
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 517

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

PART 3

Execution and Enforcement

Transitional defence relating to PVC gaskets containing epoxidised soybean oil

17.—(1) In any proceedings for an offence under regulation 3 concerning the sale of a glass jar—

(a) which contains—

(i) infant formula or follow-on formula as defined by Commission Directive [91/321/EEC\(1\)](#) as corrected by a Corrigendum published on 4th May 1995(2) and as amended by Commission Directive [96/4/EC\(3\)](#), Commission Directive [1999/50/EC\(4\)](#) and Commission Directive [2003/14/EC\(5\)](#); or

(ii) processed cereal-based foods or baby foods for infants and young children as defined by Commission Directive [96/5/EC\(6\)](#) as amended by Commission Directive [98/36/EC\(7\)](#), Commission Directive [1999/39/EC\(8\)](#) and Commission Directive [2003/13/EC](#); and

(b) the lid of which is sealed by means of a PVC gasket containing epoxidised soybean oil having PM/Ref No. 88640 in Section A of Annex III,

it shall be a defence to prove the matters set out in paragraph (2).

(2) The matters to be proved are that—

(a) the PVC gasket mentioned in paragraph (1)(b) was compliant with the relevant restrictions and specifications in column 4 of item 259A of Part 1 of Schedule 2 to the 2006 Regulations;

(b) the glass jar was filled and sealed before 19th November 2006;

(c) the date of filling or a coded indication of that date was present on the jar or its lid at the time of sale; and

(d) the labelling or marking with the particulars mentioned in sub-paragraph (c) at the time of sale complied with the requirements relating to durability in Article 2.1(a) of Directive [2000/13/EC](#) of the European Parliament and of the Council on the approximation of the laws of the member States relating to the labelling, advertising, presentation and

(1) O.J. No. L 175, 4.7.91, p.35.

(2) O.J. No. L 101, 4.5.95, p.52.

(3) O.J. No. L 49, 28.2.96, p.12.

(4) O.J. No. L 139, 2.6.99, p.29.

(5) O.J. No. L 41, 14.2.03, p.37.

(6) O.J. No. L 49, 23.2.96, p.17.

(7) O.J. No. L 167, 12.2.98, p.23.

(8) O.J. No. L 124, 18.5.99, p.8.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

advertising of foodstuffs⁽⁹⁾ as corrected by a Corrigendum published on 25th May 2000⁽¹⁰⁾ and as amended by Commission Directive 2001/101/EC⁽¹¹⁾ (which was itself amended by Commission Directive 2002/86/EC⁽¹²⁾) the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded⁽¹³⁾ and Directive 2003/89/EC⁽¹⁴⁾.

(3) No person shall without reasonable excuse fail to comply with a request made by the enforcement authority to disclose the date signified by the coded indication mentioned in paragraph (2)(c).

⁽⁹⁾ O.J. No. L 109, 6.5.00, p.29.

⁽¹⁰⁾ O.J. No. L 124, 25.5.00, p.66.

⁽¹¹⁾ O.J. No. L310, 28.11.01, p.19.

⁽¹²⁾ O.J. No. L 305, 7.11.02, p.19.

⁽¹³⁾ O.J. No. L 236, 23.9.03, p.33.

⁽¹⁴⁾ O.J. No. L 308, 25.11.03, p.15.