



Food Standards Agency
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Food contact materials
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CPI Health, Safety and Industry Conference

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Food Additives, Flavourings and Contact Materials branch at the FSA

Stuart Armstrong (Head of Chemical Safety Policy)

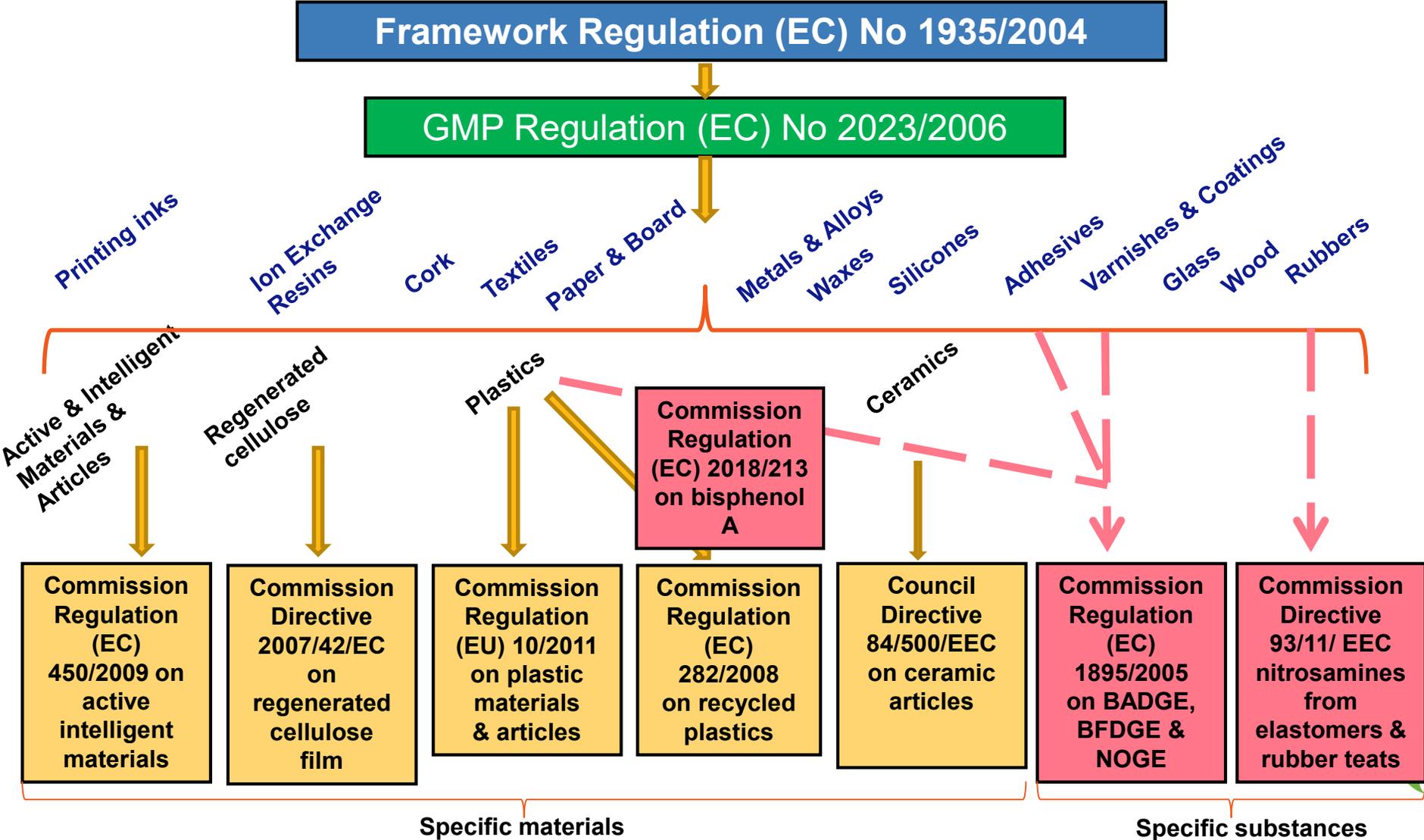
Adam Hardgrave (Head of Branch)

Tim Chandler (Senior Scientific Officer - FCMs)

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Mike Turner (Higher Scientific Officer - FCMs)

Overview of EU legislation on food contact materials



‘Framework Regulation’ (EC) No. 1935/2004

Article 3: Food contact materials must be manufactured according to Good Manufacturing Practice (GMP) (Regulation No. 2023/2006) so that they do not transfer substances into food at levels that would:

- Endanger human health;
- Unacceptably change composition of food; or
- Bring about a deterioration in the organoleptic characteristics



The labelling, advertising and presentation of a material or article shall not mislead the consumers.

→ EC carrying out an evaluation of this Regulation:

https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/evaluation_en

Paper and board food contact materials

- The list of materials for which specific measures can be made is contained in **Annex I** of the Framework Regulation, although it is not an exhaustive list of food contact materials. At the moment not all the categories have specific legislation, with materials that are specifically authorised for use and restrictions and migration limits set.

Paper and board (number 9)

Printing inks (number 11)

- After our exit from the EU, there is a possibility that the UK could introduce its own measures at a much later stage, if appropriate. The principal one of these is on printing inks (which the EU is discussing), or paper and board (taking into account mineral oil content), or both.
- → For now, EU standards will be the same for the UK at time of exit.

Paper and board food contact materials

- Paper and cardboard are ubiquitous food packaging materials, and are covered by the general requirements of **Regulation 1935/2004**. There is no specific European or UK national legislation (at present), and thus industry is at liberty to make reference to appropriate guidance or other pertinent legislation when considering compliance.
- European legislation on **plastics (Regulation 10/2011)** and **cellophane (Directive 2007/42/EC)** can be used for guidance on suitable testing and on any particular chemicals in use, whilst there is national guidance from some European Union Member States which may also provide a basis of such compliance determination.
- The German Bundesinstitut für Risikobewertung (BfR) has issued a series of recommendations on food contact and other materials which may also prove of use when considering compliance to Regulation 1935/2004. For example, **Recommendation XXXVI on paper and board for food contact**.

EU Exit – FSA preparations

General

- Leaving the EU doesn't change our top priority which is to ensure that UK food remains safe and what it says it is. The high standard of food safety and consumer protection we enjoy in this country will be maintained. We are committed to having in place a robust and effective regulatory regime which will mean business can continue as normal. For most food businesses, there will be no change in how they are regulated and how they are run.
- We have been working hard to ensure that businesses have the guidance they need to prepare for EU Exit. This includes working closely with DExEU to provide information for businesses on a range of issues where action may need to be taken in the event of a 'no deal' scenario.



EU Exit – FSA preparations

- We have now reached agreement with the EU on an extension until 31 October at the latest, with the option to leave earlier as soon as a deal has been ratified.
- As a responsible Government we've been preparing to minimise any disruption in the event of no deal for over two years.
- In light of the extension that has now been agreed, departments will make sensible decisions about the timing and pace at which some of this work is progressing, but we will continue to prepare for all Brexit scenarios.

EU Exit – FSA preparations

Regulated products – risk management



Risk Assessment vs Risk Management

What's the difference?

Risk Assessor	Risk Manager
EFSA is the risk assessor , evaluating risks associated with the food chain. EFSA doesn't have scientific laboratories, nor does it generate new scientific research. It collects and analyses existing research and data and provides scientific advice to support decision-making by risk managers.	Risk managers are the European Commission, Member State authorities and the European Parliament. They are responsible for making decisions or setting legislation about food safety.



When we leave the EU the FSA will be responsible for many of the functions **previously carried out by the European Commission and EFSA**



EU Exit – FSA preparations

Regulated products – risk management

- The FSA Future Model:
 - Distinct FSA Divisions on risk assessment and management
 - The FSA's Science team carries out risk assessment, policy team delivers risk management recommendations, and Ministers are ultimately responsible for authorisations.
- The FSA Board has approved proposals for a system where the majority of **risk management decisions** will be taken by the FSA, and more significant, higher profile decisions will be for health ministers to take, based on independent, science and evidence-based advice from the FSA. This would include wider policy matters with a food safety component.

EU Exit – FSA preparations

- EU regulations and existing authorisations have been transferred into UK law in preparation for exit day so if a product or process has been approved by the EC for the EU market, approval will remain valid.
- Companies wishing to place a new regulated food or feed product or process on the UK market or request a change of conditions of use for existing products, will need to apply for regulated product authorisation in the UK. **For FCMs, this will be for substances in plastic and regenerated cellulose film, recycled FCM plastic processes and AIMs.**
- We are preparing processes to allow applicants to submit applications after exit day & further information about this will be available at the point the UK leaves the EU.
- New products and processes will need to go through the UK authorisation process.
- To minimise disruption, risk assessment will be based on the same process developed by EFSA.

EU Exit – FSA preparations



FCM-specific



Materials and Articles in Contact with Food (Amendment) (EU Exit) Regulations 2019 – this has been made as a UK Statutory Instrument and will become active upon the UK's exit from the European Union.

<http://www.legislation.gov.uk/ukdsi/2019/9780111180426/contents>

- Until the UK officially exits the European Union, the relevant EU Regulations will continue to be directly applicable.
- When necessary we will continue to update our advice on [gov.uk/euexit](https://www.gov.uk/euexit) on how people should prepare. There is also a dedicated page on the FSA website:
- <https://www.food.gov.uk/business-guidance/preparing-your-business-for-the-uk-to-leave-the-eu>

Final thoughts

→ Thank you to Confederation of Paper Industries for inviting us to present at this conference.

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Thank you for listening