

Carwyn Jones AM/AC

**Y Cwnsler Cyffredinol ac Arweinydd y Tŷ
Counsel General and Leader of the House**



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Lord Dafydd Elis – Thomas AM
Presiding Officer
National Assembly Wales

27 June 2008

Dear Dafydd

**THE PLASTIC MATERIALS AND ARTICLES IN CONTACT WITH FOOD (WALES) (No.2)
REGULATIONS 2008**

I am writing to inform you that in order to bring The Plastic Materials and Articles in Contact with Food (Wales) (No.2) Regulations 2008 into force in Wales in line with the rest of the UK, it has become necessary to breach the 21 day rule. These Regulations were made and laid in Table Office on 27 June 2008 and will come into force on 30 June 2008, in respect of regulation 30(a), with the remainder of the Regulations coming into force on 1 July 2008.

These Regulations will provide for the enforcement in Wales of Commission Regulation (EC) 597/2008, which extends the transitional migration limits for certain plasticisers in sealing gaskets in food jar lids to permit the continuing use of the specified plasticisers at the current higher migration limits until 30 April 2009. These Regulations will also revoke and remake bilingually The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008 and correct two erroneous references.

The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008, which came into force on 1 May 2008 (apart from regulation 29(c) which was due to come into force on 1 July 2008) implemented EU Directive 2007/19/EC. This was an amending Directive that updated the lists of monomer substances and additives permitted for use in the manufacturer of food contact plastics and laid down the necessary conditions for their safe use.

On 20 May 2008 the European Commission's Standing Committee on Food Chain and Animal Health adopted a proposal to amend Commission Regulation (EC) No. 372/2007. Commission Regulation (EC) No. 372/2007 laid down transitional migration limits for plasticisers used in gaskets in food jar lids. The 2007 Regulation was to be a short lived measure to last until 30 June 2008, when the provisions of the European Regulation were

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due to expire. Beyond that the provisions of Commission Directive 2007/19/EC would have then imposed more stringent migration limits on the substances in question. As such, the Plastic Materials and Articles in Contact with Food (Lid Gaskets) (Wales) Regulations 2008 would have been revoked on 1 July 2008, in accordance with regulation 29(c) of The Plastic Materials and Articles in Contact with Food (Wales) Regulations 2008.

The amending European Regulation (EC Regulation 597/2008), which was published in the Official Journal on 25 June 2008, extends until 30 April 2009 the period in which higher migration limits will be allowed for the specified plasticisers set out in Regulation (EC) 372/2007. The previous deadline had been set at 30 June 2008. The extension provides industry with more time to make its seal products compliant with the more stringent rules set out in Commission Directive 2007/19/EC. Lid manufacturers have been unable to develop formulations that comply with the lower migration limits for the specified plasticisers in the time they had originally requested. These new formulations move away from the use of other less desirable plasticisers.

Therefore, to ensure that businesses in Wales will be able to take advantage of the continuation period for the use of the specified plasticisers, it is essential that regulation 30(a) of this Statutory Instrument comes into force on 30 June 2008 to prevent the revocation of the Plastic Materials and Articles in Contact with Food (Lid Gaskets) (Wales) Regulations 2008. Similar legislation is coming into force on 30 June 2008 in England, Scotland and Northern Ireland to prevent the revocation of their equivalents of the Lid Gaskets Regulations.

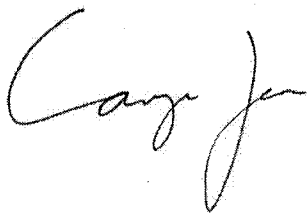
Also, to ensure consistency of enforcement and avoid confusion for manufacturers because different rules relating to plastics in contact with foodstuffs would apply in Wales to the rest of the UK, the remainder of Statutory Instrument needs to come into force on 1 July 2008 in line with similar legislation being made in England, Scotland and Northern Ireland.

For these reasons it has become necessary to breach the 21 day rule in order that regulation 30(a) of the Regulations comes into force on 30 June 2008, with the remainder of the Regulations coming into force on 1 July 2008.

These Regulations have not been subject to a Regulatory Impact assessment as there will be no negative impact on businesses (or other sectors). However, an Explanatory Memorandum has been prepared and this has been laid, together with the Regulations, in Table Office.

A copy of this letter goes Dr Dai Lloyd, Chair of the Subordinate Legislation Committee and Anna Daniel, Clerk to the Subordinate Legislation Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'C. Jones', is written over the 'Yours sincerely' text.