
WELSH STATUTORY INSTRUMENTS

2019 No. 425

The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019

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

3.—(1) The Materials and Articles in Contact with Food (Wales) Regulations 2012 ^{M1} are amended as follows.

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

[^{F1}(2A) In regulation 4(3) omit “Community”.

(2B) In regulation 6(1)—

(a) omit sub-paragraph (a);

(b) in sub-paragraph (b), for “16(1)” substitute “16”.]

(3) In regulation 9, omit paragraph (b).

(4) For regulation 10 substitute—

“**10.**—(1) The quantities of lead and cadmium transferred from a ceramic article must not exceed the limits set out in paragraph (5) as read with paragraphs (4) and (6).

(2) Unless it is demonstrated that the materials used to make the ceramic article did not contain lead or cadmium, the quantities of lead and cadmium transferred from a ceramic article 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) No person may place on the market a ceramic article that does not comply with the requirements of paragraph (1) as read with paragraph (2).

(4) 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 must be tested separately and under the same conditions. The sum of the two lead or cadmium extraction levels obtained by this method must be related as appropriate to the surface area or the volume of the vessel alone.

(5) A ceramic article is to 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>Lead (Pb)</i>	<i>Cadmium (Cd)</i>
Category 1: Articles which cannot be filled and articles which can be filled, the internal depth of which, measured from the lowest point to the horizontal plane passing through the upper rim, does not exceed 25 mm	0,8 mg/dm ²	0,07 mg/dm ²

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

(6) However, where a ceramic article does not exceed the above quantities by more than 50%, that article is nevertheless to 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%.”

(5) After regulation 10 insert—

“**10A.**—(1) A person who places on the market a ceramic article which is not yet in contact with foodstuffs must provide a written declaration [^{F2}complying with paragraph (2)] to accompany the article at the marketing stages up to and including the retail stage.

(2) The declaration must be issued by the manufacturer or by a seller in [^{F3}Great Britain] and must contain the information laid down in Schedule 5.

(3) A person who manufactures or, in the course of a business, imports into [^{F4}Great Britain] a ceramic article must on request make available to an authorised officer appropriate documentation to demonstrate that the ceramic article complies with the migration limits for lead and cadmium set out in regulation 10 including—

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

(4) Paragraphs (1), (2) and (3) do not apply in relation to a ceramic article which is second-hand.

(5) The documentation specified in paragraph (3)(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.”

(6) In regulation 18, after paragraph (2) insert—

“(3) The method of analysis used for checking compliance with paragraph (1) must 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 milligrams of vinyl chloride per kilogram of food.

(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, a food authority may permit determination by simulants for these particular foodstuffs.”

[^{F5}(6A) In regulation 27(1)(a)(i), for “10(4), 10(6)” substitute “10A(1), 10A(3).

(6B) In Schedule 2, in paragraph 1, in the substituted section 10(1A), for “10(4), 10(6)” substitute “10A(1), 10A(3).”

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

Textual Amendments

- F1** Reg. 3(2A)(2B) inserted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(2), **2(3)(a)**
- F2** Words in reg. 3(5) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(2), **2(3)(b)(i)**
- F3** Words in reg. 3(5) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(2), **2(3)(b)(ii)**
- F4** Words in reg. 3(5) substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(2), **2(3)(b)(iii)**
- F5** Reg. 3(6A)(6B) inserted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments and Saving Provision\) \(Wales\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1581\)](#), regs. 1(2), **2(3)(c)**

Commencement Information

- I1** Reg. 3 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1\(3\)](#)

Marginal Citations

- M1** [S.I. 2012/2705 \(W. 291\)](#), to which there are amendments not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Food and Feed Regulated Products (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019, Section 3.