

Food contact materials: recycled plastics

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EU publishes revised Regulation on recycled plastic materials

Commission Regulation (EU) [2022/1616](#) of 15 September 2022 on recycled plastic materials and articles intended to come into contact with foods, and repealing Regulation (EC) No 282/2008

Update

On 20 September 2022, the European Commission published Regulation 2022/1616 replacing the existing rules on recycled plastic materials that are intended to come into contact with foods.

What is changing?

Scope

The revised Regulation is extended to cover all recycling processes, laying down rules for:

- all plastic materials and articles containing recycled plastic that come into contact with food
- development and operation of recycling processes that produce plastic
- how these recycled materials and articles are used in contact with food.

Objectives

The Regulation aims to ensure that:

- recycled plastic is safe for food contact
- all plastic is decontaminated during recycling
- all recycling processes are regulated.

Who can manufacture recycled plastics intended for contact with food?

The Regulation sets up an EU register providing a comprehensive overview of recyclers, recycling processes, recycling installations, the facilities where these installations are located, recycling schemes and novel technologies. This register helps competent authorities to control the quality of recycled plastic.

Food operators using recycled plastics will need to provide relevant registration numbers, e.g. for the installation used to manufacture a batch of recycled plastic.

Obligations on food business operators

Food business operators may only use recycled plastics that come into contact with food if they have been manufactured by registered facilities in accordance with the requirements set out in this Regulation. Suppliers of recycled plastic materials must provide a declaration of compliance, according to a template set out in Annex III of Regulation [2022/1616](#).

The use of certain recycled plastic materials or articles may be restricted (Annex I). Food business operators must use recycled plastic materials and articles in accordance with the instructions for use, and communicate any relevant instructions to other operators or end consumers (Art. 8).

Why?

A number of problems were identified with the previous rules on recycled plastic materials.

- Regulations 282/2008 and 10/2011 did not apply to all recycling technologies and recycled plastic materials, leaving a gap which created a potential risk to human health.
- Regulation 282/2008 excluded chemical depolymerisation, the use of offcuts and scraps, and the use of barrier layers. Although the safety of these technologies fell under Regulation 10/2011 on plastic materials, the risk assessment under that regulation was not sufficient.

Regulation 10/2011 requires that substances used to manufacture plastic materials are of a suitable purity and that any remaining impurities can be risk assessed. However, certain recycling technologies generate substances in an intermediate recycling stage with incidental contamination that is difficult to determine in final plastic materials, again leaving a gap that created a potential risk to human health.

Timeline

The new Regulation entered into force on 10 October 2022.

What are the major implications for exporting countries?

For prepacked food products using recycled plastics, the rules for those selling the products in the EU also apply to exporters. A recycling installation located outside the EU must be on the EU register and must fully comply with the new Regulation if its recycled plastic is used on food products placed on the EU market.

Recommended Actions

Suppliers of prepacked food to the EU market must ensure that any recycled plastic materials coming into contact with food are produced by recycling facilities that are registered with the EU and have provided the necessary declaration of compliance.

Background

The first circular economy action plan in 2015 identified the need to increase plastic recycling, which led to the adoption of a European strategy for plastics in 2018 ([European Commission 2020](#)). This strategy aims to increase plastic recycling and the recycled content of plastic products and packaging. Food packaging represents a significant proportion of all packaging materials.

Even where recycled plastic materials originate from food use, there may be incidental contamination. In particular, as the input to the recycling process comes from waste, there is an increased risk of microbiological contamination. Plastic should always be decontaminated during recycling to ensure that any remaining contaminants cannot endanger human health or affect the food with which the plastic comes into contact. Decontamination can take place at waste management or recycling facilities.

Resources

European Commission (2020) [First circular economy action plan](#).

European Commission (2022) [Plastic Recycling: Questions and Answers](#).

Sources

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

Regulation (EC) No [1935/2004](#) of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food

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