Revising European FCM regulations: Efforts from an NGO coalition

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EU regulations on FCM: straightforward?


“ensure the effective functioning of the internal market ... whilst providing the basis for securing a high level of protection of human health and the interests of consumers.”

General safety requirement (art.3):

“Materials and articles, ... shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could:

(a) endanger human health;...
(b) bring about an unacceptable change in the composition of the food; or
(c) bring about a deterioration in the organoleptic characteristics thereof.”

HOW?
EU regulations on FCM: limitations

- Harmonised regulations for 5 types of materials only
- Specific measures for other materials still awaited...
- High focus on starting substances. Individual substance approach.
- Migration limits for certain constituents.
- No positive list of authorised substances for all materials.
- No assessment of recycled inputs for all materials.
- No routine testing for sensitive endpoints (e.g., ED, neurotoxicity).
- Risk assessment details? Information and enforcement details?
Significant gap with the reality

Non-harmonised food contact materials in the EU: regulatory and market situation

Conclusions

Overall the entire sector of FCM suffers to a certain extent from the current situation, which exhibits a lack of harmonisation of materials listed under the framework regulation and is the object of issues relating to mutual recognition.
Concerns calling for change

“Current safety assessment of food contact chemicals is ineffective at protecting human health [...]”

Notably, reducing exposure to hazardous food contact chemicals contributes to the prevention of associated chronic diseases in the human population.”
Key principles for reform

25 European civil society groups agree

- A high level of protection of human health
  - All substances used in food contact materials should have adequate safety data, provided by industry and should be regularly reviewed for this use by public authorities.
  - The presence of substances that are already restricted in the EU, and those meeting the REACH criteria for Substances of Very High Concern should be automatically prohibited.

- Thorough assessment of chemicals in materials and final articles
  - The presence in, and migration of, chemicals in food contact articles – including Non-Intentionally Added Substances (NIAS) – should be measured, assessed and controlled.

- Effective enforcement
  - National governments must ensure effective enforcement, including checks on both imported and EU-manufactured finished articles using the best available analytical methods.

- A clean circular economy based on non-toxic material cycles
  - As the EU’s transition to a circular economy gains momentum, it is vital that the EU’s efforts to encourage recycling do not perpetuate the use of harmful chemicals in FCM.

- Transparency and participation
  - Supply chains and final consumers should have a right to know the identity and safety information on chemicals used in, and migrating from, food contact materials. Regulatory and policy processes should as a minimum adhere to the same standards of openness and stakeholder participation that have been established in REACH.

Opportunities to deliver

Follow up from recent FCM evaluation for possible revision

- Launch of Inception Impact Assessment, November 2020
- A more protective, comprehensive and enforceable regulation by 2022?

“There’s a regulation on all food contact materials of 2004 which is now being evaluated […] It is true that the rules the Member States follow differ […] we also need to have information on the cocktail effects of different food contact materials, because this is also very important and can impact on human health. [...] it’s a very important area that we will be taking up, not only in Green Deal but also in farm-to-fork, because it affects the food that we’re eating.”

Stella Kyriakides, EU Commissioner for health
Confirmation hearing EU Parliament, October 2019
Thank you!

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Visit HEAL’s page on food contact materials [here](#)

Sign up to the joint HEAL-ChemTrust-ZeroWasteEurope newsletter on FCMs [here](#)