

SCHEDULE 3

PROVISIONS APPLICABLE WHEN TESTING COMPLIANCE WITH THE MIGRATION LIMITS

B. Special provisions relating to overall migration

6.—(1) Subject to sub-paragraph (2) below, any method of analytical determination may be used to prove excess of an overall migration limit in relation to a plastic material or article.

(2) In any proceedings for an offence under these Regulations where it is alleged that a plastic material or article does not comply with regulation 7 it shall be a defence for the person charged to prove that—

- (a) if an aqueous simulant specified in Schedule 4 had been used, and the analytical determination of the total quantity of substances released by a sample of the plastic material or article tested had been carried out by evaporation of the simulant and weighing of the residue, or
- (b) if rectified olive oil or any of its substitutes had been used as a simulant and—
 - (i) a sample of the plastic material or article had been weighed before and after contact with the simulant,
 - (ii) the simulant absorbed by the sample had been extracted and determined quantitatively,
 - (iii) the quantity of simulant so found had been subtracted from the weight of the sample measured after contact with the simulant, and
 - (iv) the difference between the initial and corrected final weights had been determined to represent the overall migration of the sample examined,

there would have been no such excess so determined.