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SCOTTISH STATUTORY INSTRUMENTS

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**2011 No. 100**

**The Plastic Materials and Articles in Contact with  
Food (Scotland) Amendment Regulations 2011**

**Amendment to the Plastic Materials and Articles in Contact with Food (Scotland)  
Regulations 2009**

2.—(1) The Plastic Materials and Articles in Contact with Food (Scotland) Regulations 2009<sup>(1)</sup> are amended as follows.

(2) After regulation 18 (transitional defence relating to PVC gaskets containing epoxidised soybean oil), insert—

**“Transitional defences relating to infant feeding bottles containing Bisphenol A**

**18A.**—(1) In any proceedings for an offence under regulation 3 in connection with the sale or import into the EU of a polycarbonate infant feeding bottle which fails to meet the required standard it is a defence to prove that the plastic material or article—

- (a) was placed on the market or as the case may be imported into the EU before 1st June 2011; and
- (b) complied with these Regulations as they stood immediately before the amendment made to Annex II to the Directive by Commission Directive 2011/8/EU.

(2) In any proceedings for an offence under regulation 4 in connection with the use of Bisphenol A in the manufacture of a polycarbonate infant feeding bottle it is a defence to prove that the plastic material or article—

- (a) was manufactured before 1st March 2011; and
- (b) complied with these Regulations as they stood immediately before the amendment made to Annex II to the Directive by Commission Directive 2011/8/EU.

(3) In this regulation, Commission Directive 2011/8/EU means Commission Directive 2011/8/EU amending Directive [2002/72/EC](#) as regards the restriction of use of Bisphenol A in plastic infant feeding bottles<sup>(2)</sup>.”

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(1) [S.S.I. 2009/30](#), as amended by [S.S.I. 2010/327](#).

(2) [O.J. L 26, 29.1.2011, p.11.](#)