

2011 No. 28

FOOD

**The Plastic Materials and Articles in Contact with Food
(Amendment) Regulations (Northern Ireland) 2011**

Made - - - - - *7th February 2011*

Coming into operation - *1st March 2011*

The Department of Health, Social Services and Public Safety^(a) makes the following Regulations in exercise of the powers conferred by Articles 15(2), 16(1), 25(1)(a) and (2)(a) and 47(2) of the Food Safety (Northern Ireland) Order 1991^(b).

In accordance with Article 47(3A) of the Food Safety (Northern Ireland) Order 1991 it has had regard to relevant advice given by the Food Standards Agency.

As required by Article 9 of Regulation (EC) No. 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety^(c), there has been open and transparent public consultation during the preparation and evaluation of these Regulations.

Citation and commencement

1. These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (Amendment) Regulations (Northern Ireland) 2011 and come into operation on 1st March 2011.

Amendment to the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009

2.—(1) The Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009^(d) are amended in accordance with paragraph (2).

(2) After regulation 20 (transitional defence relating to PVC gaskets containing epoxidised soy bean oil) insert—

(a) Formerly the Department of Health and Social Services; see S.I. 1999/283 (N.I.1) Article 3(6)
(b) S.I. 1991/762 (N.I.7) as amended by S.I. 1996/1663 (N.I.12), paragraphs 26 to 42 of Schedule 5 and Schedule 6 to the Food Standards Act 1999 c.28 and S.R. 2004 Nos. 482 and 505
(c) OJ No. L31, 1.2.2002, p.1. That Regulation was last amended by Regulation (EC) No. 596/2009 of the European Parliament and of the Council adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468 with regard to the regulatory procedure with scrutiny: Adaptation to the regulatory procedure with scrutiny – Part Four (OJ No. L188, 18.7.2009, p.14)
(d) S.R. 2009 No. 56, amended by S.R. 2010 No. 321

“Transitional defences relating to infant feeding bottles containing Bisphenol A

20A.—(1) In any proceedings for an offence under regulation 3 in connection with the sale or import into the EU of a polycarbonate infant feeding bottle which fails to meet the required standard it shall be a defence to prove that the plastic material or article —

- (a) was placed on the market or as the case may be imported in to the EU before 1st June 2011; and
- (b) complied with these Regulations as they stood immediately before the amendment made to Annex II to the Directive by Commission Directive 2011/8/EU.

(2) In any proceedings for an offence under regulation 4 in connection with the use of Bisphenol A in the manufacture of a polycarbonate infant feeding bottle it shall be a defence to prove that the plastic material or article —

- (a) was manufactured before 1st March 2011; and
- (b) complied with these Regulations as they stood immediately before the amendment made to Annex II to the Directive by Commission Directive 2011/8/EU.

(3) In this regulation Commission Directive 2011/8/EU means Commission Directive 2011/8/EU amending Directive 2002/72/EC as regards the restriction of use of Bisphenol A in plastic infant feeding bottles.”.

Sealed with the official seal of the Department of Health, Social Services and Public Safety on 7th February 2011.



Andrew McCormick

A senior officer of the Department of Health, Social Services and Public Safety

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Plastic Materials and Articles in Contact with Food Regulations (Northern Ireland) 2009 (S.R. 2009 No. 56 as previously amended by S.R. 2010 No. 321) (“the principal Regulations”) in order to provide for the implementation of transitional arrangements contained in Commission Directive 2011/8/EU amending Directive 2002/72/EC as regards the restriction of use of Bisphenol A in plastic infant feeding bottles (OJ No. L26,29.1.2011,p.11) (“the new Commission Directive”).

The new Commission Directive contains a prohibition on the manufacture, sale and import of plastic feeding bottles for infants that are manufactured using Bisphenol A, together with transitional provisions for phasing in this prohibition. The principal Regulations contain (at regulation 2(6)) an ambulatory reference which has the effect of implementing the prohibition.

These Regulations amend the principal Regulations to provide for the implementation of the transitional arrangements in the new Commission Directive (*regulation 2(2)*).

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