

Guidance on implementing Article 14a of Regulation (EU) N° 10/2011 for labelling requirements for repeated use plastic food contact articles

1. Background of this document

The Regulation (EU) 2025/351 of 21 February 2025, amends Regulation (EU) No 10/2011 by including, among other information, a new Article 14a which introduces labelling requirements for repeated use plastic food contact articles.

This document aims to provide to the industry a guidance on how this new Article 14a fits with previously implemented regulation, namely Regulation (EU) 1935/2004, and how to comply with it.

Please note that this non legal guidance and should not be interpreted as a legal advice.

2. Definitions

"Repeated use article" - an article intended to be used several times that comes into contact with different portions of foods during its lifetime. For example, kitchenware, reusable containers or components of packaging machinery.¹

3. Guidance

Legal reference
<p>Reg. EU N° 10/2011. Article 14a(1)</p> <p><i>The manufacturer or other operator responsible for placing on the market a final plastic food contact article intended for repeated use, shall provide to its users in accordance with Articles 15(7) and (8) of Regulation (EC) No 1935/2004 the following:</i></p> <ul style="list-style-type: none"><i>(a) appropriate instructions designed to slow down deterioration of the article;</i><i>(b) a description of observable changes of the article that may indicate the deterioration of the article or material;</i><i>(c) a warning in case specific damages or foreseeable misuse would cause increased migration or would cause the article to become otherwise unsuitable for further use in contact with food.</i>

Explanation of the legal reference:

Paragraph 7 and 8 of Article 15 of Regulation (EC) 1935/2004 ensure that the labelling information specified in Paragraph 1 of the same Article are correctly displayed, respectively, at the retail stage and at the marketing stage of the product. The information stated in Paragraph 1 of Article 15 of Regulation (EC) 1935/2004 touches upon the following (non comprehensive): a disclaimer on the use of the product, special instructions for safe and appropriate use, information of the entity responsible for placing on the market, identification required for traceability and specific information for active materials and articles.

¹ European Commission, "Union Guidelines on Regulation (EU) No 10/2011 on Plastic Materials and Articles Intended to Come into Contact with Food" (European Commission DG SANTE, February 21, 2014), https://food.ec.europa.eu/system/files/2016-10/cs_fcm_plastic-guidance_201110_reg_en.pdf.

The new Article 14a (1) adds, for repeated use plastic food contact articles, to provide information on how to reduce the rate of deterioration of the article along its usage, as well as a description and warning on observable changes that may indicate the deterioration of the material or article, and if these would increase the migration and/or render the article unsuitable for contact with food.

In Recital (12) of Regulation (EU) 2025/351 following examples of signs indicating such deterioration of plastic are mentioned: Surface cracks and crazes, blisters, delamination, shrinkage or other deformation, and yellowing or other permanent discoloration or loss of gloss or transparency. Usage related changes such as tainting from colorants from foods, including from lycopene and curcumin, is not considered a deterioration of the material or article.

Examples on how to comply in practice:

In order to comply with the new Article 14a (1) of Regulation 10/2011, the following disclaimers can be used as an example, considering that they are applicable to the product in mind:

- “Before each use, inspect the product. Dispose of it at the first signs of damage or weakness.”
- “Inspect the product before every use, making sure there are no broken parts or sharp edges.”
- “The pigmentation in some brightly-colored foods (e.g. tomato sauce or curry) may alter the color of the product. This does not alter the function and/or safety of the product.”
- “Do not use sharp metal cutlery, do not use the plate to cut food as this could damage the surface.”
- “The manufacturer of the article is not liable for any continued use of the article with changes as described or deterioration resulting from misuse.”

Additional, product-specific instructions may include, if applicable:

- Suitable temperature range for heating and use;
- Suitable washing condition for the durability of the article;
- Information on suitability to use article in the microwave;
- Information on unsuitable common methods of storage, heating, cleaning and use, which might damage the product (e.g. microwaves, sunlight, dishwasher detergent).

According to Article 15(7) and (8) of Regulation (EU) No 1935/2004, this information can be placed on:

- The material/article packaging;
- Accompanying documents, such as instruction manuals or leaflets;
- Labels affixed to the materials and articles or their packaging.

Legal reference

Reg. EU N° 10/2011. Article 14a(2)

Plastic materials and articles intended to be brought into contact with food but which are not yet in contact with it shall be accompanied at the moment of their sale or supply to consumers at retail stage with instructions of use, in accordance with Article 15(1) of Regulation (EC) No 1935/2004, directed at the consumer of that final food contact article, where they are manufactured with substances included in the Union list of authorised substances, for which column 10 of Table 1 of Annex I sets out restrictions related to one or more of the following elements:

- *specific foods or groups of foods,*
- *contact time and/or temperature, and/or*
- *heating conditions such as oven and microwave use.*

The instructions of use shall mention the restrictions and provide the consumer with adequate information to avoid using the article under conditions not complying such restrictions.

Explanation of the legal reference:

Article 14a (2) of Regulation (EU) 10/2011 applies to plastic materials and articles not yet in contact with food. In the case that they were manufactured with a substance which has usage restrictions and specifications indicated in Column 10 of Table 1 of Annex I of Regulation (EU) 10/2011, specific instructions of safe and appropriate use and information on use restrictions shall be provided to consumers.

Examples on how to comply in practice:

In order to comply with the new Article 14a (2) of Regulation 10/2011, if necessary, there should be a disclaimer informing:

- The suitable range of temperatures of use;
- Washing conditions of the material or article;
- Types of foods that should not be used with the article (i.e fatty foods or olive oil).

Examples of disclaimers, if applicable:

- “Do not use for storage of fatty foods”;
- “Do not expose to or wash the article in temperatures above 50 °C”.