

Future of FCM legislation

Evaluation

Impact Assessment

Future of EU FCM

- Basic FCM legislation is 43 years old (originally Directive 76/893/EEC, now Regulation 1935/2004) and has never been systematically evaluated
- Many issues identified by stakeholders (e.g. industry, NGOs) and in the management and implementation of the legislation such as:
 - lack of specific rules at EU level for materials other than [mainly] plastic,
 - lack of focus on all substances that may migrate from FCMs,
 - ability to demonstrate compliance and enforcement
 - new development such as REACH not taken into account
 - coherence with other relevant legislation
- **Is it still effective, efficient, coherent, and relevant?**

Evaluation: Stakeholder consultation 2018 – 2019 - study

- Evaluation considered first step towards a possible new FCM approach
- Study based on public consultation, workshops, interviews, focus groups, and case studies now completed
- Staff working document ('SWD') summarising the findings of the first step is under way
- However Commission is considering to start 2nd step prior to SWD publication, i.e. to do impact assessment in parallel



Impact Assessment

1. Inception Impact Assessment ('IIA'): consultation on policy options + problem definition (start mid 2020)
2. Impact Assessment ('IA'): Assessment of policy options (Q4 2020 – Q4 2021)
3. Publication of Evaluation + IA results (likely together, beginning 2022)
4. Drafting of new legislation

Approach + Timeline tentative

Potential Elements for future FCM policy

1. Further Harmonisation
2. Efficient way of assessing a very large number of substances
 - prioritisation – substance categories, real exposure
 - better use of REACH
3. Increased transparency and responsibility for businesses
 - possibly registration and digital dossiers

The inception impact assessment (IIA) will consult on actual policy options;

- do nothing, or develop new specific legislation are likely to be included as policy options

Ceramics

Impact Assessment

Ceramic and Vitreous Materials and Articles

- Internal consultation on approach to “proportionate” IA
- Start of the IA process → First step: Refinement of options
- Impact on Member States Competent Authorities:
 - Of lower and additional migration limits
 - Of the mitigating provisions.
- Preparation of study to collect difficult to obtain evidence
- Independent of developments to FCM legislation (evaluation and IA)