

STATUTORY INSTRUMENTS

2019 No. 704

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

PART 3

Amendment of retained direct EU legislation

Amendment of Regulation 1935/2004

11. Regulation 1935/2004 is amended as follows.

Commencement Information

I1 Reg. 11 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

12. In Article 1—

- (a) omit “internal”;
- (b) omit “in the Community”.

Commencement Information

I2 Reg. 12 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

13. In Article 2, in paragraph 2, after point (d), insert—

- “(e) “prescribe”, means prescribe by regulations;
- (f) “appropriate authority” means—
 - (i) in relation to England, the Secretary of State;
 - (ii) in relation to Wales, the Welsh Ministers;
 - (iii) in relation to Scotland, the Scottish Ministers;
 - ^{F1}(iv)
- (g) “Food Safety Authority” means—
 - (i) as regards [^{F2}England and Wales], the Food Standards Agency;
 - (ii) as regards Scotland, Food Standards Scotland;
 - ^{F3}(h)”

Textual Amendments

- F1** Words in reg. 13 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1504), regs. 1(2), **16(3)(a)**
- F2** Words in reg. 13 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1504), regs. 1(2), **16(3)(b)**
- F3** Words in reg. 13 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020](#) (S.I. 2020/1504), regs. 1(2), **16(3)(c)**

Commencement Information

- I3** Reg. 13 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

14. In Article 4—

- (a) in paragraph 1, for “the Community provisions applicable to food, such as the provisions of Directive [89/107/EEC](#) on food additives and related implementing measures, or, if no Community provisions exist, with the national provisions applicable to food”, substitute “retained EU law and any other enactment applicable to food”;
- (b) in paragraph 2, for “the relevant Community provisions applicable to food shall be authorised and used in accordance with the relevant Community provisions applicable to food, and shall comply with the provisions of this Regulation and its implementing measures”, substitute “retained EU law and any other enactment applicable to food”.

Commencement Information

- I4** Reg. 14 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

15. In Article 5—

- (a) in paragraph 1—
- (i) in the opening words, for “adopted or amended by the Commission”, substitute “prescribed by the appropriate authority”;
- (ii) for subparagraph (m), substitute—
- “provisions requiring the appropriate authority to establish and maintain a publicly available Register of authorised substances, processes, or materials or articles;”;
- (iii) omit the three unnumbered paragraphs which immediately follow subparagraph 1;
- (b) omit paragraph 2.

Commencement Information

- I5** Reg. 15 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

16. Omit Article 6.

Commencement Information

- 16** Reg. 16 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

17. In Article 7—

- (a) in both places in which it occurs (including the heading), omit “European”;
- (b) omit “, hereinafter referred to as ‘the Authority’”.

Commencement Information

- 17** Reg. 17 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

18. For Article 9, substitute—

“Application for authorisation of a new substance

1. To obtain the authorisation referred to in Article 8(1), the following procedure applies—

- (a) an application is to be submitted to the appropriate authority accompanied by the following—
 - (i) the name and address of the applicant;
 - (ii) a technical dossier containing the information specified in the guidelines for the safety assessment of a substance to be published by the Food Safety Authority;
 - (iii) a summary of the technical dossier;
- (b) the appropriate authority must—
 - (i) acknowledge receipt of the application in writing to the applicant within 14 days of its receipt; the acknowledgement must state the date of receipt of the application;
 - (ii) inform the Food Safety Authority without delay;
 - (iii) make the application and any supplementary information supplied by the applicant available to the Food Safety Authority.

2. The Food Safety Authority must publish detailed guidelines concerning the preparation and the submission of the application.”.

Commencement Information

- 18** Reg. 18 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

19. In Article 10—

- (a) in the heading, for “Authority”, substitute “ Food Safety Authority ”;
- (b) in paragraph 1—
 - (i) in both places in which it occurs, for “Authority”, substitute “ Food Safety Authority ”;
 - (ii) omit “, the Commission and the Member States”;
- (c) in paragraph 2, in each place in which it occurs, for “Authority”, substitute “ Food Safety Authority ”;
- (d) in paragraph 3—
 - (i) in the opening words, for “Authority”, substitute “ Food Safety Authority ”;
 - (ii) in point (b), omit “, the Commission and the Member States”;
- (e) in paragraph 5—
 - (i) for “Authority”, substitute “ Food Safety Authority ”;
 - (ii) for “Commission, the Member States”, substitute “ appropriate authority ”;
- (f) in paragraph 6, for “Authority”, substitute “ Food Safety Authority ”.

Commencement Information

- 19** Reg. 19 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

20. In Article 11—

- (a) in the heading, omit “Community”;
- (b) for paragraph 1, substitute—

“1. The authorisation of a substance must be prescribed by the appropriate authority and may contain such restrictions or conditions as the appropriate authority may specify in light of the opinion of the Food Safety Authority.”;

- (c) for paragraph 2, substitute—

“2. In determining whether to authorise a substance, and what restrictions or conditions, if any, to specify, the appropriate authority must take account of relevant provisions of retained EU law and other legitimate factors relevant to the matter under consideration. Where the determination is not in accordance with the opinion of the Food Safety Authority, the appropriate authority must provide without delay an explanation of the reasons for the differences. If the appropriate authority does not intend to authorise

a substance after a favourable opinion by the Food Safety Authority, it must inform the applicant without delay and provide the applicant with an explanation.”;

- (d) omit paragraph 3;
- (e) for paragraph 4, substitute—

“4. After the authorisation of a substance in accordance with this Regulation, any business operator using the authorised substance or materials or articles containing the authorised substance must comply with any condition or restriction attached to such authorisation.”;

- (f) for paragraphs 5, substitute—

“5. The applicant or any business operator using the authorised substance or materials or articles containing the authorised substance must immediately inform the Food Safety Authority of any new scientific or technical information, which might affect the safety assessment of the authorised substance in relation to human health. If necessary, the Food Safety Authority must then review the assessment.”;

- (g) omit paragraph 6.

Commencement Information

I10 Reg. 20 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

21. In Article 12—

- (a) in paragraph 3—
 - (i) for “a Member State or the Commission” substitute “ the appropriate authority ”;
 - (ii) in both places in which it occurs, for “Authority”, substitute “ Food Safety Authority ”;
- (b) for paragraph 4, substitute—

“4. The appropriate authority must examine the opinion of the Food Safety Authority without delay and may prescribe amendments to the authorisation, including without limitation changes in the conditions of use and, if any, in the restrictions specified in the authorisation.”;

- (c) omit paragraphs 5 and 6.

Commencement Information

I11 Reg. 21 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

22. Omit Article 13.

Commencement Information

- I12** Reg. 22 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

23. For Article 14, substitute—

“Administrative review

1. Any act or omission of the Food Safety Authority relating to this Regulation may be reviewed by the appropriate authority on its own initiative or in response to a request from any person directly and individually concerned.

2. A person requesting such a review must submit a request in writing to the appropriate authority within two months from the day on which the person became aware of the act or omission in question.

3. The appropriate authority must take a decision within two months of receipt of the request requiring, if appropriate, the Food Safety Authority to undo its act or to remedy its failure to act.”.

Commencement Information

- I13** Reg. 23 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

[^{F4}24. In Article 15—

- (a) in paragraph 1—
 - (i) in point (c), omit “established within the Community”;
 - (ii) in point (e), for “relevant Community provisions or, in their absence, national provisions” substitute “retained EU law or any other enactments”;
- (b) in paragraph 4, for “in a language easily understood by purchasers” substitute “in English, or in English and Welsh”;
- (c) omit paragraphs 5 and 6;
- (d) in paragraph 9, at point (b), for “, in their absence, with any national provisions” substitute “any other enactment”.]

Textual Amendments

- F4** Reg. 24 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), [regs. 1\(2\)](#), [16\(4\)](#)

Commencement Information

- I14** Reg. 24 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

25. For Article 16, substitute—

“Declaration of compliance

The specific measures referred to in Article 5 must require that materials and articles covered by those measures be accompanied by a written declaration stating that they comply with the rules applicable to them. Appropriate documentation must be available to demonstrate such compliance. That documentation must be made available to the competent authorities on demand.”.

Commencement Information

- I15** Reg. 25 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

26. In Article 17, at paragraph 3, omit “in the Community”.

Commencement Information

- I16** Reg. 26 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

27. In Article 18—

- (a) in paragraph 1—
- (i) in the opening words, for “a Member State”, substitute “ the appropriate authority ”;
 - (ii) omit the second paragraph;
- (b) for paragraph 2, substitute—

“2. The appropriate authority must, having where appropriate obtained the advice of the Food Safety Authority, review the grounds referred to in paragraph 1 as soon as possible. If the appropriate authority considers that amendments to the relevant specific measures are necessary in order to remedy the difficulties referred to in paragraph 1 and to ensure the protection of human health, those amendments must be prescribed by the appropriate authority.”;

- (c) omit paragraphs 3 and 4.

Commencement Information

- I17** Reg. 27 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

28. Omit Article 19.

Commencement Information

I18 Reg. 28 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

29. In Article 20—

(a) in paragraph 3—

- (i) for “Commission”, substitute “ appropriate authority ”;
- (ii) for “Authority”, substitute “ Food Safety Authority ”;

(b) for paragraph 4, substitute—

“4. The Food Safety Authority must supply the appropriate authority with all information in its possession on request by the appropriate authority.”;

(c) in paragraph 5, for “Commission, the Authority and the Member States”, substitute “ appropriate authority and the Food Safety Authority ”;

(d) in paragraph 6—

- (i) for “Authority, the Commission and the Member States”, substitute “ appropriate authority and the Food Safety Authority ”;
- (ii) for “Commission and the applicant”, substitute “ appropriate authority, the Food Safety Authority and the applicant ”.

Commencement Information

I19 Reg. 29 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

30. In Article 21, for “Authority” substitute “ Food Safety Authority ”.

Commencement Information

I20 Reg. 30 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

31. For Article 22, substitute—

“Amendments to Annexes

Amendments to Annexes 1 and 2 may be prescribed by the appropriate authority.”.

Commencement Information

- I21** Reg. 31 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

32. Omit Article 23.

Commencement Information

- I22** Reg. 32 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

33. Insert a new Article 23A—

“Article 23A

Regulations and devolved powers

1. Any power to make regulations under this Regulation—

- (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
- (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;

^{F5}(c)

2. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M1} (Scottish statutory instruments).

3. Any power to make regulations under this Regulation includes power—

- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business);
- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

4. [^{F6}Any statutory instrument or Scottish statutory instrument] containing regulations under this Regulation is subject to annulment in pursuance of a resolution—

- (a) in the case of England, of either House of Parliament;
- (b) in the case of Wales, of [^{F7}Senedd Cymru];
- (c) in the case of Scotland, of the Scottish Parliament;

^{F8}(d)

5. In this Regulation, any power—

- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

^{F9}(d)”.

Textual Amendments

- F5** Words in reg. 33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(5)(a)**
- F6** Words in reg. 33 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(5)(b)(i)**
- F7** Words in reg. 33 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(5)(b)(ii)**
- F8** Words in reg. 33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(5)(b)(iii)**
- F9** Words in reg. 33 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(5)(c)**

Commencement Information

- I23** Reg. 33 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M1** [2010 asp 10](#).

34. Omit Articles 24 and 25.

Commencement Information

- I24** Reg. 34 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

35. After Article 28, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I25 Reg. 35 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 1895/2005

36. Regulation 1895/2005 is amended as follows.

Commencement Information

I26 Reg. 36 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

37. After Article 8, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I27 Reg. 37 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 2023/2006

38. Regulation 2013/2006 is amended as follows.

Commencement Information

I28 Reg. 38 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

39. After Article 8, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I29 Reg. 39 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 282/2008

40. Regulation 282/2008 is amended as follows.

Commencement Information

I30 Reg. 40 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

41. In Article 4, for point (b), substitute—

“(b) the plastic input must originate from plastic materials and articles that have been manufactured in accordance with legislation on plastic food contact materials and articles, in particular, Council Directive [78/142/EEC](#) of 30 January 1978 on the approximation of laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs and Directive [2002/72/EC](#) relating to plastic materials and articles intended to come into contact with foodstuffs;”.

Commencement Information

I31 Reg. 41 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

42. In Article 5—

- (a) omit paragraph 2;
- (b) in both places in which it occurs (including the heading), for “Authority”, substitute “Food Safety Authority”.

Commencement Information

I32 Reg. 42 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

43. For Article 6, substitute—

“Authorisation of recycling processes

1. The authorisation of a recycling process must be prescribed by the appropriate authority and must contain—

- (a) the name of the recycling process;
- (b) the name and address of the authorisation holder;
- (c) a short description of the recycling process;
- (d) any conditions or restrictions concerning the plastic input;
- (e) any conditions or restrictions concerning the recycling process;
- (f) any characterisation of the recycled plastic;
- (g) any conditions in the field of application of the recycled plastic that has been manufactured by the recycling process;

- (h) any requirements concerning monitoring of the compliance of the recycling process with the conditions of the authorisation;
- (i) the date from which the authorisation is effective.

2. Any converter using recycled plastic from the authorised recycling process or any business operator using materials or articles containing recycled plastic from the authorised recycling process must comply with any condition or restriction attached to such authorisation.

3. The applicant or any business operator using the recycling process must immediately inform the Food Safety Authority of any new scientific or technical information, which might affect the safety assessment of the recycling process in relation to human health. If necessary, the Food Safety Authority must review the assessment.”.

Commencement Information

I33 Reg. 43 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

44. Insert a new Article 6A—

“Article 6A

Regulations and devolved powers

1. Any power to make regulations under this Regulation—

- (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
- (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;

^{F10}(c)

2. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M2} (Scottish statutory instruments).

3. Any power to make regulations under this Regulation includes power—

- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business); and
- (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

4. [^{F11}Any statutory instrument or Scottish statutory instrument] containing regulations made under this Regulation is subject to annulment in pursuance of a resolution—

- (a) in the case of England, of either House of Parliament;
- (b) in the case of Wales, of [^{F12}Senedd Cymru];
- (c) in the case of Scotland, of the Scottish Parliament;

^{F13}(d)

5. In this Regulation, any power—

- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

^{F14}(d)”.

Textual Amendments

- F10** Words in reg. 44 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(6)(a)**
- F11** Words in reg. 44 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(6)(b)(i)**
- F12** Words in reg. 44 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(6)(b)(ii)**
- F13** Words in reg. 44 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(6)(b)(iii)**
- F14** Words in reg. 44 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(6)(c)**

Commencement Information

- I34** Reg. 44 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

- M2** [2010 asp 10](#).

45. Article 7 is omitted.

Commencement Information

I35 Reg. 45 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

46. For Article 8, substitute—

“Modification, suspension and revocation of authorisation of a recycling process

1. The applicant or any business operator using the recycling process may apply for modification of the existing authorisation in accordance with the procedure laid down in Article 5(1).

2. The application must be accompanied by the following:

- (a) a reference to the original application;
- (b) a technical dossier containing the new information;
- (c) a new complete summary of the technical dossier in a standardised form.

3. The Food Safety Authority must evaluate whether the opinion or the authorisation is still in accordance with this Regulation. The Food Safety Authority may, where necessary, consult the applicant.

4. The appropriate authority must examine the opinion of the Food Safety Authority without delay and may prescribe amendments to the authorisation, including without limitation changes in the conditions of use and changes the restrictions attached to that authorisation.”.

Commencement Information

I36 Reg. 46 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

47. In Article 9—

- (a) in the heading, omit “Community”;
- (b) for paragraph 1, substitute—

“1. The Food Safety Authority must establish and maintain a register of authorised recycling processes. The register must be made available to the public. Each entry in the register must include details of the restrictions or conditions prescribed in relation to the authorised recycling process.”;

- (c) omit paragraph 2;
- (d) in paragraph 3, for “6(3)”, substitute “ 6(1) ”.

Commencement Information

I37 Reg. 47 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

48. For Article 10, substitute—

“Official control

1. The official control of a recycling plant and converter must be performed in accordance with the rules laid down in Regulation (EC) No 882/2004 and must include in particular audits as control technique as specified in Article 10 of Regulation (EC) No 882/2004.

2. The official control must verify that the recycling process corresponds to the authorised process and that an effective quality assurance system in accordance with Regulation (EC) No 2023/2006 is in place.

3. The authorisation holder must notify the Food Safety Authority about the recycling or manufacturing site in which the authorised recycling process is being applied.”.

Commencement Information

I38 Reg. 48 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

49. After Article 16, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I39 Reg. 49 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

50. In Annex 1, in both places in which it occurs, for “EC Register”, substitute “register”.

Commencement Information

I40 Reg. 50 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

Amendment of Regulation 450/2009

51. Regulation 450/2009 is amended as follows.

Commencement Information

I41 Reg. 51 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

52. In Article 1, omit “Community or national”.

Commencement Information

I42 Reg. 52 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

53. In Article 2, omit “within the Community”.

Commencement Information

I43 Reg. 53 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

54. In Article 3, after point (f), insert—
“(g) “the list” means the list referred to in Article 5.”.

Commencement Information

I44 Reg. 54 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

55. In Chapter 2, in Section 1, in the heading, omit “Community”.

Commencement Information

I45 Reg. 55 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

56. In Article 5—

- (a) in paragraph 1—
 - (i) for “the ‘Community list’”, substitute “ the list ”;
 - (ii) omit “(hereinafter referred to as the ‘Community list’)”;
- (b) in paragraph 2, in point (b), for “Community or national”, substitute “ retained EU law or any other enactment ”;
- (c) in both places in which it occurs (including the heading), omit “Community”.

Commencement Information

I46 Reg. 56 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

57. In Article 6, in both places in which it occurs (including the heading), omit “Community”.

Commencement Information

I47 Reg. 57 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

58. In Article 7, in both places in which it occurs (including the heading), omit “Community”.

Commencement Information

I48 Reg. 58 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

59. In Article 8—

- (a) in each place in which it occurs (including the heading), omit “Community”;
- (b) in both places in which it occurs, for “Commission”, substitute “appropriate authority”;
- (c) in paragraph 2—
 - (i) for “European Food Safety Authority (the Authority)”, substitute “Food Safety Authority”;
 - (ii) in the second paragraph, for “Authority” substitute “Food Safety Authority”;
- (d) in paragraph 5, in both places in which it occurs, for “Authority”, substitute “Food Safety Authority”;
- (e) in paragraph 6, for “Authority”, substitute “Food Safety Authority”.

Commencement Information

I49 Reg. 59 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

60. In Section 2, in the heading, omit “Community”.

Commencement Information

I50 Reg. 60 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

61. In Article 9—

- (a) in paragraph 1, for “the relevant Community and national provisions”, substitute “retained EU law and any other enactment”;
- (b) in paragraph 2, omit “Community”;
- (c) in paragraph 3—
 - (i) for “a specific Community or national measure on”, substitute, “retained EU law or any other enactment relating to”;
 - (ii) for “Community provisions”, substitute “retained EU law”.

Commencement Information

I51 Reg. 61 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

62. In Article 13, omit “national”.

Commencement Information

I52 Reg. 62 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

63. After Article 14, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I53 Reg. 63 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

64. In Annex 2—

- (a) in point 5, omit “Community”;
- (b) in point 6—
 - (i) for “the Community or national provisions”, substitute “retained EU law or any other enactment”;
 - (ii) omit “Community”.

Commencement Information

I54 Reg. 64 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 10/2011

65. Regulation 10/2011 is amended as follows.

Commencement Information

I55 Reg. 65 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

66. In Article 2—

- (a) in paragraph 3, omit “EU or national”;
- (b) in both places in which it occurs, omit “EU”.

Commencement Information

I56 Reg. 66 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

67. In Article 5—

- (a) in each place in which it occurs (including the heading), omit “Union”;
- (b) for paragraph 3, substitute—

“3. The appropriate authority may prescribe amendments to the list.”.

Commencement Information

I57 Reg. 67 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, **Sch. 5 para. 1(1)**), see [reg. 1](#)

68. Insert a new Article 5A—

“Article 5A

Regulations and devolved powers

1. Any power to make regulations under this Regulation—

- (a) so far as exercisable by a Minister of the Crown, is exercisable by statutory instrument;
- (b) so far as exercisable by the Welsh Ministers, is exercisable by statutory instrument;

^{F15}(c)

2. For regulations made under this Regulation by the Scottish Ministers, see also section 27 of the Interpretation and Legislative Reform (Scotland) Act 2010 ^{M3} (Scottish statutory instruments).

3. Any power to make regulations under this Regulation includes power—
- (a) to make different provision in relation to different cases or classes of case (including different provision for different areas or different classes of business); and
 - (b) to provide for such exceptions, limitations and conditions, and to make such supplementary, incidental, consequential or transitional provisions, as the appropriate authority considers necessary or expedient.

4. [^{F16}Any statutory instrument or Scottish statutory instrument] containing regulations made under this Regulation is subject to annulment in pursuance of a resolution—

- (a) in the case of England, of either House of Parliament;
- (b) in the case of Wales, of [^{F17}Senedd Cymru];
- (c) in the case of Scotland, of the Scottish Parliament;

^{F18}(d)

5. In this Regulation, any power—

- (a) of the Secretary of State to make regulations is limited to regulations which apply in relation to England only;
- (b) of the Welsh Ministers to make regulations is limited to regulations which apply in relation to Wales only;
- (c) of the Scottish Ministers to make regulations is limited to regulations which apply in relation to Scotland only;

^{F19}(d)”.

Textual Amendments

- F15** Words in reg. 68 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(7)(a)**
- F16** Words in reg. 68 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(7)(b)(i)**
- F17** Words in reg. 68 substituted (31.12.2020 immediately before IP completion day) by [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(7)(b)(ii)**
- F18** Words in reg. 68 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(7)(b)(iii)**
- F19** Words in reg. 68 omitted (31.12.2020 immediately before IP completion day) by virtue of [The Food and Feed Hygiene and Safety \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1504\)](#), regs. 1(2), **16(7)(c)**

Commencement Information

- I58** Reg. 68 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1, Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Marginal Citations

M3 2010 asp 10.

69. In Article 6—

- (a) in each place in which it appears (including the heading), omit “Union”;
- (b) in paragraph 1, for “national law” substitute “ any relevant enactment ”;
- (c) for paragraph 2, substitute—

“By way of derogation from Article 5, colorants and solvents which were capable of lawful use in the manufacture of plastic layers in plastic materials and articles prior to adoption of the list may continue to be so used subject to any relevant enactment.”.

Commencement Information

I59 Reg. 69 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

70. For Article 7, substitute—

“1. The appropriate authority must regularly prescribe updates to the provisional list of additives that that was published by the European Commission in 2008.

2. An additive must be removed from the provisional list—

- (a) when it is included in the list set out in Annex 1;
- (b) when a decision is taken by the appropriate authority not to include it in the list; or
- (c) if during the examination of the data, the appropriate authority calls for supplementary information and that information is not submitted within the time limits specified by the appropriate authority.”.

Commencement Information

I60 Reg. 70 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

71. In Article 13, in both places in which it appears, omit “Union”.

Commencement Information

I61 Reg. 71 in force at 31.12.2020 on IP completion day (in accordance with 2020 c. 1, Sch. 5 para. 1(1)), see reg. 1

72. In Article 14—

- (a) in each place in which it appears, omit “Union”;
- (b) omit paragraph 6.

Commencement Information

I62 Reg. 72 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 73.** In Article 16, in paragraph 1, omit “national”.

Commencement Information

I63 Reg. 73 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 74.** In Article 19, in the heading, omit “Union”.

Commencement Information

I64 Reg. 74 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 75.** After Article 23, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I65 Reg. 75 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 76.** In Annex 1, in the opening words of point 1, omit “Union”.

Commencement Information

I66 Reg. 76 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

- 77.** In Annex 4, at paragraph 7, omit “relevant EU provisions or, in their absence, with national”.

Commencement Information

I67 Reg. 77 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Amendment of Regulation 2018/213

78. Regulation 2018/213 is amended as follows.

Commencement Information

I68 Reg. 78 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

79. In Article 4(3), omit “national”.

Commencement Information

I69 Reg. 79 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

80. After Article 7, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Commencement Information

I70 Reg. 80 in force at 31.12.2020 on IP completion day (in accordance with [2020 c. 1](#), [Sch. 5 para. 1\(1\)](#)), see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019, PART 3.