EVALUATION OF THE FOOD CONTACT MATERIALS LEGISLATION

Kemira Position Paper

Fiber-based materials, like paper and paperboard, form the core of renewable and recyclable food packaging. Kemira's chemistry expertise enables this alternative to plastic by giving food packaging board the required stiffness, strength, formability, hydrophobicity, and printability, as well as ensuring it is hygienic and safe to use. Enabling longer shelf life with appropriate packaging also helps in minimizing food waste.

Fiber-based packaging is easy to recycle, because recycling systems are already in place and functioning well across Europe. Promoting the use of fiber-based food packaging supports the transition to a circular economy and the sustainable use of natural resources. However, further harmonization of food contact material (FCM) legislation is needed to support innovation and reap the full benefits of fiber-based packaging.

Four actions to enable more sustainable food packaging

1. **Harmonization of national legislation is needed to remove barriers to trade and enhance safety.**
2. **The Mutual Recognition Principle needs to be more consistently applied throughout the value chain.**
3. **Exchange of information between national officials must be promoted.**
4. **The US Food and Drug Administration (FDA) model for handling risk-assessment petitions should be implemented in the EU.**

1. Harmonization of national legislations is needed to remove barriers to trade and enhance safety.

Fiber-based food contact materials fit the bill in terms of sustainability: they are renewable, reusable, recyclable and, at end-of-life, biodegradable. Their use promotes the EU's circular economy goals, as well-functioning recycling systems for these materials are already in place across Europe; however, the lack of harmonization of legislation is hampering a greater uptake.

National rules in member states differ significantly and they are often only available in the local official language. Furthermore, the use of a particular material is sometimes regulated in multiple pieces of legislation, which means, ensuring full compliance requires additional resources, creates unnecessary costs, hinders the single market and creates an uneven playing field for companies.

In addition, many non-EU countries are starting to develop their own standards for food contact materials instead of adopting the EU standard. This impacts the export possibilities for the themselves and packaged foods from Europe, resulting in a loss for the European economy.

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2. The Mutual Recognition Principle must be more consistently applied throughout the value chain.

The Mutual Recognition Principle is the main element of a functional internal market, yet it is not equally applied in EU member states, as demonstrated by the deviations FCM regulation. Member states often present additional requirements for companies to meet national demands or to carry out additional tests, even though the Mutual Recognition Principle should apply.

Contradictory requirements that are not in accordance with the Mutual Recognition Principle (e.g. through legal processes) is costly and time consuming, and in the case of small and medium-sized companies, can be a barrier to market entry. Current guidelines should be defined in a common manual; awareness-raising campaigns aimed at national and regional officials could also be useful.

3. Exchange of information between national officials must be promoted.

Individual national measures have a silo effect, and dismantling this effect requires better exchange and dialogue between competent authorities. Even when the risk-assessment petitions in different member states have the same approach (meaning that the member states claim to have equal requirements based on the European Food Safety Authority scheme), in practice the criteria are different and require that applications are adapted to meet national evaluation specificities. Harmonization would also speed up the authorization process as only one petition would be needed for all member states instead of each member state requiring their own.

4. The FDA model for handling risk-assessment petitions should be implemented in the EU.

In addition to harmonizing requirements and improving communication between officials, the EU should ensure that the procedures for handling risk-assessment petitions are as flexible as possible. In some member states petitions are taken into consideration only twice a year, which impedes product development and results in indirect costs, for example in the form of delayed market access.

A smooth and predictable assessment process will support innovation and help small and medium-sized businesses in particular to bring new solutions to market without compromising on safety requirements. Kemira supports the establishment of the US FDA model for handling risk-assessment petitions in the EU. The FDA accepts applications continuously and has a deadline for reviewing them and asking additional questions. In addition to being functional and predictable, the FDA model ensures a speedy process for risk assessment and market approval of new substances.

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