





Basic information	
<b>2003/0272(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Materials and articles intended to come into contact with food  Amended by <a href="#">2018/0088(COD)</a> See also <a href="#">2015/2259(INI)</a>  <b>Subject</b>  3.10.10 Foodstuffs, foodstuffs legislation 3.40.13 Food industry 4.60.02 Consumer information, advertising, labelling 4.60.04.04 Food safety	

Key players				
European Parliament	<b>Committee responsible</b>		<b>Rapporteur</b>	<b>Appointed</b>
	<b>ENVI</b>	Environment, Public Health, Consumer Policy	THORS Astrid (ELDR)	27/11/2003
	<b>Committee for opinion</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b>	Legal Affairs and Internal Market	HARBOUR Malcolm (PPE-DE)	22/01/2004
	<b>ITRE</b>	Industry, External Trade, Research, Energy	CORBAY Dorette (PSE)	02/12/2003
	<b>AGRI</b>	Agriculture and Rural Development	The committee decided not to give an opinion.	
	Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
		Environment	2610	2004-10-14

Key events			
Date	Event	Reference	Summary
17/11/2003	Legislative proposal published	<a href="#">COM(2003)0689</a> 	Summary
20/11/2003	Committee referral announced in Parliament, 1st reading		
15/03/2004	Vote in committee, 1st reading		Summary

15/03/2004	Committee report tabled for plenary, 1st reading	<a href="#">A5-0147/2004</a>	
30/03/2004	Debate in Parliament		
31/03/2004	Decision by Parliament, 1st reading	<a href="#">T5-0235/2004</a>	<a href="#">Summary</a>
31/03/2004	Results of vote in Parliament		
14/10/2004	Act adopted by Council after Parliament's 1st reading		
27/10/2004	Final act signed		
27/10/2004	End of procedure in Parliament		
13/11/2004	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2003/0272(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation
<b>Amendments and repeals</b>	Amended by <a href="#">2018/0088(COD)</a> See also <a href="#">2015/2259(INI)</a>
<b>Legal basis</b>	EC Treaty (after Amsterdam) EC 095
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ENVI/5/20360

Documentation gateway				
<b>European Parliament</b>				
<b>Document type</b>	<b>Committee</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0147/2004</a>	15/03/2004	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0235/2004</a> OJ C 103 29.04.2004, p. 0449-0579 E	31/03/2004	<a href="#">Summary</a>
<b>European Commission</b>				
<b>Document type</b>		<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Legislative proposal		<a href="#">COM(2003)0689</a> 	17/11/2003	<a href="#">Summary</a>
<b>Other institutions and bodies</b>				
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
	Economic and Social Committee:	<a href="#">CES0654/2004</a>		

EESC	opinion, report	<a href="#">OJ C 117 30.04.2004, p. 0001-0004</a>	28/04/2004	
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Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
<a href="#">Regulation 2004/1935</a> <a href="#">OJ L 336 13.11.2004, p. 0004-0017</a>	<a href="#">Summary</a>

## Materials and articles intended to come into contact with food

2003/0272(COD) - 27/10/2004 - Final act

**PURPOSE** : to ensure the effective functioning of the internal market in relation to the placing on the market in the Community of materials and articles intended to come into contact directly or indirectly with food, whilst providing the basis for securing a high level of protection of human health and the interests of consumers.

**LEGISLATIVE ACT** : Regulation 1935/2004/EC of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC.

**CONTENT** : this Regulation will apply to all materials and articles, including active and intelligent food contact materials, which are intended to be brought into contact with food, are already in contact with food and were intended for that purpose or can reasonable be expected to be brought into contact with food. It does not apply to the covering or coating materials of certain foodstuffs such as cheese rinds, prepared meat products or fruits, which may be part of the food. Nor does it apply to fixed public or private water supply equipment.

As far as the "General Requirements" are concerned materials and articles coming into contact with food must not endanger human health, bring about an unacceptable change in the composition of food or bring about deterioration in the organoleptic characteristics of the food. Changes may only be brought about in the composition of the food on condition that the changes comply with Community provisions.

Certain procedures are foreseen for certain groups of materials and articles. This includes, inter alia, a list of substances authorized for use in the manufacturing of materials and articles, purity standards for substances, or provisions aimed at protecting human health against hazards arising from oral contact with materials and articles.

Other provisions outlined in the Regulation include national specific measures, the role of the European Food Safety Authority, general requirements for the authorization of substances, applications for the authorization of new substances, the Opinion of the Authority, Community authorization, the modification, suspension and revocation of authorization, labeling, the declaration of compliance, safeguard measures, public access, confidentiality, the sharing of existing data, inspection and control measures and lastly sanctions and repeals.

There is also a provision regarding traceability, which states that all materials and articles must be traceable at all stages in order to control the recall of defective products. Business operators must have a system in place to allow for the identification of the businesses from which materials are coming into contact with food. Lastly, materials and articles that have been lawfully placed on the market before 3 December 2003 may be marketed until the stocks are exhausted.

**ENTRY INTO FORCE**: 03/12/2004. Article 17 (traceability) will be applicable as from 27/10/2006.

## Materials and articles intended to come into contact with food

2003/0272(COD) - 31/03/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report Astrid THORS (ELDR, FIN). A number of the amendments were aimed at aligning the draft legislation with other pieces of legislation in the field of food safety, e.g. the directives on additives and labelling and the 2002 regulation establishing the European Food Safety Authority (EFSA). The text is the result of a broad compromise between the Parliament and Council. It sets conditions which must be met by products and materials coming into direct or indirect contact with food which is to be put on the market. MEPs want specific provisions ensuring traceability of objects which remain in contact with food, notably to allow a more effective response if product withdrawal is necessary. This is

one of the aims of proper labelling: from now on all materials and articles intended to be in contact with food must be labelled "suitable for food contact" or carry a special food contact symbol, unless its own name already makes that clear (e.g. 'coffee pot') or if by its nature such a use can be "reasonably" expected. MEPs want the information on the product to be worded in a language that can be easily understood by consumers. This must be their own language - plus possibly other EU languages - otherwise the product would not be officially authorised to go on sale. On the question of authorisation, MEPs have approved the current principle of positive lists of approved substances and materials, meaning that a material is not deemed to be approved merely because it has not been explicitly banned. Authorisations are the subject of specific rules, whether for a substance, a material, an object or a procedure. New procedures for placing materials on the market and evaluating them in terms of health safety are set out, including in particular procedures for recycled material. A Member State observing that a substance initially thought to be in conformity with the rules in fact presents a risk to public health will be able to suspend the authorisation for that product on its territory. Lastly, Parliament completed the text by insisting on the need to take the needs of developing countries into account.

## Materials and articles intended to come into contact with food

2003/0272(COD) - 17/11/2003 - Legislative proposal

**PURPOSE** : to provide a legal framework, which introduces the possibility to take into account new technological solutions to food packaging and sets some basic requirements for their use.

**CONTENT** : the European Commission is proposing a revised Regulation on materials which come into contact with food. Among the proposed changes is a more modern approach to the principle that packaging materials should not interact with the food they contain. This will allow the introduction into the EU of "active" and "intelligent" packaging that, for example, prolongs shelf life or monitors and displays information about the freshness of food. The proposal will also set up traceability requirements so that materials coming into contact with food are identified at all stages of production and distribution. Food contact materials are all items intended to touch food. This includes packaging such as plastic wrapping, and glass bottles as well as objects like coffee machines and soup spoons. The revised Regulation also covers adhesives and printing inks. The purpose of this Regulation is to ensure the effective functioning of the internal market in relation to materials and articles intended to come into contact with foodstuffs, whilst providing the basis for securing a high level of protection of human health and the interests of consumers. The overall policy objective in terms of expected impacts is to: - secure a high level of protection of human health and the interests of the consumer, - ensure the free movement of materials and articles intended to come into contact with food, - take into account important technological developments in the area of food packaging, - ensure better traceability as well as labelling of materials and articles intended to come into contact with food, - improve the transparency of the authorisation process by specifying the various phases of the procedure, - give the possibility to the Commission to adopt for the implementing measures not only directives, but also decisions and regulations, as the latter are more appropriate for provisions, such as positive lists, - ensure better enforceability of the rules through the establishment of Community and national Reference Laboratories. As stated the proposal also deals with the issue of traceability which is an important part of current EU food legislation as it sets out a system to identify and trace all stages of food production. This is an important safeguard in the event of any possible contamination. The proposed Regulation applies the same principles to the production of food contact materials so businesses in the sector can identify where food contact materials and substances used in their manufacture have come from and where they have been supplied to. The new regulation was prepared following broad consultation with the Member States as well as professional and consumer organisations. It will create a more efficient legal framework and a more transparent procedure for authorising new substances.