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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to Scotland only, further amend the Plastic Materials and Articles in Contact with Food Regulations 1998 (S.I.1998/1376, “the 1998 Regulations”), which extend to the whole of Great Britain.

The Regulations implement Commission Directive [2004/13/EC](#) amending Commission Directive [2002/16/EC](#) relating to the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs (O.J. No. L 51, 22.2.02, p.27) and also implement Commission Directive [2004/1/EC](#) amending Commission Directive [2002/72/EC](#) in relation to the use of azodicarbonamide as a blowing agent (O.J. No. L 220, 15.8.02, p.18).

The Regulations amend the 1998 Regulations by–

- (a) extending by a year the provisional authorisation of 2,2-bis (4-hydroxyphenyl)propane bis(2,3-epoxypropyl)ether (“BADGE”) (regulation 4);
- (b) prohibiting the use of the blowing agent azodicarbonamide as from 2nd August 2005 (regulation 6);
- (c) amending the defence available under regulation 10 paragraph (19) of the 1998 Regulations by :–
  - (i) clarifying that the defence is only available in relation to proceedings for the contravention of regulation 8A which sets out the requisite standards for the use of adhesives and materials and articles covered by a surface coating; and
  - (ii) the addition of a provision which allows as such a defence the use of a date code as an alternative to the date of filling itself appearing on such adhesives or materials and articles covered by a surface coating (regulation 5(b) and (c));
- (d) creating a defence relating to azodicarbonamide similar to that which applies to adhesives and materials and articles covered by a surface coating (regulation 5(d)); and
- (e) correcting a typographical error in the 1998 Regulations (regulation 5(a)).

A Regulatory Impact Assessment, which includes a compliance cost assessment of the effect which these Regulations are likely to have on business costs, has been prepared and has been placed in the Scottish Parliament Information Centre. Copies may be obtained from the Food Standards Agency, 6th Floor, St Magnus House, 25 Guild Street, Aberdeen AB11 6NJ.