

businesscompanion

trading standards law explained

Food contact materials

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Although the United Kingdom has left the European Union (EU), certain pieces of legislation (formally known as 'retained EU law') will still apply until such time as they are replaced by new UK legislation; this means that you will still see references to EU regulations in our guidance.

This guidance is for England and Wales

If you package food yourself, you must ensure that you use packaging that is suitable for food use. Suitable packaging will be marked 'for food contact' or have a symbol on it that looks like a wine glass and a fork.



It includes things like cling film, ceramic and plastic containers.

Definition of food contact materials

Food contact materials are those that:

- are intended to be brought into contact with food
- are already in contact with food and were intended for that purpose

- can reasonably be expected to be brought into contact with food or transfer their constituents to the food under normal or foreseeable use

This includes direct or indirect contact.

What is required?

You should ask the business supplying you with the food contact materials to supply written evidence that the materials comply with the relevant requirements.

This is known as a 'declaration of compliance' and you can get it from your packaging supplier. You also have to get one if you buy food that is already packaged for sale in any of those materials.

The declaration of compliance will normally contain information about:

- who manufactured or imported the materials or articles or the substances intended for their manufacture
- what they are
- when the declaration was made
- confirmation that the materials or articles meet relevant requirements laid down in Regulation (EC) No 1935/2004 on *materials and articles intended to come into contact with food* and in any specific measures
- information about the compliance of substances used that are subject to any restrictions and/or specifications that will allow the downstream businesses ensure compliance with those restrictions
- information about the compliance of substances subject to a restriction in food, about the level of their specific migration and, where appropriate, purity criteria to enable the user of these materials or articles to comply with the law
- specifications on the use of the material or article, such as:
 - type or types of food it is intended to be put in contact with
 - time and temperature of treatment and storage in contact with the food
 - ratio of food-contact surface area to volume used to establish the compliance of the material or article
- confirmation that the material or article complies with any rules on functional barriers when one is incorporated into the material or article

You should keep the declarations with your other records as these may be asked for by trading standards or environmental health officers when they visit you.

Further information

More information on [food contact materials legislation](#) is available on the Food Standards Agency website.

Trading Standards

For more information on the work of Trading Standards services - and the possible consequences of not abiding by the law - please see ['Trading Standards: powers, enforcement and penalties'](#).

In this update

No major changes.

Last reviewed / updated: October 2022

Key legislation

[Regulation \(EC\) No 1935/2004](#) on materials and articles intended to come into contact with food

[Regulation \(EC\) No 1895/2005](#) on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food

[Regulation \(EC\) No 2023/2006](#) on good manufacturing practice for materials and articles intended to come into contact with food

[Regulation \(EC\) No 450/2009](#) on active and intelligent materials and articles intended to come into contact with food

[Regulation \(EU\) No 10/2011](#) on plastic materials and articles intended to come into contact with food

[Materials and Articles in Contact with Food \(England\) Regulations 2012](#)

[Materials and Articles in Contact with Food \(Wales\) Regulations 2012](#)

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links often only shows the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on changes to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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