



Netherlands Institute
for Sustainable Packaging

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FACT SHEET

Legislation on food contact materials



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Food packaging that comes into direct contact with the packaged product is referred to as food contact materials. They may not lead to hazards to human health. The European Union has drawn up specific legislation for this, which has been translated by the Member States into national legislation and measures. Measures can differ per country.

In this fact sheet, KIDV provides more information on the legislation and measures that apply to food packaging materials in the Netherlands.

Legislation on food packaging materials

European legislation

European legislation contains regulations and directives. Regulations apply directly to all Member States; they do not have to be implemented in national legislation. Directives must be implemented into national legislation within a certain period of time; this is usually within two years. In addition to regulations and directives, European legislation on food packaging materials can be divided into three categories:

- General measures
- Material specific measures
- Component specific measures

General measures

The general measures apply to all food contact materials, i.e. packaging that comes into direct contact with food. The general measures contain generic requirements and conditions. For food packaging materials, there are two regulations with general measures:

1. Food Contact Materials Regulation (EC) 1935/2004)

[Regulation \(EC\) 1935/2004](#) on materials and articles intended to come into contact with food.

This regulation is the basis for the legislation on food contact materials. The other regulations and directives are to be considered as supplementary to or completing this regulation. Article 3

in the regulation is important. It contains general requirements which apply to all materials. If no specific measures are mentioned for certain materials or substances, these requirements apply in any case. The following is therefore included:

"Materials and articles, including active and intelligent materials and articles, shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could:

(a) endanger human health; or

(b) bring about an unacceptable change in the composition of the food; or

(c) bring about a deterioration in the organoleptic characteristics thereof."

2. Regulation on good manufacturing practice (EC) 2023/2006

[Regulation 2023/2006](#) on good manufacturing practice for materials and articles intended to come into contact with food. This regulation describes what is meant by good manufacturing practice. According to the regulation, the operator of a company that produces food packaging materials must ensure, among other things, that it has a documented quality assurance system and a good quality control system.

Material specific measures

Some measures apply to a specific material. A regulation or directive has been drawn up for this material. In Europe specific measures are in force for example for [plastics](#), [ceramics](#), rubber ([directive 93/11 EEG](#) and [directive 78/142 EEG](#)) and [regenerated cellulose](#). Metals, paper and cardboard are not subjected to specific European measures.

The best-known material-specific regulation is the [regulation on plastic materials](#). Plastics intended for food packaging may only be used in the European Union if they comply with this regulation. Among other things, the regulation contains requirements regarding the substances that are used and the quantities in which these substances may be transferred from the plastic to the foods (the migration limit). The regulation also contains measures on testing and the testing conditions. A Declaration of Compliance (DoC) must be available for plastics. Article 15 of the Plastics Regulation states the minimum requirements for this declaration.

Component specific measures

These measures relate to a specific component in one or more food packaging materials. In a component specific regulation or directive, the conditions under which a specific substance or ingredients may be used are stated. An example of this is [Regulation \(EC\) 1895/2005 on epoxy derivatives](#). For example, this regulation sets out the conditions for the use of Bisphenol A diglycidyl ether (better known as Badge). This is one of the raw materials for epoxy resins, which are used in tin coatings. The substance can enter the body through food, which can pose a health risk. That is why its use is regulated by a specific regulation.

National legislation

European legislation on packaging and packaging waste is transposed by the Member States into national legislation, as in the Netherlands with the [The Packaging, Paper and Card Management Order](#), the [National Waste Management Plan](#) (LAP3) and the [Commodity Act](#). In addition to European legislation, EU countries may also make their own laws that are only applicable in the country concerned. This can result in national legislation applying to specific materials that are not covered by specific European legislation. This is, for example, the case for paper and cardboard in, among others, the Netherlands, Croatia, Italy and Belgium. (1). Under European legislation, paper and cardboard only have to comply with general measures. The specific legislation per country often deals with subjects such as substances to be used, migration limits, test requirements and the Declaration of Compliance (DoC) (1).

The national legislator must ensure that no conflicting regulations exist with European legislation. If there is subsequently European legislation, then the legislation at national level must be removed or amended. See also the [file](#) Legislation and regulations on the KIDV website.

Legislation on sustainable food packaging materials

Food packaging materials that are made, for example, from recycled materials or renewable raw materials must meet the same legal requirements as virgin food packaging materials. When they come into contact with food, no substances from the packaging may get into the food that are harmful to health. Also, packaging may not change the taste, smell, colour or firmness of the food. The origin of the material makes no difference here; all legislation must be complied with.

Additional European legislation applies to recycled plastics. The measures are included in the [Plastics Regulation](#) on recycled plastic materials and articles intended to come into contact with food. This regulation states, among other things, that authorisation for recycling processes must be

sought from the European Food Safety Authority (EFSA). It is therefore only permitted to use recycled plastics in food packaging materials from an authorised recycling process. These recycling processes are subject to additional requirements regarding good manufacturing practice and the prevention of contamination risks. In addition, recycled plastics in food packaging materials must meet the so-called entry requirement; this means that 95 percent of the recycled plastic was already suitable for food contact at the time of its previous use.

Responsibilities

Both the producer and the buyer of food packaging materials must comply with the applicable legislation. The producer of the food packaging material must demonstrate compliance with the legislation; this can be done, for example, by carrying out migration tests or on the basis of a literature study. The results of this are incorporated in a Declaration of Compliance (DoC), if legally required, or in adequate documentation. The declaration of compliance and/or adequate documentation should be provided by the producer of the material to the buyer. The person who uses the packaging materials should store this documentation. This may also be done digitally. The person using the material or is going to market the material, should also check that it is suitable for the food and application in question (2).

Finally

KIDV has drawn up this fact sheet in collaboration with Riskplaza. Riskplaza is a database with information on the food safety of ingredients, as well as measures to control food safety hazards.

The greatest possible care has been taken in compiling the text; see also the appendix for the sources consulted. No rights can be derived from the texts.

If you still have questions after reading the fact sheet, please ask them in the [questionnaire](#) on the KIDV website.

Interesting links

- [Packaging materials \(DUTCH ONLY\) | Voedingscentrum](#)
- [Food contact material applications: regulations and guidance | EFSA](#)
- [Food contact materials | European Commission](#)
- [Food contact materials \(DUTCH ONLY\) | Ministerie van Volksgezondheid, Welzijn en Sport](#)
- [Website with Dutch legislation \(DUTCH ONLY\) | Overheid.nl](#)

- [Website with European legislation | EUR-Lex](#)

Bibliography

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KIDV fact sheets Food Safety

This fact sheet is part of a series of KIDV fact sheets on food safety. There are fact sheets on the following subjects:

- Mineral oils in packaging materials
- Bisphenol A in packaging materials
- Microplastics in packaging materials
- Heavy metals in packaging materials
- NIAS – Not-intentionally added substances
- Legislation on food contact materials

See also our [dossier page on Food Safety](#) on the KIDV website.