

Commission Regulation (EC) No 450/2009 of 29 May 2009
on active and intelligent materials and articles intended to
come into contact with food (Text with EEA relevance)

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation establishes specific requirements for the marketing of active and intelligent materials and articles intended to come into contact with food.

These specific requirements are without prejudice to Community or national provisions applicable to the materials and articles to which active or intelligent components are added or into which they are incorporated.

Article 2

Scope

This Regulation shall apply to active and intelligent materials and articles which are placed on the market within the Community.

Article 3

Definitions

For the purpose of this Regulation, the following definitions shall apply:

- (a) ‘active materials and articles’ means materials and articles that are intended to extend the shelf-life or to maintain or improve the condition of packaged food; they are designed to deliberately incorporate components that would release or absorb substances into or from the packaged food or the environment surrounding the food;
- (b) ‘intelligent materials and articles’ means materials and articles which monitor the condition of packaged food or the environment surrounding the food;
- (c) ‘component’ means an individual substance or a combination of individual substances which cause the active and/or intelligent function of a material or article, including the products of an *in situ* reaction of those substances; it does not include the passive parts, such as the material they are added to or incorporated into;
- (d) ‘functional barrier’ means a barrier consisting of one or more layers of food contact materials which ensures that the finished material or article complies with Article 3 of Regulation (EC) No 1935/2004 and with this Regulation;

Changes to legislation: There are outstanding changes not yet made to Commission Regulation (EC) No 450/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (e) ‘releasing active materials and articles’ are those active materials and articles designed to deliberately incorporate components that would release substances into or onto the packaged food or the environment surrounding the food;
- (f) ‘released active substances’ are those substances intended to be released from releasing active materials and articles into or onto the packaged food or the environment surrounding the food and fulfilling a purpose in the food.

Article 4

Placing on the market of active and intelligent materials and articles

Active and intelligent materials and articles may only be placed on the market if they:

- (a) are suitable and effective for the intended purpose of use;
- (b) comply with the general requirements set out in Article 3 of Regulation (EC) No 1935/2004;
- (c) comply with the special requirements set out in Article 4 of Regulation (EC) No 1935/2004;
- (d) comply with the labelling requirements set out in Article 15(1)(e) of Regulation (EC) No 1935/2004;
- (e) comply with the composition requirements set out in Chapter II of this Regulation;
- (f) comply with labelling and declaration requirements set out in Chapters III and IV of this Regulation.

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Changes and effects yet to be applied to the whole legislation item and associated provisions

- s. 2 heading word omitted by [S.I. 2019/704 reg. 60](#)
- Signature words omitted by [S.I. 2019/704 reg. 63](#)
- Art. 3(g) inserted by [S.I. 2019/704 reg. 54](#)
- Art. 5(2)(b) words substituted by [S.I. 2019/704 reg. 56\(b\)](#)