

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDGOODS

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## EU GUIDELINES ON IMPORTING RULES FOR PLASTIC KITCHENWARE FROM CHINA

The European Commission (EC) published a Guidance document on conditions and procedures for the import of polyamide and melamine kitchenware originating in or consigned from China. This document provides several legal clarifications.

On 14 June 2011, EU published a guideline<sup>1</sup> to provide legal clarifications on some definitions and implementation procedures relative to commission regulation (EU) No 284/2011. According to this regulation, polyamide and melamine plastic kitchenware originating in or consigned from People's Republic of China and HK SAR can only be imported into the EU, if the importer submits to the competent authority for each consignment a declaration confirming that it meets the EU limits on PAA and formaldehyde. More detailed information is published in a previous Safeguards<sup>2</sup>.

Below are some key points from this guidance document:

### 1. CLARIFICATIONS ON PARTICULAR ISSUES, INCLUDING:

- **CONSIGNMENT:** a consignment means "a quantity of polyamide or melamine plastic kitchenware covered by the same document(s) and conveyed by the same means of transport from the same third country. A consignment can arrive at the first point of introduction in one container, in several containers, or only as part of one container together with other consignments. A consignment can consist of articles that differ in shape, size, print pattern, food contact areas and/or conditions of use".
- **FIRST POINT OF INTRODUCTION:** The first point of introduction is the point of entry of a consignment into the EU. List of first points of introduction by Member States available [online](#).
- **CLARIFICATION ABOUT THE DECLARATION OF COMPLIANCE AND LABORATORY REPORT:**
  - **DECLARATION OF COMPLIANCE :** The form of declaration: both paper or electronic form are acceptable. The templates in all EU languages can be downloaded from: [http://ec.europa.eu/food/food/chemicalsafety/foodcontact/documents\\_en.htm](http://ec.europa.eu/food/food/chemicalsafety/foodcontact/documents_en.htm).

The declaration should be submitted in the official language of the country into which the products are imported. A Declaration of compliance is needed for goods imported into the EU starting from 1 July 2011.

- A LABORATORY REPORT which is representative of the consignment is necessary for the declaration:
  - ◆ If the report covers several consignments produced with the same materials under the same production conditions, the report can be the same but needs to accompany each consignment.
  - ◆ If the report covers representative samples of articles with different shapes, print patterns or contact areas or different conditions of use (but has been tested under worst conditions of use), then the laboratory report can be attached to all the items for which it is representative. The description must be clear, and

<sup>1</sup> [EU guidelines on conditions and procedures for the import of polyamide and melamine kitchenware originating in or consigned from People's Republic of China and Hong Kong Special Administrative Region, China](#)

<sup>2</sup> [SafeGuards 064/11](#) Mar 2011

The logo for SGS, consisting of the letters 'SGS' in a bold, sans-serif font. A vertical line is positioned to the right of the letters, and a horizontal line is positioned below the letters, forming an L-shape that frames the text.

supporting pictures should be used when necessary. The report should be clearly stated that the report is representative for the shipped consignment. Mentioning the batch and/or lot number of the contained articles in the report is recommended.

- Clarification of the testing methods of primary aromatic amines and formaldehyde: technical guidelines on testing the migration of primary aromatic amines from polyamide kitchenware and of formaldehyde from melamine kitchenware can be found at [the EC Institute for Health and Consumer Protection website](#).

## 2. CLARIFICATION OF CERTAIN PROCEDURES

### • RELEASE FOR FREE CIRCULATION:

- The documentary, identity and physical checks will take place at the first points of introduction. The competent authorities at the first point of introduction are in charge of the checks.
- A laboratory report that is representative for the consignment should be available during the declaration.
- Once the consignment is "Conform", the authority should complete the Declaration and return it to the business operator responsible for the introduction. Detailed indications on how to complete the declaration are also provided.
- The business operator will present the Declaration to the customs authorities when the goods are intended to be released for free circulation
- The customs authorities will make the decision on acceptance to release the goods for free circulation, and the authorities will take the information provided into account when such decisions are made.

### • THE ACTION OF AUTHORITIES IN CASE OF NON-COMPLIANCE:

- The consignment has been imported into the EU, but it has not been presented for official controls:

ACTION: The consignment should be considered as non-compliant. The competent authority should order a recall or withdrawal from the market.

- A consignment, which is presented to the customs authorities for its release for free circulation, is not accompanied by the declaration:

ACTION: The consignment cannot be accepted for release for free circulation and the competent authorities may grant the business operator a limited time frame to provide the declaration.

- The documentary checks are unsatisfactory and/or incomplete:  
ACTION: The competent authorities may request further information from the business operator to be provided within a timeframe.
- The results of the identity and physical checks show non-compliance of the consignment:  
ACTION: The competent authority should recall or withdraw the goods from the market.

Throughout our global network of laboratories, we are able to provide a wide range of services, including analytical testing and consultancy, for compliance with Regulation (EU) No. 284/2011 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.

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