EUROPEAN COMMISSION PROPOSAL TO TIGHTEN IMPORTING RULES FOR PLASTIC KITCHENWARE FROM CHINA

Kitchenware originating from China or Hong Kong and made from polyamide as well as melamine can only be imported into the European Union (EU) with a declaration certifying their compliance with EU limits on primary aromatic amines (PAAs) and formaldehyde. This requirement is proposed to be effective on 1 July, 2011.

In November 2010, the Standing Committee on the Food Chain and Animal Health (SCoFCAH) endorsed a Commission proposal to tighten controls on the import of polyamide and melamine plastic kitchenware from China and Hong Kong. According to the Commission document dated December 2010, these products can only be imported if the importer submits to the competent authority for each consignment a declaration, duly completed and including analytical proof, confirming that it meets the EU limits on PAAs and formaldehyde (Directive 2002/72/EC). The declaration shall be in the official language, or in one of the official languages of the Member State in which the consignment is imported. The declaration shall be accompanied by a laboratory test report demonstrating analytical results that:

1. Polyamide kitchenware does not release PAAs in a detectable quantity where the detection limit of PAAs is set as 0.01 mg/kg,

2. Melamine kitchenware does not release formaldehyde in a quantity exceeding 15 mg/kg.

As part of the new controls, importers or their representatives will be required to notify the competent authorities at the first point of entry of a consignment into the Union at least 2 working days in advance of the estimated date and time of physical arrival of consignments.

1. EU tightens controls on imports of plastic Chinese kitchenware, News from the Communication Directorate General’s midday briefing, Midday Express of 2010-11-26, Europa.

2. Draft Commission Regulation of laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from People’s Republic of China and Hong Kong Special Administrative Region, China, Europa NU.
The competent authorities at the first point of entry shall carry out.

1. documentary checks on all consignments within 2 working days upon arrival
2. identify and physical checks, including laboratory analysis of 10% of consignments in such a way that it is not possible for the importers or their representatives to predict whether any particular consignment will be subjected to such checks

According to the Commission document, the Regulation shall enter into force on the 20th day after publication in the Official Journal of the European Union and shall apply from 1 July 2011.

Highlights of the Commission draft document are summarised in table 1.

<table>
<thead>
<tr>
<th>RELEASE OF SUBSTANCE INTO FOODS OR FOOD SIMULANTS</th>
<th>MATERIAL OF KITCHENWARE FROM HONG KONG AND CHINA</th>
<th>REQUIREMENT</th>
<th>PROPOSED EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Aromatic Amines (PAA)</td>
<td>Polyamide (eg nylon)</td>
<td>&lt; 0.01 mg/kg</td>
<td>1 July 2011</td>
</tr>
<tr>
<td>Formaldehyde</td>
<td>Melamine</td>
<td>&lt; 15.0 mg/kg</td>
<td></td>
</tr>
</tbody>
</table>

Table 1

For further details including a model of the declaration, please refer to the Commission draft document.

SGS will follow up and keep you informed about developments on regulations or policies in consumer products as a complementary service.

Throughout our global network of laboratories, we are able to provide a wide range of services, including analytical testing and consultancy, for compliance with Directive 2002/72/EC including PAAs and formaldehyde for food contact plastic materials and articles for the EU and international markets. Please do not hesitate to contact us for further information.