Demonstrating Compliance with Food Packaging Law

cpi confederation of paper industries

FACT SHEET

Note: this is a summary of CPI understanding and should not be taken as legal opinion. Separate and appropriate advice should be sought to ensure legal compliance.

Legislative background

Producers of food packaging in EU are required to comply with Regulation (EC) 1935/2004 (the 'Framework' Regulation), which sets the benchmark for packaging materials in food contact applications.

While the Regulation sets the benchmark, there is currently no specific legislation at EU level for paper and board in food contact applications. The European Paper and Board Industry has therefore decided to publish its own Industry Guideline for the Compliance of Paper & Board Materials and Articles for Food Contact (https://thecpi.org.uk/library/PDF/Public/Publications/Guidance%20Documents/05%20Food%20Contact%20Guidelines_2019.pdf).

It is a requirement of Regulation 1935/2004 that all materials and articles intended for food contact shall be manufactured in accordance with Good Manufacturing Practice (GMP). The components and principles of such a GMP are described in Regulation (EC) No 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food (the GMP Regulation).

Details on GMP specifically for Paper & Board in food contact is also available (https://thecpi.org.uk/library/PDF/Public/Publications/Guidance%20Documents/09-Good%20Manufacturing%20Practice%20(GMP).pdf).

While UK is now independent of the EU we continue to follow these legislative requirements until the UK Authorities advise regulatory divergence.

Application of the law

The Framework Regulation essentially ensures that a specific product is safe, compliance with GMP confirms consistency over time.

Demonstration of legal compliance

A papermaker may engage a laboratory to assess a paper sample and confirm compliance with the Framework Regulation. The laboratory can only comment on compliance with the Framework Regulation, not on GMP or the day to day manufacture of the paper.

The laboratory will provide a report on their findings (which may be extensive with considerable technical detail and other matters such as frequency of testing). They will also provide a certificate of compliance (with the Framework Regulation) for the papermaker. Neither the laboratory report, nor the certificate of compliance, in and of themselves confirm full legal compliance.

Based on these documents, and other matters including performance with respect to GMP, the papermaker will provide a Declaration of Compliance (DoC). Art. 16 of Regulation 1935/2004 requires a written declaration stating that the papermaker complies with the Regulation and it is this Declaration that demonstrates legal compliance to the customer.

The papermaker is not obliged to provide either the laboratory report (which may be considered commercially sensitive), or the laboratory's certificate (which has no bearing on GMP).

It is noted that a customer relying on their supplier's DoC must always use the same paper grade (or alternative for which DoC has been separately provided) for their product.

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