



Raising standards for consumers

POSITION PAPER

Commission proposal for updated rules on Recycled plastic in food packaging



Contact: Michela Vuerich – mvu@anec.eu



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European Association for the Co-ordination of
Consumers Representation in Standardisation aisbl

Rue d'Arlon 80 – 4th Floor - B-1040 Brussels, Belgium
T: +32-2-7432470 / anec@anec.eu / www.anec.eu

ANEC has long expressed concern at the problems that may occur when using recycled materials without adequate control of the virgin materials. While we still wait for a comprehensive revision of the EU legislative framework on Food Contact Materials to improve chemical safety for consumers and the environment, we find it untimely for that revision to be preceded by legislation that has the goal to first increase the recycled plastic content of food packaging.

As a matter of priority, legal provisions for chemicals in virgin materials used in the manufacture of products - including (food) packaging - must be strengthened by implementing (or enhancing) sectoral product legislation.

This involves (but is not limited to) the elimination of SVHCs and other substances of concern from those materials or products in a generic fashion (e.g. following the proposal by the European Parliament to phase out CMRs and EDCs in the Packaging Directive).

We express concern at certain limits in the [proposal on recycled plastic materials and articles intended to come into contact with food](#), and repealing Regulation (EC) No 282/2008¹:

- It is unclear how safety of novel processes is going to be reviewed. Once allowed on to the market, novel processes will be difficult to control and it is hard to see how the European Commission can “take appropriate and immediate action” if evidence emerges that recycled plastics developed with a novel technology may endanger the health of consumers. We call for the precautionary principle to be followed to ensure the health of consumers is not put at risk.
- We are worried that chemical recycling would be promoted by this regulation, when almost none of the existing technologies seems economically viable.
- The text states that “recycling is an essential prerequisite for the transition to the Circular Economy” – this statement is biased, because there are still many issues with health, safety and environmental impacts related to plastics recycling. Also, a recent [ECHA report on chemical recycling of plastics](https://is.gd/MqnRQX) (<https://is.gd/MqnRQX>) highlights that chemical recycling is challenging, and there is little knowledge about the abilities of different chemical recycling processes to eliminate substances of concern.
- The proposal also refers to Regulation (EU) No 10/2011 “*setting out compositional requirements that ensure the safe use of plastic food contact materials*”, and requiring that recycled plastics be of the same composition as plastics manufactured in accordance with that Regulation “to ensure the same level of safety”. While it is welcome that that Regulation regulates plastics food contact materials by means of a positive list, thus allowing only authorised substances to be used, its Annex I is partly outdated and needs more systematic review. In fact, [ANEC calls](https://is.gd/ccn4Hm) (<https://is.gd/ccn4Hm>) for an expiry date to be set

¹ This paper is developed as a contribution to the consultation of the draft act on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008 issued on 6 December 2021: <https://tinyurl.com/6wa7ymns>

for all authorisations (e.g. 5 years), in line with the provisions of the revised Drinking Water Directive for materials in contact with drinking water.

Generally, policy in this context should aim for improved recycling processes to ensure homogenous and clean single-type waste streams (a prerequisite for primary recycling resulting in high quality products) - including efficient collection and sorting systems that allow separation of different materials for different purposes - as well as the development of particular specifications that aim to reduce the variety of materials and their chemical compositions in order to make them "fit for recycling".

With a view to the information of substances of concern in products, it is important to address the lack of information on these in products and waste. It may be useful to require a full declaration of all substances used including their quantities in certain cases (e.g. materials in contact with food or with the drinking water, toys).

In conclusion, recycling must be promoted only when contamination with problematic chemicals can be excluded.

ENDS.



ANEC is the European consumer voice in standardisation, defending consumer interests in the processes of technical standardisation and the use of standards, as well as related legislation and public policies.

ANEC was established in 1995 as an international non-profit association under Belgian law and is open to the representation of national consumer organisations in 34 countries.

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European association for the coordination of consumer representation in standardisation aisbl

Rue d'Arlon 80 – 4th Floor
B-1040 Brussels, Belgium

+32 2 743 24 70

@anectweet

anec@anec.eu

www.anec.eu

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