



Officials controls on FCM in France





Directorate General for Competition Policy, Consumer Affairs and Fraud Control



A mandate with 3 focus areas

- Regulation of market competition
- Economic protection of consumers
- Consumer safety



Economic protection of consumers



Goal: inform and protect consumers against unfair or unlawful market practices on a daily basis

- Clear and honest information on products and services: labelling rule (price, ingredients and description), quality indicators
- Fair market practices for consumers: e-commerce, real estate and housing, health and social services, banking and insurance, transport and tourism, environmental claims, metrology
- Price monitoring: monthly online publication of the findings of the Prices and Margins Monitoring Centre

Consumer safety

Goal: ensure the physical safety of consumers and protect consumer health as a market supervisory authority that has European obligations



- Safety of products: composition, labelling, “CE” marking, verification of product registration and test compliance
- Action methods
 - Stronger action in high-risk sectors
 - Initial market release audits (“CPMM”)
 - Taking samples for analysis (laboratories) or risk assessment by national agencies (ANSES or ANSM)
 - Reporting of dangerous products as part of the RASFF and RAPEX procedures, which include consumer information initiatives

Organisation



Central administration and local offices

- A central administration in Paris
- Regional entities (competition controls)
- In liaison with 96 inter-ministerial department directorates
- Outside metropolitan France, within the 5 regional entities

Organisation

Departments with national scope and networks

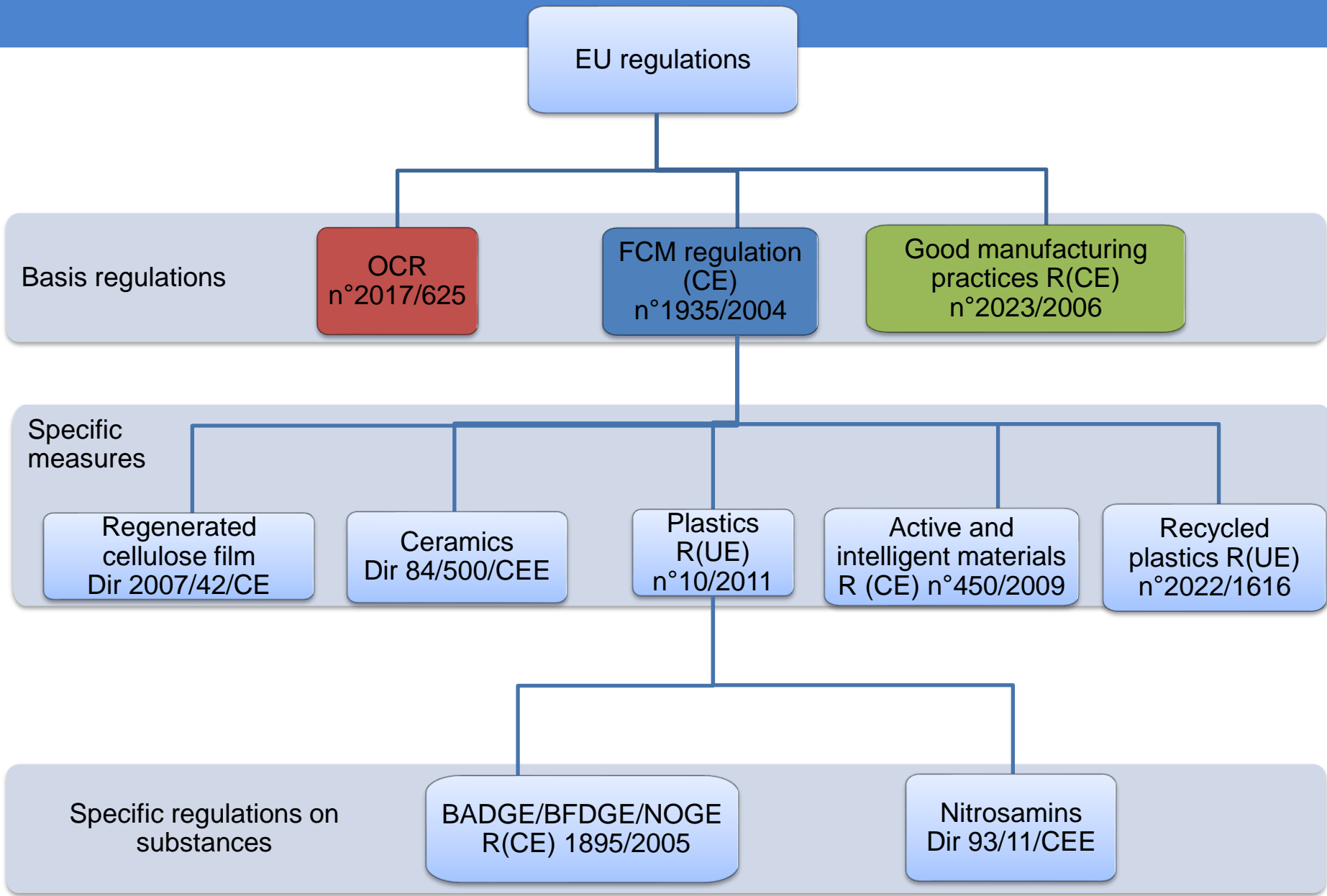


- A joint Laboratory Service (SCL) with the DGDDI (French Customs)
- A National Investigations Department (SNE) (which includes an Electronic Commerce Surveillance Centre [CSCE] in Morlaix)
- A National Academy for competition, consumer affairs and fraud control (ENCCRF, in Montpellier, with offices in Montreuil) + **Specific training for FCM inspectors**
- An IT Department (SICCRF, 3 centres in Paris, Lyon and Montpellier)
- Sectoral inspection networks (toys, electrical products, **food contact materials** etc.)



Food contact materials inspections





National regulation

Rubber
arrêté du 5 août
2020

Silicone
elastomers
arrêté du 25
novembre 1992

Aluminium
arrêté du 27 août
1987

Stainless steel
arrêté du 13 janvier
1976

ban on Bisphenol
A in FCM
law 2010-729

French recommendations for ensuring the inertia of other types of FCM

Defined and public criteria (available on our website)

Recommendation n°1 :
metals and alloys

Recommendation n°2 :
inorganic materials
(excluding metals and
alloys) → glass, crystal,
ceramics

Recommendation n°3 :
organic materials based
on synthetic materials

Recommendation n°4 :
organic materials based
on plant fibres

Guidelines on wood

Guidelines on inks,
varnishes and coatings
on the exterior of FCM

Announced :
recommendation on
textiles

An annual inspection plan for the whole country

➤ Controls at all stage of production and distribution :

- Manufacturer
- Import/introduction
- Distribution
- Professional use of FCM

➤ On all kind of materials with annual focus

Example:

- Plastic with polyamid utensils, melamin kitchenware, plastic+vegetal fibers
- Ceramics all FCM
- Silicone
- Paper and boards especially with the ban of single use plastic
- Metals
- BPA in FCM

Steps of the controls

Labelling/allegations

Presence of the mandatory labelling

- FCM symbol
- Address, name
- Instructions of use if needed

Verification of all allegation => shall not mislead the consumer.

Documentation

Presence and content of the declaration of compliance

Technical documentation :

- Migration testing (conditions Time/temperature, type of food in contact, foreseeable use)
- Content in FCM (aluminium or stainless steel in France for example)
- Proof of absence of substances (cf allegations)

Steps of the controls

Good manufacturing practices

Control of the regulation 2023/2006.

Presence and relevance of the quality assurance system.

Choose of the raw materials

Traceability

Use of FCM

Use of FCM by professional following the instructions of the declaration of compliance or instruction of use by manufacturer

Recurrent use of non-FCM by the food sector or reuse of single use FCM

Inertia issues detected by our NRL

Plastics

Recurrent excesses :

- On phthalates
- Numerous exceedances of specific migration of primary aromatic amines in polyamide articles.

Other issues :

- Overall migration
- Alteration of organoleptics properties

More than half of the non-compliances came from melamine articles with added bamboo fibres.

Inertia issues detected by our NRL

Silicones

Non compliance :

- Volatile organic compounds rate
- Overall migration

Ceramics

Heavy metals problematic.

- Excedance on Cadmium and Lead
- High content of Aluminium, Cobalt and Arsenic.

Inertia issues detected by our NRL

Paper and board

Non compliance :

- Excesses on phthalates limits (especially recycled paper)
- Material suitability issues (e.g. cardboard straws, plates made from sugar cane pulp, etc.)
- Direct contact with printing inks (not forbidden but not recommended)

Metals and alloys

Stainless steel : Chrome content in the french decree

Aluminium : Recent case : General problem with batches of aluminium utensils from artisanal foundries in Madagascar, with lead levels 280 times above the reference limit (100 times for cadmium and zinc).

2021 and 2022 controls in figures

Number of establishments controlled

2021	2022
1332	1253

Anomaly rate for establishments controlled

2021	2022
28,9% (385)	33,8% (423)

Number of samples

2021	2022
351	375

Non-compliant samples

2021	2022
75 (19,5%)	69 (19,7%)

Samples with a "watch out" conclusion

2021	2022
23 (6%)	25 (7,1%)

Thanks for your attention