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European Commission
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Revision of EU rules on food contact materials: Comments on Impact Assessment stakeholder consultation

Dear Madam or Sir,

The Food Packaging Forum (FPF) is a charitable, science-based organization that enables stakeholders to apply the latest science on chemicals in food contact materials and on the environmental impacts of food packaging in all types of food contact materials and articles (FCMs and FCAs) to protect human and environmental health.

We welcome the opportunity to provide input on the EU's plans for modernizing its FCM rules. Please also refer to our [previous comments](#) (January 2021) made in the context of the Inception Impact Assessment, as these are still valid. In addition, below is a summary of the input provided in the survey with additional explanation.

Importantly, the need for a fundamental revision of the EU's FCM regulation has been clear for more than a decade now, and we hope that progress in the right direction is made soon, towards new rules that are simpler, clearer, and science-based. A new FCM regulation must be enforceable, and it must also be actively enforced by Member States, implying that appropriate tools and means are provided. Further, there should be a strong focus on [improving the protection of public health](#), which is wanting at present, and on accountability in the supply chain, as well as an alignment with other EU strategies towards sustainable food systems, reduction of packaging and packaging waste, and a more circular, future-proof economy.

I. Scope of new FCM regulation

- Any and all materials and articles that are intentionally brought into contact with foodstuffs must be covered by the regulation (including children's toys that are used for preparing and serving food), and if not covered elsewhere (pipes for drinking water, covered by drinking water directive).
- Articles that as such are not intentionally brought into contact with foodstuff (medical devices, textiles, toys) and that are regulated elsewhere do not need to be covered by FCM regulation.
- The Commission should raise awareness for the fact that chemicals transfer from articles into foods, and provide means for awareness building such as with kitchen chefs and influencers who propagate using unconventional equipment for food preparation (for example, the [beer-butt chicken recipe](#) by Jamie Oliver where he recommends cooking a chicken on the BBQ with an entire beer can inside or the use of [bubble wrap as a food mold for making honeycomb-effect chocolate](#)).

II. Safety and risk management

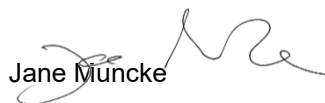
- Any and all chemicals used in FCMs, or present in finished food contact articles as non-intentionally added substances (NIAS) or incidental contaminants (in recycled materials), need to be tested for their hazard properties.
- In alignment with the EU's Chemicals Strategy for Sustainability, the relevant hazard properties to be considered are:
 - known or presumed CMR (carcinogenic, mutagenic or reprotoxic) and suspected CMR,
 - known or presumed endocrine disruptor (ED), and suspected ED,
 - persistent, bioaccumulative and toxic (PBT), very persistent and very bioaccumulative (vPvB), and persistent, mobile and toxic (PMT),
 - as well as chemicals that are immunotoxic and/or neurotoxic, and that have specific, single target organ toxicity (STOT)
- Of the over 8000 chemicals known to be intentionally used in FCM manufacture in the EU, at least 388 food contact chemicals (FCCs) [have these relevant hazard properties](#), and for 127 of these known hazardous chemicals there is [empirical evidence for their presence in FCMs](#).
- Chemicals used for the manufacture and/or found in finished FCMs with these hazard properties of most concern shall be regulated using the Generic Approach to Risk Management, as outlined in the EU's Chemicals Strategy for Sustainability. This implies that FCMs shall not contain any substance with these hazard properties, regardless of whether their use is intentional or not. Accordingly, the safety definition (Art. 3, 1935/2004) must be revised.

III. Sustainability and future developments

- Any new rules on FCMs must address this challenge and must align with EU strategies in this area (sustainable food systems, ecodesign, packaging waste, circular economy).
- In particular, the presence of [higher levels of hazardous chemicals in recycled plastics](#) and also in recycled paper and board is of concern, especially with regards to the [recent EU regulation on recycled plastic FCMs](#) where chemical safety takes a back seat and, as a result, the public is exposed to untested chemicals.
- FCMs such as used in food packaging enable sustainable food products, and FCM sustainability must be assessed in context with specific food products. Therefore, understanding FCMs as complementary to and enabling a sustainable food system is essential for assessing their environmental impacts across their entire life cycle.

Again, we thank the Commission for the opportunity to provide input. FPF is available for supporting the EU Commission's work to identify priority substances, and for providing expertise on other matters relating to the chemical safety of FCMs. We trust that the modernization of the EU's FCM rules will lead to a better protection of public health if changes are based on current scientific understanding.

Best regards,



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