

## **S.I. No. 76 of 2003**

### **European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations 2003**

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. 2002/16/EC<sup>1</sup> of 20 February 2002, hereby make the following regulations:

<sup>1</sup> O.J. No. L51, 22.02.2002. p. 27

1. (1) These Regulations may be cited as the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations 2003

(2) These Regulations shall come into operation on the 28th day of February 2003.

(3) The European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations 1991 to 2002, and these Regulations, may be cited together as the European Communities (Materials and Articles Intended to come into Contact with Foodstuffs) Regulations 1991 to 2003.

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

3. Regulation 2 of the Principal Regulations is amended—

(a) in paragraph (1) by the substitution for paragraphs (p) and (q) in the definition of "Commission Directives" of the following:

"(p) Commission Directive 2001/62/EC<sup>2</sup> of 9 August 2001,

<sup>2</sup> O.J. No. L 221, 17.08.2001, p.18

(q) Commission Directive 2002/17/EC<sup>3</sup> of 21 February 2002, and

<sup>3</sup> O.J. No. L58. 21.02.2002, p.19

(r) Commission Directive 2002/16/EC<sup>1</sup> of 20 February 2002."

<sup>1</sup> O.J. No. L51, 22.02.2002. p. 27

(b) in paragraph (1) by the substitution for the definition of "Specific Directives" of the following:

" 'Specific Directives' means Council Directive 78/142/EEC, Council Directive 82/711/EEC, Council Directive 84/500/EEC, Council Directive 85/572/EEC, Commission Directive 90/128/EEC, Commission Directive 93/10/EEC, Commission Directive 93/11/EEC and Commission Directive 2002/16/EC;"

4. The Principal Regulations are amended by the addition of the following Regulation after Regulation 17:

"18. (1) In this Regulation —

'Directive' means Commission Directive 2002/16/EC;

'Annex I' means Annex I to Commission Directive 2002/16/EC;

'Annex II' means Annex II to Commission Directive 2002/16/EC

'materials and articles' means

(a) materials and articles made of any type of plastics,

(b) materials and articles covered by surface coatings, or

(c) adhesives.

'particular materials and articles' means

(a) materials and articles covered by surface coatings, or

(b) adhesives

that are brought into contact with foodstuffs before 1 March 2003.

(2) This Regulation applies to materials and articles intended to come into contact with foodstuffs and which are manufactured with or contain one or more of the following substances:

(a) 2,2-bis(4-hydroxyphenyl)propane bis(2,3-epoxypropyl)ether (hereinafter 'BADGE'), and some of its derivatives;

(b) bis(hydroxyphenyl)methane bis(2,3-epoxypropyl)ethers (hereinafter 'BFDGE'), and some of their derivatives;

(c) other novolac glycidyl ethers (hereinafter 'NOGE'), and some of their derivatives.

(3) This Regulation shall not apply to containers or storage tanks having a capacity greater than 10,000 litres or to pipelines belonging to or connected with them, covered by special coatings called 'heavy-duty coatings'.

(4) Materials and articles shall not release the substances listed in Annex I in a quantity exceeding the limit laid down in that Annex.

(5) Materials and articles shall not release the substances listed in Annex II in a quantity which, when added to the sum of BADGE and its derivatives listed in Annex I, exceeds the limit laid down in Annex II

(6) As from 1 March 2003 the quantity of NOGE components with more than two aromatic rings and at least one epoxy group as well as their derivatives containing chlorohydrin functions and having a molecular mass less than 1000 daltons shall not be detectable in materials and articles at the detection limit of 0.2 mg/6 dm<sup>2</sup>, including analytical tolerance

<sup>2</sup> O.J. No. L 221, 17.08.2001, p.18

(7) This Regulation shall not apply to particular materials and articles which may continue to be placed on the market provided that the date of filling appears on the materials and articles concerned, having regard to the requirements of Directive 2000/13/EC<sup>4</sup>.

<sup>4</sup> O.J. L109. 06.05.2000. p29

(8) For the purpose of this Regulation, the detection limit specified in Regulation (6) shall be verified by a method of analysis to be validated in compliance with the requirements of the Directive and, where such a validated method does not exist, by an analytical method with appropriate performance characteristics until such time as a method is validated.

(9) The use and/or presence of 'BADGE', 'BFDGE', or 'NOGE' in the manufacture of materials and articles shall not be permitted after 31 December 2004."

GIVEN under my Official Seal,  
this 24th day of February 2003.



Mary Harney

Minister for Enterprise, Trade and Employment

**EXPLANATORY NOTE**

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

The purpose of these Regulations is to give legal effect to Commission Directive 2002/16/EC on the use of certain epoxy derivatives in materials and articles intended to come into contact with foodstuffs.

Published by the *Government Supplies Agency*, Dublin 8.