SUMMARY

TECHNICAL EXPERT GROUP FOR FOOD CONTACT MATERIALS

30 January 2017

BORSCHETTE building (CCAB) Room AB-3D, Rue Froissart 36, Brussels 1040.

Chair: European Commission (COM), DG SANTE Unit E2

Participants: CEPE, WBT, Food Drink Europe, CEPI, Plastics Europe, FEICA, EuPC, FPE, EUPIA, CEFC-FCA, FEC, PRE, EMPAC, Nickel Institute, CES–Silicones Europe, EDGESGA, FEFCO, CERAME-UNIE, CPME, Independent Retail Europe, CECED, ECMA and INTEGRAF.

Observers: All Member States (MSs) and Norway except Cyprus, Lithuania, Malta, Romania and Slovenia; European Commission Joint Research Centre (JRC); European Food Safety Authority (EFSA).

From 10:00 – 12:30

1) Adoption of Agenda

The following AoB points were adopted: Update on the Questionnaire on EFSA’s opinion on risk assessment, status of migration testing Guideline, OML of dry foods under Regulation (EU) No 10/2011.

2) Discussion on plastic recycling

The COM explained briefly the importance of the decontamination step in the recycling process and made clear that although EFSA has already published opinions on the topic, the evaluation is still ongoing. COM is currently drafting the approximately 120 individual recycling authorisation decisions, Guidance and the format of the compliance monitoring summary sheet template. Further discussion will take place during the next few months. The drafting process will be finalised as quickly as possible.

3) Discussion on major work items for 2017

a) Evaluation:

Regulation (EC) No 1935/2004 and its predecessors are now 40 years in force without fundamental change. DG SANTE will perform an ex-post evaluation in 2017 to gather evidence on the efficiency of the Regulation. The project will result in a staff working document identifying the need for follow-up activities, if any, on the basis of evidence.

A list of detailed questions was discussed as a first step in determining which matters should be prioritised in the evaluation. The JRC study and the EP report will serve as a basis to further develop the evaluation project.

b) Exchange of compliance information in the supply chain:

Since the safety of FCM is directly dependent on the correct functioning of the exchange of compliance information in the supply chain, potential problems need to be understood to improve the present legislation and to prevent such matters in new legislation.

1 This information encompasses a Declaration of Compliance (DoC), Supporting Documentation, and ‘Adequate information’, see the guideline on information in the supply chain: http://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/related-docs_en (right columns).
As a first step the COM started a survey in order to better understand the functioning of the mechanism. IND was reminded that wide participation in this survey is very important. DL is 10 February 2017. According to feedback, the survey does not allow the participant to split the answers for plastics and other non-harmonised FCM. The COM encouraged IND to either send that kind of information by e-mail or answer the survey twice for the different FCM. The topic will then be addressed more in depth in the evaluation.

c) Discussion on printed food contact materials:
The COM reminded on its initiative on printed FCM on the basis of health concerns. The scope of this initiative includes the printing as well as the printed substrates, the latter only as far as relevant for regulating printing inks. Foreseen adoption is mid-2018. It will consider the Germany notified measure. However also other national legislation and industry guidelines will be considered as a potential basis for the elements needed to draft a Union measure. Particular points for attention during development are the establishment of a potential Union list authorised substances which is considered difficult, methods for verification of compliance, and information exchange in the supply chain.

The measure will be drafted in three stages. The first phase will include the analysis and the identification of elements from which the new measure can be developed. In the second phase the effectiveness and efficiency, will be examined thoroughly regarding compliance and enforceability. Finally, the third phase concerns the drafting of the final legislation.

The scope of the measure was shortly discussed. It will cover printed FCM, because the final printed material will need to be compliant. However, whilst it will address the printed substrate it is not intended to establish new rules on the composition of the substrate as far as such rules are not necessary for addressing the printing.

4) AoB

a) A question was raised about which approach COM would follow to integrate EFSAs opinion on future approaches to risk assessment under Regulation (EU) No 10/2011. COM had asked IND to prepare its views on this during the meeting in September. COM clarified that since the need to evaluate the FCM as a whole has been identified partly on the basis of this opinion, this work will now be addressed at a more general level. The questions remain important.

b) Regarding the status of migration testing guidelines, the JRC has already started an inter-service consultation and this is the last stage before the final publication of the guidelines.

c) Concerning the OML for dry foods under the Regulation (EU) No 10/2011, the COM came to a conclusion that from a legal point of view the Regulation requires OML testing for dry foods, as has been discussed before. However, the COM needs to obtain appropriate scientific evidence showing such testing is not necessary, which must be reviewed by EFSA. Only then explicit derogation can be considered if appropriate.