

Food Gases and Regulation No 1935/2004 on materials and articles intended to come into contact with food

Introduction

This Position Paper is describing how the gases industry in Europe considers the impact of Regulation No. 1935/2004, of 27 October 2004, on materials and articles intended to come into contact with food and repealing Directive 80/590/EEC and 89/109/EEC.

Description

Regulation No 1935/2004 is primarily intended to regulate the use of primary packaging of foods, and to provide a legal framework to ensure that only safe materials are used as "wrapping" and other packaging materials that comes directly in contact with food. Current European food legislation defines food gases as "food". Therefore:

- storage tanks
- cylinders including valve
- gas supply systems

may be defined as "food packaging", and together with food processing equipment, such as freezers (including gas freezers), would fall under the requirements of Regulation No. 1935/2004.

Article 17 on traceability and Article 16 on declaration of compliance; require, on supply of such equipment, a declaration of compliance to be provided for the materials used. Such compliance should be documented. Article 5 and Annex I list groups of materials, and describe how individual materials can be assessed.

It is the understanding of EIGA that such assessments have already taken place for a number of materials, plastics and ceramics having been prioritised. At the same time, the most common materials used in food gas packaging, which are various types of steel and stainless steel, have not been prioritised because such materials are in use to a limited extent compared to e.g. plastics, and there has been a presumption of low risk associated with the use of these materials.

EIGA considers the use of metallic materials (e.g. steels, aluminium alloys, copper alloys) in gas packaging and gas supply systems to be permitted without restrictions.

Regarding the use of non-metallic materials such as cylinder valve seats, gland seals and lubricants, they are used within valves in very small quantities and the area exposed to the gas is very limited.

Information from the originating manufacturers is available showing that such materials are common in the food industry and their use can be also permitted without restrictions.

Systems for packaging gases (storage, transportation) are designed and assembled according to well-known technical rules and a wide knowledge about materials and the behaviour of gases. This knowledge is incorporated in a number of regulations and standards; these include the ADR/RID transport regulations, the Pressure Equipment Directive (PED), the Transportable Pressure Equipment Directive (TPED), and also some national and local requirements. These requirements take into account the compatibility (chemical and physical properties) of gases that are intended to be stored in pressure containing equipment. Purchase, installation, operation and inspection of this equipment comply with the appropriate regulations. The choice of materials is not an arbitrary decision, but based on detailed technical knowledge combined with experience over many years. A negative influence to the food is not known by using materials chosen in such a way.

Members of EIGA companies are involved in the development and establishment of specific legislation and standards related to pressure containing equipment. EIGA regularly informs member companies about these legislative updates.

EIGA therefore considers, after consulting the European Cylinder Makers Association (ECMA) and other relevant expert organisations, that simple generic certificates of compliance based on the above experience and knowledge can be issued by the manufacturer for all this packaging, i.e. the gas suppliers, thus meeting the intent of the legislation.

Such a simple generic certificate could state:

“The materials supplied with this certificate are suitable for food (gas) packaging according to Directive 1935/2004.”

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