

## **EUROPEAN COMMUNITIES (MATERIALS AND ARTICLES INTENDED TO COME INTO CONTACT WITH FOODSTUFFS) (AMENDMENT) REGULATIONS 1998**

I, Mary Harney, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving effect to Commission Directive No. 97/48/EC(1) of 29 July, 1997, hereby make the following regulations:

### **REG 1**

1. (1) These Regulations may be cited as the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) (Amendment) Regulations, 1998.
- (2) These Regulations shall come into operation on the 28th day of August, 1998.
- (3) The European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations, 1991 to 1997, and these Regulations, may be cited together as the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations, 1991 to 1998.

### **REG 2**

2. In these Regulations "the Principal Regulations" means the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations, 1991 (S.I. No. 307 of 1991).

### **REG 3**

3. Regulation 2 (1) of the Principal Regulations is hereby amended by the substitution in the definition of "Commission Directives" (inserted by the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations, 1997 (S.I. No. 335 of 1997)) for paragraphs (1) and (m) of the following:  
"(l) Commission Directive 95/3/EC(2) of 14 February, 1995,  
(m) Commission Directive 96/11/EC(3) of 5 March, 1996, and  
(n) Commission Directive 97/48/EC(1) of 29 July, 1997;"
- (2)O.J. No. L41, 23.2.95, P. 44
- (3)O.J. No. L61, 12.3.96, P. 26
- (1)O.J. No. L222, 12.8.97, P. 10

### **REG 4**

4. Regulation 9 of the Principal Regulations is hereby amended-
  - (a) by the substitution in paragraph (9) (i) for "Chapter I.1 of the Annex to Directive 82/711/EEC" of "Chapter I.2.1 of the Annex (inserted by Commission Directive 97/48/EC (1)) to Council Directive 82/711/EEC(4)", and
  - 4)O.J. No. L297, 23.10.82, P. 26
  - (b) by the insertion in paragraph (10) after " 82/711/EEC" of "(as amended by Commission Directive 97/48/EC (1))".

REG 5

5. Regulation 16 of the Principal Regulations is hereby amended by-  
(a) the substitution for paragraph (2) of the following:

"(2) A person guilty of an offence under these Regulations shall be liable on summary conviction to a fine not exceeding £1,500.", and

(b) by the substitution for paragraph (4) of the following:

"(4) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under these Regulations may be initiated, in respect of manufacturing a material or article in contravention of a provision of these Regulations, at any time subsequent to its manufacture.".

GIVEN under my Official Seal, this 30th day of July, 1998.

Mary Harney

Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE

The purpose of these Regulations is to give legal effect to Commission Directive 97/48/EC amending Council Directive 82/711/EEC relating to plastic materials and articles intended to come into contact with foodstuffs and also for the administration and enforcement of the Regulations.