
STATUTORY INSTRUMENTS

2012 No. 2619

**The Materials and Articles in Contact
with Food (England) Regulations 2012**

PART 10

General and supplementary

Consequential amendment to the Food Safety (Sampling and Qualifications) Regulations 1990

28. In the Food Safety (Sampling and Qualifications) Regulations 1990(1), in Schedule 1 (provisions to which those Regulations do not apply) —

- (a) omit the title and reference of the Plastic Materials and Articles in Contact with Food (England) Regulations 2009(2); and
- (b) for the title and reference of the Materials and Articles in Contact with Food (England) Regulations 2010(3) substitute the title and reference of these Regulations.

Amendment to the Food Labelling Regulations 1996

29.—(1) The Food Labelling Regulations 1996(4) are amended in accordance with paragraph (2).

(2) In regulation 2(1) (interpretation), for the definition of “ingredient” substitute the following definition —

““ingredient” means —

- (a) any substance, including any additive or food enzyme and any constituent of a compound ingredient, which is used in the preparation of a food and which is still present in the finished product, even if in altered form; or
- (b) any released active substance within the meaning of Article 3(f) of [Commission Regulation \(EC\) No. 450/2009](#) on active and intelligent materials and articles intended to come into contact with food,

and a “compound ingredient” shall be composed of two or more such substances;”.

(3) Paragraphs (1) and (2) expire on 13th December 2014.

Statutory Review

30.—(1) The Food Standards Agency must from time to time —

- (a) carry out a review of the operation and effect of regulations 1 to 27;
- (b) set out the conclusions of the review in a report; and

(1) [S.I. 1990/2463](#), amended by [S.I. 2009/205](#) and [S.I. 2010/2225](#); there are other amending instruments but none is relevant.

(2) [S.I. 2009/205](#), amended by [S.I. 2010/2225](#) and [S.I. 2011/231](#).

(3) [S.I. 2010/2225](#).

(4) [S.I. 1996/1499](#). The definition of ingredient was previously amended by [S.I. 2009/3235](#) and [S.I. 2010/2225](#).

- (c) publish the report.
- (2) In carrying out the review the Food Standards Agency must, so far as is reasonable, have regard to how the EU instruments are implemented or executed and enforced in other Member States.
- (3) The report must in particular —
 - (a) set out the objectives intended to be achieved by the regulatory system established by these Regulations;
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate and, if they do, the extent to which they could be achieved with a system that imposes less regulation.
- (4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.
- (5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.
- (6) In this regulation “the EU instruments” means Council Directive [78/142/EEC](#) on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs⁽⁵⁾, Directive 84/500/EEC, Directive 2007/42/EC, Regulation 1935/2004, Regulation 1895/2005, Regulation 2023/2006, Regulation 450/2009 and Regulation 10/2011.

Revocations

- 31.** The following Regulations are revoked —
- (a) The Ceramic Articles in Contact with Food (England) Regulations 2006⁽⁶⁾;
 - (b) The Plastic Materials and Articles in Contact with Food (England) Regulations 2009;
 - (c) The Materials and Articles in Contact with Food (England) Regulations 2010;
 - (d) The Plastic Materials and Articles in Contact with Food (England) (Amendment) Regulations 2011⁽⁷⁾

⁽⁵⁾ OJ No. L44, 15.2.1978, p.15.

⁽⁶⁾ [S.I. 2006/1179](#), amended by [S.I. 2007/2790](#).

⁽⁷⁾ [S.I. 2011/231](#).