



Commission activities on food contact materials (FCM)

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Present Activities on Food Contact Material

- Short term (2023):
 - ban on bisphenol-A
 - changes to plastics Regulation
 - continued implementation of the new Regulation on recycled plastics
- Medium Term:
 - revision of FCM legislation

Revision of FCM legislation

- Follows the evaluation of the present FCM legislation
 - the present legislation mostly functions
 - there are some deficiencies
- Objectives
 - strengthen requirements – **FCMs firstly to be inert** (safety of course remains)
 - to **cover all FCMs** with specific measures
 - to **cover all substances** – also non-intentionally added substances
 - to **increase transparency** and **facilitate enforcement**
 - increase **sustainable use of FCMs** (where that makes sense under FCM legislation)
- Ensure that the legislation works in practice

focus on final materials

What does this mean?

- Producers of final FCM to have full knowledge on '*migratables*'
 - they become fully accountable
- Migration of substances only allowed if unavoidable
 - is it possible to achieve low migration in baby bottles?
 - why then not in products for adults?
- All '*migratables*' to be risk assessed
 - 'migratables'*:
substances that can foreseeably migrate into food under foreseeable conditions of use
- Difference between NIAS and IAS to disappear
 - NIAS/IAS:
'(non) intentionally added substances'
(term originates from R 10/2011)

risk assessment of substances

A tiered system...

- Tier 1: Prohibition of use/presence
- Tier 2: Risk assessment by authorities
- Tier 3: Risk assessment by operators

..based on generic risk / hazard:

- Tier 1: e.g. CMRs, EDs, PBTs and vPvBs.
- Tier 2: Other substances of concern, e.g. neurotoxins, immunotoxins, substances in nano-form or that migrate in high amounts
- Tier 3: More benign substances

Drivers

- Prioritisation / resources
 - harmonisation (more materials)
 - all substances (more substances)
- Commission policy on substances of concern/ most hazardous substances
- One Substance One Assessment
- Inherent safety
- Need to include updated scientific knowledge

Sustainable use of substances

- In context of farm to fork strategy and wider Commission policies
- Lower impact of FCMs directly / Cover gaps in other legislation
- Possible topics – are rules needed under FCM legislation? E.g. to
 - minimise production resources
 - facilitate re-use by ensuring food safety (hygiene, traceability, labelling)
 - reduce environmental impacts (e.g. microplastics)
- Exploratory stage
- Would add third objective to the present objectives
 - inertness/safety, market + sustainability

Timeline

- Slower than initially foreseen; IA 2023-2024; proposal next Commission
- Why? We need to do real work:
 - Many other relevant activities, CSS, PPWR, Eco-design, FSFS, ...
 - Inherent complexity of FCM – 45 year old established legislation not easy to turn around
 - major change to risk assessment approach (many substances, all materials)
 - Information and documentation needs for transparency – need to develop IT system
 - need to work on analytical methods
- The new Regulation is to work in practice, not in theory

work on the short term

- Ban of bisphenol-A (BPA)
- Timeline:
 - Discuss BPA measure with Member States (started)
 - then with stakeholders (webinar 7 July)
 - comitology; vote foreseen in Q3, entry into force in Q1 2024
- Changes to Regulation (EU) No 10/2011
 - align with recycling Regulation
 - better address impurities
 - better consider ageing of materials
- Timeline:
 - text foreseen just after summer

work on recycling

- Implementation of Regulation (EU) 2022/1616 on recycled plastic FCMs
 - authorisation Decisions
 - administrative activities – register of installation, recyclers, etc – transparency

Row	RIN	1.1. Name of recycling installation	1.2. Member State	RFN	RON
1	AT3-9RF-0IC	Dannemann_deCON	Austria	AT3-6ED-0FJ	AT3-6ED-0OH
2	AT2-42S-0IL	Vacurema Advanced Bj 05, Building H 3.2.	Austria	AT2-7U4-0FI	AT2-7U4-0OG
3	AT2-6Q6-0ID	Vacurema Advanced Bj 18, Building H 3.3.	Austria	AT2-7U4-0FI	AT2-7U4-0OG
4	AT1-668-0IO	PET to PET URRC Anlage	Austria	AT1-61T-0FC	AT1-61T-0OA
5	AT1-4HV-0I3	PET to PET Granulierungsanlage	Austria	AT1-61T-0FC	AT1-61T-0OA
6	AT1-4PL-0IN	PRT Line EX1	Austria	AT1-9B3-0FM	AT1-9B3-0OK
7	AT1-5FT-0IO	PRT Line EX3	Austria	AT1-9B3-0FM	AT1-9B3-0OK

- The Regulation allows placing on the market only of
 - rPET from authorised process subject to collection and documentation requirements
 - other plastic if from closed chain (crates used in retail, not by consumers)
 - plastic manufactured with novel technologies, subject to stringent requirements

Thank you

Happy to receive questions...

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