
STATUTORY INSTRUMENTS

2019 No. 849

**The Regulated Products (Amendment)
(Northern Ireland) (EU Exit) Regulations 2019**

PART 2

Amendment of subordinate legislation

Amendment of the Genetically Modified Food Regulations (Northern Ireland) 2004

2. The Genetically Modified Food Regulations (Northern Ireland 2004⁽¹⁾) are amended as follows.

3. In the Schedule, in Part II—

- (a) omit the entries in the Table which relate to Article 8.6 of Regulation (EC) No. 1829/2003;
- (b) in the entry in the second column of the Table which corresponds to the entry in the first column of the Table relating to Article 9.3 of Regulation (EC) No. 1829/2003, for “Commission”, substitute “Food Safety Authority”.

Amendment of the Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012

4. The Materials and Articles in Contact with Food Regulations (Northern Ireland) 2012⁽²⁾ are amended as follows.

5. In regulation 2(1) (Interpretation) omit the definition of “Directive 84/500/EEC”.

6. In regulation 4, (Offences of contravening specified provisions of Regulation 1935/2004) in paragraph (3), omit “Community”.

7. In regulation 6 (Competent Authorities for the purposes of Regulation 1935/2004 and Regulation 2023/2006)—

- (a) omit paragraph (1)(a);
- (b) in paragraph (1)(b), for “16(1)”, substitute “16”.

8. In regulation 9 (Interpretation of this Part) omit 9(1)(b).

9. For regulation 10 (Limits for lead and cadmium and declaration of compliance), substitute—

“10.—(1) The quantities of lead or cadmium transferred from a ceramic article must not exceed the limits laid down in paragraph (4) of regulation 10A as read with paragraphs (3) and (5) of regulation 10A.

(1) S.R. 2004 No. 385.

(2) S.R. 2012 No. 384.

(2) Unless it is demonstrated that the materials used to make the ceramic article did not contain lead or cadmium, compliance with paragraph (1) is to be determined by testing and analysis in accordance with Schedules 3 and 4.

(3) A person must not place on the market a ceramic article that does not comply with the requirements of paragraph (1) as read with paragraph (2).

(4) A person who places on the market a ceramic article that is not yet in contact with food must provide a written declaration complying with paragraph (5) to accompany the article at the marketing stages up to and including the retail stage in accordance with Article 16 of Regulation 1935/2004.

(5) The declaration must be issued by the manufacturer or by a person established in the United Kingdom who placed the ceramic article on the market and must contain the information laid down in Schedule 5.

(6) A person who manufactures or, in the course of business, imports into the United Kingdom a ceramic article must on request make available to an authorised officer appropriate documentation to demonstrate compliance with the requirements of paragraph (1) including—

- (a) the results of the analysis carried out;
- (b) the test conditions; and
- (c) the name and the address of the laboratory that performed the testing.

(7) Paragraphs (4), (5) and (6) do not apply in relation to a ceramic article which is second-hand.

(8) The documentation specified in paragraphs (6)(a), (b) and (c) is not required where documentary evidence is provided to show that the materials used to make the ceramic article did not contain lead or cadmium.”.

10. After regulation 10 (Limits for lead and cadmium and declaration of compliance) insert a new regulation 10A—

“Limits for lead and cadmium and determining quantities transferred

10A.—(1) The quantities of lead and cadmium transferred from ceramic articles must not exceed the limits laid down below.

(2) The quantities of lead and cadmium transferred from ceramic articles must be determined by means of a test, the conditions of which are specified in Schedule 3, using the method of analysis described in Schedule 4.

(3) Where a ceramic article consists of a vessel fitted with a ceramic lid, the lead or cadmium limits (or both) which may not be exceeded (mg/dm² or mg/litre) must be that which applies to the vessel alone. The vessel alone and the inner surface of the lid shall be tested separately and under the same conditions. The sum of the two lead or cadmium extraction levels thus obtained shall be related as appropriate to the surface area or the volume of the vessel alone.

(4) A ceramic article shall be recognised as satisfying the requirements of these Regulations relating to such articles if the quantities of lead and/or cadmium extracted during the test carried out under the conditions laid down in Schedule 3 and Schedule 4 do not exceed the following limits—

	<i>Pb</i>	<i>Cd</i>
Category 1— Articles which cannot be filled and articles which can be filled, the internal depth of which, measured	0,8 mg/dm ²	0,07 mg/dm ²

	<i>Pb</i>	<i>Cd</i>
from the lowest point to the horizontal plane passing through the upper rim, does not exceed 25 mm.		
Category 2— All other articles which can be filled.	4,0 mg/l	0,3 mg/l
Category 3— Cooking ware; packaging and storage vessels having a capacity of more than three litres.	1,5 mg/l	0,1 mg/l

(5) However, where a ceramic article does not exceed the above quantities by more than 50 %, that article shall nevertheless be recognised as satisfying the requirements of these Regulations relating to such articles if at least three other articles with the same shape, dimensions, decoration and glaze are subjected to a test carried out under the conditions laid down in Schedule 3 and Schedule 4 and the average quantities of lead and/or cadmium extracted from those articles do not exceed the limits set, with none of those articles exceeding those limits by more than 50 %.”.

11. In regulation 18 (Requirements on materials and articles manufactured with vinyl chloride), after paragraph (2), insert—

“(3) The method of analysis for checking compliance with paragraph (1) shall comply with the criteria set out in paragraphs (4), (5) and (6).

(4) The level of vinyl chloride in materials and articles and the level of vinyl chloride released by materials and articles to foodstuffs are determined by means of gas-phase chromatography using the ‘headspace’ method.

(5) For the purposes of determining vinyl chloride released by materials and articles to foodstuffs, the detection limit is 0.01 mg/kg.

(6) Vinyl chloride released by materials and articles to foodstuffs is in principle determined in the foodstuffs. When the determination in certain foodstuffs is shown to be impossible for technical reasons, competent authorities may permit determination by simulants for these particular foodstuffs.”.

12. In regulation 20(2)(a) (Enforcement) for “16(1)” substitute “16”.

13. After Schedule 2, insert the new Schedules 3 to 5 set out in the Schedule to these Regulations.

Amendment of the Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013

14. The Food Additives, Flavourings, Enzymes and Extraction Solvents Regulations (Northern Ireland) 2013(3) are amended as follows.

15. In regulation 10(b) for “European Union” substitute “United Kingdom”.

16. In regulation 14(1)(d) for “territory of the EU” substitute “United Kingdom”.

17. Omit regulation 15.

18. In Schedule 1—

(a) in Table 1 in the entry for Article 26.1 in the second column for “Commission” substitute “Authority”;

(b) in Table 2—

- (i) in the entry for Article 21.1 (as read with Article 22) in the second column for “a language easily understandable to purchasers” substitute “English or in English and Welsh”;
- (ii) entry for Article 26.2 in the second column for “Commission” substitute “Authority”.

19. In Schedule 2 in Table 1—

- (a) in the entry for Article 10 in the second column for “Union” substitute “domestic”;
- (b) in the entry for Article 19.2 in the second column for “Commission” substitute “Authority”;
- (c) in the entry for Article 19.3 in the second column for “Commission” substitute “Authority”.

20. In Schedule 3 in Table 1 in the entry for Article 9.5 in the second column for “Commission” substitute “Authority”.

21. In Schedule 4 in Table 1—

- (a) in the entry for Article 4 in the second column for “Union” substitute “domestic”;
- (b) in the entry for Article 14.1 in the second column for “Commission” substitute “Authority”;
- (c) in the entry for Article 14.2 in the second column for “Commission” substitute “Authority”.

Amendment of the Novel Foods Regulations (Northern Ireland) 2017

22. The Novel Foods Regulations (Northern Ireland) 2017(4) are amended as follows.

23. In regulation 4 (Offence and penalty) omit “Union”.

24. In Schedule 1, in column 2 of the Table—

- (a) in the entry which relates to Article 6.2 as read with Article 24, omit “Union”;
- (b) in the entry which relates to Article 25, for “Commission”, substitute “Food Safety Authority”.