
WELSH STATUTORY INSTRUMENTS

2012 No. 2705

**The Materials and Articles in Contact
with Food (Wales) 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.

(1) Article 3 contains an exception relating to certain containers and storage tanks and pipelines belonging to them.
(2) Article 6(1) and (2) 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.