



27 January 2021

PIJITF feedback to the Inception Impact Assessment on Revision of EU rules on food Contact Materials

The listed associations of the Packaging Ink Joint Industry Taskforce (PIJITF) welcome the Inception Impact Assessment on the Revision of EU rules on food contact materials and supports the objective of the new initiative. Please note that more detailed comments are being addressed in the contributions by each sector.

We fully agree that the **absence of specific harmonized measures** for non-plastic materials is one of the key shortcomings of the current FCM legal framework. Multiple laws in different Member States disrupt the European Single Market and create uneven playing field. We **strongly support the development of further specific measures** (e.g. for printed food contact materials and articles (pFCM)) to promote a more effective and consistent interpretation and implementation of the Framework Regulation 1935/2004.

The PIJITF proposal offers a blueprint measure for pFCM that could also be applied to develop harmonised measures for all materials. It suggests that evaluations of substances authorised for existing positive lists are used as well as evaluations done by national bodies according to the EFSA protocols. These would be supplemented by industry evaluations of non-evaluated substances, the self-derived migration limits for those substances and the appropriate restrictions.¹

The Chemicals Strategy for Sustainability foresees to take a more generic approach to regulating FCM substances. **A hazard assessment is an integral part of the current risk assessment and compliance work for FCMs** to ensure safety. The risk assessment approach should be kept at the centre of the FCM legislation.

We support developing a mechanism that swiftly utilizes the relevant data available under the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Regulation. Such a system under the “One substance, one assessment” approach should also include a risk assessment reflecting the specific application of the substances (such as in FCMs).

¹ https://www.eupia.org/fileadmin/user_upload/Position_of_the_PIJITF_update_08_10_2020.pdf

Policy Options

A. Shifting the focus onto final materials

Risk assessment and management of substance migration from the final FCM is critical to ensure consumer safety. It can be strengthened by assuring adequate information flow along the supply chain to enable each actor in the chain to complete his part of the assessment for safety compliance of the final FCM.

We are willing to present the current guidelines and concepts to the Commission and suggest how this can be implemented more efficiently.

B. Prioritising the assessment and management of substances

Similar to the approach in the roadmap, the PIJITF also proposes a tiered approach.

A Database of Officially Evaluated Substances should be incorporated in future legislation that comprises those substances already evaluated by official bodies, such as EFSA, and will include any SMLs, TDIs or other relevant restrictions already established.

Similar to the definition of tier 3 substances in the roadmap, the PIJITF proposes that substances not yet evaluated by competent authorities may be used if a proper risk assessment “in accordance with internationally recognised scientific principles” exist.

A Guidance Document shall focus on processes for risk assessment and include general principles for testing in order to verify compliance in an efficient way. Worst case calculation, migration modelling and migration testing into simulants and into real foods may all be used to demonstrate compliance.

The Guidance Document should also require communication of the results of the risk assessment, i.e., self-derived SMLs, TDIs etc., to the next actor in the supply chain.

If the details of the risk assessment are well outlined, we see no need to restrict this approach to substances that are more benign and migrate in low amounts.

C. Supporting safer and more sustainable alternatives

The definition of safer and more sustainable alternatives is a multifactorial issue. By allowing industry and the supply chain to perform risk assessment and risk management for substances not yet evaluated by authorities, innovation can be stimulated and allow faster replacement of possible substances of concern.

We welcome the acknowledgement of the essential role that packaging plays in the food supply chain to achieve the overall aim of preventing food waste as indicated in the Farm to Fork Strategy. Food safety should remain as the main objective in the FCM legislation.

D. Improving quality and accessibility of supply chain information for compliance and enforcement

Adequate exchange of safety and compliance information along the supply chain and by each successive actor is crucial to demonstrate compliance and to complete his part of the assessment of the intermediate product and final FCM, respectively. In many supply chains, included printed FCMs, well established concepts are already in place. We support clear and consistent rules on data requirements and information transfer throughout the supply chain for all food contact materials and articles.

E. System for ensuring compliance of the final FCM

To avoid conflicts of interest, those organisations which provide services to a business for the risk assessment shall not act as official auditors on behalf of control authorities for that business. A shift of the control to notified bodies is not favorable.

In order to verify compliance in an efficient way, the focus should be on processes for risk assessment. These processes used for compliance work performed along the supply chain should be defined and documented so that they can be audited.

The **clarification of rules on FCMs** needs to be improved to support companies, especially SMEs. Recognition by the Commission of industry and sector guidelines can accelerate this process.

Conclusions

We support **Option 1** as it provides the most efficient and consistent approach in regulating the FCM while maintaining high level of safety.

The Ecorys report concludes that the Framework Regulation 1935/2004, “provides a basis for securing a high level of protection of human health...”. Therefore, what we need are additional guidance documents to promote a more effective and consistent interpretation and implementation of the Framework Regulation. An effective link to the chemical’s legislation (especially REACH and the data generated in this context) could be incorporated.

Regarding the **Preliminary Assessment of Expected Impacts**, we fully agree that human health is a fundamental value and an investment in economic growth and social cohesion. We would like to stress that FCMs produced under the current legal framework are safe. Hence the alleged higher standards of protection for consumers would not necessarily decrease neither health costs nor diseases such as cancers.

As the framework is in principle fit for purpose, **the priority should be the timely development of further specific measure(s) for non-plastic materials, especially printed FCM**. Additionally, we propose that the Commission issues a more detailed guidance document to promote a more effective and consistent interpretation and implementation of the Framework Regulation. In these specific measures **industry risk- assessment for non-listed substances should be incorporated, in line with the PIJITF proposal**.

The present feedback is provided by the following members of the Packaging Ink Joint Industry Task Force (PIJITF)

ACE: The Alliance for Beverage Cartons and the Environment, www.ace.be

CEPI: Confederation of European Paper Industries, www.cepi.org

CITPA: International Confederation of Paper and Board Converters, www.citpa-europe.org

ECMA, European Carton Makers Association, www.ecma.org

ESIG/ Cefic European Solvents Industry Group, www.esig.org

EuPC: European Plastics Converters Confederation, www.eupc.org

EuPIA, a sector of CEPE: European Printing Ink Association, www.eupia.org

FCA / CEFIC, Food Contact Additives, <http://fca.cefic.org/>

FEFCO AISBL: European Federation of Corrugated Board Manufacturers, www.fefco.org

FEICA: Association of the European Adhesive & Sealant Industry, <http://www.feica.com>

FoodDrinkEurope: Confederation of the food and drink industries of the EU, www.fooddrink europe.eu

FPE: Flexible Packaging Europe, www.flexpack-europe.org

Intergraf: European Federation for Print and Digital Communication, www.intergraf.eu

I&P Europe: Imaging and Printing Association, www.ip-europe.com