

SUMMARY
WORKING GROUP ON FOOD CONTACT MATERIALS OF THE
TOXICOLOGICAL SAFETY SECTION OF THE STANDING COMMITTEE ON
PLANTS, ANIMALS, FOOD AND FEED (SC-PAFF)

30 January 2017

BORSCHETTE building (CCAB) Room AB-2D, Rue Froissart 36, Brussels 1040.

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

Participants: 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 14:00 – 18:00

1) Adoption of Agenda

- a) The chair explained that the 8th amendment to Regulation (EU) No 10/2011 could not yet be discussed. Hence it had been removed from the agenda. The MS experts will be consulted by a written procedure. As the new Feed-Back mechanism applies to this measure, vote on a SC is not foreseen before the end of April.
- b) The following AoB points were adopted: Monitoring of mineral oils, qualification of 'LiquidSeal', Information from Belgium on BPA and BPS, SANTE.F fact finding mission, progress of Ceramics, Polymeric absorbers used on honey.

2) Discussion on major work items for 2017

- a) COM reminded the MS that Regulation (EC) No 1935/2004 and its predecessors are now 40 years in force without fundamental change. DG SANTE therefore committed to an ex-post evaluation in 2017. This project will result in a staff working document identifying the need for follow-up activities, if any, on the basis of evidence.
- b) To ensure the project yields meaningful information a list of detailed topics was discussed as a first step in determining priorities for the evaluation.
- c) The functioning of the exchange of compliance information in the manufacturing was discussed. COM stressed that the safety of FCM is directly dependent on the correct functioning of this mechanism. There are indications that it does not function correctly. Potential problems need to be understood both to correct present legislation and should be prevented in new legislation.

To increase its understanding of the potential matters COM services started a survey. The MS were reminded that wide participation in this survey is very important. DL is 10 February. According to feedback MS had difficulties with the questionnaire because it forces to give answers to questions that are not applicable to the situation of some of the respondents. COM promised to resolve this matter.

- d) In the previous WG meeting COM had introduced a new initiative on printed FCM that it will undertake in 2017 with a foreseen adoption in 2018. COM

elaborated on this measure explaining that it will be drafted in three phases. The first stage will concern the identification of elements from which the new measure will be developed. The second stage is to assess the viability of these elements in terms of effectiveness and efficiency, in which the practical application of a new measure based on these elements will be scrutinised, in particular regarding compliance and enforcement. On the basis of that assessment, the legislation will be drafted. See also the summary of the expert group which took place in the morning.

2) Decisions authorising Recycling processes

COM confirmed that it is expediting the remaining work on preparing the approximately 120 Decisions on recycling processes for which the EFSA has published opinions. The structure of the text was discussed, as well as particular matters that need to be resolved before the Decisions can be adopted. More detailed discussion was postponed to the TF meeting the next day.

3) AoB

a) Monitoring of mineral oils. The Commission recommendation has been published. The EURL-FCM will support the drafting of a guideline covering sampling and analytical aspects of the work, to ensure uniform application of the Recommendation. The guideline will be developed with the MS to ensure that it suits their needs. MS are strongly invited to participants in the monitoring project such as NRL, OCL, or competent Authorities. The project is not only intended to gather occurrence data on mineral oils, but also to help build enforcement capacity for the case limits need to be established.

b) Discussion on 'LiquidSeal'. There was a discussion on whether this substance is a FCM or a food additive. The question could not be answered because full technical information was not available, however if it is intended or foreseeable to be eaten it is a food additive, and if not it is a FCM. See Article 1(3)(b) of Regulation (EC) No 1935/2004¹, which applies to this situation.

Further discussion took place on what FCM it would be, if an FCM. Without further technical information it is also difficult to determine this, but it can only be a plastic if the contact material with which the food is brought in contact is capable of a functioning as a main structural component of final materials and articles. This does not appear to apply to this material, which is a liquid. Several MS dealt with the matter, but the Netherlands will follow up with the producer.

c) Information from Belgium on BPA and BPS. Belgium informed that its parliament requested further information on these two substances which may result in a national measure on these substances.

d) SANTE.F fact finding mission. SANTE.F, will carry out a fact finding mission in Romania, the Netherlands, Hungary and Germany.

e) Progress of Ceramics. DG SANTE has schedule works for 2017 in this topic is its Management plan. This is nevertheless dependant on availability of resources Polymeric absorbers used on honey. No time was left to discuss this point.

¹ Recital 9 of that Regulation further explains: '*Covering or coating materials forming part of the food and possibly being consumed with it should not fall within the scope of this Regulation. On the other hand, this Regulation should apply to covering or coating materials which cover cheese rinds, prepared meat products or fruit but which do not form part of food and are not intended to be consumed together with such food.*'