

Brussels, 11 April 2013  
Case No: 70976  
Event No: 668430

**Final report**

**EFTA Surveillance Authority mission to**

**Iceland**

**From 3 to 7 December 2012**

**regarding the application of EEA legislation related to**

**food contact materials**

Please note that comments and information from the Icelandic competent authorities on the corrective actions already taken and planned by the Icelandic competent authorities are included in Annex 3 in the report and referred to in footnotes in *underlined italic print* in the body of the report.

### *Executive Summary*

*This report describes the outcome of a mission carried out by the EFTA Surveillance Authority in Iceland from 3 to 7 December 2012. The objective of the mission was to verify that official controls related to food contact materials were carried out in compliance with the European Economic Area (EEA) legislation.*

*The mission team found that the EEA legislation concerning food contact materials has been transposed to the national order with the exception of the restrictions concerning specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the Peoples Republic of China and Hong Kong as required by Regulation (EU) No 284/2011.*

*The responsible competent authorities for official controls of food contact materials are designated and legal powers are in place to carry out official controls and to enforce the legislation. The Local Municipal Environmental Health and Protection Offices (the Local Competent Authorities, hereinafter "LCAs") are responsible for the controls in producers and importers of food contact materials and in the food establishments falling under their remit. The Icelandic Food and Veterinary Authority (MAST) is responsible for supervision and coordination of the LCAs, may issue guidelines for the LCAs and is also in charge of controls in the food establishments under their remit. However, no supervision from MAST was performed to ensure that inspections and sampling were carried out by the LCAs and no instructions had been issued by MAST on how to perform these inspections or how to sample food contact materials. Some training had been provided to staff in charge of the official controls, but not to all responsible staff. The official controls were not carried out regularly, on a risk basis and with appropriate frequency. In some LCAs producers and importers were not controlled at all.*

*Significant deficiencies were observed in the written declarations of compliance at both producers of food contact materials (of plastic) visited by the mission team, where no evidence could be provided that their products were safe and that the migration limits set in the legislation were not exceeded. The official controls performed in the food business operators were not thorough enough to ensure the compliance of the food packaging materials used. There were no official controls of implementation of good manufacturing practices at premises of producers of food contact materials, which had in general not been implemented by producers, or no written procedures were in place.*

*There has been no official sampling of food contact materials in Iceland. So far a National Reference Laboratory (NRL) for food contact materials has not been appointed in Iceland. Nevertheless, MAST has recently contacted Denmark's NRL in order to make an agreement for the Danish laboratory to serve as Iceland's NRL in the future. There have never been any RASFF notifications concerning food contact materials with non-compliances from Iceland.*

*The report includes a number of recommendations addressed to the Icelandic competent authority aimed at rectifying the identified shortcomings and enhancing the implementing and control measures in place.*

## Table of contents

<b>1</b>	<b>INTRODUCTION.....</b>	<b>4</b>
<b>2</b>	<b>OBJECTIVES OF THE MISSION .....</b>	<b>4</b>
<b>3</b>	<b>LEGAL BASIS FOR THE MISSION .....</b>	<b>5</b>
<b>4</b>	<b>BACKGROUND .....</b>	<b>5</b>
4.1	PREVIOUS MISSIONS .....	5
4.2	INFORMATION ON PRODUCTION AND TRADE OF FOOD CONTACT MATERIALS .....	5
<b>5</b>	<b>MAIN FINDINGS AND CONCLUSIONS .....</b>	<b>6</b>
5.1	LEGISLATION AND IMPLEMENTING MEASURES .....	6
5.2	COMPETENT AUTHORITIES .....	6
5.2.1	Designation of competent authorities, coordination and co-operation between competent authorities involved.....	6
5.2.2	Personnel involved in the control system.....	8
5.2.3	Organisation of official controls.....	9
5.2.4	Verification procedures and corrective action.....	11
5.2.5	Enforcement measures.....	12
5.3	OFFICIAL CONTROLS OF SPECIFIC REQUIREMENTS FOR FOOD CONTACT MATERIALS .....	13
5.3.1	Traceability and labelling .....	13
5.3.2	Declaration of compliance.....	14
5.3.3	Good Manufacturing Practice for food contact materials .....	15
5.3.4	Sampling.....	16
5.3.5	Laboratory performance .....	16
5.4	RAPID ALERT SYSTEM FOR FOOD AND FEED .....	17
<b>6</b>	<b>FINAL MEETING .....</b>	<b>17</b>
<b>7</b>	<b>RECOMMENDATIONS.....</b>	<b>18</b>
	<b>ANNEX 1 – LIST OF ABBREVIATIONS AND TERMS USED IN THE REPORT.....</b>	<b>20</b>
	<b>ANNEX 2 – RELEVANT LEGISLATION .....</b>	<b>21</b>
	<b>ANNEX 3 – REPLY TO THE DRAFT REPORT.....</b>	<b>23</b>

## 1 Introduction

The mission took place in Iceland from 3 to 7 December 2012. The mission team comprised two inspectors from the EFTA Surveillance Authority (the Authority), an observer from the Food and Veterinary Office (FVO), DG-SANCO, the European Commission, and a national expert.

The opening meeting was held with representatives of the Ministry of Industries and Innovation, the Icelandic Food and Veterinary Authority (MAST) and some of the Local Competent Authorities (LCAs) on 3 December 2012 at the MAST office in Reykjavik.

At the meeting, the mission team confirmed the objectives and the itinerary of the mission. The Icelandic representatives provided additional information to that set out in the reply to the Authority's pre-mission questionnaire.

Throughout the mission, the mission team was accompanied by representatives of the head office of MAST together with representatives of the relevant LCAs and one MAST district office during the visits to the different establishments.

A final meeting was held with representatives from the Ministry of Industries and Innovation, MAST and LCAs in Reykjavik on 7 December 2012 at which the mission team presented its main findings and preliminary conclusions from the mission.

The abbreviations used in the report are listed in Annex 1.

## 2 Objectives of the mission

The objectives of the mission were to assess the Icelandic competent authorities' organisation of official controls, verification procedures, methods and enforcement to ensure compliance with specific rules on food contact materials, and to evaluate the implementation of the requirements in *Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC*, and related legislation with regard to regenerated cellulose film, plastic materials, ceramic articles and active and intelligent food contact materials and articles.

The assessment was carried out based on, and related to, the above mentioned legal act and the legal acts listed in Section 3 of this report. The assessment was furthermore based on the reply to the pre-mission questionnaire of the Authority.

The meetings with the competent authorities and the visits to establishments during the mission are listed in Table 1.

**Table 1: Competent authorities and establishments/sites visited during the mission**

	Number	Comments
<b>Competent authorities</b>	<b>4</b>	An initial meeting and a final meeting between the mission team and the Icelandic competent authorities. Local Competent Authorities (LCAs) in two different municipalities.

<b>Food Contact Material producers</b>	<b>2</b>	Two producers of plastic food contact materials.
<b>Food Contact Material importer</b>	<b>1</b>	One importer of food contact materials.
<b>Food establishments</b>	<b>2</b>	Two food producers (one producer of dairy products and one producer of confectionary) using food contact materials.

### 3 Legal basis for the mission

The legal basis for the mission was:

- a) Point 4 of the Introductory Part of Chapter I of Annex I to the EEA Agreement;
- b) Article 1(e) of Protocol 1 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (Surveillance and Court Agreement);
- c) *Commission Decision 98/139/EC of 4 February 1998 laying down certain detailed rules concerning on-the-spot checks carried out in the veterinary field by Commission experts in the Member States;*
- d) *Article 45 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules, as amended;*
- e) *Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC, as amended.*

All European Economic Area (EEA) legislation referred to in this report is listed in Annex 2 to this report.

## 4 Background

### 4.1 Previous missions

This was the Authority's first mission to Iceland concerning the implementation of the specific legislation included in the EEA Agreement on food contact materials.

### 4.2 Information on production and trade of food contact materials

According to information provided by the competent authorities in the reply to the Authority's pre-mission questionnaire there are at least 11 producers of food contact materials and six importers of food contact materials in Iceland. On request from the mission team additional information was provided on type of products produced (only plastic food contact materials) and amounts produced etc. However no information on type and amounts of imported food contact materials was provided.

## 5 Main findings and conclusions

### 5.1 Legislation and implementing measures

#### Legal Requirements

According to Article 7 of the EEA Agreement (“the Agreement”), acts referred to in the Annexes to that Agreement or in decisions of the EEA Joint Committee shall be binding upon the Contracting Parties and be, or be made, part of their internal legal orders.

#### Findings

According to the answer provided to the pre-mission questionnaire, the Ministry of Industries and Innovation is responsible for implementation and application of EEA legislation related to official controls of food contact materials. The relevant EEA legislation concerning food contact materials referred to in Annex 2 has been made part of the Icelandic legal order with different regulations.

However, *Regulation (EC) No 284/2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the Peoples Republic of China and Hong Kong* has not been incorporated into the Icelandic legal order. The Act entered into force on 1 July 2011<sup>1</sup>. At the time of the mission no steps had been taken to ensure that the necessary implementing measures were in place by the Icelandic Government, contrary to its obligations under Article 7 of the EEA Agreement.

There has been no additional national legislation implemented in Iceland that goes beyond the basic requirements of EEA legislation concerning food contact materials.

#### Conclusions

The relevant EEA legislation concerning food contact materials has been made part of the national legal order with the exception of the provisions in Regulation (EC) No 284/2011.

### 5.2 Competent authorities

#### *5.2.1 Designation of competent authorities, coordination and co-operation between competent authorities involved.*

#### Legal Requirements

Article 4(1) of Regulation (EC) No 882/2004 requires that the competent authorities responsible for official controls are designated. Article 4(3) and 4(5) of the same Regulation require efficient and effective co-ordination between competent authorities involved in official controls and efficient and effective coordination and cooperation between the different units involved. Article 4(4) of the same Regulation requires competent authorities to ensure impartiality, quality and consistency of official controls at all levels. Article 4(6) of the same Regulation requires competent authorities to carry out internal audits or have external audits carried out to ensure that they are achieving the objectives of the Regulation.

---

<sup>1</sup> The Act was subject to the simplified procedure in 2011, cf. Point 7 of Annex II to Document No. 1111171 listing the acquis subject to simplified procedure in 2011, published on 25 January 2012 by Subcommittee I on the free movement of goods and made available on the EFTA Secretariat’s webpage: [http://www.efta.int/~media/Documents/legal-texts/eea/other-legal-documents/veterinary-acts-subject-to-simplified-procedures/List\\_of\\_acquis\\_subject\\_to\\_simplified\\_procedure\\_2011.pdf](http://www.efta.int/~media/Documents/legal-texts/eea/other-legal-documents/veterinary-acts-subject-to-simplified-procedures/List_of_acquis_subject_to_simplified_procedure_2011.pdf).

## Findings

The Ministry of Industries and Innovation is responsible for the legislation on food contact materials in Iceland.

The official controls of food contact materials business operators (producers and importers) is under the responsibility of the 10 municipal control districts, the Local Competent Authorities (LCAs) within their respective regions.

The official controls of users of food contact materials (food business operators) are the responsibility of the respective competent authority that is responsible for the main activities of the establishment, i.e. either LCAs (retail level, food of non-animal origin establishments) or MAST (food of animal origin establishments).

According to the answer to the Authority's pre-mission questionnaire MAST is in charge of coordination and supervision of LCAs, issues guidelines and is responsible for ensuring a harmonised approach for the controls by the LCAs. However, according to the information received at the initial meeting no guidelines relating to food contact materials have been issued from MAST to the LCAs.

According to information provided by MAST, the LCAs are supervised by MAST although the latter has no direct legal power of the LCAs and may not give them direct instructions or intervene in their day-to-day operation. MAST can although issue guidelines which the LCAs are obliged to follow and the LCAs shall report annually on their control activities to MAST<sup>2</sup>.

In order for MAST to carry out its role of supervision and coordination of the LCAs there are several mechanisms described. A Food Safety Group, chaired by MAST with representatives from the LCAs, meets multi annually to exchange information and harmonise the work of the LCAs. Meetings between MAST and directors of the ten LCAs are held annually and also there is an annual meeting organized by MAST with all LCA inspectors (however, food contact materials have not been discussed). Further initiatives described by MAST to improve harmonisation of controls are regular visits to the LCA districts of the chairman of the Food Safety Group and regular on-line meetings between Directors at MAST and the LCAs, scheduled to take place 3-4 times per year. The Office of Risk Assessment and Quality Assurance of MAST is responsible for an internal audit system for MAST district offices and also plans to carry out audits on quality and individual control systems within the LCA districts.

According to information provided by the MAST official responsible for food contact materials there have been no joint inspections with LCAs on the topic of food contact materials (as described in the answer to the pre-mission questionnaire). In one district visited, the LCA stated that control of food contact materials have never been discussed in the previously described meetings with MAST and that the LCA had not reported specifically to MAST on their control on food contact materials.

No detailed guidelines have been issued by MAST or checklist templates for controls on food contact materials. Representatives from MAST and LCAs confirmed that harmonization of official controls on food contact materials were not yet fully implemented.

---

<sup>2</sup> See Annex 3 for additional comments from MAST and LCAs respectively on responsibility for supervision and instructions.

## Conclusions

The competent authorities responsible for the official controls according to Article 4(1) of Regulation (EC) No 882/2004 have been designated.

The requirements of Articles 4(3), 4(4) and 4(5) of Regulation (EC) No 882/2004 were not fully complied with, as MAST and LCAs had not yet finalised measures to harmonise the official controls to ensure efficient and effective coordination between and within competent authorities in order to ensure the consistency and quality of the official controls of food contact materials.

### *5.2.2 Personnel involved in the control system.*

## Legal Requirements

Article 4(2)(c) of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have access to a sufficient number of suitably qualified and experienced staff.

Article 6 of the same Regulation requires the competent authorities to ensure that staff receives appropriate training and keep the staff updated in their area of competence.

## Findings

One staff member at the MAST head office had food contact materials as part of his main responsibilities and has attended a Better Training for Safer Food (BTSF) training session on food contact materials. One other MAST official and four LCA staff members, representing three LCA districts, have also participated in a BTSF training sessions on food contact materials. In 2013 two of LCA staff will attend the planned advanced BTSF training for food contact material inspectors.

In September 2012 MAST held a three hour training session for MAST and LCA inspectors on food contact material with emphasis on relevant legislation, good manufacturing procedures, chemical migration, declarations of conformity and official controls in different types of businesses. This training was provided by MAST/LCA members that had participated in BTSF training. According to a participant list provided by MAST, 24 staff members attended the training (12 from MAST and 12 LCA staff members, representing 8 of the 10 districts).

According to the information provided by MAST, the inspectors of one LCA, which has a food contact material producer in its district, have not received any specific training on food contact materials. The mission team noted limited knowledge of food contact material issues at LCA and MAST level in general. Some MAST and LCA employees stated that they did not feel competent to evaluate all issues relevant for inspections related to food contact materials. MAST had not planned any additional training for the inspectors performing controls on food contact materials.

## Conclusions

Compliance with the requirements of Article 6 of Regulation (EC) No 882/2004 could not be fully ensured since not all relevant staff within the field of official controls on food contact materials had received sufficient training.



### 5.2.3 Organisation of official controls

#### Legal Requirements

Article 3 of Regulation (EC) No 882/2004 requires that official controls are carried out regularly, on a risk basis and with appropriate frequency, taking into account identified risks, the food business operators' past record as regards compliance, the reliability of any own checks that have already been carried out and any information that might indicate non-compliance.

Article 4(2)(a) of Regulation (EC) No 882/2004 requires the competent authority to ensure the effectiveness and appropriateness of official controls.

Article 10(2)(a) of Regulation (EC) No 882/2004 requires that official controls on food and feed include, inter alia, examination of any control systems that food and food business operators have put in place, and the results obtained.

Article 41 of Regulation (EC) No 882/2004 provides that the competent authorities shall draw up a single integrated multi-annual national control plan.

Article 24(1) of Regulation (EC) No 1935/2004 provides that the competent authorities shall carry out official controls in order to enforce compliance with this Regulation.

#### Findings

According to information received from MAST there is not yet a single integrated multi-annual national control plan in place for Iceland, nevertheless a draft plan is in the process of being established. However, food contact materials have not been considered to be included as an area for controls.

Although MAST stated in the answer to the pre-mission questionnaire to be responsible for the supervision and coordination of the LCAs and for issuing guidelines for performing controls regarding food contact materials, no instructions have been issued by MAST providing information on what risk criteria to use when planning risk-based controls in the LCAs as well as in food producers controlled by MAST. Consequently it is up to the ten LCAs and staff of MAST to plan these controls on their own in a risk-based manner and consequently there is not a harmonised approach to the official controls in the ten LCAs.

In addition, the mission team noted that at the time of the mission the competent authorities<sup>3</sup> did not have an overview of all producers and importers of food contact materials in their area including information on what type and amounts of food contact materials produced or imported and other necessary information in order to plan the controls in a risk based way.

In the initial meeting one LCA (which had a large number of known producers and importers) stated that no official controls had been carried out at food contact materials producers and importers of food contact materials at all. In this LCA official controls had only been carried out at users of food contact materials (i.e. food establishments) and had mainly covered hygiene and labelling of the food contact materials used.

In the first LCA visited, inspections were carried out to all producers and importers of food contact materials on a yearly basis. However, it was not clear which criteria were

---

<sup>3</sup> See Annex 3 for additional comments from MAST and LCAs respectively.

used to establish where food contact materials controls would be most effective and how to carry out risk based official controls on food contact materials. The mission team noted the determined frequency for inspections of producers and importers of food contact materials was not taking into account risks, i.e. the appropriate frequencies for controls on food contact materials had not been established. The mission team noted that the controls were not thorough enough to cover a systematic check of declarations of compliance for all incoming food contact materials and raw materials for these. In this LCA the controls of the use of food contact materials in food establishments were incorporated into the general inspections and were not specifically targeted at food contact materials. The mission team noted that these controls only covered hygiene and storage facilities for food contact materials. The controls were not very thorough and did not include a systematic check of declarations of compliance for incoming food contact materials. In this LCA no official controls on food contact materials had been carried out at retail level.

In the second LCA visited, the frequency of inspections was set at yearly visits and were planned and implemented at producers of food contact materials, not taking into account type of production, amounts produced, previous shortcomings or other risk factors. According to the information received in the LCA one operator was producing heat-blown plastic bottles from intermediate materials as well as filling these bottles with drinking water (this operator was not visited)<sup>4</sup>. Yet, the operator was not considered as a producer of food contact materials, only as a food producer and no specific controls had been carried out regarding requirements of EEA legislation for food contact materials. In the same LCA, five producers of ceramics were known to the LCA, but had never been controlled by them<sup>5</sup>. In this LCA no controls were carried out at users of food contact materials (food establishments).

In the establishment of one food producer (dairy plant) visited under the control of MAST, the mission team noted that the official controls regarding food contact materials had been very limited and had e.g. not covered documents of compliance for incoming food contact materials used, but had mainly focused on hygiene and storage of food contact materials.

At the opening meeting MAST informed that Regulation (EC) No 284/2011 concerning specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the Peoples Republic of China and Hong Kong had not yet been implemented into the national Icelandic legal order and therefore could not be enforced (see also section 5.1). According to information received from the customs authorities (and provided to the mission team by MAST), at least 63 consignments of plastic kitchenware had arrived to Iceland from China between the date of application for this regulation, 1 July 2011, and the end of 2011. However, no further investigations had been made by the competent authorities to establish the type of product (i.e. plastic of melamine or polyamide) and no controls have been carried out at all to ensure that the imported consignments were safe, with regard to public health.

## Conclusions

Compliance with Article 3(1) of Regulation (EC) No 882/2004 could not be ensured as the official controls on food contact materials are not carried out regularly, on a risk basis and with appropriate frequency.

---

<sup>4</sup> See Annex 3 for additional comments from the LCA visited.

<sup>5</sup> See Annex 3 for additional comments from the LCA visited.

Producers and importers, as part of the food chain, are not all subject to effective official controls as required by Article 3(3) of Regulation (EC) No 882/2004 and Article 24(1) of Regulation (EC) No 1935/2004.

Regulation (EC) No 284/2011 is not being applied and enforced in Iceland.

#### *5.2.4 Verification procedures and corrective action*

##### Legal Requirements

Article 8(1) and (3) of Regulation (EC) No 882/2004 requires that competent authorities carry out controls in accordance with documented procedures and to ensure corrective action when needed. Article 9 of the same Regulation requires that the competent authority shall draw up reports on the official control that it has carried out.

##### Findings

The mission team noted that the procedures in the LCAs visited as well as in MAST for official controls do not adequately cover controls on food contact materials. There was a lack of clear documented inspection procedures and instructions for staff performing the official controls of food contact materials. According to information from MAST, there are plans to draft guidelines on official controls on food contact materials by MAST in the future, in order to ensure a more harmonised approach between the LCAs<sup>6</sup>.

The mission team did neither observe procedures for supervision to verify the effectiveness of the official controls carried out in the area of food contact materials, nor procedures to ensure that corrective actions are taken when needed<sup>7</sup>.

In both LCAs visited reports were issued after inspections. In one LCA visited a hand written report had been issued after an inspection in a producer of food contact materials and a copy of this was provided to the company mentioning shortcomings detected. However, the report did not provide efficient guidance to the company, e.g. by describing the deficiency noted and giving a deadline for correction. Later the LCA issued a note but only for the internal use in that LCA, describing the deficiency noted i.e. no declarations of compliance issued by producer of food contact materials (see also section 5.3.2), but no follow up or corrective actions were taken by the LCA.

One of the LCAs visited stated that even though official controls in e.g. food producers covered food contact materials, it was not mentioned in the inspection reports, at the same time it was stated that only hygiene issues were checked, if documents of compliance existed.

##### Conclusions

Requirements of Article 8(1) of Regulation (EC) No 882/2004 are only partially fulfilled as there is a lack of clear documented inspection procedures for and with information and instructions for staff performing the official controls of food contact materials.

The requirements of Article 8(3) of Regulation (EC) No 882/2004 were not fulfilled as the competent authority had not established procedures to verify the effectiveness of the

---

<sup>6</sup> See Annex 3 for additional comments from MAST and LCAs respectively regarding guidelines.

<sup>7</sup> See Annex 3 for additional comments from MAST and LCAs respectively regarding supervision.

official controls carried out and did not have procedures in place to ensure that corrective actions are taken when needed.

### 5.2.5 *Enforcement measures*

#### Legal Requirements

Article 4(2)(e) of Regulation (EC) No 882/2004 requires the competent authority to ensure that they have legal powers to carry out official controls and to take measures provided for.

Article 54 of Regulation (EC) No 882/2004 requires the competent authority which identifies a non-compliance to take appropriate action to ensure that the operator remedies the situation.

Article 55 of Regulation (EC) No 882/2004 states that rules shall be laid down on sanctions applicable to infringements of feed and food law and other EU provisions relating to the protection of animal health and welfare and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

Article 25 of Regulation (EC) No 1935/2004 states that rules shall be laid down on sanctions applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The sanctions provided for must be effective, proportionate and dissuasive.

#### Findings

According to information received from the Ministry of Industries and Innovation at the initial meeting, the legal powers to enforce regulations regarding food contact materials is given in the Foodstuffs Act No 93/1995 in Articles 28, 29 and 30 (intermediate measures) and in Article 31 (penalties). In addition, in Article 14 it is stated that producers and importers of packaging used for food, or for products used in the production of food, shall ensure that such does not damage the product for which it is intended, in such a way that it would make the product hazardous or unsafe for human health, reduce its quality or make it unfit for consumption.

The LCAs and MAST have the competence to enforce the legislation on food contact materials in their geographical area<sup>8</sup>. However, due to the limited official controls performed on food contact materials, the mission team had limited possibility to verify enforcement measures taken by the competent authorities in this field.

In one establishment visited (a producer of food contact materials) the LCA had detected deficiencies in the declarations of compliance (see also section 5.2.4. and 5.3.2). This shortcoming was described in a report, however, there was no administrative decision taken and no deadline for corrective action was given to the producer and no further follow up carried out by the LCA. Consequently, no corrective action had been taken by the producer.

The mission team had the same finding in another LCA visited, in which a producer of food contact materials was not able to provide evidence for the safety of the final products of plastic produced (no sampling/testing of final products and no declarations of

---

<sup>8</sup> See Annex 3 for additional comments from MAST and LCAs respectively regarding national legal basis for enforcement.

compliance issued). The final food contact materials had been put on the market with only declarations of compliance for the raw materials used. This shortcoming had not been detected by the LCA and consequently no enforcement measures had been taken.

### Conclusions

Legal powers to enforce the legislation concerning food contact material are in place and some evidence was seen of enforcement. However, due to the limited official controls performed on food contact materials, the mission team had limited possibility to verify enforcement measures taken by LCAs and MAST in this field.

## **5.3 Official controls of specific requirements for food contact materials**

### *5.3.1 Traceability and labelling*

#### Legal Requirements

Article 15 of Regulation (EC) No 1935/2004 establishes labelling requirements for food contact materials.

Article 17 of Regulation (EC) No 1935/2004 establishes traceability requirements for food contact materials.

#### Findings

The mission team checked the labelling of food contact materials of plastic not yet in contact with food at both production facilities visited. The mission team noted that some checked products were not labelled as suitable for food contact and no information on its suitability for the intended use was provided on accompanying documents. The products checked by the mission team at the importer of food contact materials were properly labelled as suitable for food contact.

The traceability systems checked in both visited producers of food contact materials of plastic were in place. However, the mission team noted that system was not implemented for all products produced. The producer in one LCA visited had not implemented traceability systems for imported products. The importer of food contact materials had implemented full traceability back to exporter, however, traceability forward was only possible according to the product name and did not include the batch number or other lot identification, consequently recall of defective products and subsequent consumer information could not be ensured.

#### Conclusion

At marketing stage other than retail, the food contact materials not yet in contact with food were not labelled as suitable for food contact, which is not in line with the requirements of Article 15 of Regulation (EC) No 1935/2004.

The traceability of food contact materials was not ensured at all stages to facilitate recall of defective products and consumer information as required by Article 17 of Regulation (EC) No 1935/2004.

### 5.3.2 Declaration of compliance

#### Legal Requirements

Article 16 of Regulation (EC) No 1935/2004 on materials and articles intended to come into contact with food requires that food contact materials shall be accompanied by a written declaration stating that they comply with the rules applicable to them.

Article 15 of Commission Regulation (EC) No 10/2011 relating to plastic materials and articles to come into contact with foodstuffs requires that at the marketing stages other than the retail stage - plastic materials and articles as well as substances intended for the manufacturing of those materials and articles, shall be accompanied by a written declaration in accordance with Article 16 of Regulation (EC) No 1935/2004. Article 18 of the same Regulation requires overall migration testing on the finished article.

Article 2a of Council Directive 84/500/EEC relating to ceramic articles intended to come into contact with foodstuffs requires that at the marketing stages up to and including the retail stage, ceramic articles which are not yet in contact with foodstuffs shall be accompanied by a written declaration in accordance with Article 16 of Regulation (EC) 1935/2004.

#### Findings

The first producer of plastic food contact materials visited by the mission team was not aware of the duties to demonstrate the compliance with the rules applicable to their products. No testing of the final food contact material products, which were made of plastic, or other means, had been used to verify the compliance of their products with the requirements in the legislation. Consequently no declarations of compliance could be issued. The producer was convinced that declarations of compliance provided by the suppliers of raw materials were sufficient, and the content of provided declarations had not been critically reviewed. The inspector from the LCA had observed this shortcoming, which was documented in an internal report, however no corrective action had been ensured (see also section 5.2.4).

The second producer of food contact materials of plastic visited by the mission team issued declarations of compliance for some of his products, but documents to demonstrate compliance with legal requirements were not available. No migration testing or other means of testing of the finished products had been performed to support the declarations of compliance issued by the producer. In addition, the declaration of compliance lacked necessary information such as the type of food which the relevant food contact material could be used for, time, temperature and surface to volume ratio of contact.

The first food business operator (confectionary) visited by the mission team had collected declarations of compliance for packaging used in contact with their products. The mission team noted that the food business operator did not review documents of compliance carefully. For example in some declarations it was stated that the user himself should test the suitability of the packaging for their product (which the food business operator had not done and not noticed). In some other declarations of compliance the validity (date of expiry) of the document was overlooked. The mission team noted that the food business operator did not understand the significance of the information that 'dual use additives' were present in the packaging.

The second food business operator visited (dairy plant), has carefully collected declarations of compliance provided by suppliers of packaging materials, but it was evident that they were not actually reviewed. The mission team pointed out deficiencies in some declarations of compliance (one of them lacked information about all parameters set out in the legislation except the statement that the food contact material complies with Regulations (EC) No 1935/2004 and No 10/2011). Some declarations of compliance checked contained important information about highest allowed temperature of use, but the food business operator did not notice it, although on the basis of that information, this packaging was not suitable for the intended use. Some of the declarations of compliance checked by the mission team were appropriately filled out. The declarations of compliance had not been checked thoroughly by the responsible inspectors from MAST in the dairy plant.

The mission team visited an importer of food contact materials who imports food contact materials from a third country, and distributes packaging materials (not substances and intermediate materials for production of plastic materials) from EU Member States. The importer either forwarded the supplier's document to his customer (with a cover sheet identifying his role in the supply chain), or issued his own declaration of compliance, capturing the relevant information contained in the supplier's document. However, the mission team was informed that the importer did not always provide the customers (food business operators) with such documents, rather only if they so required. The importer collected declarations of compliance from the suppliers, but did not actually review them. The mission team noted several deficiencies in some of the checked documents of compliance (e.g. one declaration of compliance did not specify which plastic product it covered, in another declaration there were no information about type of food, time, temperature and surface to volume ratio conditions suitable for contact with the material, and in a third declaration it was stated that it is customer responsibility to determine what is the safe use of the material).

The majority of deficiencies in the declarations of compliance that were detected by the mission team had not been detected during inspections performed by the LCAs and MAST.

### Conclusion

The written declarations of compliance accompanied the food contact materials. However, the producers of food contact materials could not provide any appropriate documentation to demonstrate compliance with the legal requirements under Article 16 of Regulation 1935/2004.

Some of the declarations of compliance checked by the mission team did not contain the information laid down in Annex IV of Regulation (EC) No 10/2011.

### *5.3.3 Good Manufacturing Practice for food contact materials*

#### Legal Requirements

Article 3 of Regulation (EC) No 1935/2004 requires that the food contact materials shall be manufactured in compliance with good manufacturing practice. Further provisions on good manufacturing practice are set out in Commission Regulation (EC) No 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food.

### Findings

The producer of food contact materials in one LCA visited had not established an effective and documented quality assurance system (good manufacturing practice). The other producer of food contact materials visited in another LCA generally followed principles of good manufacturing practice, however, there were no documented procedures in place for a quality assurance system.

The responsible inspectors in both LCAs visited stated that requirements of good manufacturing practice at producer level had never been covered by official controls.

### Conclusion

The producers of food contact materials have not established and implemented an effective and documented quality assurance system as required by Article 5 of Regulation (EC) No 10/2011.

#### *5.3.4 Sampling*

### Legal Requirements

Article 10(1) of Regulation (EC) No 882/2004 requires that official controls shall be carried out using appropriate control methods and techniques including sampling and analysis.

Article 24(1) of Regulation (EC) No 1935/2004 requires competent authorities to enforce compliance with the said Regulation and ensure that official controls include sampling of food contact materials aimed at verifying compliance.

Article 6(1) of Regulation (EU) No 284/2011 requires competent authorities at the first point of introduction of polyamide and melamine plastic kitchenware from China and Hong Kong to carry out documentary, identity and physical checks, including laboratory analysis of 10 % of consignments.

### Findings

Official sampling in Iceland to check whether the food contact materials produced, imported or used in the food processing or placed on the market comply with the requirements of EEA legislation for food contact materials has never been carried out.

### Conclusions

There was no official sampling to check whether the food contact materials were in compliance with the requirements of the EEA legislation. This is not in line with Article 10 (1) of Regulation (EC) 882/2004 and Article 24(1) of Regulation (EC) No 1935/2004.

#### *5.3.5 Laboratory performance*

### Legal Requirements

Article 11(1) of Regulation (EC) No 882/2004 requires that analysis methods used in the scope of official controls shall comply with relevant EEA rules. Article 12(2) of Regulation (EC) No 882/2004 requires that competent authorities only designate laboratories that operate and are assessed and accredited in accordance with the standards EN ISO/IEC 17025 and EN ISO/IEC 17011. Article 33(1) of Regulation (EC) No 882/2004 requires that competent authorities designate a National Reference Laboratory



(NRL) for each designated EU reference laboratory (CRL) referred to in Article 32. Article 33(2)(a) through (e) provides that the NRL shall collaborate with the CRL coordinate activities, organise comparative tests, ensure dissemination of information, and provide scientific and technical assistance.

Article 24(3) of Regulation (EC) No 1935/2004 requires the Community Reference Laboratory for Food Contact Materials and NRL established as laid down in Regulation (EC) No 882/2004 to assist Member States with a high quality and uniformity of analytical results.

### Findings

According to the answer to the pre-mission questionnaire Iceland does not have laboratory competence in the field of food contact materials. In addition, Iceland had not appointed a national reference laboratory (NRL) in the field of food contact materials. Nevertheless, at the initial meeting MAST informed the mission team that the first steps had been taken to initiate the process of appointing the Danish NRL as the Icelandic NRL.

### Conclusions

There has been no appointment of a NRL in Iceland and no other laboratories have performed testing, as concerns food contact materials.

## **5.4 Rapid Alert System for Food and Feed**

### Legal Requirements

Article 50(2) of Regulation (EC) No 178/2002 requires Member States to immediately notify any information relating to the existence of a serious direct or indirect risk to human health deriving from food, to the Commission under the rapid alert system for food and feed (RASFF).

Regulation (EU) No 16/2011 lays down implementing measures for RASFF and establishes the duties of the network.

### Findings

The national RASFF contact point is in MAST.

There have never been any RASFF notifications concerning food contact materials with non-compliances from Iceland (and there have never been any samples taken, see section 5.3.4).

### Conclusions

There have never been any RASFF notifications from Iceland concerning non-compliances detected in food contact materials.

## **6 Final meeting**

A final meeting was held on 7 December 2012 with representatives of the Ministry of Industries and Innovation, the Icelandic Food and Veterinary Authority (MAST) and the Local Health Authorities (LCAs) at the MAST office in Reykjavik. At this meeting, the mission team presented its main findings and some of the preliminary conclusions of the

mission. The representatives of the Ministry of Industries and Innovation, MAST and the LCAs accepted the observations and preliminary conclusions presented.

At the meeting the mission team also explained that, based on a more detailed assessment of the information received during the mission, additional conclusions could be included in the report.

## 7 Recommendations

Iceland should notify the Authority, within two months of receiving the final report, by way of written evidence, of the corrective actions taken and a plan for corrective measures and actions, including a timetable for completion of measures still outstanding, relevant to all the recommendations hereunder. The Authority should also be kept informed of the completion of the measures included in the timetable.

No	Recommendation
1	Iceland should ensure that Regulation (EU) No 284/2011 is made part of its internal legal order. In addition, Iceland should ensure to apply and enforce the regulation.
2	The competent authorities should take measures to harmonise the official controls on food contact materials throughout the country in line in Articles 4(3), 4(4) and 4(5) of Regulation (EC) No 882/2004. The competent authorities shall ensure that internal or external audits are carried out to ensure that the objectives of Regulation (EC) No 882/2004 are achieved in line with Article 4(6) of that regulation.
3	The competent authorities should ensure that all personnel carrying out official controls on food contact materials receive appropriate training and are kept updated in this area as required by Article 6(a) through (c) of Regulation (EC) No 882/2004.
4	Iceland should ensure that official controls are carried out to enforce compliance with Regulation (EC) No 1935/2004 in line with Article 24 of that Regulation. In particular, the competent authorities should decide on the appropriate frequency of regular official controls on all stages of production, import and use of food contact materials on the basis of risk and ensure the quality and consistency the official controls in line with the requirements of Article 3 and 4 of Regulation (EC) No 882/2004.
5	The competent authorities should establish procedures to verify the effectiveness of official controls carried out, and procedures to ensure that corrective action is taken when needed, in accordance with Article 8(3) of Regulation (EC) No 882/2004. Furthermore, the competent authorities should ensure that documented procedures are in place in line with the requirements of Article 8(1) of Regulation (EC) No 882/2004.
6	The competent authorities should ensure that the implementation of traceability of food contact materials in the establishments using them is in line with the requirements laid down in Article 17 of Regulation (EC) No 1935/2004.
7	The competent authorities should ensure that official controls are carried out to verify that declarations of compliance for food contact materials comply with the requirements set out in Article 16 of Regulation (EC) No 1935/2004, Article 15 of Regulation (EC) No 10/2011 and Article 2a of Council Directive 84/500/EEC.

<b>8</b>	The competent authorities should ensure that producers of food contact materials implement Good Manufacturing Practice as required by Commission Regulation (EC) No 2023/2006 and Article 3 of Regulation (EC) No 1935/2004. The competent authorities should further ensure that official controls include the assessment of the Good Manufacturing Practice as required by Article 10(2)(d) of Regulation (EC) No 882/2004.
<b>9</b>	In order to enforce compliance with Regulation (EC) No 1935/2004 in line with Article 24(1) of that Regulation, the competent authorities should ensure that official controls include sampling of food contact materials aimed at verifying compliance with relevant legislation.
<b>10</b>	The competent authorities should designate a national reference laboratory for the official controls of food contact materials to comply with the requirements of Articles 11, 12 and 33 of Regulation (EC) No 882/2004 and Article 24(3) of Regulation (EC) No 1935/2004.

**Annex 1 – List of abbreviations and terms used in the report**

<b>Abbreviation</b>	<b>Explanation</b>
Authority	EFTA Surveillance Authority
CRL	Community Reference Laboratory
EC	European Community
EEA	European Economic Area
EEA Agreement	Agreement on the European Economic Area
EU	European Union
FVO	Food and Veterinary Office of the European Commission
LCA	Local Health Authorities
MAST	Icelandic Food and Veterinary Authority
NRL	National Reference Laboratory
RASFF	Rapid Alert system for Food and Feed

## Annex 2 – Relevant legislation

The following EEA legislation was also taken into account in the context of this mission:

- a) The Act referred to at Point 54zzzc of Chapter XII of Annex II to the EEA Agreement, *Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety*, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex II thereto;
- b) The Act referred to at Point 54zzzi of Chapter XII of Annex II to the EEA Agreement, *Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules*, as amended and as adapted to the EEA Agreement by the sectoral adaptations referred to in Annex II thereto;
- c) The Act referred to at Point 15 of Chapter XII of Annex II to the EEA Agreement, *Council Directive 78/142/EEC of 30 January 1978 on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuff*;
- d) The Act referred to at Point 30 of Chapter XII of Annex II to the EEA Agreement, *Council Directive 82/711/EEC of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs*, as amended;
- e) The Act referred to at Point 34 of Chapter XII of Annex II to the EEA Agreement, *Council Directive 84/500/EEC of 15 October 1984 on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs*, as amended;
- f) The Act referred to at Point 36 of Chapter XII of Annex II to the EEA Agreement, *Council Directive 85/572/EEC of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs*, as amended;
- g) The Act referred to at Point 54i of Chapter XII of Annex II to the EEA Agreement, *Commission Directive 93/11/EC of 15 March 1993 concerning the release of the N-nitrosamines and N-nitrosatable substances from elastomer or rubber teats and soothers*;
- h) The Act referred to at Point 54zzt of Chapter XII of Annex II to the EEA Agreement, *Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC*;
- i) The Act referred to at Point 54zzw of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 1895/2005 of 18 November 2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food*;

- j) The Act referred to at Point 54zzzb of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 2023/2006 of 22 December 2006 on good manufacturing practice for materials and articles intended to come into contact with food*;
- k) The Act referred to at Point 54zzzs of Chapter XII of Annex II to the EEA Agreement, *Commission Directive 2007/42/EC of 29 June 2007 relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs*;
- l) The Act referred to at Point 54zzzzk of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food*;
- m) The Act referred to at Point 55 of Chapter XII of Annex II to the EEA Agreement, *Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food*.

Legislation subject to simplified procedure:

- *Commission Regulation (EU) No 284/2011 of 22 March 2011 laying down specific conditions and detailed procedures for the import of polyamide and melamine plastic kitchenware originating in or consigned from the Peoples Republic of China and Hong Kong Special Administrative Region, China.*

### **Annex 3 – Reply to the draft report**

#### **Response to the draft report of the EFTA Surveillance Authority's mission to Iceland, December 3 to 7 2012**

#### **Subject: Application of EEA legislation related to food contact materials**

#### **General remarks**

*The central competent authority, MAST would like to make the following comments to the report of the abovementioned mission:*

It is clearly stated in Act No 93/1995 on Foodstuffs that official food control is, as a general rule, under the responsibility of the LCAs, unless the unity falls under article 6 of the Act. In article 6 it is stated that MAST shall carry out official controls pursuant to this act of a. primary production, b. imports and exports of livestock products, c. meat processing and meat packaging facilities, excluding meat processing facilities operated in retail establishments, d. milk processors and egg producers, e. communicable livestock diseases, e. the treatment, inspection and evaluation of slaughter products, f. health inspections of farmed fish, h. the treatment, transport, storage, processing and distribution of marine products, excluding retail, i. the import of food not referred to in points a. to h. In article 6 the tasks of MAST are fully defined and the authority may not go beyond its powers. Therefore the official control of producers and importers of food contact materials (FCM) is under the responsibility of LCAs and not MAST.

As the control of producers and importers of FCM is divided among 10 LCAs ( which are all self governing), there is a provision in article 22 of the Act No 93/1995 where it is stated that MAST shall supervise and coordinate the work of the LCAs. The supervision has been interpreted to mean that MAST shall oversee official control of foodstuffs in general; this includes the coordination of official control to ensure that they are implemented in the same manner throughout the country. In order to fulfill these tasks MAST may issue guidelines that the LCAs are supposed to follow. MAST shall ensure cooperation of all those working in this field and shall in that respect make sure that control procedures are cost-efficient and designed to avoid as far as possible the duplication and overlap of efforts. MAST shall cooperate closely with LCAs and provide advice and services in the field of food control within the limits of its capacities and as required by the circumstances.

These provisions have never been interpreted to imply that MAST has the responsibility to carry out control nor to organize the control for the LCAs. The LCAs have to bear these duties themselves, including the organization of the control and carrying it out and if necessary to apply enforcements measures.

MAST therefore believes that there is an underlying misunderstanding with ESA regarding the responsibilities and duties of the competent authorities in Iceland and how they carry out their tasks. In the report it is stated that MAST is responsible for the supervision of the control system for food contact materials and that no supervision from MAST had been performed to ensure that inspections and sampling were carried out by the LCAs.

MAST finds this statement inaccurate, as the main responsibility for carrying out inspections and sampling of FCM (producers and importers) is with the LCAs and not with MAST. The LCAs are therefore in the context of Act No 93/1995 and Regulation (EC) No 882/2004 the competent authorities within the scope of the mission.

There is also a statement (page 9, paragraph 3 under Findings) in the draft report that some of the LCAs and consequently MAST did not have an overview of all the producers and imports of FVM in the area including information on what type and amounts of FCM produced or imported and other necessary information in order to plan the controls in a risk based way. Here again is a misunderstanding regarding the structure of official control in Iceland. MAST has never had an overview over the establishments that are under the control of the LCAs nor is it a requirement in the Icelandic legal order. The LCAs are as previously stated, independent (self governing) authorities that are responsible for their task in their area.

It is therefore also wrong that the LCAs and MAST have the competence to enforce the legislation on FCM in their geographical area. The division of task between LCAs and MAST is not based on geographical factor, but on article 6 of the Act No 93/1995.

MAST would also like to point out that the provisions in Act No 93/1995 regarding FCM and the “supervision” responsibilities of MAST are not clearly refined. Also there is no authority for the LCAs to charge the producers and importers for the control that the LCAs do carry out. Therefore some amendments must be made to the Act No 93/1995 to better clarify the responsibilities of the LCAs, MAST and the producers and importers of FCM and to put forward changes in the article regarding collection of fees for controls. These amendments have now been put forward in the parliament, see attachment.

*General comments from LCAs:*

**LCA-HER:**

The LCA would like to state that it is responsible for all decisions made in relation to official control according to Icelandic legislation and under the supervision of MAST. In accordance with the Food Act No 93/1995 MAST is responsible for the supervision and coordination of official food control in Iceland in order to ensure its homogeneity in all control districts.

It is the opinion of HER that the Act on Food should be amended in order to clarify the responsibility of control authorities when it comes to inspections of food contact materials and to ensure which products are subject to such control. The legal basis for control fees for the control of FCMs also needs to be clarified.

**LCA-HSuð (South district):**


Page 10, paragraph 2:

The statement “one operator was producing heat-blown plastic bottles from intermediate materials as well as filling these bottles with drinking water” is not correct. The FCM producer visited in the area does not produce or market any drinking water or other foodstuffs and thus neither considered a food producer nor inspected as such.

Another statement in the same paragraph regarding ceramic materials is also taken out of context. It was mentioned informally by the Inspector from the LCA that there might perhaps be about 5 producers of artistic products from ceramic in the area but not necessarily for food contact purposes.



## ESA mission on food contact materials 2012 – Action plan

	Recommendation	Action	Time aspect	Enclosures
1	Iceland should ensure that Regulation (EU) No 284/2011 is made part of its internal legal order. In addition, Iceland should ensure to apply and enforce the regulation.	<p>A bill amending Act No 93/1995 on foodstuffs has been introduced in the Icelandic parliament (see attachment) which better defines the roles and responsibilities of the competent authorities. The amendment will among other things transfer the responsibility of import controls regarding food contact materials from the LCAs to MAST. This is deemed necessary as the Ministry of Industries and Innovation does not consider the current situation regarding import controls feasible or that the LCAs are capable of controlling the imports of food contact materials in an effective and efficient way.</p> <p>As soon as the parliament has completed its procedures regarding the amendment, the Ministry of Industries and Innovation will published a regulation incorporating regulation No 284/2011 into the Icelandic legal order.</p>	In process	 <p>Recommendation 1_amendment Act 93.</p>
2	The competent authorities should take measures to harmonise the official controls on food contact materials throughout the country in line in Articles 4(3), 4(4) and 4(5) of Regulation (EC) No 882/2004. The competent authorities shall ensure that internal or external audits are carried out to ensure that the	Notice will be taken of the guidance document currently under preparation by the Commission Services regarding FCM as well as other such documents issued by the Commission. They will be used for training and information		

ESA mission on food contact materials 2012 – Action plan				
	objectives of Regulation (EC) No 882/2004 are achieved in line with Article 4(6) of that regulation.	purposes towards the LCAs. MAST intends to carry out audits on its own procedures as well as those of the LCAs. The organization of the audits and ideas for the structure of such an audit system have been drafted and sent to the MoII for implementation.		
3	The competent authorities should ensure that all personnel carrying out official controls on food contact materials receive appropriate training and are kept updated in this area as required by Article 6(a) through (c) of Regulation (EC) No 882/2004.	All LCAs involved in the mission have already sent inspectors to BTSF courses on FCMs and will continue to participate in seminars offered on the issue. In 2013 a LCA inspector will attend a BTSF course on FCM. For 2014 a Nordic project on FCM is being organized with a budget of 500.000 Dkr for <b>training</b> and analyzing samples. Iceland will participate in this project and planning has already started.	31.12.2014	
4	Iceland should ensure that official controls are carried out to enforce compliance with Regulation (EC) No 1935/2004 in line with Article 24 of that Regulation. In particular, the competent authorities should decide on the appropriate frequency of regular official controls on all stages of production, import and use of food contact materials on the basis of risk and ensure the quality and consistency the official controls in line with the requirements of Article 3 and 4 of Regulation (EC) No 882/2004.	The recommendation is taken notice of. LCAs involved in the mission have already increased the emphasis on this control (both producers and importers). The frequency is based on risk assessment. Other LCAs will be informed about the results of this mission and encouraged (where relevant) to initiate and/or improve this control.		

<b>ESA mission on food contact materials 2012 – Action plan</b>					
			The amendment of the Act on Food will increase the clarity of responsibilities and division of tasks as well as implement provisions on control fees in this category. See also Annex 1 – General comments.		
5	The competent authorities should establish procedures to verify the effectiveness of official controls carried out, and procedures to ensure that corrective action is taken when needed, in accordance with Article 8(3) of Regulation (EC) No 882/2004. Furthermore, the competent authorities should ensure that documented procedures are in place in line with the requirements of Article 8(1) of Regulation (EC) No 882/2004.		<p>It is foreseen that the verification of the effectiveness of official control as well as follow-up procedures and enforcement will be carried out simultaneously to audits of the official control of both MAST and LCAs.</p> <p>The issue of follow-up and enforcement will also be taken up in a joint meeting of MAST and LCAs in May. LCAs will be encouraged to establish procedures for their official control of the manufacture and import of FCMs.</p>		
6	The competent authorities should ensure that the implementation of traceability of food contact materials in the establishments using them is in line with the requirements laid down in Article 17 of Regulation (EC) No 1935/2004.		A chapter on FCM and traceability is already included in the handbook on official control in establishments producing animal products. Traceability is also in the list of items to be checked during inspections. The LCAs will be encouraged to make sure that this item is also included in their handbook and procedures.		
7	The competent authorities should ensure that official controls are carried out to verify that declarations of		Notice will be taken of the guidance document currently under preparation		

<b>ESA mission on food contact materials 2012 – Action plan</b>				
	compliance for food contact materials comply with the requirements set out in Article 16 of Regulation (EC) No 1935/2004, Article 15 of Regulation (EC) No 10/2011 and Article 2a of Council Directive 84/500/EEC.	by the Commission Services regarding FCM as well as other such documents issued by the Commission. They will be used for training and information purposes towards the LCAs. Producers of FCMs in the district of LCA-HHK have already been visited as a follow-up of the mission. Both are in the process of sampling and sending their products for analysis.		
8	The competent authorities should ensure that producers of food contact materials implement Good Manufacturing Practice as required by Commission Regulation (EC) No 2023/2006 and Article 3 of Regulation (EC) No 1935/2004. The competent authorities should further ensure that official controls include the assessment of the Good Manufacturing Practice as required by Article 10(2)(d) of Regulation (EC) No 882/2004.	The recommendation is taken notice of. The amendment of the Food Act will facilitate this by providing clear authority for LCAs to collect fees for their official control of the production of FCMs. Producers of FCMs in the district of LCA-HHK have already been visited as a follow-up of the mission. This recommendation has been introduced to the producers which have set up an own-control plan based on GMP.		
9	In order to enforce compliance with Regulation (EC) No 1935/2004 in line with Article 24(1) of that Regulation, the competent authorities should ensure that official controls include sampling of food contact materials aimed at verifying compliance with relevant legislation.	A part of a draft agreement with DTU for their service as a NRL for Iceland is taking part in their projects for sampling and analyzing different kinds of FCM products. For 2014 a Nordic project on FCM is being organized with	31.12.2014	

<b>ESA mission on food contact materials 2012 – Action plan</b>				
		a budget of 500.000 Dkr for training and analyzing samples. Iceland will participate in this project and planning has already started.		
10	The competent authorities should designate a national reference laboratory for the official controls of food contact materials to comply with the requirements of Articles 11, 12 and 33 of Regulation (EC) No 882/2004 and Article 24(3) of Regulation (EC) No 1935/2004.	A draft agreement between DTU in Danmark, MAST and MoII is in the pipeline. DTU is already the NRL for Danmark and for Norway and has been positive towards adding Iceland to its role.	1.12.2013	