

The paper & board value chain represented by CITPA / FEFCO / CEPI / ECMA / EPPA welcomes the Commission's Inception Impact Assessment on the Revision of EU rules on food contact materials (FCM). We believe the initiative is crucial and support the aim of the Commission with this revision to *"secure a high level of protection of human health, protect the interests of the consumers and ensure that the internal market functions effectively"*.

CITPA / FEFCO / CEPI / ECMA / EPPA would like to offer some comments and suggestions on key points raised in the Inception Impact Assessment.

General issues

The current Regulation 1935/2004 *"requires FCMs to be manufactured so that chemical substances do not migrate into food that would endanger human health"*. This already demands high level of safety from the food contact materials and articles. However, there are some fundamental elements missing on how the necessary level of safety can be proven for non-harmonised materials. This creates an uneven playing field amongst the different materials, uncertainty for the producers and unjustified mistrust by the consumers. The safety of the paper & board converted products is paramount for the industry.

We strongly support further harmonisation of the FCM legislation introducing unified approach across the EU, which is clear, effective and efficient to prevent further development of another layer of national legislation, as well as support the use of innovative and sustainable packaging solutions using environmentally friendly and recyclable materials.

Objectives and policy options

A. Shifting the focus onto final materials

The producers of final articles are already required to ensure the safety of their products with respect to Regulation 1935/2004, article 3 on food contact materials and articles. The refocus suggested by the Commission needs to ensure that the risk assessment and risk management procedures shall cover the impact throughout the whole value chain; from starting materials, to intermediate and final products.

Every step in the value chain should take its well-defined responsibility for the evaluation of the risks for their specific step and inform the next step of any foreseen changes of the substance/material that may have influence on the safety of food contact materials and articles at later production stages. A defined approach based on legal requirements would result in increased cooperation and communication among the actors up and down the supply chain, which would lead to a situation of shared responsibility, which would benefit all actors and especially SMEs. Detailed information sharing is vital for the converters to perform a cost-effective risk assessment for the final article.

We would welcome EU rules *"which set legal requirements as regards what needs to be achieved in order to ensure the safety of the final materials"* but they should also define

the level of safety for the starting substance as well as intermediate materials. Some basic harmonised principles on how to achieve safety should be also established to ensure there is consistency among the different industries, recognition by the competent authorities and acceptance by the consumer. Due to the lack of EU specific measure for paper and board, representatives of the paper and board value chain have in the past years made efforts to develop broadly accepted Food Contact Guidelines¹. We would like to propose these guidelines as a starting point for the development of the basic harmonized principles mentioned above. The objective of the Food Contact Guidelines is to strengthen the level of safety of paper and board FCM and support industry in compliance evaluation. In these guidelines the risk assessment steps and the communication in the value chain are made a priority to produce FCM that are safe for use.

Additionally, we support the Commission's idea to strengthen and further develop the rules on Good Manufacturing Practices (GMP), as we firmly believe these play a crucial role in controlling the production process of food contact materials and articles to ensure safety of the final product. However, we also believe the new set of rules will also have to be carefully designed as not to create unnecessary additional administrative burden.

B. Prioritising the assessment and management of substances

We support the Commission's suggestion to consider a tiered approach for the prioritisation of substances in the evaluation of FCM. However, such tiered approach should be based on scientific evidence and risk evaluation instead of relying on a "*generic approach to the assessment*", as proposed by the Commission. When considering Tier 3 substances, we would welcome the development of an approach that would support and guide business operators in their risk assessment.

The proposal to apply a "one substance one assessment" approach should be carefully defined to ensure that by offering a simplified solution the safety of the FCM is not compromised and the workability is maintained. The debate with stakeholders on the "one substance one assessment" is crucial to ensure timely and pragmatic implementation. The specific use of a substance in FCM requires a dedicated risk assessment. A hazard assessment of substances is an indispensable part of the risk assessment but should not be an end decision point for FCM or any other use of that substance.

We still believe that a harmonised specific legislation and an agreed approach for risk assessment, with specific evaluation criteria at EU level, would be beneficial for the safety and compliance assessment of FCM.

The "essential use" is an aspect of high importance for the industry. We believe that the approach should be twofold accepting an „essential use of an article“ as well as „essential use of a substance“. The Commission rightly acknowledges the „*essential role that packaging plays in the food supply chain*“, as it has many essential functions like food preservation, food safety, protection from ingress of microbiological contamination and reduction of food waste. However, in order for the final article to achieve these functions it needs many substances as essential.

D. Improving quality and accessibility of supply chain information

We support the proposal to include DoC for all FCM and enhance the transparency of information within the value chain following the rules of confidentiality (where needed). However, there is no one size fits all solution as we see in practice every day. For example, the risk of a substance can be digitalized in an information system and be easily accessible. The situation with final article is completely different, as the safety of the article is evaluated for every specific application and food stuff.

The means of an information system should be carefully designed to fit the needs and abilities of all actors across the value chain. Final article producers are often SMEs which would need to work with the system and often lack the resources and means to effectively use the benefits of such a system. A well-defined information sharing is essential for all stakeholders, especially the SMEs. The upstream suppliers need to communicate the necessary information for the risk assessment at the next step of the chain and should bear responsibility for the migration of substances where information is not properly communicated.

In conclusion we fully support Option 1 as this will guarantee the continuing level of safety while building up improvements on the existing legislative framework.

Brussels, 27 January 2021.

ⁱ https://www.citpa-europe.org/sites/default/files/Food%20Contact%20Guidelines_2019_final.pdf