



Notification Number: 1991/433/F

Decree concerning materials and articles intended to come into contact with foodstuffs, products and drinks for human or animal consumption.

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Message

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ICC: PLEASE FORWARD THIS MESSAGE TO ICC MAILBOX EFTBT
TELEX 002

COMMUNICATION FROM THE COMMISSION - SG (92) D/50013/2
DIRECTIVES 83/189/EEC AND 88/182/EEC
TRANSLATION OF TELEX 001
NOTIFICATION 91/0433/F

- 3B2 : 9200013.EN

1. Structured Information Line

TLX 002 IND- 91 0433 F-- EN ----- 911230 --- ---

2. Member State

France

3. Department Responsible

Head of Standardization Board22 Rue Monge75005 ParisS.G.C.I. - Carré Austerlitz2, Boulevard Diderot75012
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3. Originating Department

Ministry for Economic and Financial Affairs and the BudgetDirectorate-General for Competition, Consumer
Affairs and
Fraud PreventionCarré Diderot3-5 Boulevard Diderot75572 Paris Cedex 12

4. Notification Number



91/0433/F

5. Title

Decree concerning materials and articles intended to come into contact with foodstuffs, products and drinks for human or animal consumption.

6. Products Concerned

All materials or articles (recipients, packagings, kitchen utensils, machine parts, etc.) which are used in contact with foodstuffs intended for human or animal consumption.

7. Notification Under Another Act

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8. Main Content

This text sets out the essential rules to be complied with in respect of the materials and articles defined in para.6 (rules regarding inertia and labelling). It enables the provisions of Directive89/109/EEC to be transposed into national law and it includes the provisions on materials and articles in contact with animal feedingstuffs set out in the Decree of 12February1973, which has been in force so far. The purpose of these additional rules is health protection by preventing any contamination of the food chain by the materials and by contributing to the elimination of any health risks in animal feedingstuffs which is in any case an objective of Community regulations.

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The Decree also applies to babies' dummies or soothers. These objects do not come into contact with foodstuffs, but, like the teats of feeding bottles, they are intended to be introduced into the mouths of infants. In consequence, they may involve a health hazard as the result of the oral contact referred to in Article4(f) of the Decree and Article3(3)(f) of Directive89/109/EEC. With this measure, moreover, it will be possible to comply with the Commission's opinion according to which the French regulations should be amended in such a way as to provide for control of these products solely on the internal market.

Finally, the warning 'Do not place in contact with foodstuffs' - or the corresponding symbol - which applies to articles having the appearance of articles intended to be placed in contact with foodstuffs although they are not in conformity with the rules also laid down in the Decree of 12February1973 is retained in the draft Decree. These



articles are outside the scope of Directive 89/109/EEC. The French authorities consider that this warning is indispensable in order to ensure consumer safety, in particular by avoiding any dangerous contamination (a recent example, in France, of a case of lead poisoning caused by the absorption of a considerable quantity of lead from a ceramic pitcher). Furthermore, the obligation to affix this warning has existed since 1973 and has not given rise to any particular application problems.

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The French authorities have indicated that they are willing to meet Commission representatives at the earliest opportunity to provide any additional information if the Commission so desires.

9. Brief Statement of Grounds

Transposition of Directive 89/109/EEC.

10. Reference Documents - Basic Texts

Decree of 12 February 1973 implementing the Law of 1 August 1905 on fraud prevention with regard, in particular, to materials and articles in contact with foodstuffs, products and drinks intended for human and animal consumption.

Council Directive 89/109/EEC of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs.

Order of 28 January 1983 on the determination of the symbol to be affixed to materials and articles which must not enter contact with foodstuffs and drinks.

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

The transposition of Directive 89/109/EEC by the Member States should have been completed not later than 18 months after notification, that is to say, before 10 July 1990 (Article 11 of the Directive). Furthermore, the Directive is applicable as from 10 January 1993, and it is hence indispensable to ensure that this text is adopted rapidly so that the business sectors concerned can be informed in good time.

D. WILLIAMSON



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

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Prevention of Technical Barriers

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