

European Bioplastics' position on the upcoming revision of the EU rules on food contact materials

(January 2023)

European Bioplastics (EUBP), the association representing the interests of around 80 member companies from the entire bioplastics value chain, welcomes the European Commission's initiative to revise the current EU rules on food contact materials (FCMs), particularly in light of its recent initiatives on Single Use Plastics, Sustainable Products, and the revision of the rules on Packaging and Packaging Waste, all of which result in changes to the materials used in this context. We particularly commend the Commission's commitment to introduce specific rules to ensure that FCMs manufactured from less traditional and potentially more sustainable production sources and methods.

Compliance with safety & hygiene requirements

Currently, bioplastics, i.e., plastics that are either biobased, biodegradable/compostable, or a combination of both properties, must comply with the same strict regulations as conventional plastics when used as FCMs and they must undergo the same testing procedures to access the market of the European Union, including migration tests according to the Regulation (EU) No. 10/2011, and tests on the composition of multi-component materials to make sure only substances and materials that have been assessed and listed as safe (Union List of authorised substances) are used. Additionally, plastics that are intended to be certified as compostable must undergo further ecotoxicity tests as part of the EU standard EN 13432 for industrially compostable packaging to prevent health risks. Some bioplastics materials need to pass even more rigorous testing than conventional plastic products.

Supporting safe & more sustainable FCMs

Biobased plastics are eligible as FCMs and, as sustainably sourced polymers, should be preferred over conventional (fossil-based) plastics when it comes to replenishing plastic resins with necessary virgin material for FCMs. This aspect is of particular importance considering the recent Commission proposal for revised rules on packaging and packaging waste that put a very strong focus on recycling and recycled content of packaging only. Recycled content, however, is not able to meet the strict requirements for FCMs and most other contact-sensitive applications and can even pose potential adverse effects on human and animal health. Biobased plastics can play an essential role in securing feedstock availability (for FCMs and contact-sensitive packaging applications) while complying with the strict regulations and requirements for FCMs.

To promote the production and use of more sustainable FCMs, it is essential to not only promote recycling or reuse but to substitute fossil-based virgin materials with sustainably sourced bio-based materials. Every product has a lifespan, and plastics are not infinitely recyclable but must continuously be replaced (in parts) by virgin material. We therefore urge the Commission to promote the equivalence of bio-based content and recycled content in both, the FCM and packaging and packaging waste rules.

Supporting a circular economy & prevention of (food) waste

Biobased plastics can contribute to the EU's ambition to achieve climate neutrality by 2050 by storing and repurposing the carbon from carbon dioxide, replacing the need for further extraction of fossil resources, while creating a sustainable, competitive advantage for the European industry. Biobased plastics can be recycled in existing (mechanical, organic when industrial compostable, and chemical) recycling infrastructure, with the environmental advantage to reduce the dependency on fossil resources and to reduce greenhouse gas emissions or even be carbon neutral. Moreover, biobased plastics can make a considerable contribution to increased resource efficiency through a closed resource cycle and use cascades, considering that materials and manufactured products account for nearly one fifth of the total EU CO₂ emissions (Source: Eurostat).

Industrial compostable plastics (packaging and FCMs) can, with reference to the European waste hierarchy, provide added value through organic recycling (i.e., industrial composting and anaerobic digestion) as an additional waste treatment option. All food waste cannot be prevented, and organic recycling is a way to implement a circular food cycle in a circular form. While reduction is the priority in the European waste hierarchy, organically recycling food waste rather than disposing of it through incineration and/or landfill clearly becomes a preferred option, also in view of the provision of the Waste Framework Directive. From 2023 onwards, separate collection of bio-waste will be mandatory across Europe to increase the overall amounts of separately collected waste, to help meet the ambitious recycling targets set out in the Directive 2008/98/EC, as well as contributing to the climate change mitigation targets.

Certified industrial compostable plastics can play an essential part in reaching those targets as they can help to efficiently manage biowaste by increasing the quantity and quality of separately collected organic kitchen waste and by diverting organic waste away from landfills or incineration into organic recycling and keeping it out of mechanical plastic recycling but also other recovery streams, therefore reducing the contamination of important waste streams with organic waste. In addition, certified compostable plastics help to reduce the contamination (plastic impurities) in the organic waste collection caused by misthrows of conventional plastics that often end up in the final compost and cause microplastic in the environment.

This position has been submitted as additional input to EUBP's response to the Commission's public consultation on the revision of EU rules on food contact materials (FCMs).

We remain available for any further information that might be required.

About European Bioplastics

European Bioplastics (EUBP) represents the interests of more than 80 member companies throughout the European Union. With members from the entire value chain, European Bioplastics serves as both a contact platform and catalyst for advancing the objectives of the growing bioplastics industry.

For further information, please visit <http://european-bioplastics.org>.

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