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STATUTORY INSTRUMENTS

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**2012 No. 2619**

**The Materials and Articles in Contact  
with Food (England) Regulations 2012**

**PART 7**

**Requirements for certain epoxy derivatives**

**Restrictions on the use of certain epoxy derivatives (BADGE, BFDGE and NOGE)**

**16.**—(1) In this Part —

- (a) any reference to a numbered Article or Annex is a reference to that Article or Annex in Regulation 1895/2005; and
  - (b) paragraphs (2) and (3) are subject to Article 1(3) (scope)(1).
- (2) Subject to Article 6(1),(2) and (4) (transitional provisions)(2), no person may place on the market or use, in the course of a business in connection with the storage, preparation, packaging, sale or service of food —
- (a) any material or article in contravention of Article 3 (prohibition on use or presence of BFDGE) or Article 4 (prohibition on use or presence of NOGE); or
  - (b) any material or article that fails to comply with the restrictions contained in Article 2 (BADGE) as read with Annex I (specific migration limit for BADGE and certain of its derivatives).
- (3) Subject to Article 6(3)(3), no person may place on the market any material or article which fails to comply with the requirements of Article 5 (written declaration)(4).
- (4) Any person who contravenes paragraph (2) or (3) is guilty of an offence.

**Competent authorities for the purposes of Regulation 1895/2005**

**17.** The competent authority for the purpose of Article 6(4) is each food authority in its area and each port health authority in its district.

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(1) Article 3 contains an exception relating to certain containers and storage tanks and pipelines belonging to them.  
(2) Article 6(1) (relevant date 1 March 2003) and (2) (relevant date 1 January 2005) provide for transitional arrangements for the application of Articles 2, 3 and 4 to specified materials and articles; Article 6(4) allows the marketing of specified materials and articles if certain labelling requirements are met.  
(3) Article 6(3) provides for a transitional provision in relation to the application of Article 5 to specified materials and articles that were brought into contact with food before 1 January 2007.  
(4) Article 5 requires materials and articles containing BADGE and its derivatives to be accompanied by specified written material when being marketed at the pre-retail stages.