



Ministry of Health

DECREE 04/02/2013 n. 23

Regulation updating the Minister of Health's Decree of 21 March 1973 on "Hygiene standards applicable to packaging, containers and utensils intended to come into contact with food substances or substances for personal use".

THE MINISTER

Having regard to the Decree of the Minister of Health of 21 March 1973, published in *Official Gazette* No 104 of 20 April 1973, concerning hygiene standards applicable to packaging, containers and utensils intended to come into contact with food substances or substances for personal use and subsequent amendments;

Having regard to Article 3 of the Decree of the President of the Republic No 777 of 23 August 1982, amended by Article 3 of Legislative Decree No 108 of 25 January 1992;

Having regard to 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;

Having regard to Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food and subsequent amendments;

Having regard to the "Provisional list of additives used in Plastics" published by the European Commission on the website of the Directorate General for Health & Consumers;

Having regard to the request for authorisation to use a biocide additive "Silver Zeolite A" in the production of polyolefin and polyesters for use in the packaging of cheeses with a non-edible rind from AgPOLYMER s.a.s. of Torino;

Having deemed it necessary to update the aforementioned Ministerial Decree of 21 March 1973;

Having regard to Articles 17.3 and 17.4 of Law No 400 of 23 August 1988;

Having received the approval of the Consiglio Superiore di Sanità (Health Administration of Italy) at the session held on 18/10/2011;

Having regard to the notification to the European Commission sent on 26/04/2012 in accordance with Directive 98/34/EC;

Translation copy

Having heard the opinion of the Italian Council of State expressed by the advisory session for the legislative minutes of the meeting held on 20/12/2012;

Having regard to the notification to the President of the Council of Ministers in accordance with Article 17.3 of Law No 400 of 23 August 1988, implemented on 30/01/2013;

ADOPTS
the following regulation

Article 1

1. The Decree of the Minister of Health of 21 March 1973, published in the ordinary supplement to Official Gazette No 104 of 20 April 1973 and subsequent updates, is amended as follows:

A) In Article 9.5, after subparagraph c), the following subparagraph d) is added:
"d) the biocide additives indicated in Annex II.I(C), under the conditions and limitations applicable to individual items";

B) In Annex II.I, "PLASTIC MATERIALS", after Part B, the following Part C is added:

“Part C: Biocide additives.

| Name | Conditions, limitations and tolerances of use |
|--|--|
| Silver zeolite A (content in silver around 2-5%) | Maximum dose must not exceed 3% and only for polyolefin and polyesters used as packaging for whole cheeses with non-edible rind. LMS 0.05 mg/kg (like silver). |

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Article 2

1. The provisions of Article 1 shall apply until the date of adoption of the Community decisions regarding the substances indicated in the provisional list set forth in Article 7 of Regulation (EU) No 10/2011.

2. The provisions of Article 1 do not apply to materials and objects legally produced and/or sold in another state of the European Union or to those originating from countries that are part of the European Economic Area Agreement, including Turkey.

This Decree, with the approval and seal of the State, is entered in the Official Register of legislative records of the Italian Republic and is to be observed by all those expected to do so.

Rome, 04/02/2013

The Minister: BALDUZZI