

Statutory Instrument 1994 No. 979

The Materials and Articles in Contact with Food (Amendment) Regulations 1994

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STATUTORY INSTRUMENTS

1994 No. 979

FOOD

The Materials and Articles in Contact with Food (Amendment) Regulations 1994

Made 15th March 1994

Laid before Parliament 30th March 1994

Coming into force

All regulations except regulation 2(e) 29th April 1994

Regulation 2(e) 1st July 1994

The Minister of Agriculture, Fisheries and Food and the Secretary of State being Ministers designated^[304] for the purposes of section 2(2) of the European Communities Act 1972^[305] in relation to materials and articles in contact with food or drink or intended for such contact, acting jointly, in exercise of the powers conferred on them by the said section 2(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Title, commencement and interpretation

1.—(1) These Regulations may be cited as the Materials and Articles in Contact with Food (Amendment) Regulations 1994 and shall come into force—

- (a) as respects all regulations except for regulation 2(e), on 29th April 1994; and
- (b) as respects regulation 2(e), on 1st July 1994.

(2) In these Regulations "the principal Regulations" means the Materials and Articles in Contact with Food Regulations 1987(c).

Amendment of principal Regulations

2. The principal Regulations shall be amended as follows—

- (a) in paragraph (1) of regulation 2, for the definition of "import" there shall be substituted the following—

""import" means import in the course of a business from any place other than a member State of the European Community and

"importation" shall be construed accordingly;" ;

- (b) in paragraph (5) of regulation 6, for the words "50 milligrams" there shall be substituted the words "30 milligrams";

- (c) at the beginning of paragraph (6) of regulation 6 there shall be inserted the words "Subject to regulation 6A";

- (d) after regulation 6 there shall be inserted the following regulation—

"6A.—(1) The prohibition in regulation 6(6) shall not apply to the sale, importation or use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food before 1st July 1994, of any regenerated cellulose film—

- (a) which has been manufactured before 29th April 1994; and

- (b) in the manufacture of which there has been used—

- (i) any one or more of the following substances or groups of substances—

- (aa) butyl-methylcarboxybutyl phthalate [= butyl-phthalyl butyl glycolate];

- (bb) di-isobutyl phthalate;

- (cc) di-(methylcyclohexyl) phthalate and its isomers [= sextolphthalate];

- (dd) methyl-methylcarboxyethyl phthalate [= methylphthalyl ethyl glycolate];

- (ii) any one or more of the following substances where the use in manufacture is not in accordance with the conditions and restrictions specified in the opposite and corresponding entry in column 2 of Part II of Schedule 1—

- (aa) butylbenzylphthalate;

- (bb) di-n-butyl phthalate;

- (cc) dicyclohexyl phthalate;

- (iii) any substance in Schedule 1 Part II item 3 under the heading "Other coating additives" where the use in manufacture is not in accordance with any entry in column 2 opposite and corresponding to the said heading if the substance does not exceed 6 mg/dm² in total on the side for contact with food; or

- (iv) any substance in Schedule 1 Part II item 3 under

the heading "Other coating additives" subheading (a) "Any additive specified in item 2 of Part I" where the use is not in accordance with the condition or restriction in column 2 opposite and corresponding to the said subheading if such use in manufacture is in accordance with any condition or restriction in column 2 of Schedule 1 Part I item 2 in relation to that substance.

(2) The prohibition in regulation 6(6) shall not apply to the sale, importation or use in the course of a business in connection with the storage, preparation, packaging, selling or serving of food, before 1st January 1995, of any regenerated cellulose film—

(a) which has been manufactured before 29th April 1994; and

(b) in the manufacture of which there has been used—
(i) either or both of the substances referred to in regulation 6(5), not in accordance with that regulation if that coated cellulose film has been manufactured in such a way that it does not transfer either or both of the substances referred to in regulation 6(5) to food in a quantity exceeding 50 milligrams per kilogram of food; or
(ii) the substance toluene, not in accordance with the condition or restriction in column 2 of Part II of Schedule 1, item 4 "Solvents for coating substances" opposite and corresponding to the entry of that substance in column 1.

(e) after regulation 6A (as inserted by these Regulations) there shall be inserted the following regulation—

"6B.—(1) Subject to paragraph (2) below, any material or article made of regenerated cellulose film intended to come into contact with food and at a marketing stage other than the retail stage shall be accompanied by a written declaration attesting that it complies with the legislation applicable to it.

(2) Paragraph (1) above shall not apply to any material or article made of regenerated cellulose film which by its nature is clearly intended to come into contact with food." ;

(f) after paragraph (2) of regulation 19 there shall be inserted the following paragraph—

"(3) Where an offence under these Regulations is committed in Scotland by a Scottish partnership and is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner, he as well as the partnership shall be guilty of the offence." ;

(g) in column 1 of Part I of Schedule 1 item 2 "Additives," under the heading "Softeners" there shall be inserted the entry "tetraethyleneglycol" immediately under the entry "sorbitol";

(h) in column 1 of Part II of Schedule 1 item 3 "Coating substances," under the heading "Plasticisers" the following shall be deleted—

(i) "-butyl-methylcarboxybutyl phthalate [= butylphthalyl butyl

glycolate]”

(ii) “and di-isobutyl phthalate”

(iii) “-di-(methylcyclohexyl) phthalate and its isomers [= sextolphthalate]”

(iv) “-methylmethylcarboxyethyl phthalate [= methylphthalyl ethyl glycolate]”;

(i) in column 2 of Part II of Schedule 1 item 3 "Coating substances" under the heading "Plasticisers"—

(i) opposite and corresponding to the entry "butylbenzylphthalate" in column 1 there shall be inserted the words “Not more than 2 mg/dm² in the coating on the side for contact with food”;

(ii) opposite and corresponding to entry "di-n-butyl phthalate" in column 1 there shall be inserted the words “Not more than 3 mg/dm² in the coating on the side for contact with food”;

(iii) opposite and corresponding to the entry "dicyclohexyl phthalate" in column 1 there shall be inserted the words “Not more than 4 mg/dm² in the coating on the side for contact with food”;

(j) in column 1 of Part II of Schedule 1 item 3 "Coating substances" in the heading "Other coating additives" the word "coating" shall be deleted and in the entry in column 2 opposite and corresponding to that heading there shall be inserted after the words "in total" the words "in the uncoated regenerated cellulose film, inclusive of the coating”;

(k) in column 2 of Part II of Schedule 1 item 3 "Coating substances" under the heading "Other additives" (as hereby amended) there shall be inserted—

(aa) in the entry opposite and corresponding to subheading (a) "Any additive specified in item 2 of Part I" in column 1, after the word "additive" the words “and where in any condition or restriction specified in column 2 in item 2 of Part I of this Schedule a substance is stated not to exceed a quantity in mg/dm² that quantity in mg/dm² shall in this Part refer to the uncoated regenerated cellulose film inclusive of the coating on the side for contact with food”;

(bb) in the entry opposite and corresponding to sub-heading (b) "Specific coating additives" in column 1 after the words "one is specified)" the words "in the coating”;

(l) in column 2 of Part II of Schedule 1 item 4 "Solvents for coating substances" opposite and corresponding to the entry "toluene" there shall be inserted the words “Not more than 0.06 mg/dm² on the side for contact with food”;

In witness whereof the Official Seal of the Minister of Agriculture, Fisheries and Food is hereunto affixed on 14th March 1994.

Gillian Shephard

Minister of Agriculture, Fisheries and Food

Hector Monro

Parliamentary Under-Secretary of State, Scottish Office

15th March 1994

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Materials and Articles in Contact with Food Regulations 1987 ("the principal Regulations") to implement both Commission Directive 93/10/EEC (OJ No. L93, 17.4.93, p.47) relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs, as amended by Commission Directive 93/111/EEC (OJ No. L310, 14.12.93, p.41), and Commission Directive 92/15/EEC (OJ No. L102, 16.4.92, p.44) amending Council Directive 83/229/EEC (OJ No. L123, 11.5.83, p.31) on the approximation of the laws of the Member States relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs.

The Regulations—

- (a) substitute in regulation 2(1) of the principal Regulations a definition of "import" to mean import in the course of a business from any place other than a member State of the European Community (regulation 2(a));
- (b) amend regulation 6 of the principal Regulations—
 - (i) to reduce the maximum permissible limit for two substances, the transfer to food in excess of which is prohibited (regulation 2(b)); and
 - (ii) to allow before 1st July 1994 or 1st January 1995, as specified, the sale, importation or use in connection with the storage, preparation, packaging, selling or serving of food, of film manufactured before the coming into force of the Regulations where a substance used in the manufacture of that film does not comply with specified conditions or restrictions as amended (regulation 2(c) and (d));
- (c) require materials and articles made of regenerated cellulose film at a marketing stage other than retail to be accompanied by a written declaration (regulation 2(e));
- (d) amend regulation 19 of the principal Regulations to provide that a partner of a Scottish partnership may be liable for an offence committed by that partnership (regulation 2(f));
- (e) amend Schedule 1 to the principal Regulations—
 - (i) to permit an additional substance to be used in the manufacture of regenerated cellulose film (regulation 2(g));
 - (ii) to prohibit the use of specified substances in the manufacture of regenerated cellulose film (regulation 2(h));
- (g) amend Schedule 1 to the principal Regulations to add conditions and restrictions and amend existing conditions and restrictions in respect of specified substances which may be used in the manufacture of regenerated cellulose film (regulation 2(i), (j), (k) and (l)).

A copy of the Compliance Cost Assessment in relation to these Regulations has been placed in the libraries of both Houses of Parliament and copies can be obtained from the Chemical Safety of Food Division of the Ministry of Agriculture, Fisheries and Food at Ergon House, 17 Smith Square, London SW1P 3JR.

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Notes:

[304] S.I. 1976/2141. [back](#)

[305] 1972 c. 68. [back](#)

