

Revision of EU rules on food contact materials Inception impact assessment

ACE, the Alliance for Beverage Cartons and the Environment, welcomes the European Commission's initiative to revise the current EU regulatory framework on food contact materials (FCMs), an endeavour which aims to highly benefits the health and safety of consumers and supports the resilience of the European food supply system.

Importance of safe food packaging

Food packaging is essential for securing our European and global food supply and for ensuring resilient food systems. It plays an important role in ensuring food safety, hygiene and consumer protection. It helps to keep the food supply chain in place and reduce the overall carbon footprint. The primary function of a beverage carton is to contain, preserve, and protect the product throughout the manufacturing, transport, storage and consumption chain, enabling the safe and proper access to nutritious and fresh food to consumers.

Beverage cartons comply with the overarching safety requirements of the EU and come with a Declaration of Compliance (DoC) towards various regulatory or industry standards. With the consumer's health and safety in mind, ACE has contributed to the development and application of the [Food Contact Guidelines for the Compliance of Paper & Board Materials and Articles](#).¹

Safety of food contact materials

The revised FCMs Regulation should better protect human health, and, therefore, ensure that no hazardous substances migrate into food at any intended conditions of use or storage. The revised FCM should be designed so that it can be effectively implemented and enforced to ensure the safety of materials that come in contact with food.

Shifting the focus onto final materials

The EU has successfully developed a regulatory system that ensures food safety since decades. However, the lack of harmonised rules for all FCMs, as well as the process of developing positive lists for FCMs has created issues in their implementation and management, for both national authorities and the value chain. Risk assessment and management of substance migration from the final FCM is critical to ensure consumer safety, and should be strengthened through a robust and systematic process which ensures adequate information flow and clarity along the supply chain.

It is important to underline that FCMs do not represent a risk for consumers. The FCM legislation is already underpinned by a risk-based approach which ensures safety, and in this context we fully support the Commission in its ongoing evaluation of harmful substances. In line with the Chemicals Strategy for Sustainability, when evaluating and prioritising substances, FCMs should be regarded as essential for society. Sufficient time should be allowed by regulators so that the industry can adapt to the new changes, particularly in terms of final article approvals and product design.

Sustainable packaging

Food safety is the highest priority for our industry, therefore all materials used in packaging need to be fully assessed for their suitability for and safety in food contact applications. Currently, there are no existing EFSA approvals on the suitability of recycled content of LDPE / HDPE for use in beverage cartons. Any recycled content targets envisioned for FCMs applications should be also feasible, result in positive environmental impacts and avoid disturbing well-functioning recycling loops.

¹ Available at https://www.citpa-europe.org/sites/default/files/Food%20Contact%20Guidelines_2019_final.pdf



In line with the European Commission's commitment to review all policies based on their contribution to climate neutrality², renewable materials in packaging should be incentivised. Bio-based materials ensure long-term access to resources and reduce the EU's dependency on finite fossil resources. In turn, they contribute to reducing the greenhouse gas (GHG) emissions associated with the use of polymer barriers needed to protect food and beverages. Consequently, bio-based plastics can help the EU to meet its 2030 targets of greenhouse gas emissions reduction and its circular and bio-economy ambition.³

We support the Commission's efforts to ensure the sustainability of packaging in the context of food safety, which should be tackled through a holistic approach that ensures the highest food safety standards, while increasing the recyclability or reuse of packaging. In this context, the fact that the inception impact assessment mentions that packaging should be both reusable and recyclable (instead of reusable or recyclable) by 2030 is worrisome, as it may have detrimental impacts on the well-functioning of the Internal Market, is incoherent with the goals of the [ongoing revision](#) of the Packaging and Packaging Waste Directive and incompatible with current European Union food safety standards. This approach also goes further than the mandate of the [2018 Packaging and Packaging Waste Directive](#), [European Green Deal](#) and [Circular Economy Action Plan](#), which aim to ensure that all packaging placed on the market in 2030 is either reusable or can be recycled.

The Internal Market

The revised FCM regulation must ensure a well-functioning internal market. There are a number of problems demonstrating that the current FCM regulation falls short of achieving one of its principal objectives. The introduction of new materials, the alignment with the Circular Economy Action Plan and Single-Use Plastics Directive, as well as forthcoming policy and regulatory measures, are likely to strain the coherence between the various measures and policies adopted at EU level. A well-designed EU FCMs Regulation based on a harmonised approach taking into consideration sustainability and health aspects is better fit to ensure a well-functioning internal market than a patchwork of national legislations. In this sense, we support option 1 which would build on the existing FCMs framework instead of proposing a new one.

ACE fully supports the goals of this review to ensure food safety and public health, guarantee the functioning of the Internal Market and promote sustainability, while advancing innovation through tailor-made regulations for new materials. The beverage carton industry has an important contribution to make in terms of innovative, safe and circular packaging solutions and we are eager to be part of the process, as we look forward to the solutions emerging from this initiative.

About ACE

The Alliance for Beverage Cartons and the Environment (ACE) provides a European platform for beverage carton manufacturers and their paperboard suppliers to benchmark and profile beverage cartons as a safe, circular, and sustainable packaging solution with low carbon benefits.

² European Climate Law proposal, European Commission website, accessible [here](#).

³ <https://www.european-bioplastics.org/bioplastics/>