

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 II

COMPOSITION

SECTION 2

Conditions of use for substances not to be included in the Community list

Article 9

Substances referred to in Article 5(2)(a) and (b)

1 Released active substances, as referred to in Article 5(2)(a) of this Regulation and substances added or incorporated by techniques such as grafting or immobilisation, as referred to in Article 5(2)(b) of this Regulation, shall be used in full compliance with the relevant Community and national provisions applicable to food, and shall comply with the provisions of Regulation (EC) No 1935/2004 and, when applicable, its implementing measures.

2 The amount of a released active substance shall not be included in the value of the measured overall migration, in cases where an overall migration limit (OML) is established in a specific Community measure for the food contact material in which the component is incorporated.

3 Without prejudice to Article 4(1) and (3) of Regulation (EC) No 1935/2004, the amount of a released active substance may exceed the specific restriction established for that substance in a specific Community or national measure on the food contact materials in which the component is incorporated provided it complies with the Community provisions applicable to food, or, where no such provisions exist, with the national provisions applicable to food.

Article 10

Substances referred to in Article 5(2)(c)

1 The migration into food of the substances from components which are not in direct contact with food or the environment surrounding the food, as referred to in Article 5(2)(c) of this Regulation, shall not exceed 0,01 mg/kg, measured with statistical certainty by a method of analysis in accordance with Article 11 of Regulation (EC) No 882/2004 of the European Parliament and of the Council⁽¹⁾.

2 The limit provided for in paragraph 1 shall always be expressed as a concentration in foods. It shall apply to a group of substances, if they are structurally and toxicologically related, in particular isomers or substances with the same relevant functional group, and shall include possible set-off transfer.

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](#)

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](#)*

(1) [OJ L 165, 30.4.2004, p. 1.](#)

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.

[View outstanding changes](#)

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\(b\)](#)