
DRAFT STATUTORY INSTRUMENTS

2019 No.

**The Materials and Articles in Contact with
Food (Amendment) (EU Exit) Regulations 2019**

PART 2

Amendment of subordinate legislation

Amendment of the 2012 Regulations

3. The 2012 Regulations are amended as follows.
4. In regulation 4, in paragraph (3), omit “Community”.
5. In regulation 6—
 - (a) in paragraph (1)(a), omit “and 13 (competent authorities of Member States)”;
 - (b) in paragraph (1)(b), for “16(1)”, substitute “16”.
6. For regulation 10, substitute—

“10.—(1) The quantities of lead and cadmium transferred from ceramic articles must not exceed the limits laid down below.

(2) Unless it is demonstrated that the materials used to make the ceramic article did not contain lead or cadmium, the quantities of lead and cadmium transferred from ceramic articles must be determined by means of a test, the conditions of which are specified in Schedule 2, using the method of analysis described in Schedule 3.

(3) Where a ceramic article consists of a vessel fitted with a ceramic lid, the lead or cadmium limits (or both) which may not be exceeded (mg/dm² or mg/litre) must be that which applies to the vessel alone. The vessel alone and the inner surface of the lid must be tested separately and under the same conditions. The sum of the two lead or cadmium extraction levels thus obtained must be related as appropriate to the surface area or the volume of the vessel alone.

(4) A ceramic article is to be recognised as satisfying the requirements of these Regulations relating to such articles if the quantities of lead and/or cadmium extracted during the test carried out under the conditions laid down in Schedule 2 and Schedule 3 do not exceed the following limits—

Pb Cd

Category 1—

Articles which cannot be filled and articles which can be filled, the internal depth of which, measured from the lowest point to the horizontal plane passing through the upper rim, does not exceed 25 mm 0,8 mg/dm² 0,07 mg/dm².

Category 2—

All other articles which can be filled 4,0 mg/l 0,3 mg/l.

Category 3—

Cooking ware; packaging and storage vessels having a capacity of more than three litres
1,5 mg/l 0,1 mg/l.

(5) However, where a ceramic article does not exceed the above quantities by more than 50 %, that article is nevertheless to be recognised as satisfying the requirements of these Regulations relating to such articles if at least three other articles with the same shape, dimensions, decoration and glaze are subjected to a test carried out under the conditions laid down in Schedule 2 and Schedule 3 and the average quantities of lead and/or cadmium extracted from those articles do not exceed the limits set, with none of those articles exceeding those limits by more than 50 %.”.

7. Insert a new regulation 10A—

“**10A.**—(1) No person may place on the market a ceramic article that does not comply with the requirements of regulation 10(4) as read with regulation 10(5).

(2) At the marketing stages up to and including the retail stage, ceramic articles which are not yet in contact with foodstuffs must be accompanied by a written declaration in accordance with Article 16 of Regulation 1935/2004. That declaration is to be issued by the manufacturer or by a seller in the United Kingdom and must contain the information laid down in Schedule 4.

(3) Appropriate documentation to demonstrate that the ceramic articles comply with the migration limits for lead and cadmium set out in regulation 10 must be made available by the manufacturer or the importer to the competent authorities on request. That documentation must contain the results of the analysis carried out, the test conditions and the name and the address of the laboratory that performed the testing.

(4) The documentation specified in paragraph (3) is not required where documentary evidence is provided to show that the materials used to make the ceramic article did not contain lead or cadmium.

(5) Paragraphs (2) and (3) do not apply in relation to a ceramic article which is second-hand.”.

8. In regulation 18, after paragraph (2), insert—

“(3) The criteria applicable to the method of determining the level of vinyl chloride in materials and articles and of determining vinyl chloride released by materials and articles are as set out in paragraphs (4), (5), and (6).

(4) The level of vinyl chloride in materials and articles and the level of vinyl chloride released by materials and articles to foodstuffs are determined by means of gas-phase chromatography using the ‘headspace’ method;

(5) For the purposes of determining vinyl chloride released by materials and articles to foodstuffs, the detection limit is 0.01 mg/kg;

(6) Vinyl chloride released by materials and articles to foodstuffs is in principle determined in the foodstuffs. When the determination in certain foodstuffs is shown to be impossible for technical reasons, competent authorities may permit determination by simulants for these particular foodstuffs.”.

9. In regulation 19(1), for “10(3) or (4)”, substitute “10A(1)”.

10. After the Schedule, insert the Schedules contained in the Schedules to these Regulations.