



STATUTORY INSTRUMENTS.

S.I. No. 463 of 2009

EUROPEAN COMMUNITIES (PLASTICS AND OTHER MATERIALS)
(CONTACT WITH FOOD) (AMENDMENT) (NO. 2) REGULATIONS
2009

(Prn. A9/1693)

EUROPEAN COMMUNITIES (PLASTICS AND OTHER MATERIALS)
(CONTACT WITH FOOD) (AMENDMENT) (NO. 2) REGULATIONS
2009

I, BRENDAN SMITH, Minister for Agriculture, Fisheries and Food, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving full effect to Commission Regulation (EC) No. 450/2009 of 29 May 2009¹ and Commission Regulation (EC) No. 975/2009 of 19 October 2009², hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Plastics and other materials) (Contact with food) (Amendment) (No. 2) Regulations 2009.

2. The European Communities (Plastics and other materials) (Contact with food) Regulations 2007 (S.I. No. 587 of 2007) are amended—

(a) in Regulation 2(1)—

(i) by the insertion, before the definition of “Authorised Officer”, of—

“ ‘active and intelligent material Regulation’ means Commission Regulation (EC) No. 450/2009 of 29 May 2009;”,

(ii) by the substitution for the definition of “Plastics Directive” (inserted by the European Communities (Plastics and other materials) (Contact with food) (Amendment) Regulations 2009 (S.I. No. 88 of 2009)), of-

“ ‘Plastics Directive’ means Council Directive No. 2002/72/EC of 6 August 2002 as amended by Commission Directive No. 2004/1/EC of 6 January 2004, Commission Directive No. 2004/19/EC of 1 March 2004, Commission Directive No. 2005/79/EC of 18 November 2005, Commission Directive No. 2007/19/EC of 30 March 2007, Commission Directive No. 2008/39/EC of 6 March 2008 and Commission Regulation (EC) No. 975/2005 of 19 October 2009; ”,

(b) in Regulation 2, by the substitution for paragraph 2 (inserted by the European Communities (Plastics and other materials) (Contact with food) (Amendment) Regulations 2009 (S.I. No. 88 of 2009)), of-

¹O.J. L 135 of 30.5.2009, p. 3.

²O.J. L 274 of 20.10.2009, p. 3.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 1st December, 2009.*

“(2) A word or expression that is used in the active and intelligent material Regulation, Cellulose Film Directive, the Ceramics Directive, the Epoxy Derivatives Regulation, the Framework Regulation, the GMP Regulation, Commission Regulation (EC) No. 372/2007 of 2 April 2007, the Recycled Plastics Regulation, the Plastics Directive, the Teats and Soothers Directive, or the Vinyl Chloride Directive and that is also used in these Regulations has, in these Regulations, the same meaning as in the act of the institution of the European Communities in which the word or expression occurs”, and

- (c) in Regulation 14, by the substitution for paragraph (1) (inserted by the European Communities (Plastics and other materials) (Contact with food) (Amendment) Regulations 2009 (S.I. No. 88 of 2009)), of—

“(1) A person who, by act or omission contravenes—

- (a) Article 3, 4, 15, 16(1) (subject to Article 27) or 17 of the Framework Regulation,
- (b) Article 4, 5, 6, 9, 10, 11, 12 or 13 of the active and intelligent material Regulation, subject to Article 14 of that Regulation,
- (c) Article 4, 5, 6, or 7 of the GMP Regulation,
- (d) Article 2, 3, 4 or 5 of the Epoxy Derivatives Regulation,
- (e) Article 2, 3, 4, 5, 7, 8, 10(3), 11, 12, 13 or 14 of the Recycled Plastic Regulation, subject to Articles 14 and 16 of that Regulation, or
- (f) Regulation 3, 4, 5, 6, 7 or 13 of these Regulations,

commits an offence and is liable on conviction to a fine not exceeding €5,000 or to imprisonment for a period not exceeding 6 months or to both.”.



GIVEN under my Official Seal,
25 November 2009.

BRENDAN SMITH,
Minister for Agriculture, Fisheries and Food.

EXPLANATORY NOTE

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

These Regulations give full effect to European Regulations relating to plastics and active and intelligent materials and articles intended to come into contact with foodstuffs.

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