



## FEC Information Letter N°3

April 2017

### **EDITORIAL: Welcome goodwill and participation P. Llobregat**

Thanks to the work undertaken for more than 4 years, FEC is now recognized as a regular partner of the European Institutions (*European Commission, European Parliament, EFSA, JRC, EDQM*) but also by other industrial associations. FEC acts on your behalf to address these organizations in order to identify trends in the long term and try to influence them by presenting our perspective and defending our interests.

Examples of these actions are our active participation in the various working groups dealing with the revision of codes of practice for metal items or household utensils. Other illustration is preparatory work in think tanks on the evolution of regulation in the field of non-sticks, silicones, enamels, metals and also fundamental topics like chemical risk assessment, information exchange through the value chain (*as an example: how to deal with the problem of NIAS*). Being closer to these developments to ensure that they are neither a death sentence nor a source of exaggerated costs will allow our industry to continue to develop in a sustainable way.

The many topics on which we are involved reflect the diversity and the complexity of our industry. And the difficulty to well represent it! Everything cannot be treated in the same way and with the same level of priority and we must finalise the tools that will enable us to better stick your expectations in terms of flow and relevance of the information, expressed needs or consolidations of data to support our positions. We welcome goodwill and participation to help in these respects!

### **BUSINESS DAYS 2017**

**Save the date!**

This year the **Business Days will take place on the 16 and 17 November** in Brussels area. Note these dates already in your agenda. More information will follow in June.

### **NEWS IN A NUTSHELL (prepared by G. Bos)**

Additional information is available at the end of this letter and complete information available upon request to Ms. L. Maginet.

#### **EUROPEAN LEVEL : REGULATION**

##### **1. EU monitoring of mineral oil hydrocarbons in food and in FCMs / FCAs**

The European Commission (EC) adopted on the 26 January 2017 a Recommendation (EU) 2017/84 on the monitoring of mineral oil hydrocarbons (MOH) in food and in materials and articles intended to come into contact with food. Upon MOH detection by national inspection teams in a particular product, further investigations should seek to determine the contamination source. The EC intends to provide the Member States with guidance on sampling and analytical methods.

##### **2. EFSA Risk assessment of substances in food and in food contact materials and articles for infants**

In accordance with the EFSA Regulation the European Commission has requested the European Food Safety Authority (EFSA) to provide a “scientific opinion on scientific and technical guidance for the risk assessment of substances – food additives, pesticide residues, contaminants and substances migrating from food contact materials - present in food intended for infants below 16 weeks of age”. Because EFSA has finished its draft opinion it gives the concerned producers and importers until the 31 March 2017 the possibility to comment on its draft guidance.

### **3. European Commission amended the Plastic FC Regulation (EC) N° 10/2011**

The European Commission has made on 3 May 2017 amendments and corrections to the Regulation (EC) N° 10/2011 concerning plastic food contact materials (FCMs) and articles (FCAs). The amendments & corrections concern e.g. new substances added to and substances already on the Union List, modifications of certain migration limits (e.g. nickel) and simulants for overall migration testing.

## **EUROPEAN LEVEL : PROSPECTIVE WORK**

### **4. Work of interindustry Cross-Sector WG on EFSA's draft opinion on updating risk assessment of FCMS and FCAs**

In order to harmonise all FCMs and FCAs DG SANTE announced a two-step revision of the FCM legislation, for which a proposal to be completed and presented in a public workshop by the end of 2017. The first step will be based on measures taken by the EC without involving the EP and the Council, the second step foresees fundamental changes of existing framework food contact legislation that will need discussion and approval by the EP and the Council. All sectors involved in FEC created a Cross-Sector Group with five subgroups to discuss the impact of EFSA's ideas, and to make proposals to the EC.

### **5. Will companies producing FCMs and FCAs have to test all NES and NIAS?**

Only a limited number of substances used for making FCMs and FCAs have up till now been tested, evaluated and, when approved, included in a positive list. Both EFSA and the European Commission recently declared that producers of FCMs and FCAs are also responsible for the "non-evaluated substances (NES)" and "non-intentionally added substances" (NIAS) [such as impurities, reaction products, oligomers, etc.] that are released into food by the products they put on the market in the EEA. How to test for the presence of these in many cases unknown or not well known ingredients of FCAs?

### **6. Circular economy and the limitation of hazardous chemicals in new FC products put on the market**

By putting "the loop has to be closed and in a circular economy end-of-life products are no longer waste but a source raw materials (because the EU has little own raw materials left)", the European Commission has inherently included into the circular system the risk that hazardous substances (impurities, unwanted by-products and reaction products, etc.) will in principle remain included in new FC products that are made with them, unless one can remove the hazardous chemicals during recycling (at high costs) from end-of-life products or one prevents new hazardous chemicals from entering the system whilst making new FC products.

### **7. European Commission and EFSA start to work seriously on "Harmonisation of risk assessment methodologies for human health and ecological risk assessment of combined exposure to multiple chemicals"**

In 2013 EFSA published a document "Assessing chemical mixtures – current approaches and future priorities". Work on risk assessment of mixtures requires a roll-out of harmonised terminology and methodologies for risk assessors. As far as FCMs and FCAs are concerned printing inks, (non-stick) coatings, ceramics, alloys, enamels, adhesives, masterbatches for plastics, ... are all mixtures. Future EU legislation on mixtures could have a serious impact on FEC members.

### **8. TresClean: High ThRoughput lasEr texturing of Self-CLEANing and antibacterial plastic and metal surfaces**

TresClean is a project funded by the EU Horizon 2020 Research and Innovation Programme that aims to demonstrate that high-throughput laser-based manufacturing can be applied to the production of plastic and metal component parts of consumer white goods and liquid filling machines respectively through the development of a novel industrial use of high-average power pulsed lasers in combination with high-performance optical devices and beam delivery systems. The technology can eventually also be applied by FEC members to produce non-stick plastic and metal surfaces.

### **9. European Commission, EFSA, JRC, CoE/EDQM and Member States jointly discuss food contact coatings**

The Council of Europe (CoE) activities on reviewing the EDQM food contact coatings resolution was recently discussed by representatives of the CoE/EDQM, the EC and JRC, EFSA and several interested EU Member States. The Technical Document No.1 was also discussed by the representatives of the CoE/EDQM, the EC and JRC, EFSA and several interested EU Member States with regards to the evaluation of the listed substances. In particular, the safety of substances in lists "B" and "D" (monomers and additives approved by Member States of former Partial agreement or by US-FDA) was questioned.

## **10. EU Funding to realise your innovation and international growth as an SME**

Seeking funding to realise your innovation? Your company can, as an SME, directly participate in European programs. The three main European support programs for SMEs are: Eurostars, the ERA-NET initiatives and the SME Instrument Program (Horizon 2020)

### **NATIONAL LEVELS : REGULATION**

#### **11. Germany publishes new draft of mineral oil ordinance limiting MOAH in food contact materials**

The German Ministry BMELV has published a draft text of the 22<sup>nd</sup> ordinance amending the German commodities Regulation (Lebensmittelbedarfsgegenstände Verordnung) in particular with regards to mineral oil aromatic hydrocarbon (MOAH) contact with food materials. The amendments aim to protect consumers from MOAH leaching into foods.

#### **12. Switzerland strengthens regulations on several food contact materials**

The Swiss BLV has implemented new requirements for many types of common food contact materials. According to a BLV announcement at the end of 2016, the new requirements are applicable to 10 different types of food contact materials (FCMs), including metals and metal alloys, virgin and recycled plastics, ceramics, glass and paper products. Certain types of paraffin, waxes and dyes, and printing inks are also covered.

#### **13. The Netherlands have amended their national Regulation on FCMs and FCAs**

By means of 1028394-156011-VGP of October 26, 2016 published on the 3 November 2016 The Netherlands have amended their technical requirements for certain FCMs and FCAs falling under the Dutch Commodities Act Regulation (Warenwetregeling verpakkingen en gebruiksartikelen).

### **INDUSTRIAL AND OTHER ORGANISATIONS**

#### **14. EuPIA GMP Guide “Printing Inks for Food Contact Materials” has been updated**

The Good Manufacturing Practice (GMP) “Printing Inks for Food Contact Materials” issued by the European Printing Ink Association (EuPIA) has recently been updated on the basis of the new draft German Printing Ink Ordinance and with an eye on the new “EU regulation on printed food contact articles” that the European Commission intends to write this year and intends to publish at the beginning of next year. The latest edition now also covers the manufacture of all varnishes and coatings, as well as inks for printing on food contact materials.

### **WORK DONE WITHIN FEC WORKING GROUPS**

#### **15. 6<sup>th</sup> meeting of the EDQM EMB Ad Hoc WG on Metals & Alloys for Food Contact**

On 7 March, the EDQM meeting discussed several topics such as the revision of chapter 3, the silver issue, the revision of annex 2, the lab practices and test conditions and nickel. A summary is available in the annex and the full report on request to Liliane Maginet.