



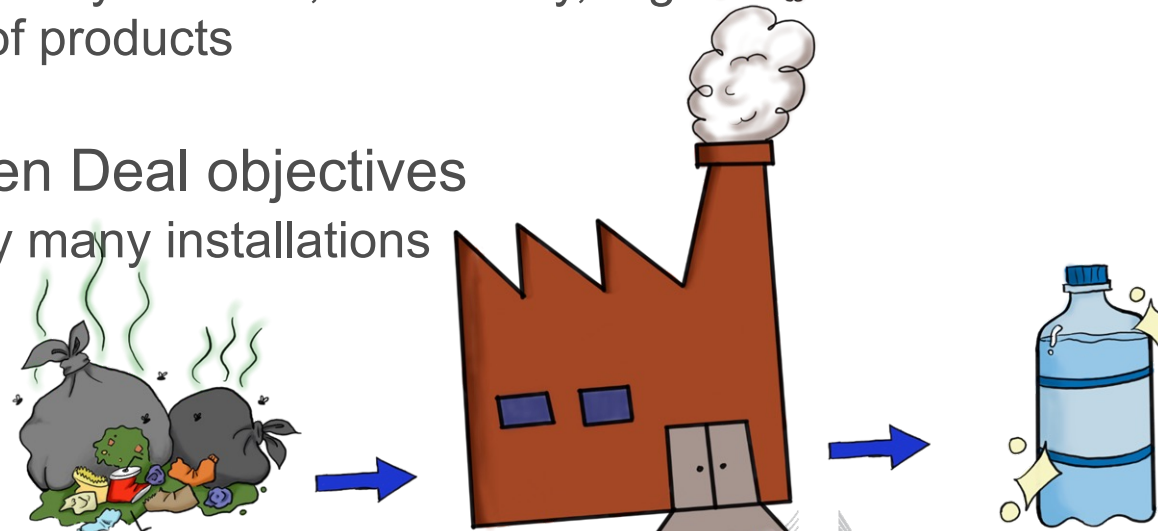
# Implementation of Regulation (EU) 2022/1616 on recycled plastic materials and articles intended to come into contact with foods

Petcore Europe Annual Conference 2024  
Brussels - 7 February 2024

Klaus Berend  
Director Food Safety, Sustainability and Innovation, DG SANTE  
European Commission

# Policy considerations

- Recycled plastics in FCM to be as safe as new plastics
  - new plastic: Regulation (EU) 10/2011 regulates the starting materials, migration limits, compliance requirements, etc.
  - recycled plastic: Regulation (EU) 2022/1616 regulates input, decontamination and use of output
- Safety of recycled plastics cannot be controlled by analytical methods
  - focus: good manufacturing practices, documentary controls, traceability, registration
  - safety evaluation of processes, not (directly) of products
- Quickly developing market because of Green Deal objectives
  - processes evaluated by EFSA can be used by many installations
  - establishment of novel recycling technologies



This presentation is intended to facilitate discussion and understanding of the matters presented. It does not necessarily represent a final position and does not commit the European Commission. The European Commission accepts no responsibility for the accuracy of any data or information contained in this presentation, which may be under validation or preliminary assessment. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.



European  
Commission

# Regulation (EU) No 2022/1616

- Ensures that recycled plastic is – *in principle* – safe for food contact
  - Sets requirements on the waste that is input to the recycling process
  - Ensures via technology assessment and individual process authorisation that recycling installations have sufficient decontamination capacity
  - Limits, if needed, the use of the recycled plastic – ‘*not for microwave use*’
- Requires quality assurance to ensure that it is also **in practice** safe
  - quality assurance is required throughout the entire chain
  - to ensure the recycling technology is used correctly in practice
  - to allow for controls that indeed the plastic has been recycled in a way that is safe

# Implementation activities

- On-going administrative tasks
  - Authorisation of PET recycling processes → drafting of authorisation decisions underway
  - Register of recycling entities (Article 24) → currently in the form of lists published on Commission website. An on-line database nearly ready
  - Novel technologies and recycling schemes → registered and being assessed
- Policy matters – possible amendments to Regulation (EU) 2022/2016
  - recyclers allowed to de-activate their installations in the register for economic reasons
  - improved definition of up to which stage compliance documentation is required
  - strengthening of quality assurance of input materials
  - some corrections of references in the Regulation

# Importance of plastic input quality

- EFSA calculates contamination in recycled PET = cleaning efficiency \* contamination in input
  - the cleaning efficiency of a recycling process is fixed
  - poor input is poor output, poor output is a health risk
- PET input must be compliant with Article 6 of Regulation (EU) 2022/1616
  - only in this case, the recycling processes can be expected to produce safe recycled plastic
- PET input must specifically
  - be compliant with Regulation (EU) 10/2011 and contain max 5% non-food plastic waste
  - originate only from separately collected municipal waste, or from food business operators
  - be subject to a quality assurance system (in the future to be certified by a third party)

# Ensuring the quality of the plastic input

- Importance that PET input must always be of sufficient quality
  - **non-compliant input may be used for economic reasons** linked to waste collection
  - in case of insufficient domestic supply more imported materials may be used
- Collection and pre-processing stages must operate quality assurance systems  
Observed problems:
  - the Regulation requires third party certification quality assurance → not yet in place
  - input materials on the market are not subject to certification → uncertainties for recyclers
  - controls of imported materials is more challenging → uncertainty over these materials

# Improving certainty over input quality



Establish third party certification of quality assurance systems

- collaborate with stakeholders on what is needed, including in the Regulation
- laying down essential elements of a standard that would need to be used for certification

Certification of collected and pre-processed plastic waste

- possible amendment to Regulation (EU) 2022/1616
- certificate may include the origin (EU/non-EU), and mode of collection (DRS, PCW, ...)

Establish TARIC codes

- increase visibility of specific imported plastic waste
- collaboration with DG Environment

# Thank you

For further information: [https://food.ec.europa.eu/safety/chemical-safety/food-contact-materials/plastic-recycling\\_en](https://food.ec.europa.eu/safety/chemical-safety/food-contact-materials/plastic-recycling_en)

This presentation is intended to facilitate discussion and understanding of the matters presented. It does not necessarily represent a final position and does not commit the European Commission. The European Commission accepts no responsibility for the accuracy of any data or information contained in this presentation, which may be under validation or preliminary assessment. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

