L.N. 291 of 2005

FOOD SAFETY ACT
(CAP. 449)

Materials in Contact with Foodstuffs (Amendment) Regulations, 2005

IN exercise of the powers conferred by article 10 of the Food Safety Act, the Minister of Health, the Elderly and Community Care has made the following regulations:-

Citation.

1. The title of these regulations is the Materials in Contact with Foodstuffs (Amendment) Regulations, 2005, and they shall be read and construed as one with the Materials in Contact with Foodstuffs Regulations, 2003, hereinafter referred to as "the principal regulations". L.N. 138 of 2003.

Scope.

2. These regulations implement the provisions of Commission Directive 2004/1/EC of the 6 January, 2004 and Commission Directive 2004/14/EC of the 29 January, 2004.

Commencement.

3. (1) These regulations, other than regulation 4, shall come into force on the 2nd September, 2005, provided that materials and articles filled before 2 August 2005 may continue to be placed on the market provided that the date of filling appears on the materials and articles. The date of filling may be replaced by another indication, provided that the indication permits the identification of the date of filling. Upon request the date of filling shall be made available to the health authority and any person enforcing these provisions. This shall apply without prejudice to the requirements provided for in the Labelling, Presentation and Advertising of Foodstuffs Regulations.

(2) Regulation 4 shall come into force on the 29th January, 2006.

Substitutes the Fourth Schedule to the principal regulations.

4. For the Fourth Schedule to the principal regulations, there shall be substituted the following:-

"FOURTH SCHEDULE

Registered Cellulose Film

1. This Schedule contains specific provisions within the meaning of regulation 4.

2. This Schedule shall apply to regenerated cellulose film within the meaning of the description given in Part A which either:

(a) constitutes a finished product in itself; or

(b) forms part of a finished product containing other materials, and which is intended to come into contact with foodstuffs or which, by virtue of its purpose, does come into such contact.

3. This Schedule does not apply to synthetic casings of regenerated cellulose

4. The regenerated cellulose film referred to in paragraph 2 shall belong to one of the following types:

(a) uncoated regenerated cellulose film;

(b) coated regenerated cellulose film with coating derived from cellulose; or

(c) coated regenerated cellulose film with coating consisting of plastics.

5. Regenerated cellulose film referred to in points (a) and (b) of paragraph 4 shall be manufactured using only substances or groups of substances listed in Part B subject to the restrictions set out therein.

6. By way of derogation from paragraph 5, substances other than those listed in Part B may be used when these substances are employed as colouring matter (dyes and pigments) or as adhesives, provided that there is no trace of migration of the substances into or onto foodstuffs, detectable by a validated method.

7. Regenerated cellulose film referred to in paragraph 4 (c) shall be manufactured, prior to coating, using only substances or groups of substances listed in the First Part of Annex II of Directive 93/10/EEC, as amended by Directive 93/111/EC and Directive 2004/14/EC, subject to the restrictions set out therein.

8. The coating to be applied to the regenerated cellulose film referred to in paragraph 7 shall be manufactured using only substances or groups of substances listed in Annexes II to VI to Directive 2002/72/EC, subject to the restrictions set out therein.

9. Without prejudice to paragraph 7, materials and articles made of regenerated cellulose film referred to in paragraph 4 (c) shall comply with paragraphs 5 and 13 to 17 of the Fifth Schedule.

10. Printed surfaces of regenerated cellulose film shall not come into contact with the foodstuffs.

11. At the marketing stages other than the retail stages, materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs shall be accompanied by a written declaration in accordance with regulation 7.5.

12. Paragraph 11 does not apply to materials and articles made of regenerated cellulose film which by their nature are clearly intended to come into contact with foodstuffs.

13. Where special conditions of use are intended, the material or article made of regenerated cellulose film shall be labelled accordingly.

Part A

Description of Regenerated Cellulose Film

Regenerated cellulose film is a thin sheet material obtained from a refined cellulose derived from unrecycled wood or cotton. To meet technical requirements, suitable substances may be added either in the mass or on the surface. Regenerated cellulose film may be coated on one or both sides.

Part B

List of Substances Authorized in the Manufacture of Regenerated Cellulose Film

As stipulated by Annex II of Commission Directive 93/10/EEC (OJ L 93, 17.4.1993, p.27), as amended by Commission Directive 93/111/EC (OJ L 310, 14.12.1993, p.41) and by Commission Directive 2004/14/EC (OJ L 27, 30.1.2004, p.48).

Copies of the abovementioned Annexes shall be accessible to the general public at the Foodstuffs, Chemicals and Cosmetics Directorate of the Malta Standards Authority.".

Amends the Fifth Schedule to the principal regulations.

5. The following shall be added to Part III Section A of the Fifth Schedule:-

"8. Commission Directive 2004/1/EC (OJ L 7, 13.1.2004, p.45)".

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