



Current Status of Food Contact Regulations in Thailand and ASEAN

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Summary

- **Short introduction of ASEAN**
- **Legal situation in Thailand**
- **A short overview of laws in certain ASEAN countries**
- **European Commission and relationship with ASEAN countries**
- **ASEAN Rapid Alert System for Food and Feed**



Short introduction of ASEAN

Southeast Asia Map



ASEAN

- ASEAN is the Association of Southeast Asian Nations
- It is a [political](#) and economic organization of ten countries located in [Southeast Asia](#) and created on 8 August 1967
- 600 millions of persons
- Its aims are to accelerate [economic growth](#) and [social progress](#)
- One of the next aims is to lunch “Asean Economic Community in 2015”

ASEAN

- ASEAN is an Asian Region characterized by a rapid and increasing development
- Western Industry is more and more interested to these new markets to export FCM or to import food
- To increase the trade with ASEAN countries Western industry should know the legal situation of these countries
- Unfortunately no "common market" system, like the European Union or MERCOSUR in South America, exists in ASEAN Countries
- The current laws are quite limited and fragmented and it is quite difficult to summarize them
- The respect of FDA or EU or Japanese law is often considered sufficient unless specific legal rule exist

Legal situation in Thailand



THAILAND



Thailand

- The legal situation in Thailand is quite complicated
- Two different laws adopted by the Ministry of Health and Ministry of Industry attribute powers to different agencies making the legal system fractionated and complex
- There are **three main Ministries** responsible for food packaging: Ministry of Health, Ministry of Industry and Ministry of Commerce
- **Ministry of Health** and its technical agency “**Thai FDA**” (Thai Food and Drug Administration) are responsible for food and finished food packaging
- **Ministry of Industry** and its technical agency “**TISI**” (Thai Industrial Standards Institute) are responsible for raw materials and processing (resins, additives, packaging supplier and retailers etc.).
- **Ministry of Commerce** is responsible for importation and exportation of FCM (Food Contact Materials)
- **Other Ministries** are responsible for specific issues (labelling)

- I will try to summarize the main rules for FCM in Thailand
- Food packaging is regulated by the **Food Act**, B.E. 2522 (1979), which prohibits the production, importation, and distribution of unsafe foods and food packaging
- This law authorizes the Ministry of Public Health (MPH) and its department “**Thai FDA**” to issue ministerial regulations to enforce the provisions of the Act
- In particular Thai FDA has a specific responsibility to approve and regulate food packaging materials
- The Thai FDA requires that all food packaging and containers comply with 3 **Ministerial Notifications**

- **Ministerial Notification No. 92/2528 (1985)** which specifies a number of requirements concerning food containers such as ceramic vessel, enameled metal vessel, infant food container and cooking utensils
 - Food containers must be clean and free of germs, not emit any heavy metals or other substances that contaminate food at levels that may be harmful to health, and not emit any color to food

- **Ministerial Notification No 117/2532 (1989)** which specifies the requirements concerning feeding bottles such as
 - General Qualities:
 - Clean
 - Not give out color to contaminate food etc.
 - For poly carbonate:
 - Standard of Lead and Cadmium
 - Standard of migration limits for other substances
 - For rubber teats :
 - Standard of Lead, Cadmium and Nitrosamine
 - Standard of migration limits

- **Ministerial Notification No. 295/2548 (2005)** specifies qualities or standard for container made from several plastics as well the migration testing with the simulants (water<pH 5// ac.acid<pH 5// Heptane// ethanol 20%)

Type of plastic containers used for milk or milk products

- Polyethylene
- Polypropylene
- Polystyrene
- Polyethylene terephthalate
- Ethylene 1-alkene copolymerized resin

plastic type used for container

- Polyvinyl chloride
- Polyethylene
- Polypropylene
- Polystyrene
- Polyvinylidene chloride
- Polyethylene terephthalate
- Melamine
- Nylon
- Polycarbonate
- Polyvinyl alcohol
- etc.

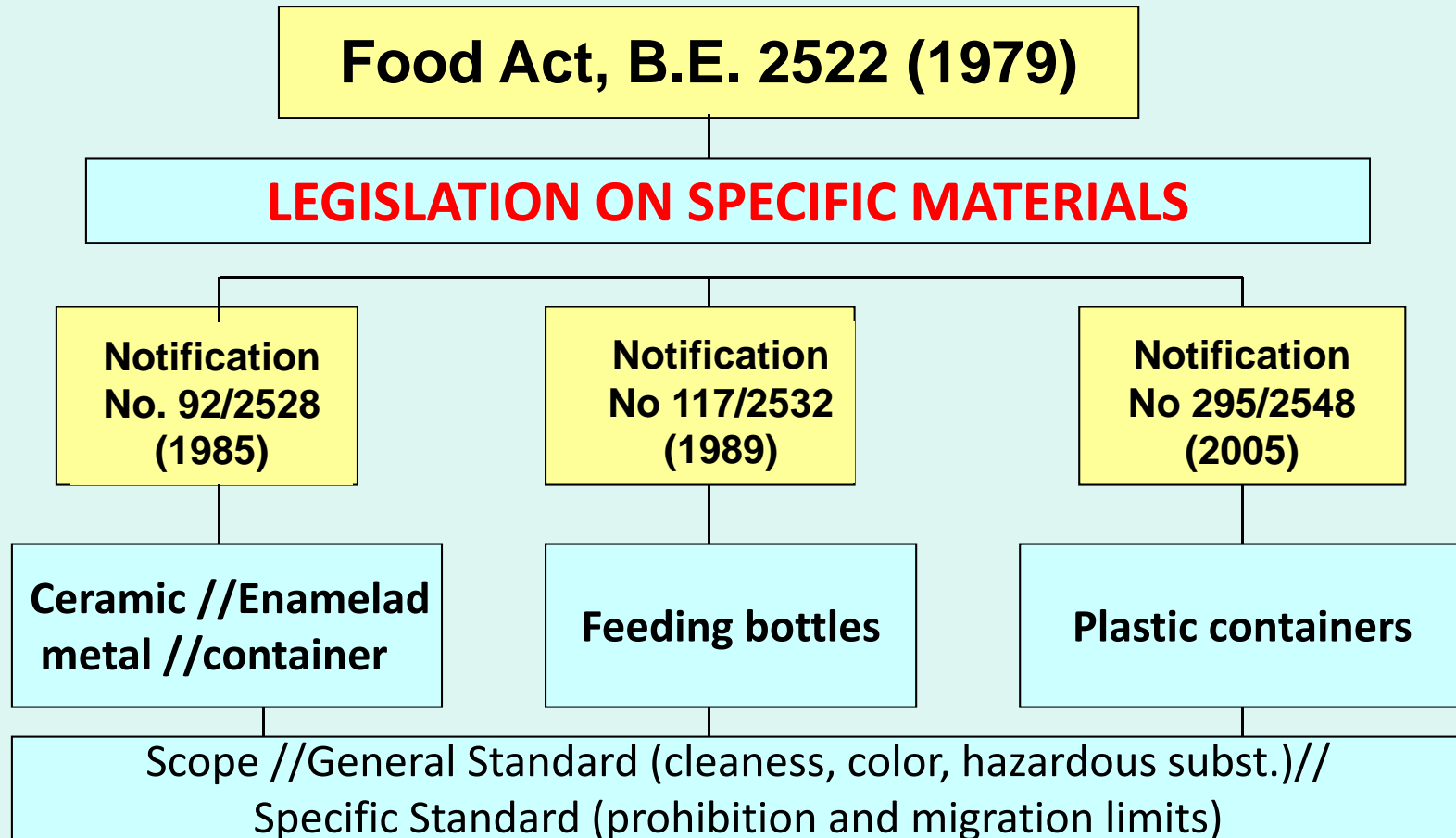
Thailand Regulation

Detail	Maximum level (Milligram per 1 Cube decimeter of reagent)											Plastic used for containing milk or milk product which type of plastic on the contact side are:			
	Polyvinylchloride	Poly ethylene Polypropylene	Polystyrene	Polyvinylidene chloride	Polyethylene terephthalate	Polycarbonate	Nylon (pa)	Polyvinyl alcohol	Polymethy methacrylate	Polymethyl pentene	Melamine***	Polyethylene or Ethylene 1-alkene copolymerized resin	Poly propylene	Polystyrene	Polyethylene terevtalate
(1) Phenol	-	-	-	-	-	-	-	-	-	-	Not detect	-	-	-	-
(2) Formaldehyde	-	-	-	-	-	-	-	-	-	-	Not detect	-	-	-	-
(3) Antimony	-	-	-	-	0.05	-	-	-	-	-	-	-	-	-	0.025
(4) Germanium	-	-	-	-	0.1	-	-	-	-	-	-	-	-	-	0.05
(5) Heavy metal (calculated as lead)	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
(6) Potassium permanganate used for reaction	10	10	10	10	10	10	10	10	10	10	10	5	5	5	5
(7) Residue substances which is evaporate in water (in case of foods with acidity exceeding 5)	30	30	30	30	30	30	30	30	30	30	-	-	-	-	-
(8) Residue substances which is evaporate in 4% concentrated acetic acid (in case of foods with acidity less than 5)	30	30	30	30	30	30	30	30	30	30	30	15	15	15	15
(9) Residue substances which is evaporate in 20% concentrated alcohol (in case of alcoholic foods)	30	30	30	30	30	30	30	30	30	30	-	-	-	-	-

Some Prohibitions with exceptions

- It is forbidden to use **coloured plastic** containers to contain food except
 - When the coloured surface is not in contact with food
 - When the plastic contain fruits whose peel is not eaten
 - When the contact is authorized specifically by Thai-FDA
- It is forbidden to use **plastic containers made from recycled plastic** except when the containers are in contact with fruits whose peel is not consumed
- It is forbidden use plastic containers which is used to contain **toxic substances** dangerous to health
- Etc.

A short summary of MOH and THAY-FDA Rules



A short overview of laws in certain ASEAN countries



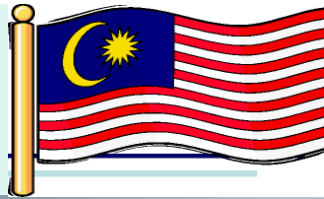
INDONESIA



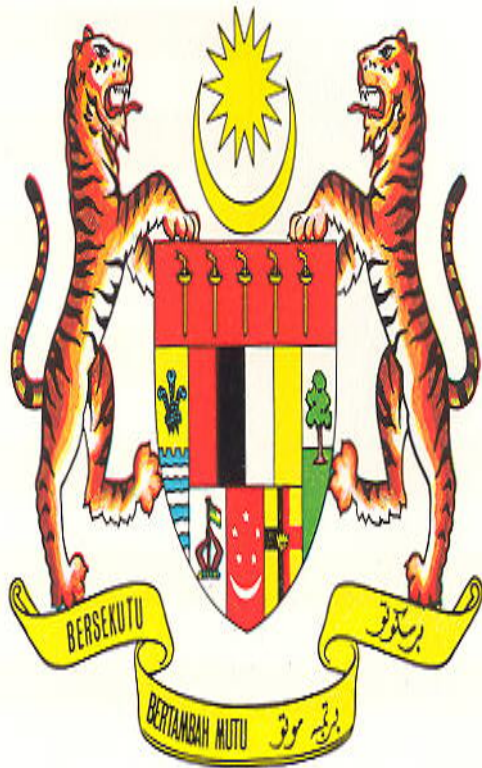
Indonesian Regulation

- The Indonesian Minister of Health regulates food packaging under the **Food Act** of 1996 by a new Food Law (Act N. 18/2012)
- Food cannot be packaged in banned material, or material that can release contaminants that are dangerous or prejudicial to good health
- “**BPOM**” (Agency for Drug and Food Control) in August 2009 issued an appendix that includes lists of (a) specifically permitted substances, (b) forbidden substances and (c) substances which require a risk assessment before their use
- To ask further information please contact:

**Deputy III for Dangerous Materials and Food Safety Control //JI.
Percetakan Negara No. 23, Jakarta 10560
Tel: +6221-425-3857 Fax: +6221-425-3857**



Malaysia



Malaysia Regulation

- The Ministry of Health is responsible for food packaging
- The Malaysia regulations on FCM is the **Food Regulation** (1985) which derives from **Food Act** (1983).
- In Food Regulation there is an article quite equivalent to article 3 of EU Framework Regulation (safety clause and no deterioration of the food).
- It prohibits package/container which release some metals (lead, antimony, arsenic, cadmium or other toxic substances) to food unless they comply with some specified limits of migration under specified conditions quite similar to EU migration testing
- Specific rules for VCM, recycling and active packaging (scavengers) are quite similar to those of EU
- Ban of BPA from 1 March 2012
- Malaysia accepted food packaging complying with Japanese standards or FDA



PHILIPPINES



The Philippines Regulation

- In the Philippines, food packaging materials are regulated by the Food and Drug Administration (FDA) Act of 2009 (Republic Act No. 9711)
- The Bureau of Food and Drugs (BFAD) is responsible for its enforcement and issued on March 22, 2011 the rules and Regulations implementing the FDA Act of 2009
- Specific Guidelines such as GMP or a list of additives authorized can be find in specific Orders and Circulars
- Generally, the Philippines Authority accepts also material cleared by U.S. FDA or covered by the Food Sanitation Law of Japan and accepts their test results



SINGAPORE



SINGAPORE

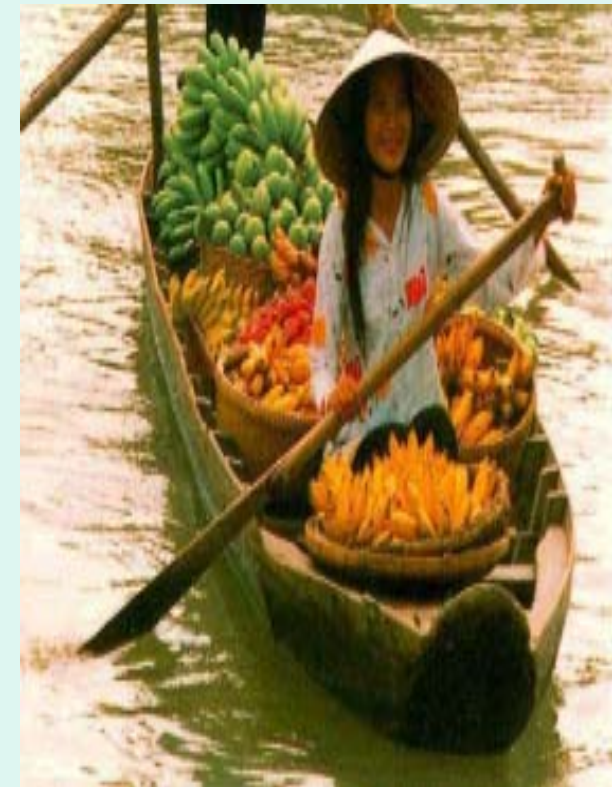


Singapore Regulation

- Food regulations, 1988, Part III, Art. 37. deals with rules for containers for food
- It is quite similar to Malaysia as it adopted an article quite similar to EU Art. 3 and established limitations on heavy metals
- It establishes specific rules for ceramics (Pb and Cd)
- It prohibit any package or container which contains or is likely to contain :
 - More than 0.05 ppm VCM or
 - Known carcinogenic, mutagenic, teratogenic or any other poisonous or injurious substance
- It establishes specific rules for recycled materials in general



VIETNAM



Vietnam Regulation

- Responsible Agencies is Ministry of Health (MOH)
- New Food Law (2011) confirms that food shall not be contaminated
- Various Ordinances and Circulars establish:
 - Maximum level of leaching of heavy metals from ceramic and glass
 - Maximum level of leaching of certain substances from tin-foil
 - Maximum level of migration from synthetic plastic under specified testing conditions
 - Permitted level of heavy metal leaching from food cooking utensils

European Commission and relationship with ASEAN countries

Better Training Safe Food

- Globalization implies the need for a better control of the FCM and the knowledge of the EU rules
- Then, EC-SANCO Directorate launched a new Program called **BTSF** (“Better Training Safe Food”). Its aim is to spread knowledge of EU regulation on food
- It consist in organizing and developing a strategy to training EU and third countries with a view to:
 - Ensuring and maintaining a high level of consumer protection
 - Promoting a harmonized approach to Community and national control systems;
 - Enhancing trade of safe food in EU and in third countries

BTSF: Historical development

- BTSF started on 8 November 2006
- Some statistics related to the period 2006 – 2011
 - 660 events (duration between 3 and 15 days‘)
 - 29 000 participants from around 180 countries
 - The overall budget has been approximately 68 millions of Euro
 - In 2012 – 2013 the budget has reached €15 millions of Euro

Better Training Safe Food

- The participants are selected between the enforcement authorities and the teachers acting at national level
- **When possible, representatives of professional organization can participate at their own expenses**

Future

- **To develop an e-learning tool for basic-level training**
 - EU legislation
 - Control
 - Main type of Food Contact Materials
 - Declaration of Compliance and the Supporting Documentation
- **Other trainings e-tools are planned**

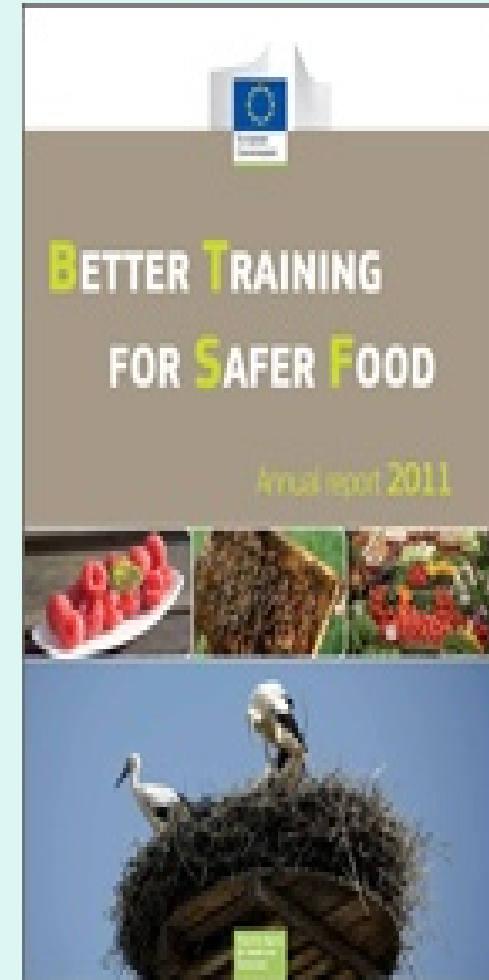
BTSF and Third Countries

- Many Training courses were organized in Third Countries and mainly in developing countries (ASEAN)
- In Food Contact Materials 3 training courses were organized in Bangkok. The last one on May 2011
- It dealt with Food Safety Crisis Management

How can I find out more?

Website: <http://ec.europa.eu/eahc/food/index.html>

The screenshot shows the website for the Executive Agency for Health and Consumers (EAHC) under the Better Training for Safer Food (BTSF) initiative. The page features a navigation menu on the left with links to Home, Health Programme, Consumer Programme, and various BTSF-related topics. The main content area includes a video player with a 'Welcome' message, a section titled 'Calls for tender 2012 launched' with a brief description, and a 'BTSF Annual Report 2011' section. There are also links to newsletters and events. The website is displayed in a Windows Internet Explorer browser window.

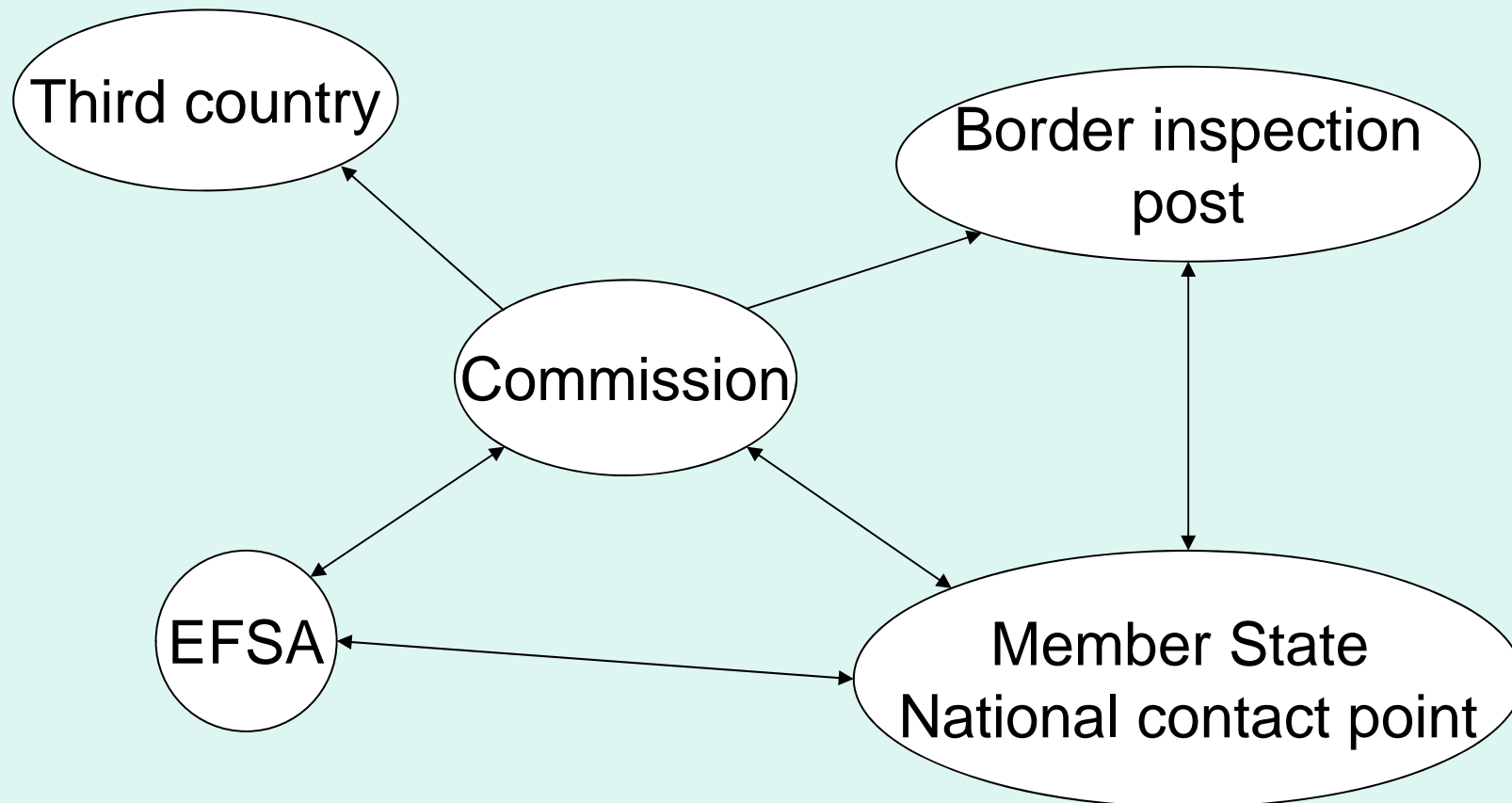


EU and ASEAN Rapid Alert System for Food and Feed

What is RASFF in EU?

- RASFF is the acronym for Rapid Alert System for Food and Feed
- RASFF is a system to share information on food and feed when a serious direct or indirect risk to human health has been identified
- This quick exchange of info between EC and MS allows MS to immediately identify whether they are also affected by a problem and take the appropriate measures

Flowchart of the Rapid Alert System

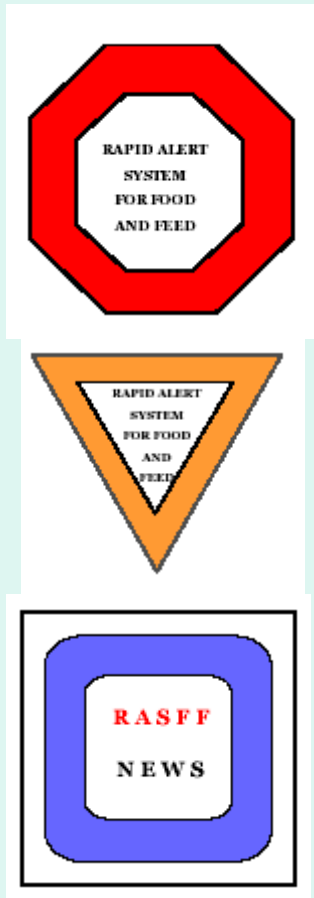


How does a notification arrive?

- The information is shared in the system through a network
- The notifications go by email
- They contain the relevant information on product, hazard and measures already taken such as
 - public warning – press release
 - product recalled or withdrawn
 - product (to be) returned to dispatcher
 - product (to be destroyed)

RASFF

There are three levels of information



Alert notification

Information notification

News

What is ARASFF?

- ARASFF is quite similar to RASFF
- To issue the notifications and exchange the information a **specific website** was created
- Ten Members of ASEAN now participate to ARASFF

Brunei	Cambodia	Indonesia	Lao PDR
Malaysia	Myanmar	Philippines	Singapore
	Thailand	Vietnam	

- A Steering Committee was recently established and is preparing Rules and Procedures to be used as operational guidelines of the system
- Various training courses were organized by EC in Bangkok to explaining EU RASFF and collaborating in the creation of ARASFF



Expected benefits & beneficiaries

- Competent Authority has more efficient tool for market surveillance and management
- Manufacturer adjust and improve product safety and quality
- Safer products for domestic market
- Early detection and correction of problems for exporting products
- Enhance closer cooperation in food safety activities among ASEAN Member States
- Speed up harmonization process of ASEAN food standards

Bangkok, Thailand, 24-26 May 2011



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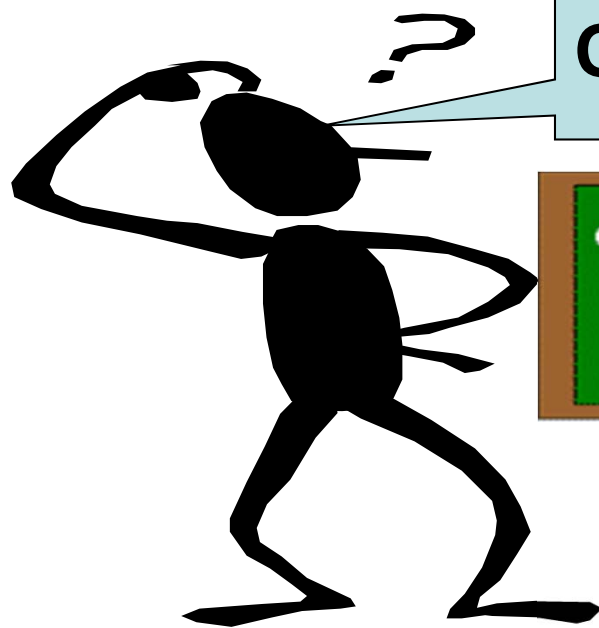
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Questions?



Answers ..perhaps

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