

Call for new EU legislation on Food Contact Materials to be based on five key principles

We, the undersigned organisations, welcome the European Commission's initiative to evaluate the EU's food contact material (FCM) legislation¹:

The evaluation, including the further aim of the Commission to consider what possible steps need to be taken in the future, provides a good opportunity to look forward and discuss how these ineffective laws must be modernised and improved to ensure that consumers are properly protected from harmful chemicals migrating into their food.

In order to move forward these discussions, a group of organisations² have analysed the gaps and flaws in the current legal system and as a result, we have developed 5 key principles which should govern the future legislation on food contact materials. We urge the new Commission to make sure that reforming these ineffective laws will be a **paramount priority** for the next period.

We call for a new EU regulation of chemicals in food contact materials, which must ensure:

1. A high level of protection of human health

All substances used in food contact materials should have adequate safety data, provided by industry and should be regularly reviewed for this use by public authorities. The presence of substances that are already restricted in the EU, and those meeting the REACH criteria for Substances of Very High Concern, such as CMRs, sensitizers or endocrine disrupters, should be automatically prohibited.

2. Thorough assessment of chemicals in materials and final articles

The presence in, and migration of, chemicals in food contact articles – including Non-Intentionally Added Substances (NIAS) - should be measured, assessed and controlled. Absence of reliable migration data should imply presumption of full migration. Assessments of migration should include mixture effects and take a precautionary approach to exposures from non-FCM sources. Both industry and regulators should ensure that any migration is understood and limited to ensure a high level of protection of public health.

3. Effective enforcement

National governments must ensure effective enforcement, including checks on both imported and EU-manufactured finished articles using the best available analytical methods. Producers and importers of chemicals used in food contact material should always be responsible for providing adequate analytical standards and analytical methods to regulators and test laboratories. In the event of contamination of products with problematic chemicals, producers should be obliged to notify the regulators.

4. A clean circular economy based on non-toxic material cycles

As the EU's transition to a circular economy gains momentum, it is vital that the EU's efforts to encourage recycling do not perpetuate the use of harmful chemicals in FCM. Adequate regulation and enforcement of all types of recycled food contact materials is required to ensure that recycled food contact materials are never less safe than virgin materials.

5. Transparency and participation

Supply chains and final consumers should have a right to know the identity and safety information on chemicals used in, and migrating from, food contact materials. Regulatory and policy processes should as a minimum adhere to the same standards of openness and stakeholder participation that have been established in REACH.

¹ https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/evaluation_en

² Organisations originally consulted on the key principles in a process initiated by CHEM Trust were: Client Earth, HEAL, ChemSec, Danish Consumer Council, EEB, as well as BEUC, US Breast Cancer Prevention Partners and the science research organisation Food Packaging Forum.

Signatories:

- For the latest list of signatories, see: <https://chemtrust.org/5-key-principles-fcm/>

 <p>CHEMTrust Protecting humans and wildlife from harmful chemicals</p> <p>CHEM Trust www.chemtrust.org</p>	 <p>HEAL HEALTH AND ENVIRONMENT ALLIANCE</p> <p>Health and Environment Alliance www.env-health.org/</p>
 <p>chemsec INTERNATIONAL CHEMICAL SECRETARIAT Chemsec: www.chemsec.org</p>	 <p>ClientEarth</p> <p>Client Earth: https://www.clientearth.org/</p>
 <p>EEB European Environmental Bureau</p> <p>European Environmental Bureau https://eeb.org/</p>	<p>Forbrugerrådet Tænk</p> <p>Danish Consumer Council Forbrugerrådet TÆNK: https://taenk.dk/</p>
 <p>Health Care Without Harm</p> <p>Health Care Without Harm, Europe https://noharm-europe.org/</p>	 <p>Breast Cancer Prevention Partners Exposing The Cause Is The Cure</p> <p>US Breast Cancer Prevention Partners www.bcpp.org</p>
 <p>Institute for Sustainable Development, Slovenia</p> <p>Institute for Sustainable Development. http://www.solskiekovrt.si/</p>	 <p>ZERO associação sistema terrestre sustentável</p> <p>ZERO – Association for the Sustainability of the Earth System http://zero.org</p>



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<https://www.komoptegenkanker.be/>



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<https://www.generations-futures.fr/>



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<https://zerowasteurope.eu/>



Breast Cancer UK
<https://www.breastcanceruk.org.uk/>



The Danish Ecological Council
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