁽¹⁰⁾;

“sell” includes offer or expose for sale or have in possession for sale;

“the 2007 Regulations” means the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2007⁽¹¹⁾;

“young children” means children aged between one and three years.

(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.

(4) Any reference to a numbered Annex is a reference to that Annex to the Directive.

(5) Subject to paragraph (6), any reference to a Community instrument is a reference to it as amended, modified or otherwise adapted at the date of making of these Regulations.

(6) Any reference to an Annex to the Directive is a reference to that Annex as amended from time to time.

(7) The Interpretation Act (Northern Ireland) 1954⁽¹²⁾ shall apply to these Regulations as it applies to an Act of the Northern Ireland Assembly.

Commencement Information

12 Reg. 2 in operation at 13.3.2009, see [reg. 1](#)

⁽⁹⁾ OJ No. L338, 13.11.2004, p.4

⁽¹⁰⁾ OJ No. L302, 19.11.2005, p.28

⁽¹¹⁾ S.R. 2007 No. 434, as amended by S.R. 2008 No. 167 and these Regulations

⁽¹²⁾ 1954 c.33 (NI)

Status:

Point in time view as at 13/03/2009.

Changes to legislation:

There are currently no known outstanding effects for the The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009, PART 1.