



PLENARY MEETING OF THE ADVISORY GROUP ON SUSTAINABILITY OF FOOD SYSTEMS

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Food Contact Materials study concerning sustainability - State of play

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The views expressed are purely those of the speakers and may not in any circumstances be regarded as stating an official position of the European Commission

Current EU legislation on FCMs

- Objectives of **'Framework' Regulation (EC) No 1935/2004**

1. A basis for securing a high level of protection of human health and the interests of consumers
2. Ensure the effective functioning of the internal market in relation to the placing of FCMs on the EU market

General rules and procedures for FCMs including safety, definitions, labelling, traceability, inspection and control

- Applicable to **all FCMs**

- already in contact with food (e.g. packaging)
- intended to be brought into contact (kitchenware, food processing equipment)
- that can reasonably be expected to be brought into contact with food or transfer constituents to food under normal or foreseeable conditions of use



Background: Why revise FCM legislation?

Evaluation carried out 2018 – 2021:

- **Safety** is **insufficiently** defined at EU level for most FCMs (lack of harmonisation)
- **Safety** of migrating substances is **not transparent** – is an FCM actually safe?
- Public authorities have **insufficient capacity** to
 - **risk assess** all **substances**
 - **harmonise** and manage **specific FCM** rules under the present system
 - comprehensively **enforce compliance** and safety
 - Specific detailed **rules** with **ever increasing complexity** – problems may be left in fog
- The **use of certain chemicals** is **no longer** automatically accepted
- **Environmental challenges** call for more sustainable production and use
- **New products** are entering the market that **challenge present categories**

Farm to Fork Strategy (May 2020)

Objectives of the Revision ('aspirations')

- Strengthen Article 3 – **FCMs are to be inert**
- Ensure we can effortlessly know **that a final material is safe**
- Keep **new rules** simple, practicable, enforceable and **achievable**
- Ensure there is **full harmonisation**, level playing field, including imports
- Ensure **high level of transparency** over composition and sustainability (to what extent can we integrate the sustainable aspects of FCM in the Regulation)



How do FCMs fit into the wider EU policies?



Initiatives along the life cycle of products on design of products, circularity, waste prevention



Towards a toxic-free environment to better protect citizens, environment; boost innovation for safe and sustainable chemicals



- Compostable, biodegradable, natural materials
- Recycling: sorting, quality and safety
- Reduce over-packaging and packaging waste
- Innovative and sustainable packaging solutions including re-use

- Coherence of assessment: "1S1A"
- Reduce use of most hazardous chemicals: ban CMRs, EDs, PBTs
- "Safe and sustainable" materials by design
- Combination effects of chemicals



Improve food safety and public health (in particular in reducing the use of hazardous chemicals), support the use of innovative and sustainable packaging solutions using environmentally-friendly, re-usable and recyclable materials, and contribute to food waste reduction.

EU FCM revision: Main policy themes and pillars

Safety and sustainability of food contact materials (FCMs)

A + B together to become the core of the future risk management approach + new material categories to apply that approach

A. Redress focus onto final material

- Better define the level of safety required, addressing the full characteristics of all final FCM articles and migrating substances, including NIAS
- Cluster into broader material types (synthetic, natural, inorganic; recycled, composite, active)

B. Prioritisation of substances

- Define rules for the risk assessment of all substances that migrate from FCMs
- Tiered approach:
 - Tier 1: generic risk (hazard) based (CMRs, EDs, PBTs and vPvBs)
 - Tier 2: risk assessment by public authorities
 - Tier 3: Self-assessment by business operators of more benign substances

C. Supporting more sustainable alternatives

- Ensure fewer hazardous chemicals
- Prioritise more sustainable use of FCMs
- Coherence and support to other EU rules on sustainability, including packaging and food

Information exchange, compliance and enforcement of FCMs

To verify safety, sustainability and ensure smooth functioning of the internal market

D. Improving quality and accessibility of supply chain information

- Clear and consistent rules on data requirements and information transfer throughout the supply chain, including a DoC for all FCMs
- Digitalisation to help businesses, including SMEs to ensure compliance and for Member States to enforce

E. System for verifying compliance and undertaking of official controls

- Delegated bodies under Official Control Regulation 2017/625
- Notified Bodies tasked with conformity assessment

F. Analytical methods

- Migration testing rules
- Analytical methods (i.e. for official controls)
- Further development of test methods and technical standards as required

EU FCM revision: Public Consultation

Launched in October 2022 – Ended January 2023

Main topics covered: 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

Contributions : 610 valid responses (EU citizens (45%), companies and businesses (26%) business associations (13%).

Key Findings :

- **Safety aspect of FCMs and FCMs articles** : consumers agreed that substances potentially causing cancers (91%) or affecting the reproduction and endocrine systems (92% and 91%) 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 (56%) or are not harmful to their health conditions (51%).
- **Labelling** : consumers think that the current wine glass and fork symbol is insufficient to provide safety information on FCMs and that there is a need to introduce a range of symbols to warn on the restrictions of use of the food contact article and to provide instructions with the product.
- **Sustainable aspect** : consumers prefer reusable articles over recycled single-use ones and are willing to bring their own packaging at the supermarket. Stakeholders agree that FCM legislation should prioritise and incentivise sustainable FCMs to support the functioning of the EU market.

EU FCM revision: Citizen engagement

Citizens' expectations of regulators and manufacturers/ retailers

1. Standard **harmonisation** at EU level
2. Manufacturers are responsible for **safe** FCMs at point of sale
 - In terms dangerous substances **leaching** into food
 - In terms of **hygiene**
3. All **FCMs** in circulation should be **safe**
4. Citizens understand that their choices to use and/or reuse of FCMs at home can lead to minor risks and it is **their responsibility** (e.g., bulk-buy)

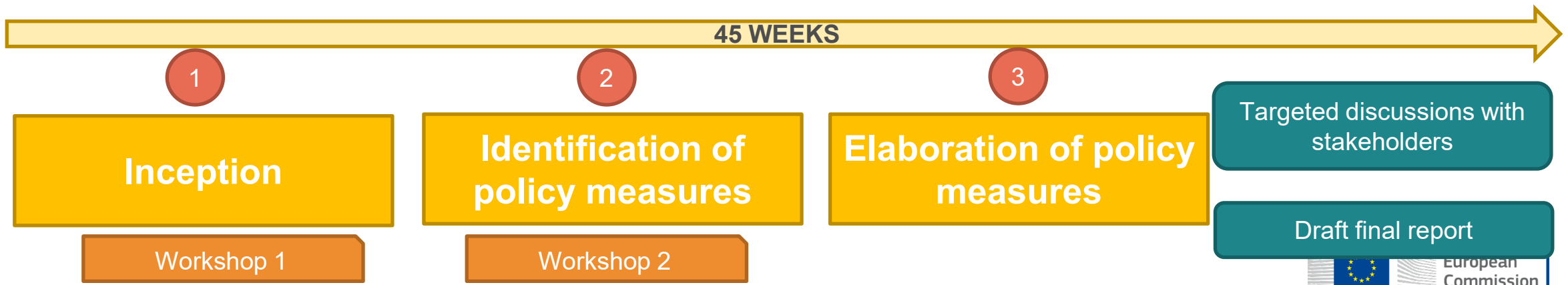
Sustainability study

Pillar C: Supporting safer and more sustainable alternatives - State of play

Sustainability study

Scope and Objectives :

- Preparatory study to support the development of the full policy options for the revision (Pillar C)
- This requires **defining sustainability when applied to FCMs**, to **analyse the current FCM market** by providing a mapping of the products currently available in the market, to **determine the regulatory gaps existing between the current regulations** in order to **characterise policy measures** that would help placing sustainable FCMs on the market.



Sustainability study

Objectives for sustainability in the framework of future EU FCM rules

Objective A: To define the understanding of sustainability when applied to food contact materials

How can sustainability in the context of FCM be defined and articulated?

Objective B: To identify gaps and opportunities for increasing sustainable development

What is the relation between related (EU) policies covering sustainability and a potential new policy on FCMs?

Objective C: To analyse developments within the next 20 years)

Objective D: To identify and whether trends on specific FCMs that contribute to sustainability
How can the FCM domain be mapped in specific FCMs/quantified product streams that can help to identify on which part of the FCM domain measures concerning achieving sustainability would be most effective?

Objective E: To identify sustainable FCMs of FCM
Which sustainable FCMs/product streams are already in the market?

What are relevant policy measures that could result in the most added value to facilitate 'sustainable FCM' under FCM legislation?

Objective F: To characterise policy measures that may increase the sustainability of FCM.

Potential of individual measures in addressing sustainability?

Sustainability study

Example of measures :

- Introducing specific labelling about the safety use of the FCMs to the consumers.
- Supporting incentives to place on the market more sustainable FCM and to encourage the use of more sustainable production methods and materials, e.g. by assessing best available technologies/practices
- Introducing guidance and communication tools to sensitise the consumer on the FCM used and the packaging bought
- Provide information to policy makers and/or consumers on the use of resources and emissions related to the manufacture of a specific FCM, such as CO2 production and water use

FCM revision timeline

1. Define main policy themes and broad initial solutions 2022
2. **Refine solutions and define more detailed policy options** 2023
3. Assess feasibility and impact of policy options
will include discussions in experts/stakeholder groups 2024
4. Conclude on preferred policy options
5. Work towards legislative proposal 2025 and beyond



https://food.ec.europa.eu/safety/chemical-safety/food-contact-materials/revision-eu-rules_en