

ANEC Comments to COM consultation on Food safety – restrictions on bisphenol A (BPA) and other bisphenols in food contact materials

[Food safety – restrictions on bisphenol A \(BPA\) and other bisphenols in food contact materials \(europa.eu\)](#)

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ANEC welcomes this long-awaited initiative given our imperative call over the years for the Commission to strengthen the regulatory framework for food contact materials and to address the deficiencies in the implementation of the rules on food contact materials as quickly as possible.

In this context we especially call for substances of (high) concern, such as Substances of Very High Concern (SVHCs) or Carcinogenic, Mutagenic and Reprotoxic (CMRs), to be banned in a generic fashion in all FCM materials.

Prohibition of the use of bisphenol A and other bisphenols in materials and articles in contact with food can thus play an important role in addressing the inadequate chemical requirements in the Food Contact Materials Regulation (EC) No 1935/2004 that otherwise will continue bringing about risks for consumers' health - as also shown by the [2023 EFSA opinion](#) - and for the correct functioning of the internal market.

It is thus important that also other bisphenols (BPF and BPS) are addressed in this draft regulation as we agree that the risk of regrettable substitutions should be avoided at all costs.

For the regulation to be effectively avoiding this risk, following points need to be addressed by the Commission:

- Include **all** materials, also those currently excluded in Article 1 (paper, and paper board)
- Any derogations to be revised after 5 years
- BPS needs to be removed from the list of substances authorised for use in plastic food contact materials and articles.

With regards to **article 4 Specific requirements on the use of other bisphenols and bisphenol derivatives**, we call on authorisations to be granted **only to the applicant** for a specific use and **for a limited period** (e.g. expiring after 5 years). This would be in line with the provisions for materials in contact with drinking water of the revised Drinking Water Directive.

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As for **Article 5 on Monitoring and reporting obligations**, these should apply to all bisphenols in scope of article 4.

The authorisation of substances and materials must be accompanied by a systematic external monitoring of continued compliance of manufactured products¹. This should not only comprise an internal production control in accordance with the Commission Regulation "on good manufacturing practice for materials and articles intended to come into contact with food" ((EC) No 2023/2006), but also include external product control by accredited inspection bodies.

As for the **phase out of BPA and other bisphenols from food contact materials and articles**, we recommend reducing to 6 months the general 18 months transition period foreseen in article 10 of the draft restriction. Consequently, instead of the unlimited sell-off period proposed in Article 10(5), we strongly recommend a 12 month sell-off period, similar to the sell-off period for toys containing BPA foreseen under the proposed Toy Safety Regulation.

This is in line with the findings of the EFSA report and can allow for the regulation proposed to effectively contribute to protecting the health and safety of consumers.

¹ See chapter 5.5 *Systematic control of authorisations* of ANEC position paper with reflections on the basic directions for the future development of the EU legislative framework on Food Contact Material (FCM) [ANEC-PT-2020-CEG-002.pdf](#)