

Questions and Answers on recycled plastics in food contact materials

The European Commission adopted today a Regulation on recycled plastic that will ensure that food packaging made of recycled plastics is safe. The Regulation sets the conditions under which the manufacturers of food contact materials can use recycled plastics and promotes the objectives of the strategies on the sustainable use of natural resources and the prevention and recycling of waste. At the same time, the regulation is expected to achieve a high level of consumer protection.

Here are some more details about the issue:

Question: *What are food contact materials?*

Food contact materials are all materials and articles coming into contact with foods. These include packaging materials but also cutlery, dishes, processing machines, containers etc. The term also includes materials and articles, which are in contact with water intended for human consumption but it does not cover fixed public or private water supply equipment.

Question: *What has been the legal status for the use of recycled plastic in food contact materials in the EU market?*

Recycled plastics in food contact have been covered by the general requirements on food contact materials laid down in Regulation (EC) No 1935/2004. Member States have adopted different national measures for recycled plastics. Some Member States prohibit the use of recycled plastic in food contact, some have established an authorisation procedure, others have issued recommendations and there's also a group of EU countries that does not have any national rules in place.

Question: *Why is the Commission introducing a Regulation for recycled plastics in food contact?*

The main objective of this Regulation is to open a market opportunity for recycling of plastics for food contact. A single market will be created for the use of recycled plastics in food contact by laying down criteria, which ensure the safety of the food contact material without posing unnecessary burdens on the manufacturers and at the same time allowing for a competitive position as compared to virgin plastics and other materials.

Question: *What are the main rules for recycled plastics in the Regulation?*

The proposed Regulation seeks to create a clear centralised authorisation system, which will allow a unified approach for authorisation of food contact materials throughout the EU.

The European Food Safety Authority (EFSA) will be responsible for carrying out the risk assessment on the processes used for recycling of plastic intended for food contact, while the Commission will manage the dossiers of each applicant, putting forward a proposal for the authorisation of recycling processes, which are found to be safe. Individual recycling processes are based on specific know-how and

technology, therefore the regulation provides for individual authorisations of each process. The authorisation holders are responsible for the process being implemented in all recycling premises according to the authorisation that has been granted. They have to notify to Member States the premises that apply in the recycling process. Member States are responsible for the control of the recycling premises in their territory.

Question: *What are the requirements for a recycling process to be authorised for use in the manufacture of food contact materials in the EU?*

For a recycling process to be authorised it needs to be demonstrated that an adequate control system is in place ensuring that the plastic being recycled originates only from plastic materials and articles that have been manufactured in accordance with Community legislation on plastic food contact materials and articles. It must be demonstrated that the process is able to either reduce any contamination in the plastic from previous use to a concentration that does not pose a risk to human health or to rule out a contamination of the plastic. Furthermore, it needs to be demonstrated that the quality of the recycled plastic is characterised and controlled by a quality assurance system. Authorisation will only be granted for those applications for which safe use can be demonstrated.

Question: *What are the labelling requirements for the use of recycled plastics?*

Labelling of recycled plastics used in food contact is voluntary. However, if a manufacturer wants to label the use of recycled plastics he shall follow the rules of ISO 14021:1999 or equivalent.

Question: *Will the legislation affect innovation in the sector?*

The aim of the Regulation is to create a level playing field within the EU for virgin and recycled plastics and to encourage innovation in the area of recycled and sustainable packaging.

Question: *How will the Regulation affect food contact materials containing recycled plastics from Third Countries?*

The Regulation also covers recycled plastics from third countries. Also, these can only be used if the recycling process is authorised. The Commission has to notify about premises in third countries that use the authorised recycling processes. A level playing field is established for products from Third Countries and those originating from within the EU.

Question: *Can Member States ban/approve recycled plastics for food contact independently of the EU?*

As from the establishment of the first list of authorised recycling processes Member States cannot ban or approve independently of the EU recycled plastics for food contact.