
WELSH STATUTORY INSTRUMENTS

2018 No. 913

**The Materials and Articles in Contact with
Food (Wales) (Amendment) Regulations 2018**

Title, application and commencement

1.—(1) The title of these Regulations is the Materials and Articles in Contact with Food (Wales) (Amendment) Regulations 2018.

(2) These Regulations apply in relation to Wales.

(3) These Regulations come into force on 6 September 2018.

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

2. The Materials and Articles in Contact with Food (Wales) Regulations 2012(1) are amended in accordance with regulations 3 to 9.

3. In regulation 2 (interpretation)—

(a) in paragraph (1), after the definition of “Regulation 10/2011”, insert the following definition—

““Regulation 2018/213” (“*Rheoliad 2018/213*”) means Commission Regulation (EU) 2018/213 on the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No 10/2011 as regards the use of that substance in plastic food contact materials(2);”;

(b) in paragraph (2), for “or Regulation 10/2011” substitute “, Regulation 10/2011 or Regulation 2018/213”.

4. In regulation 14(1) (offences of contravening specified provisions of Regulation 10/2011), for “and Article 6 of Commission Regulation (EU) 2018/831,” substitute “, Article 2 of Commission Regulation (EU) 2018/831(3) and Article 6 of Regulation 2018/213(4),”.

5. After regulation 17 (competent authorities for the purposes of Regulation 1895/2005) insert—

(1) [S.I. 2012/2705 \(W. 291\)](#), amended by [S.I. 2017/832 \(W. 202\)](#).

(2) OJ No L 41, 14.2.2018, p. 6.

(3) Commission Regulation (EU) 2018/831 amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food (OJ No L 140, 6.6.2018, p. 35). Article 2 provides that plastic materials and articles complying with Regulation 10/2011 as applicable before the entry into force of Regulation 2018/831 on 26 June 2018 may be placed on the market until 26 June 2019 and may remain on the market after that date until the exhaustion of stocks.

(4) Article 6 provides that plastic materials and articles that were lawfully placed on the market before 6 September 2018 may remain on the market until the exhaustion of stocks.

“PART 7A

Requirements for bisphenol A in varnishes and coatings intended to come into contact with food

Interpretation of Part 7A

17A. In this Part any reference to a numbered Article is a reference to the Article so numbered in Regulation 2018/213.

Offences of contravening specified provisions of Regulation 2018/213

17B. Subject to the transitional provisions contained in Article 6, any person who places on the market a material or article that fails to comply with Article 2 is guilty of an offence.

Competent authorities for the purposes of Regulation 2018/213

17C. The competent authorities for the purposes of Article 4(3) are the Food Standards Agency and each food authority in its area.”

6. In regulation 19 (offences and penalties)—
 - (a) in paragraph (2), after “Regulation 10/2011” insert “, Regulation 2018/213”;
 - (b) in paragraph (5)(a), for “or 16(4)” substitute “16(4) or 17B”.
7. In regulation 24(2) (general defences), after “16(4)” insert “, 17B”.
8. In regulation 27(1)(a) (application of various provisions of the Act)—
 - (a) at the end of paragraph (iv), omit “and”;
 - (b) after paragraph (v), insert—

“(vi) Article 4 of Regulation 2018/213; and”.
9. In Schedule 2, in Part 1 (modification of section 10(1)), in section 10(1A) as applied—
 - (a) at the end of paragraph (d), omit “and”;
 - (b) at the end of paragraph (e), for “.” substitute “; and”;
 - (c) after paragraph (e), insert—

“(f) Article 4 of Regulation 2018/213.”

30 July 2018

Vaughan Gething
Cabinet Secretary for Health and Social
Services, one of the Welsh Ministers