

Factual Summary report¹

Public consultation on the revision of EU rules on food contact materials (FCMs)

Introduction

The aim of this public consultation was to give all citizens (consumers) and stakeholders with a specific interest in food contact materials (FCMs) the opportunity to answer questions to support the revision of EU legislation on FCMs² and provide any additional views. The process was launched by the European Commission on the Europa website on 5th October 2022, and was open until 11th January 2023, a total of 14 weeks. Questions differed according to the contributors: one [questionnaire targeted consumers](#), the other was designed for [relevant stakeholders](#).

This factual summary provides an overview of the responses received, illustrating the main outcomes and the perspectives of the different respondents.

Who contributed?

610 valid responses were received. Most replies were submitted by EU citizens (45%), followed by companies and businesses (26%) as well as business associations (13%).

By category of respondent



Fig. 1

¹ Disclaimer: The contributions received cannot be regarded as the official position of the Commission and its services and thus do not bind the Commission

² https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12497-Revision-of-EU-rules-on-food-contact-materials_en

The respondents mainly came from France (21%), Germany (17%) and Hungary (12%).

By country

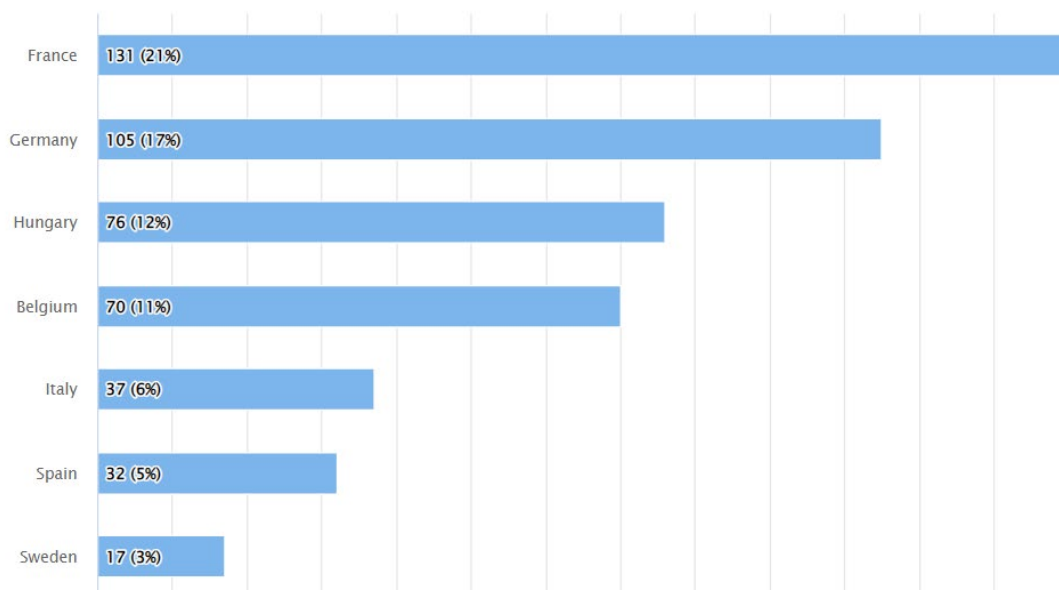


Fig. 2

Key responses from consumers

The consumers' questionnaire consisted of 12 questions and was divided into sections, covering four main topics:

1. Scope of FCMs and articles
2. Safety of FCMs and articles
3. Information and labelling
4. Sustainability and re-use of FCMs and articles

Citizens were first asked if they were previously **aware of the existence of EU legislation** to protect consumers from chemical substances transferring from FCMs and articles into food. Most of them gave a positive answer (86.5%).

The following questions focused on **what citizens consider are FCM articles** (fig.3). On the one hand, some articles are easily associated with FCM articles, such as baby or child's bibs (127 out of 276 (46%) strongly agree, 91 out of 276 (33%) agree), kitchen papers towels (42% strongly agree, 33% agree), shopping bags available at food retailers (44% strongly agree, 32% agree), etc. On the other hand, consumers appeared less inclined to consider some articles as FCMs, such as tablecloths and dining table surfaces and more specifically tables and desks not intended for eating off.

To what extent do you agree that the following should be considered a FCM or article subject to safety rules

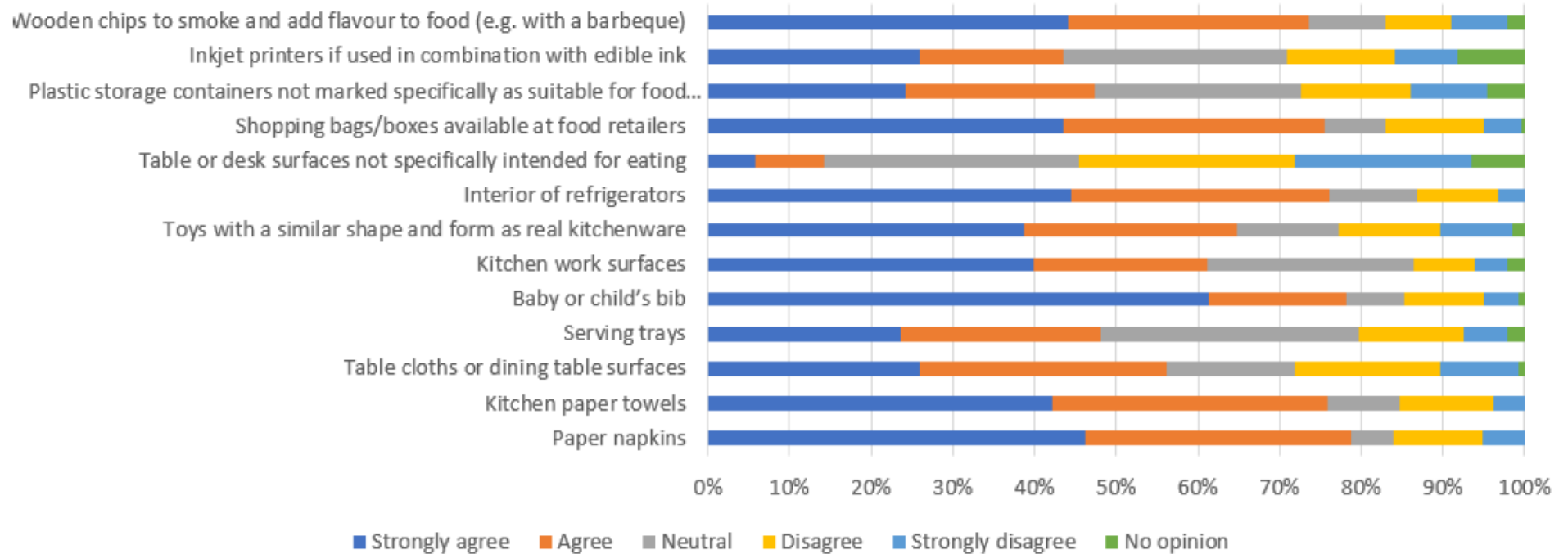


Fig. 3

Regarding the **safety aspect of FCMs** (fig 4), over 90% of consumers strongly agree or agree that substances potentially causing cancers or affecting the reproduction and endocrine systems should not be present in FCMs. At the same time, consumers do not feel concerned about the presence of chemicals substances, as long as they are not present in the final product (32% strongly agree, 24% agree) or are not harmful to their health (32% strongly agree, 19% agree).

Part of the questionnaire sought opinions on the safety of FCMs, also taking into account when and how kitchenware and tableware (plates, cooking pans, kitchen utensils, etc.) are used (fig 5). Consumers often experienced issues such as changes in colour or appearance of the material (25%) and lacking instructions on their correct use (27%).

A couples of times, they experienced cracking, blistering or other obvious defects due to normal use sooner than expected (61%) and changes in colour or appearance of the material (54%).

In some circumstances, they stopped using some articles because of defects or damages, perhaps affecting the quality or safety of food (42%). By contrast, consumers more rarely encountered problems such as lacking instructions on the correct use of products as dishwashers, ovens, microwaves, etc. and restrictive use instructions.

In order to obtain improved **information and labelling** on FCMs and a safer final product, 60% of the consumers would accept a price increase up to 5%, 18% would even accept to pay up to 10%. Only 5% would rather opt for a less safe product instead of paying more for it.

Another issue addressed in the questionnaire concerned the practicality and understanding of information and labelling on FCMs. In some cases, answers varied considerably. While for 44% of consumers the current wine glass and fork symbol is insufficient to provide safety information on FCMs, 46% believes it is enough.

In general, they are in favour of the introduction of a range of symbols to warn on the restrictions of use of the food contact article (66%). Another favourable opinion (66%) was expressed on the creation of a guidance text or instructions on the product (as leaflets) and the spreading of awareness campaigns on FCMs (59%).

Indicate to what extent you agree or disagree with the following statements:

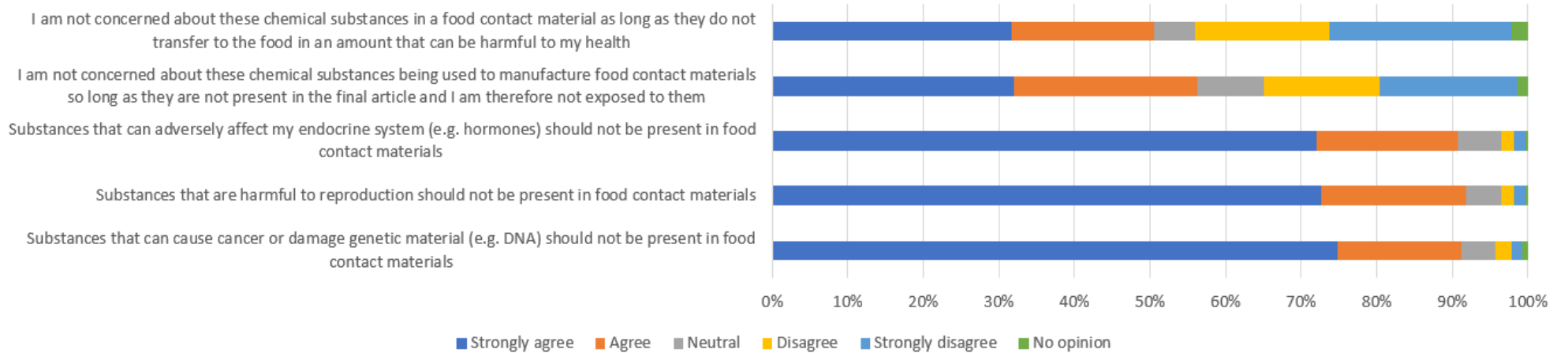


Fig. 4

To what extent have you experienced the following problems?

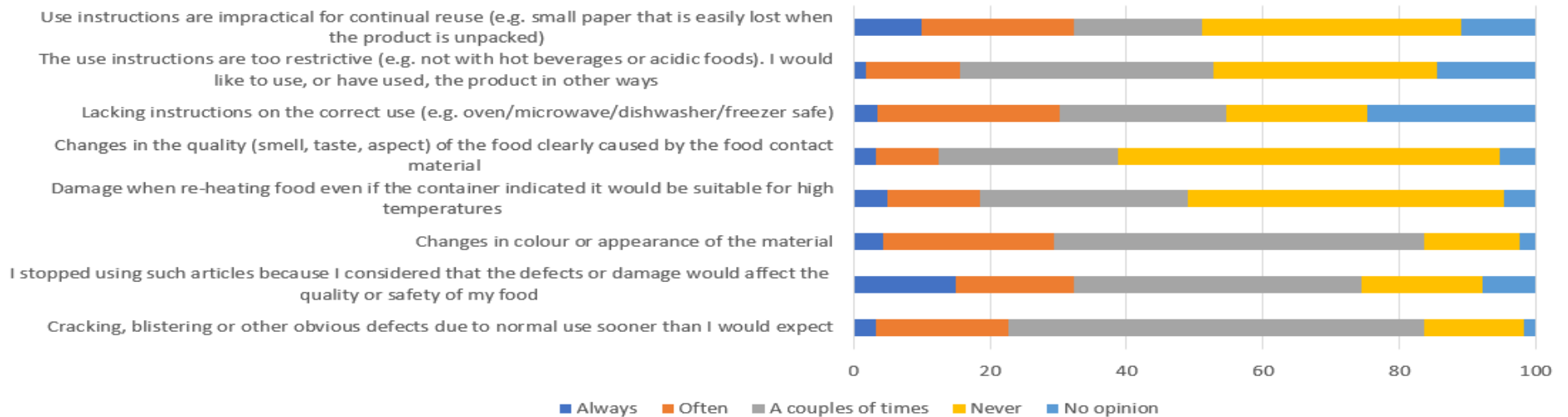


Fig. 5

The last part of the questionnaire covered **sustainability of FCMs and articles**. In general, consumers agree that food safety is more important than recyclability or reusability of food packaging (72%).

However, consumers prefer reusable articles over recycle single-use and tend to reuse food packaging when possible. Moreover, they are willing to bring their own packaging to supermarkets (fig. 6).

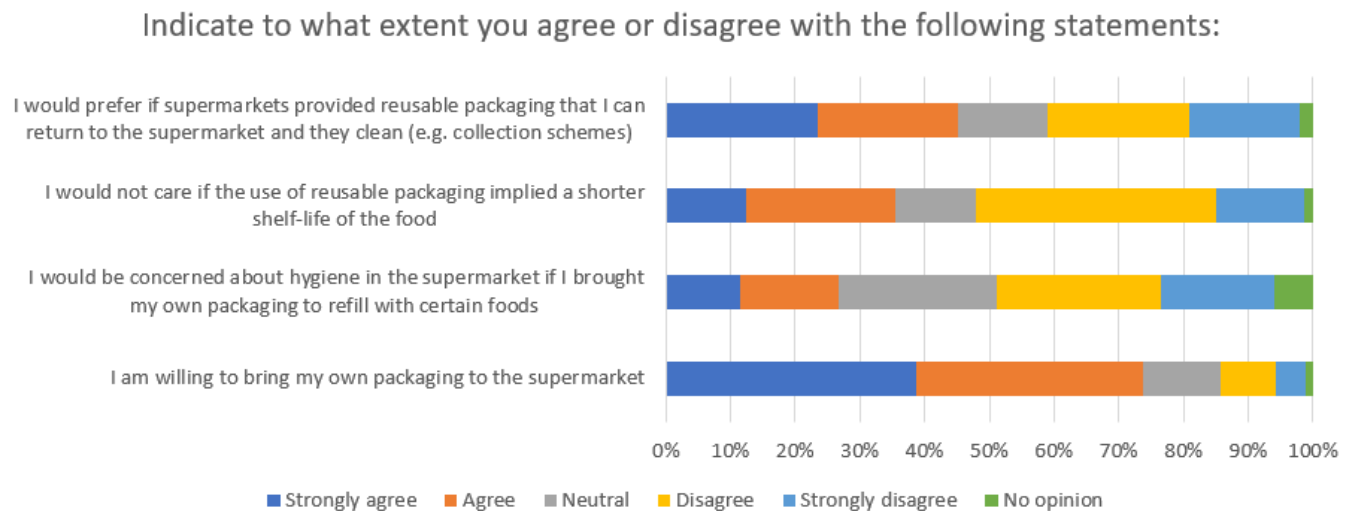


Fig. 6

Almost one-third of consumers would not be willing or able to pay an increase price for more sustainable options (29%), but the majority (57%) would accept an increase in price up to 5%. (Fig. 7)

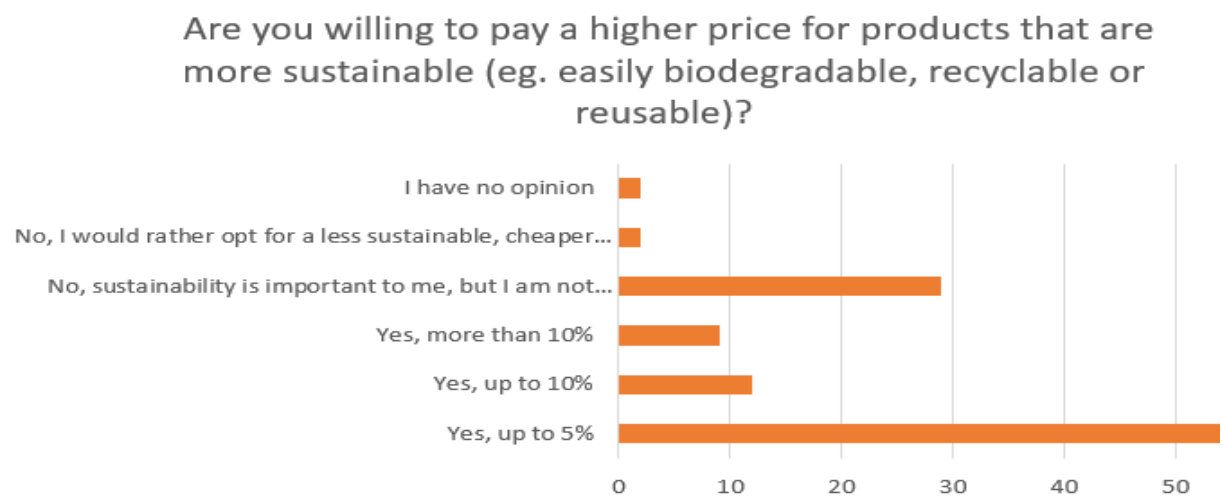


Fig. 7

Key responses from stakeholders

The stakeholders' questionnaire was also divided into sections, with a total of 12 questions covering four main topics:

1. Scope of FCMs and articles
2. Safety and risk management
3. Sustainability and Future Developments
4. Information along the Supply Chain

The first question focused on the **definition of FCMs and articles** (fig. 8). As for the citizens' questionnaire, stakeholders agree that articles like napkins, kitchen towels and children's bibs are easily associated with being FCMs. This is not the case for other materials (e.g. table or desk surfaces not specifically intended for eating off, lubricants used with FCM machinery, etc.).

Some differences among different stakeholder groups can be highlighted. Whereas businesses associations and public authorities mostly disagree on categorising lubricants used with machinery as FCMs (respectively 23 out of 81 (28%) and 14 out of 27 (51%)), NGOs and business/companies would indeed include them (respectively 12 out of 21 (56%) and 93 out of 157 (59%)).

Regarding the **safety aspects of FCMs** and articles, in particular chemical safety, some divergences exist amongst stakeholders (fig. 9). On the one hand, NGOs agree the FCM legislation should primarily address environmental concerns (41% strongly agree, 53% agree) and FCMs allergens (83% strongly agree). Indeed, public authorities would rather focus on allergens (65% agree). Business associations, by contrast, disagree on including physical safety in FCMs legislation (33% disagree, 30% strongly disagree) and, together with business companies, disagree on addressing environmental concerns (respectively 25% disagree and 27% strongly disagree, 28% disagree and 37% strongly disagree).

To what extent do you agree that the following should be considered a food contact material or article and subject to safety rules:

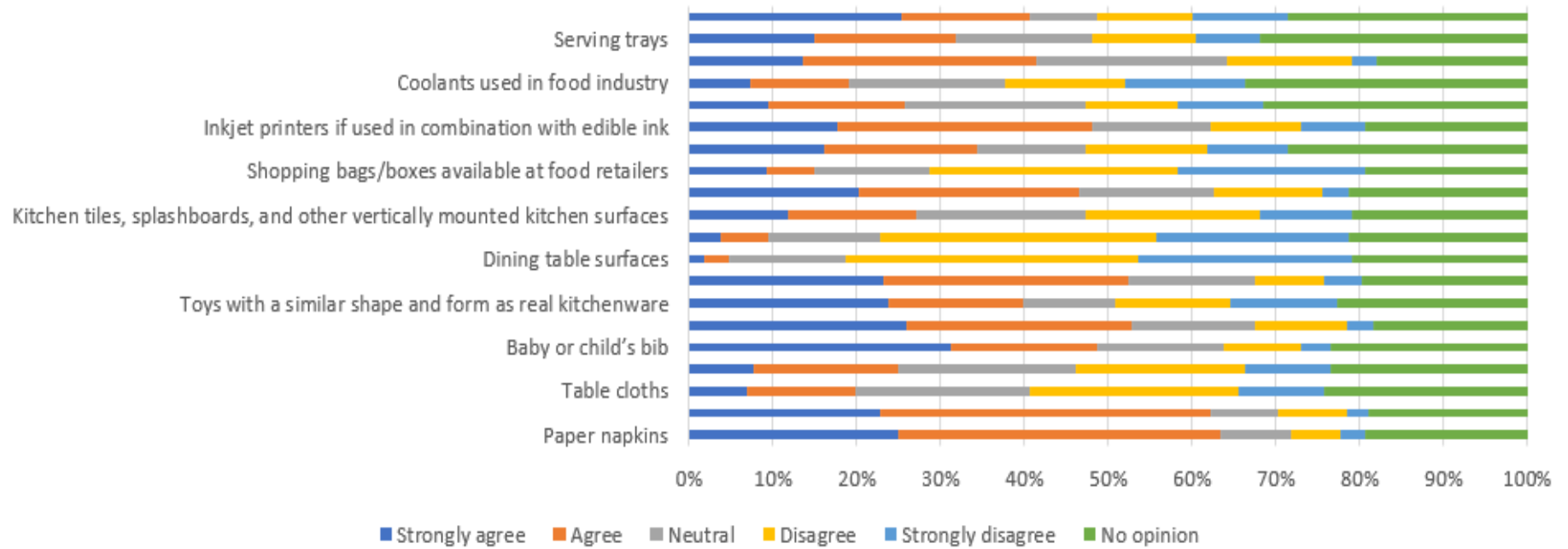


Fig.8

To what extent do you agree that FCM legislation should address the following:

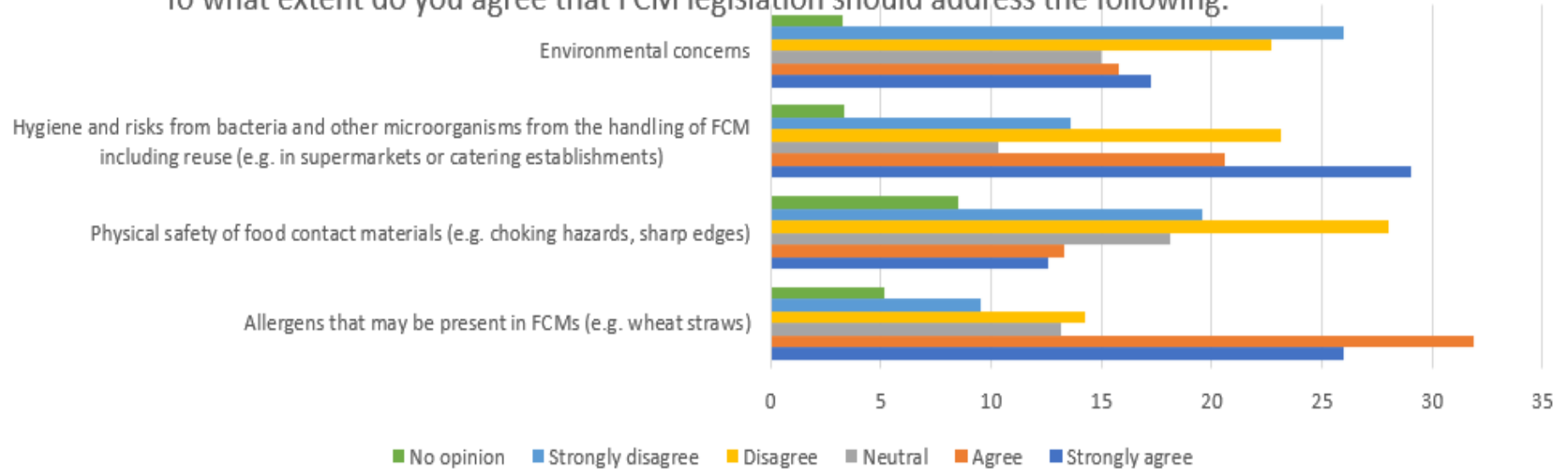


Fig. 9

Part of the questionnaire investigated **how FCM substances should be risk managed** (fig. 10). For substances that are genotoxic, CMR 1A and B, CMR 2, ED, PBT, vPvB, STOT, immunotoxic and neurotoxic substances, public authorities and NGOs would prefer to see a generic risk assessment, whilst companies and business associations would opt for a specific risk assessment. A general consensus exists concerning skin sensitizers and nanoforms, which shall be specifically risked assessed.

Regulatory intervention can be made at different stages in the supply chain. Companies and business associations expressed mainly no opinion about how to appropriately intervene in this sense. On the other hand, NGOs and public authorities would respectively support prohibition or restriction on the use of the substance(s) to manufacture FCM³ and on substance(s) that migrate from the final FCM article into food (fig. 11).

Overall, stakeholders point out that the most appropriate **tools for risk management** are the overall migration limit, purity criteria for substance and the specific conditions of use for substance, from the choices presented.

Requirements to identify substances, together with traceability, labelling and testing, also received a wide support among the different stakeholders (fig. 12). These options are particularly endorsed by NGOs and public authorities (more than 80% favourable responses). **Mandatory registration of business** is also identified as an appropriate tool, but it is less supported by business associations and companies compared to NGOs and public authorities (17% and 22% agree vs 83% and 46% strongly agree).

³ Even if not present in the final article.

On what basis should the following FCM substances be risk-managed:

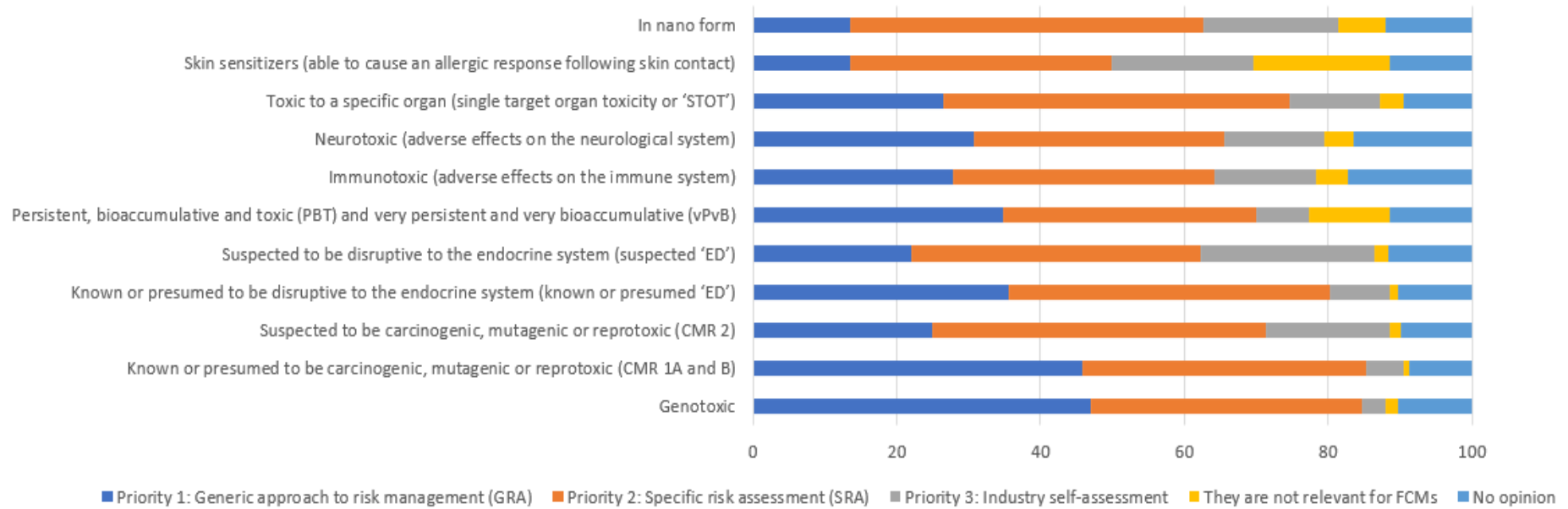


Fig. 10

For the different priority groups, indicate at what point you consider intervention most appropriate:

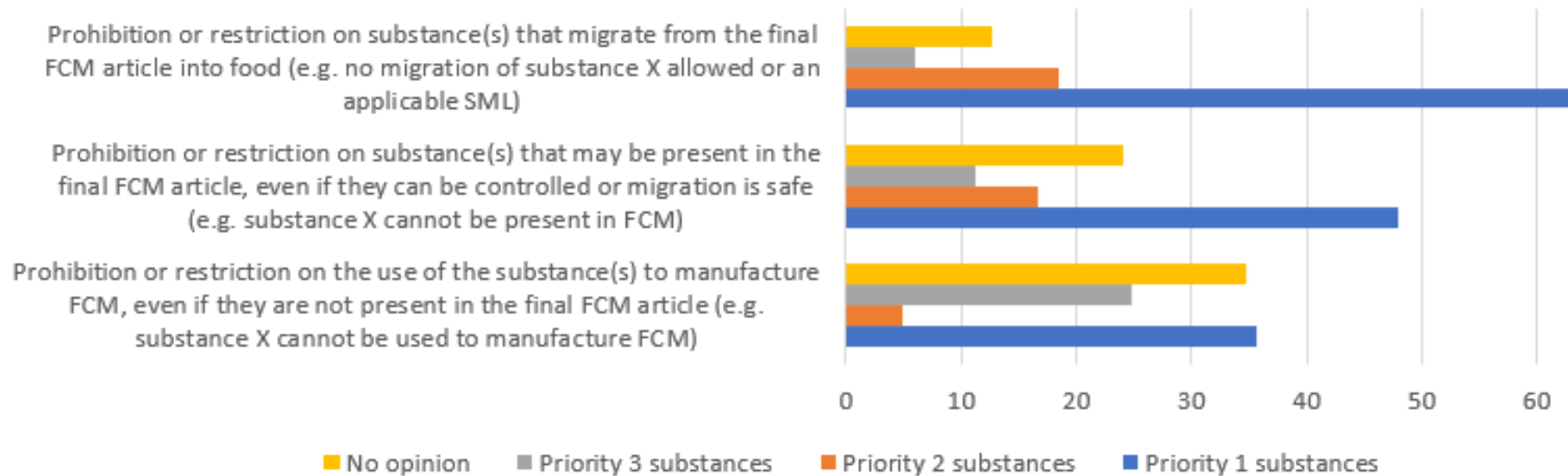


Fig. 11

To what extent do you agree that the following tools are appropriate for the risk management of FCM substances:

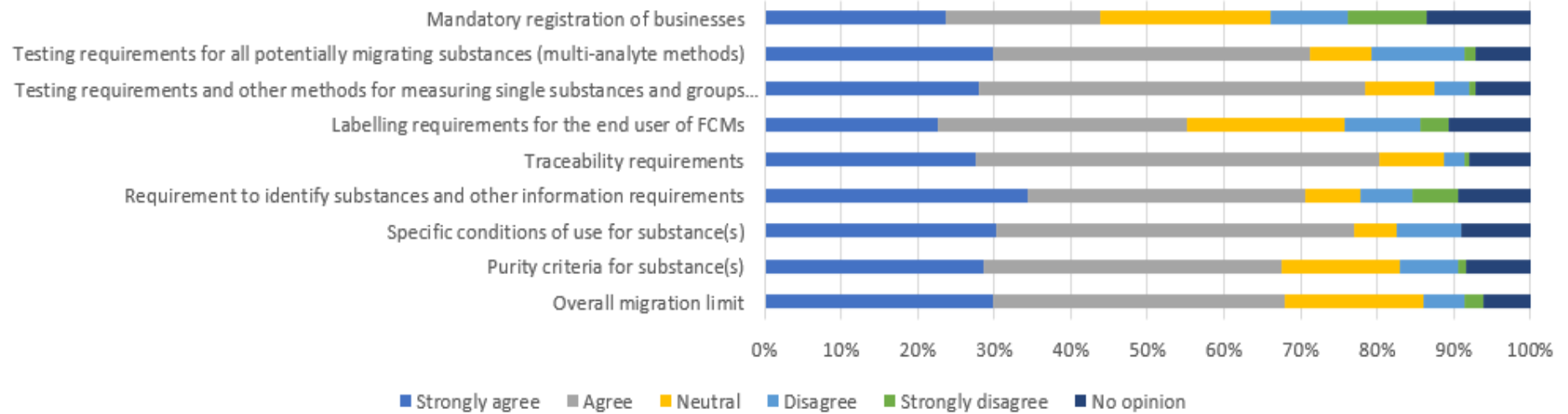


Fig.12

Another issue discussed in the questionnaire concerned the **sustainability of FCMs**. According to business associations, companies and public authorities, prohibiting the most hazardous substances in the revised legislation is not sufficient to address sustainability. This point is not shared by NGOs who considered that it would be enough (74% strongly agree) (fig. 13).

Overall, stakeholders agree that FCM legislation should prioritise and incentivise sustainable FCMs to support the functioning of the EU market (between 32% and 52%), even though numerous NGOs expressed a neutral positioning on this topic (47%). Business associations and companies disagreed on the idea that FCM legislation should make available information relevant to sustainability (33% and 28% strongly disagree, 33% and 31% disagree), while this option is positively assessed by NGOs (59% strongly agree) and relatively by public authorities (31% agree).

Differences among stakeholders exist also in terms of introducing requirements on sustainability of FCMs, as well as on safety. In this case too, business associations and companies mainly disagree (36% and 30%), indeed NGOs and public authorities favourably accept the proposal (60% strongly agree and 31% agree).

Finally, public authorities, and even more companies and business associations, believe that environmental legislation⁴ should address the sustainable use of FCMs, rather than this initiative. On the other hand, NGOs would rather underpin FCM legislation which takes into consideration also sustainable concerns and needs.

⁴ For example, Packaging and Packaging Waste, Eco-design, Sustainable Products Initiative and the Framework for the Sustainability of Food Systems.

TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING:

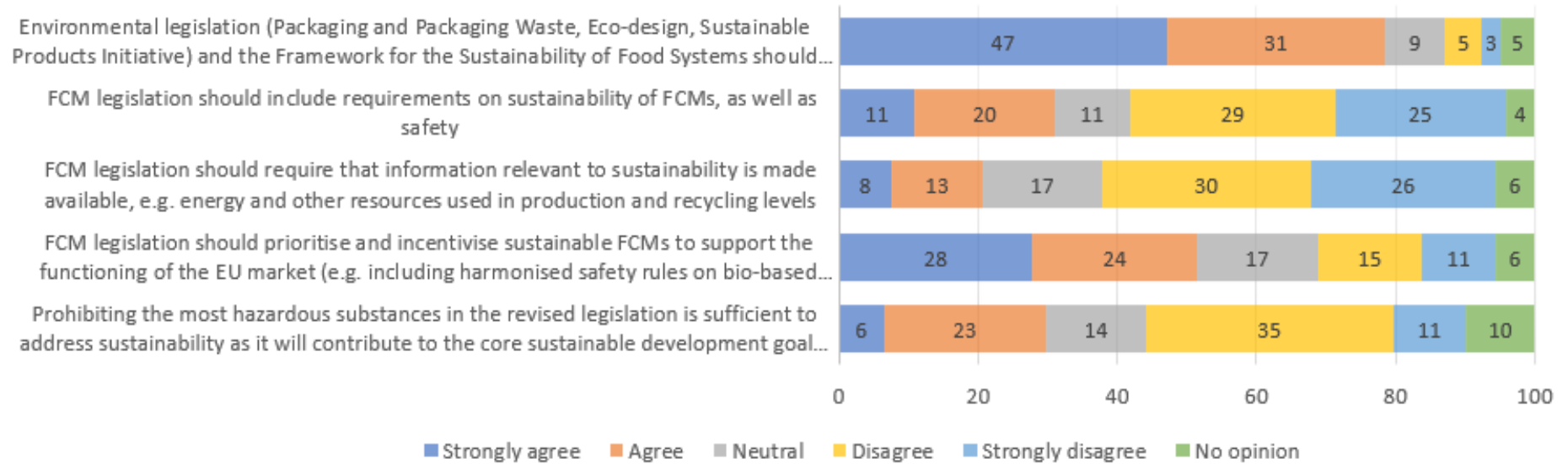


Fig. 13

Regarding the aspects of sustainability of FCMs (fig. 14) that should be assessed, stakeholders delivered different answers. Companies and public authorities would focus on the three pillars of sustainability - socio, economic and environmental impacts (30% and 63%). NGOs and business associations mostly endorsed an impact on environment-only approach (59% and 30%).

In your view, which aspects of sustainability of FCMs should be assessed?

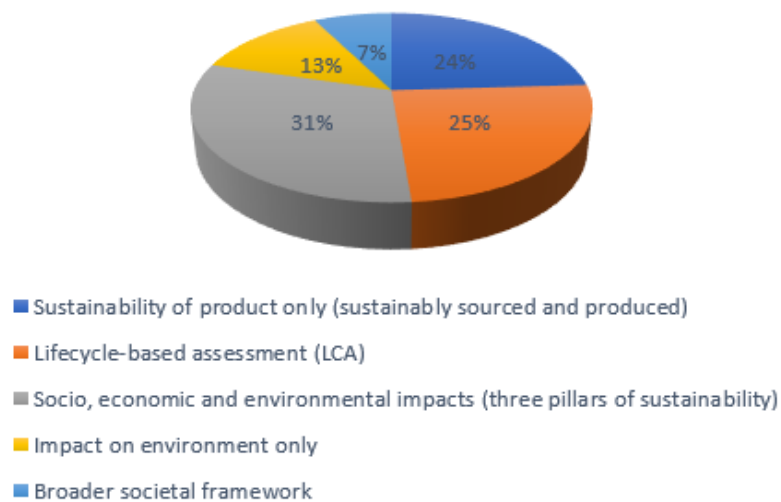


Fig. 14

Stakeholders also shared their views on the **FCM market development** in the next 10 years (fig. 15). Companies, business associations and public authorities stressed an increase in the development of materials as bioplastics, plant-based sources, biodegradable materials and paper and boards (both from primary and secondary materials).

With regard to plastics, they foresee an increase in the market of plastics derived from secondary materials, but a certain decrease in plastic from primary ones. Companies mostly did not deliver an opinion on active and intelligent FCM, whereas for public authorities and business associations their market development will stay the same in the next 10 years.

How do you see the market for the following materials develop in the next 10 years?

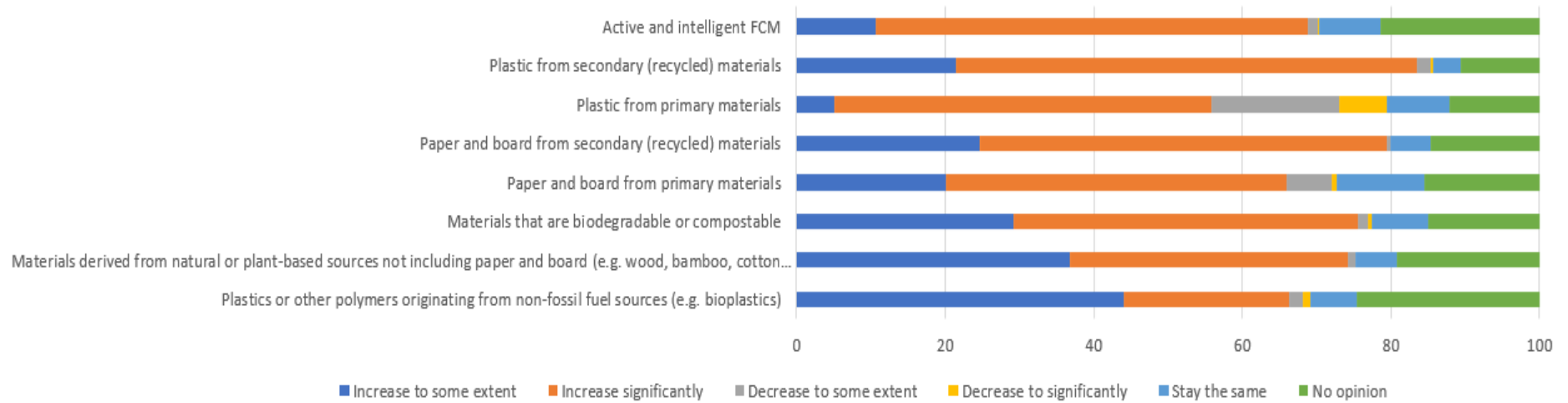


Fig. 15

The last part of the questionnaire investigated how to improve **quality and accessibility of FCM production chain information**, also through a system that better ensures compliance and enforcement (fig. 16). The current declaration of compliance (DoC) and requirements for information passed in the supply chain are overall satisfactory for business associations, companies and public authorities, but not for NGOs.

According to stakeholders, a DoC should generally be mandatory for all FCMs, with a fixed format and some mandatory fields. Some disagreements are visible in terms of the introduction of an approval step of the final FCM article. Business organisations and associations think that this would neither improve compliance and safety along the supply chain nor bring marketing and commercial benefits for businesses.

NGOs and public authorities nevertheless support the implementation of compliance information and usage indications at a batch level for intermediate FCMs, on individual final articles (up to 70%). However, almost half of all companies and business associations taking part in the survey disagree or strongly disagree with this.

To determine the eventual compliance of the final FCM article, NGOs and public authorities mostly support the identification of substance(s) used to manufacture FCM in the processing or conversion of FCM. Substances generated adventitiously in the production process, hazardous properties or other toxicological information should also be included.

They also agree on introducing a statement affirming that substances of a high concern (i.e. genotoxic, CMRs, EDs) are not present in the product, sharing information also on the physical and chemical properties of the identified substances (plus their stability, reactivity, expected migration, etc.).

By contrast, companies and business associations disagree (up to 50%), especially on requiring physical and chemical properties and the stability and the reactivity of the identified substances to pass from one business to the next in the production chain.

To what extent do you agree with the following:

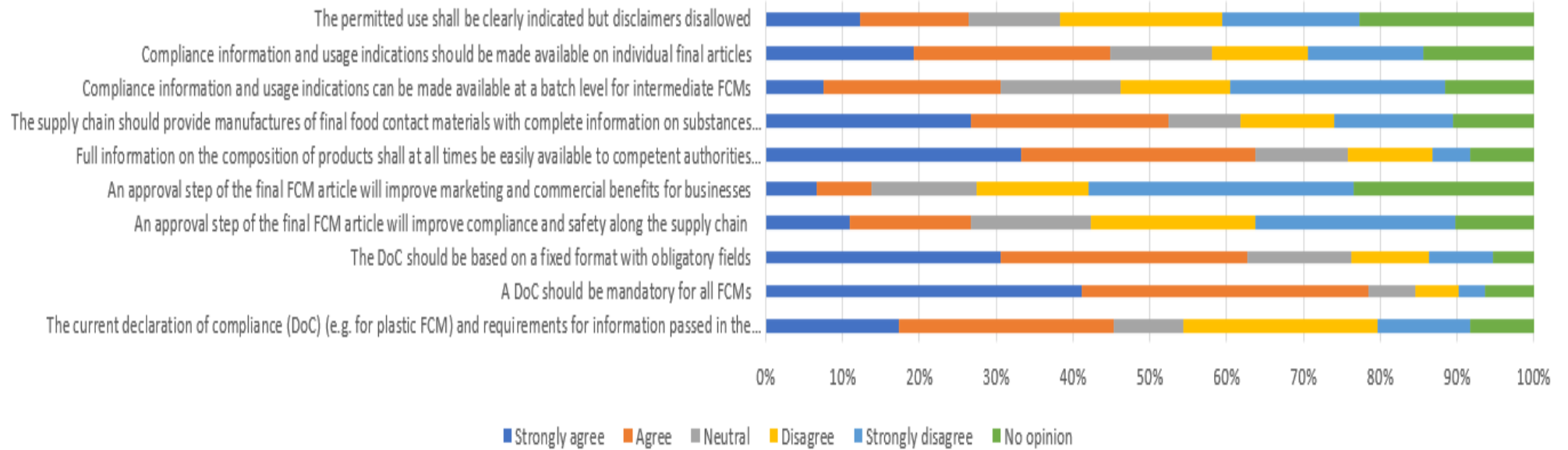


Fig. 16

Finally, the last question investigated how to build a **system for transfer of information** in the supply chain. The least preferred option for business associations and companies would be the application of a QR code or equivalent to give information to users of FCMs. Positive feedback was received by business associations and public authorities about clarifying, via FCM legislation, to which actors (i.e. manufacturers of starting substances, convertors, final FCM article producers, etc.) specific rules or information requirements apply.

On the other hand, companies mostly consider that notified bodies should be used for the verification of compliance and would help businesses to ensure safety. According to NGOs, by contrast, Member States' competent authorities should be supported by the use of delegated bodies as provided by Regulation (EU) 2017/625 on official controls.