



The banner features a blue background with a faint, wavy pattern of the European Union flag's stars. At the top center, there is a small logo of the European Commission building above the text "European Commission". The main title "WORKING GROUP ON FOOD CONTACT MATERIALS" is written in large, bold, white capital letters. Below the title, the dates "6-7 May 2024" are displayed in a smaller white font. On the left side, there is a vertical yellow line. To the right of this line, the text "6 May, agenda point 2 + 3" is written in a yellow font. At the bottom left, the text "DG SANTE European Commission" is written in white.

European Commission

# WORKING GROUP ON FOOD CONTACT MATERIALS

6-7 May 2024

6 May, agenda point 2 + 3

DG SANTE  
European Commission

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The slide has a solid yellow background. The text "Revision state of play" is centered in a large, white, sans-serif font. At the bottom of the slide, there is a white horizontal bar containing a small logo of the European Commission building and the text "European Commission" on the right side. To the left of the logo, there is a small block of text in a very small font.

# Revision state of play

This presentation is intended to facilitate discussion and understanding of the matters presented. It does not necessarily represent a final position and does not commit the European Commission. The European Commission accepts no responsibility for the accuracy of any data or information contained in this presentation, which may be under validation or preliminary assessment. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

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## State of play Revision

- Drafting of discussion document in progress
  - It will provide the basis for discussions in dedicated expert groups
  - Delayed because of high workload on implementation
- On-going studies
  - EY study on pillar D and E – Study report finalised
  - Sustainability study

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## Sustainability study

### Study Timeline



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## Sustainability study

### Inception Phase

- Launched beginning of April – Kick off meeting
- Definition of the **scope of sustainable FCMs** (consultation of relevant stakeholders and experts (Industry, JRC), desk research, preparation of the workshop, interviews) → *Some MS will be contacted*
- Weekly meeting with the contractor

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## Starting point – the Brundtland / UN definition

“Humanity has the ability to make development sustainable to ensure that it **meets the needs of the present** without compromising the ability of future generations to meet their own needs.”

### Meet the needs of the present

- “needs” in the society we are in – context matters
- needs, not services

#### For FCMs

- safety, freshness, and shelf life in a context where most food is transported and distributed far from where it was produced

### Not compromising the ability of future generations to meet their own needs

- favourable conditions – habitability, safety
- resources

> Planetary boundaries / “safe operating space” or “environmental carrying capacity”

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## Summary

Definition components so far

- From the Brundtland definition:
  - FCMs meet current needs ([SAFE FOOD])
  - without compromising the ability of future generations to meet theirs ([PLANETARY BOUNDARIES])
- The meaning of FCM sustainability is not fixed: it evolves with the state of PBs
- FCM sustainability implies trade-offs to achieve the best combination of [SAFE FOOD] and [A SAFE OPERATING SPACE FOR FUTURE GENERATIONS]
- FCM sustainability is determined by considering FCMs and the food they are in contact with as a system (which implies a case-by-case determination of FCM sustainability)
- FCM sustainability is defined around the FCM's core functions

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## The problem with FCM sustainability

### FCMs are unsustainable

- They meet current needs
- but...
- ... they undermine future generations' ability to satisfy theirs
    - plastics (a large share of which is used in food packaging) alone undermine all planetary boundaries

### The status of sustainability in the FCM sector is unsatisfactory

- the meaning of sustainability is often diluted
  - concept / design problem
  - communication problem
- sustainability is generally a second or third order consideration in FCM [packaging] design
- FCM design generally undershoots on sustainability

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# Quality amendment

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## Time-line

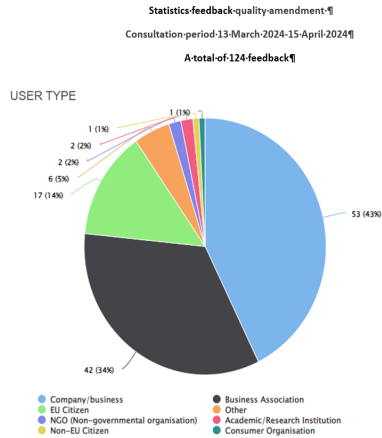
- Have your say: deadline 15 April 2024
- SPS deadline 24 May 2024; TBT deadline 8 June 2024
- Tuesday 14 May 2024 revised draft text to MSs; deadline for comments asap
- PAFF 12 June 2024
- European election recess until 10 July 2024
- Scrutiny EP and Council
- Adoption 2024

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## Feedback



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## Main points raised in feedback

- Amendment inconsistent with revision
- (Non)-essential elements
- No level playing for plastics in relation to other materials
- High purity requirement for substances
- Migration testing for MMMLs
- Surface to volume ratio small containers
- Lifespan
- Labelling of articles for consumers

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## Substances of natural origin –example application of Article 8(2)

- Article 10(4) of Regulation 1935/2004: [...] *the opinion shall include/ (a) the designation of the substance including its specifications; [...]*
- FCM 1060 ground sunflower seed hulls; Commission Regulation (EU) 2017/752
- EFSA opinion of 27 June 2016: [Ground sunflower seed hulls | EFSA \(europa.eu\)](#)

### 3.2. Non-toxicological data

Chemical structure: The sunflower seed hulls are a form of lignocellulose and have a high molecular weight. The exact chemical formula is variable, containing sugar groups and phenolic groups that are to be expected in the natural product.

The sunflower seed hulls are obtained by dehulling sunflower seeds that are to be used as kernels by the food industry. The hulls are milled into a fine powder that passes through a 500 µm sieve. The sunflower seed hulls mainly consist of lignocellulose. Lignocellulose (CAS No. 0011132-73-3) is listed in the Union list of Regulation (EU) No 10/2011<sup>2</sup> as a monomer (FCM substance No 595, Ref. No. 19510) without any restriction. This application is for use as an additive. Lignocellulose is a generic term for describing the main constituents of plants, namely cellulose, hemicelluloses and lignin. The current application uses a very specific source material for the additive and it cannot be considered to be completely or adequately described by the name and/or the CAS number of the authorised monomer FCM No. 595.

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## Outlook on substances in Annex I

- Considering to include 8 substances  
Amines, di-C14-C18-alkyl, oxidised, from hydrogenated vegetable oil (EFSA-Q-2021-00555); Chopped carbon fibre (EFSA-Q-2021-00006); Mixture of nonamethylenediamine and 2-Methyl-1,8-octadiazine (EFSA-Q-2019-00533 and EFSA-Q-2019-00534); Nano precipitated calcium carbonate (EFSA-Q-2019-00232); Oligomeric lactic acid (EFSA-Q-2021-00179); Triphenyl phosphite (EFSA-Q-2022-00613); Wax, rice bran (EFSA-Q-2022-00452)
- Considering not to include four substances  
Bleached cellulose pulp (EFSA-Q-2017-00740); Cyclooctene homopolymer and cobalt stearate (EFSA-Q-2019-00387); Fatty acid coated nano precipitated calcium carbonate (EFSA-Q-2019-00233); Silver nanoparticles (EFSA-Q-2018-00640)

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# Thank you

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