
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 517

**The Plastic Materials and Articles in Contact
with Food (Scotland) (No. 2) Regulations 2006**

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Plastic Materials and Articles in Contact with Food (Scotland) (No. 2) Regulations 2006, and come into force on 19th November 2006.

(2) These Regulations extend to Scotland only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Food Safety Act 1990;

“BADGE” has the meaning it bears in Article 1.1(a) of Regulation 1895/2005;

“BFDGE” has the meaning it bears in Article 1.1(b) of Regulation 1895/2005;

“business” has the meaning it bears in the Act;

“Directive 82/711” means Council Directive [82/711/EEC](#) laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs(1) as amended by Commission Directive [93/8/EEC](#)(2) and Commission Directive [97/48/EC](#)(3);

“Directive 85/572” means Council Directive [85/572/EEC](#) laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs(4);

“Directive 88/388” means Council Directive [88/388/EEC](#) on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production(5) as corrected by a corrigendum dated 15th July 1988(6);

“Directive 89/107” means Council Directive [89/107/EEC](#) on the approximation of the laws of the Member States concerning food additives authorised in foodstuffs intended for human consumption(7) as amended by European Parliament and Council Directive [94/34](#)(8);

(1) O.J. No. L 297, 23.10.82, p.26.

(2) O.J. No. L 90, 14.4.93, p.22.

(3) O.J. No. L 222, 12.8.97, p.10.

(4) O.J. No. L 372, 31.12.85, p.14.

(5) O.J. No. L 345, 14.12.88, p.29.

(6) O.J. No. L 184, 15.7.88, p.61.

(7) O.J. No. L 40, 11.2.89, p.27.

(8) O.J. No. L 237, 10.9.94, p.1.

“the Directive” means Commission Directive [2002/72/EC\(9\)](#) relating to plastic materials and articles intended to come into contact with foodstuffs, as amended by Commission Directive [2004/1/EC\(10\)](#), Commission Directive [2004/19/EC\(11\)](#) and Commission Directive [2005/79/EC\(12\)](#);

“EEA State” means a member State (other than the United Kingdom), Norway, Iceland and Liechtenstein;

“EFSA” means the European Food Safety Authority;

“food” is to be construed in accordance with section 16(5) of the Act;

“good technical quality” means good technical quality as regards the purity criteria;

“handling of food” means use in connection with the storage, preparation, packaging, sale or serving of food;

“import” means import in the course of a business;

“material or article” means a material or article falling within the definition of materials and articles in Article 1.2 of Regulation 1895/2005;

“monomer” means any substance which is included for the purposes of the Directive among monomers and other starting substances;

“NOGE” has the meaning it bears in Article 1.1(c) of Regulation 1895/2005;

“plastic material or article” means anything which for the purposes of the Directive is included among those plastic materials and articles and parts thereof to which the Directive applies;

“the Purity Directives” means Commission Directive [95/31/EC](#) laying down specific criteria of purity concerning sweeteners for use in foodstuffs([13](#)) as amended by Commission Directive [98/66/EC\(14\)](#), Commission Directive [2000/51/EC\(15\)](#), Commission Directive [2001/52/EC\(16\)](#) and Commission Directive [2004/46/EC\(17\)](#); Commission Directive [95/45/EC](#) laying down purity criteria concerning colours for use in foodstuffs([18](#)) as amended by Commission Directive [1999/75/EC\(19\)](#), Commission Directive [2001/50/EC\(20\)](#) and Commission Directive [2004/47/EC\(21\)](#); and Commission Directive [96/77/EC](#) laying down specific purity criteria for food additives other than colours or sweeteners([22](#)) as amended by Commission Directive [98/86/EC\(23\)](#), Commission Directive [2000/63/EC\(24\)](#), Commission Directive [2001/30/EC\(25\)](#), Commission Directive [2002/82/EC\(26\)](#), Commission Directive [2003/95/EC\(27\)](#) and Commission Directive [2004/45/EC\(28\)](#);

(9) O.J. No. L 220, 15.8.02, p.18.

(10) O.J. No. L 7, 13.1.04, p.45.

(11) O.J. No. L 71, 10.3.04, p.8.

(12) O.J. No. L 302, 19.11.05, p.35.

(13) O.J. No. L 178, 28.7.95, p.1.

(14) O.J. No. L 257, 19.9.98, p.35.

(15) O.J. No. L 198, 4.8.00, p.41.

(16) O.J. No. L 190, 12.7.01, p.18.

(17) O.J. No. L 114, 21.4.04, p.15.

(18) O.J. No. L 226, 22.9.95, p.1.

(19) O.J. No. L 206, 5.8.99, p.19.

(20) O.J. No. L 190, 12.7.01, p.14.

(21) O.J. No. L 113, 20.4.04, p.24.

(22) O.J. No. L 339, 30.12.96, p.1.

(23) O.J. No. L 334, 9.12.98, p.1.

(24) O.J. No. L 277, 30.10.00, p.1.

(25) O.J. No. L 146, 31.5.01, p.1.

(26) O.J. No. L 292, 28.10.02, p.1.

(27) O.J. No. L 283, 31.10.03, p.71.

(28) O.J. No. L 113, 20.4.04, p.19.

“Regulation 1895/2005” means Commission Regulation (EC) No. 1895/2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food⁽²⁹⁾;

“the 1998 Regulations” means the Plastic Materials and Articles in Contact with Food Regulations 1998⁽³⁰⁾;

“the 2005 Regulations” means the Materials and Articles in Contact with Food (Scotland) Regulations 2005⁽³¹⁾;

“the 2006 Regulations” means the Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2006 ⁽³²⁾; and

“sell” includes offer or expose for sale or have in possession for sale, and “sale” shall be construed accordingly.

(2) For the purposes of these Regulations the supply otherwise than on sale, in the course of a business, of any material or article is deemed to be a sale.

(3) Any other expression used in these Regulations and in the Directive, Directive 82/711, Directive 85/572 or Regulation 1895/2005 bears the same meaning in these Regulations as it bears in that Directive or Regulation.

(4) Except in Part 5 of Schedule 3, any reference to a numbered Annex is a reference to that Annex in the Directive.

⁽²⁹⁾ O.J. No. L 302, 19.11.05, p.28.

⁽³⁰⁾ S.I.1998/1376 as amended by S.S.I. 2000/431, 2002/498, 2003/9, 2004/524 and 2005/92. It was revoked by S.S.I. 2006/314.

⁽³¹⁾ S.S.I. 2005/243 as amended by S.S.I. 2006/314.

⁽³²⁾ S.S.I. 2006/314.