

Factual Summary report¹

Feedback for the Inception Impact Assessment (roadmap) of the Revision of EU rules on Food Contact Materials (FCMs) - (Regulation (EC) No 1935/2004)

Introduction

Citizens and stakeholders were invited to provide views on the Inception Impact Assessment (IIA)² of the Revision of European Union (EU) rules on Food Contact Materials (FCMs). The IIA aims to inform the public about the roadmap of the revision to allow them to provide feedback on the initiative and to participate effectively in future consultation activities. The possibility to give feedback was open from 18 December 2020 until 29 January 2021. Feedback was received from 302 respondents.

This summary report provides an overview of the received feedback and some characteristics of respondents. In addition, it presents the key feedback from companies/business organisations and business associations, non-governmental organisations (NGOs), consumer and environmental organisations, research institutions and citizens. Key responses from different sectors are presented later in this summary.

Who contributed?

Feedback was received from 302 respondents in total. As figure 1 shows, the majority of respondents were companies or business organisations (45%), and business associations (23%), followed by EU citizens (12%) and NGOs (8%). Respondents have selected the most suitable category from several standard alternatives by themselves which can explain some inconsistencies within the categories.

Approximately 60% of all feedback was received from craft and artisanal producers, mainly from France, including feedback on specific issues related to the revision of the EU Directive on ceramic food contact materials (Council Directive 84/500/EEC), which has been the subject of a separate consultation exercise³. As respondents define their category by themselves, artisanal producers are actually present among companies, business organisations and business associations, as well as EU citizens and others.

Around 65% of companies, business organisations and business associations are craft and artisanal producers or associations representing them. Apart from them, the most responses came from food and drinks industry, followed by plastics, paper and board, and metal industries. The majority of company/business organisations have defined their size as micro companies (87%) and 10% as large (250 or more employees).

The majority of NGOs' responses are from different environmental organisations (54% of all the NGOs) and/or plastics-related organisations (17%). Feedback was also received from, for example, organisations concentrating on chemical or food safety. Instead of NGO, respondents have been able to

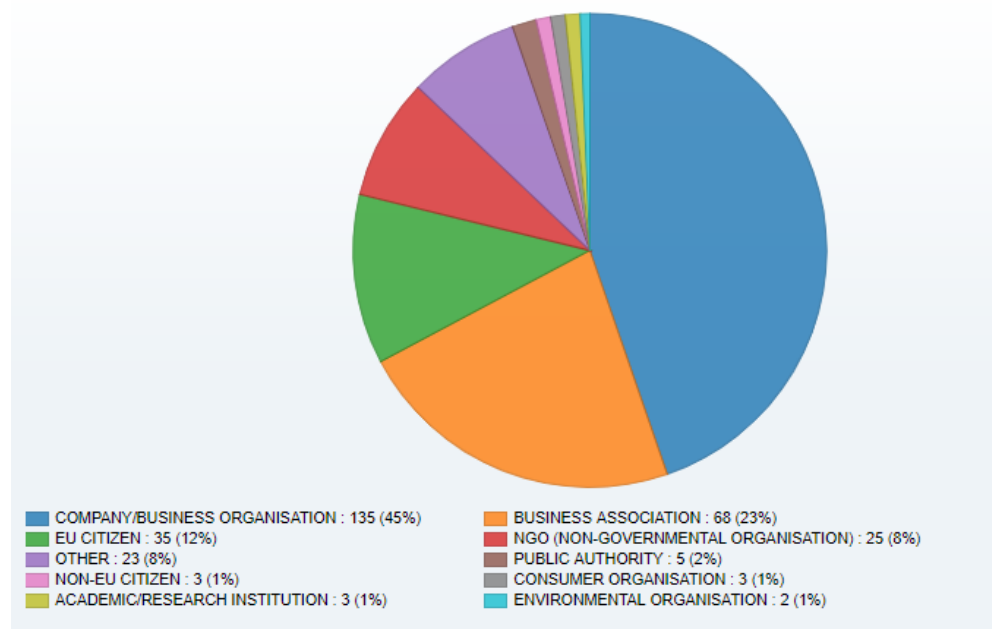
¹ Disclaimer: The contributions received cannot be regarded as the official position of the Commission and its services and thus do not bind the Commission

² See [Revision of EU rules on food contact materials \(europa.eu\)](#)

³ See [Initiative on ceramic and vitreous FCMs \(europa.eu\)](#)

categorise themselves as consumer (1%) or environmental organisations (1%). As categories are overlapping with NGOs, they will be considered together with NGOs.

Figure 1. Share of respondent categories, (percentage in parentheses), n=302



The majority of respondents was from France (59%) which is explained by the large amount of artisanal and craft producers' feedback. France is followed by respondents from Belgium (17%) and Germany (6%). Feedback was received from 18 different countries in total, including also non-EU countries, such as Switzerland (3%) and United Kingdom (2%).

Key responses from companies/business organisations and business associations

The majority of feedback was received from individual companies and business organisations (45%) followed by business associations (23%). Primarily, companies/business organisations and business associations support strongly maintaining the current regulation (Regulation (EC) No 1935/2004). Yet, they support EU harmonisation of rules.

Businesses support a shift of focus onto final FCM. However, many responses consider it essential to maintain regulation of starting substances. That is to say, increased focus on compliance of the final article should not lower the responsibility of the upstream suppliers. A digital system for exchanging supply chain information is supported – yet, confidential business information has to be secured and digitalisation done in a systematic and gradual way.

Responses also show that there is support for prioritising the assessment of substances but businesses support specific risk assessments rather than generic ones and prefer assessments and regulations

based on exposure. Most of respondents do not support banning substances due to the substances' hazardous properties alone.

In addition, standardised methods of sampling and analysis are demanded in many responses. Businesses are also willing to utilise existing industry guidelines and CEN standards. Industry's own risk assessments with clear EU guidance are also supported.

When it comes to sustainability, companies and business associations do support sustainable FCMs but underline that sustainability should not be achieved at the expense of food safety. In addition, responses suggest that the new framework should:

- provide the opportunity to encourage innovation in recycling technologies;
- speed up the pace e.g. to ensure safety of chemicals recycling to keep up with the increasing number of sustainability-related EU initiatives, and
- even exclude sustainability, which is included in other legislation, from FCM regulation – coherence with other legislation needed, duplication should be avoided, e.g. Packaging and Packaging Waste Directive

There are several requests for more clarification of definitions for substances in different tiers as well as for concepts of “one substance, one assessment” approach and “essential use”.

Companies and business associations require more support and tools for SMEs as well as sufficient legislative flexibility for evolving situations. Craft and artisanal producers demand consideration of the specific features of artisanal production in the legislation. Moreover, if a new framework is established, there will need to be reasonable transitional periods, e.g. from design to commercial application of substitutes.

Artisanal/craft producers

Approximately 65% of the companies' and business associations' feedback are from artisanal and craft producers, including mainly wood turners, potters and ceramists. The majority, more than 90%, of them are from France but also Belgium, and Italy with the UK and Switzerland represented.

The majority of the feedback from artisanal producers have exactly the same following remarks. Firstly, according to the French law, every piece created is a unique product, which would make it very difficult to assess if only the final product was considered. Second, the special features of artisanal industry should be taken into account. These features are for example that the majority of companies are one-person-enterprises, products are made uniquely or in very small series and the industry has a strong traditional background and cultural value.

Key responses from NGOs, environmental and consumer organisations

Non-governmental organisations (NGOs) cover 8% and environmental and consumer organisations approximately 2% of all respondents. Consumer and environmental organisations are included in NGOs later in the text since the opinions are similar and categories are partly overlapping.

NGOs strongly support creating of a new framework for EU rules on FCMs. Overall, NGOs support the need for stricter consideration of consumers and restriction of hazardous substances.

Most NGOs support the focus on the safety of the final product and, in addition, want the new framework to

- have a generic approach to risk management and “one substance, one assessment” approach, in accordance with the EU Chemical Strategy for Sustainability;
- ban hazardous chemicals;
- control non-intentionally added substances (NIAS) and chemical mixtures better;
- protect vulnerable populations better and
- be consistent with other relevant regulations, e.g. Packaging and Packaging Waste Directive

Moreover, many replies mention a need for a more transparent supply chain as well as highlight the consumer’s right to information. Many organisations suggest that data on hazardous chemicals should be accessible for consumers.

Replies show support for promoting sustainable alternatives in the legislation. However, it is important to ensure that, for example, recycled materials are safe.

In addition, broad opinion from NGOs is the need for clear and effective enforcement mechanisms. Organisations seem to be against industry’s self-regulation and many of them would prefer public authorities.

Key responses from research institutions

Academic and research institutions cover 1% of the responses. Responses underline a need for a new stronger and science-based regulatory framework which

- tackles issues of NIAS and chemical mixtures
- supports comprehensive toxicity-testing approaches
- improves transparency of information on the composition of products
- aligns with the EU Chemicals Strategy for Sustainability: prioritisation of hazardous substances, hazard-based approach, “one substance, one assessment” approach

Key responses from public authorities

Public authorities cover approximately 2% of the responses. There is no clear consensus on whether the current legislation should be further developed or whether a totally new framework should be created. However, responses show support for the revision and harmonisation of the legislation. Moreover, following opinions are mentioned:

- Worry that the focus on the final product removes necessary communication along the supply chain
- Exchange of information within the supply chain should be strengthened by the regulation, obligations to industries to provide information could be put in place and a common database could be created
- Need for clear guidance, definitions and list of items needed in supporting documentation

Key responses from citizens and others

Feedback from EU citizens covers 12%, non-EU citizens 1% and 8% of the respondents had defined themselves as 'others'. The great majority of all the mentioned responses were from craft and artisanal producers which were already presented under the key feedback from companies and business associations. As mentioned, respondents were able to define their categories by themselves, which explains the amount of artisanal producers also in these categories. Therefore, this part focuses on the remaining feedback which consists only in a few responses. There is no clear commonality however the main remarks are presented below:

- The micro companies have to be considered
- There is worry for increasing production and use of plastics, due to environmental and health reasons
- Clarification for the industry's duties is needed
- Simplification of the rules is needed