

SME panel consultation on Food Contact Materials legislation

Fields marked with * are mandatory.

Introduction

Food Contact Materials (FCM) include all food packaging as well as kitchenware and tableware such as cutlery, cups, plates, bowls etc. It may also include articles which were not originally intended for food contact but which may nevertheless foreseeably come into contact with food. Furthermore, FCM covers materials used in professional food manufacturing, preparation, storage and distribution – from chocolate conveyor belts to milk tankers. Many different types of material may be used to make FCM including plastic, paper, rubber, metal and glass but also adhesives, printing inks and coatings used in the finishing of the final articles, as well as composite materials.

The principal purpose of the EU legislation on food contact materials is to provide a basis for securing a high level of protection of human health and interests of consumers. Regulation (EC) No 1935/2004 requires businesses to manufacture FCMs in a controlled environment so that they are produced consistently and to a high standard and so that they:

- do not endanger human health and;
- do not bring about an unacceptable change in the composition or deterioration in the organoleptic properties - taste and smell, for example - of the food

The Regulation concerns only the safety of the FCM as regards the transfer of chemicals into the food from the FCM. The rules do not set any hygienic requirements for FCM; nor do they cover the waste or environmental impact of FCMs, which are dealt with under other EU legislation.

The Regulation also aims to ensure the effective functioning of the European Union market i.e. to avoid restrictions or tariffs.

You can find out more information on our website at:

https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials_en

How can I contribute?

The following SME Panel questionnaire seeks the views and in particular evidence from small companies operating in the FOOD CONTACT MATERIAL supply chain on the functioning of the FCM legislation and about how the legislation affects your business.

EEN partner identification

* Please enter you 7-digit organisational ID Number

Text of 7 to 7 characters will be accepted

This question is only for the members of the Enterprise Europe Network . The number is the 7 digit number next to your name in Merlin in the format of XY12345 where XY stands for your country code.

Identification of respondent

How would you classify your business? *If your company's position falls in more than one category below, please tick all the boxes that apply.*

- ☐ Manufacturer of starting material
- ☐ Manufacturer of intermediate materials and articles
- ☐ Manufacturer of final articles / converter
- ☐ Retailer of FCMs
- ☐ Importer / distributor
- ☐ Filling / packaging business
- ☐ Food business operator - processor / manufacturer of food products
- ☐ Food business operator – retailer of foods
- ☐ Caterer / restaurant
- ☐ Consultant / laboratory specialising in compliance
- ☐ Other, please specify

If 'other', please specify

Which of the following materials does your business manufacture or use? *Please tick all boxes that apply.*

- ☐ Active and intelligent materials and articles
- ☐ Adhesives or binders
- ☐ Ceramics
- ☐ Cork
- ☐ Rubbers
- ☐ Glass
- ☐ Ion-exchange resins
- ☐ Metals and alloys
- ☐ Paper and board
- ☐ Plastics
- ☐ Printing inks
- ☐ Regenerated cellulose
- ☐ Silicones
- ☐ Textiles
- ☐ Varnishes and coatings

- ☐ Waxes
- ☐ Wood
- ☐ Multi-layer articles (please specify)
- ☐ Multi-material multi-layer articles (please specify)
- ☐ Others (please specify)

Please, specify

What is the current size of your business?

- ☐ Self-employed (no additional employees)
- ☐ Micro (1 to 9 employees)
- ☐ Small (10 to 49 employees)
- ☐ Medium (50 to 249 employees)

Does your business sell to or buy from (some of the) the following **markets**? *(Multiple answers allowed)*

	Supplying to	Procuring from
National market?	<input type="checkbox"/>	<input type="checkbox"/>
Other EU market(s)?	<input type="checkbox"/>	<input type="checkbox"/>
Market(s) outside the EU?	<input type="checkbox"/>	<input type="checkbox"/>

How *familiar* are you with the following **requirements of the food contact material legislation**?

	Not at all familiar	A little familiar	Fairly familiar	Very familiar	Not relevant for me
Article 3 on general safety requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The application process for substances currently requiring an authorisation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Substances which are permitted to be used	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Migration limits for plastics	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Rules on verification of compliance (e.g. testing)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Compliance documentation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Labelling requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Traceability requirements	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Rules on Good Manufacturing Practice (GMP)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
--	-----------------------	-----------------------	-----------------------	-----------------------	-----------------------

Legislation , administrative rules and procedures should be simple, easy to understand and to apply and should not penalise micro, small or medium-sized enterprises. To what extent do you agree with the following?

5 = strongly agree; 4 moderately agree; 3 neither agree nor disagree; 2 moderately disagree; 1 = strongly disagree.

	5	4	3	2	1	Not applicable
It is easy for me to understand my responsibilities under the FMC legislation	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is possible for me to comply with these responsibilities without relying on others outside of my business, such as suppliers, customers or consultancy	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The cost of compliance with the FCM legislation is proportionate to the size of my business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My company has sufficient resources to make an application to EFSA for use of a new substance in plastic FCM	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The mutual recognition principle is applied correctly across Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
My company has sufficient resources to address the authorities in cases of incorrect application of the mutual recognition principle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I am aware of the existence of non-judicial problem solving mechanisms, such as SOLVIT, which I can contact in case of incorrect application of the mutual recognition principle	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The FCM legislation is flexible enough to adapt to technical and scientific progress	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Have you ever had **difficulties complying with the FCM legislation or selling your FCM on the EU market?**

- ☐ No, never
- ☐ Yes, rarely
- ☐ Yes, occasionally
- ☐ Yes, frequently
- ☐ Don't know/ Not applicable

If yes, please provide further information and examples

400 character(s) maximum

Do you hire an **external consultant** in order to advise or help you to understand or comply with the FCM Regulation?

- ☐ No, never
- ☐ Yes, rarely
- ☐ Yes, occasionally
- ☐ Yes, frequently
- ☐ Don't know/ Not applicable

How has the implementation of the **FCM regulation** affected your business? Please provide an answer with regards to...

	Decrease	No impact	Increase	Don't know / Not applicable
... your business's investment in research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the production of your business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the competitiveness of your business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the revenues of your business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

The EU has adopted a harmonised approach for **specific food contact materials**, i.e. plastics, active and intelligent materials (AIM), regenerated cellulose and ceramics.

To what extent have **the (introduction of the) material specific measures** affected your business? More specifically, **what has been the effect of the change on...**

	Decrease	No impact	Increase	Don't know / Not applicable
... your business's investment in research	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the production of your business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the competitiveness of your business	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the revenues of your business within the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
... the revenues of your business outside the EU	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please, briefly describe any positive or negative impact of the Regulation on your business:

400 character(s) maximum

What is the **share of administrative costs stemming from the FCM regulation** as a percentage of all administrative costs for your business? These are costs generated by administrative activities performed to comply with information obligations included in the regulation. In other words, these are costs related to assessing, reporting and providing information (including the costs arising, for example, from employment, social, tax or other legal requirements).

- ☐ Don't know
- ☐ None
- ☐ Less than 1%
- ☐ Less than 2%
- ☐ Less than 5%
- ☐ Less than 10%
- ☐ More than 10%

To which extent do you think **more harmonisation at EU level** would help to:

	No impact	To a small extent	To a reasonable extent	To a large extent	Don't know
Ensure the functioning of the internal market	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Achieve higher and more uniform safety standards across MS	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Facilitate import from non-EU countries	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Are **the specific needs of your business** sufficiently reflected in the FCM regulation?

- ☐ Not at all
- ☐ A little
- ☐ Fairly well
- ☐ Very well
- ☐ Don't know

If you wish to add further information (e.g. suggestions on what way the rules could be improved to address the needs of SMEs) — within the scope of this questionnaire, to substantiate or exemplify any of your answers — please feel free to do so here

1000 character(s) maximum