QUESTIONS AND ANSWERS

Substances of concern in packaging: New EU rules on bisphenol A and PFAS

QUESTIONS ARISING FROM AGRINFO WEBINARS (NOVEMBER/DECEMBER 2025)

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In November and December 2025, the AGRINFO programme held three webinar sessions to explain the new rules set by the European Union (EU) on **bisphenol A (BPA)** and **per- and polyfluorinated alkyl substances (PFAS)** – two substances of concern in food packaging.

The information below aims to provide further clarification on the questions raised during these webinars. The answers are a non-legally binding interpretation of the legislation in force as of December 2025. They may be subject to change as new legislation is adopted or existing rules are amended. Therefore this information does not have legal value, and should be considered guidance only.

On 17 December 2025, the European Commission published a **Note for Guidance** on the implementation of Regulation 2024/3190 on the use of BPA and other bisphenols (derivatives).

Part I. New EU rules on BPA (bisphenol A)

A. Scope of the new rules

Q1: Does the BPA restriction also apply to non-food products?

No, the BPA ban (Regulation 2024/3190) applies exclusively to food contact articles and materials.

However, brand owners of animal feed often apply the same legislation to make sure no hazardous pet food is placed on the EU market, but this is a voluntary measure.

Q2: Are production sites located outside the EU affected by the new rules?

Any producer of food contact materials and articles that will be placed on the EU market must comply with Regulation 2024/3190, whether they are based in the EU or not. This means that equipment for producing food contact materials must not use components manufactured with BPA or any other hazardous bisphenol.

Authorities in the EU cannot control whether any company outside the EU uses such components or equipment. However, there is still a risk of migration of BPA and non-compliant food contact materials if such components are used.

There is an exception: large tanks with a capacity of more than 1,000 litres and filter membranes made from polysulfone (PSU) may still be made of material containing BPA.

Q3: If no bisphenol is used in the manufacture of packaging, must we guarantee the absence of cross-contamination during the manufacture of the packaging (and therefore a total absence)?

No, Regulation 2024/3190 only requires that no bisphenol is used *intentionally*. *Unintended* contaminations are not considered as non-compliance.

Q4: Do the BPA rules apply to packaging made from rPET resin?

Unintended contamination of recycled polyethylene terephthalate (rPET) is not explicitly mentioned in the Regulation 2024/3190. However, the intentional use of hazardous bisphenols and bisphenol derivates is not allowed, including in rPET.

Q5: In the case of amorphous polyethylene terephthalate (APET) film (used to manufacture plastic lids), which contains a recycled layer between two virgin layers (ABA-type films where A = virgin polyethylene and B = recycled polyethylene), BPA might be contained in the sandwiched recycled plastic layer and detectable. Is this sandwiched layer (potentially) containing BPA acceptable?

Recycled materials are generally excluded from the scope of Regulation 2024/3190. This kind of plastic film would be acceptable.

Q6: Do the BPA limits apply to packaging contents or specific migration?

Regulation 2024/3190 bans BPA in food contact articles and materials. However, in two specific cases, it sets two limits:

- a **migration** limit for BPA: BPA migration <1 µg/kg food; this applies to steel tanks with more than 1,000 litres capacity and for polysulfone (PSU) filter membranes
- a **content** limit for other non-hazardous bisphenols: total content of BPA <1 µg/kg; for example, when suppliers of packaging component indicate that a non-hazardous bisphenol is used.

B. Timeline

Q7: What are the transition periods for reusable materials?

Repeat-use articles (bottles, cups, etc.) used by (private) **end consumers** can be placed on the EU market until 20 July 2026.

Repeat-use articles used in **professional** food companies can be placed on the EU market until 20 January 2028.

Any of these articles that do not comply with Regulation 2024/3190 can only be used until 20 January 2029.

Q8: Packaging from non-EU countries must be compliant at the moment of importing into the EU. Do the transition periods apply?

From 20 July 2026, food packaged in the food contact materials that is placed on the EU market will have to comply with the ban on BPA and the new requirements for other hazardous bisphenols and derivatives. The ban will apply from 20 January 2028 for single-use food contact articles for fruit and vegetables, and fishery products, or where a varnish or coating manufactured using BPA has been applied only to the *outside* metal surface.

A transition period applies to all *empty* packaging placed on the EU market before 20 July 2026 or 20 January 2028 (depending on the type of packaging). Packaging can be filled with food and sealed during the 12 months after the application date. The resulting packaged food can be sold in the EU with no time limitation until stocks are exhausted.

Q9: What about food products packaged by end 2025 and that have a 2-year Best Before Date?

Such food can be sold in the EU until stock is exhausted.

C. Analytics

Q10: How can we ensure that "not detectable" BPA is standardised, and not influenced by instrumentation calibration/ limits?

At the moment, there are no standardised detection methods (EU norms, ISO standards, etc.).

Q11: Does the 1 ppb detection limit apply only to BPA, or to all bisphenols?

The 1 ppb detection limit applies only to BPA.

Q12: Does the risk of specific migration depend on the state of food; for example a whole avocado fruit versus guacamole, both packaged in plastic?

Migration depends on:

- food type: BPA migrates more easily and more quickly in fatty food than in dry or aqueous food
- time: the longer the contact time, the higher the migration
- temperature: the higher the temperature, the faster migration occurs
- type of packaging: BPA in polyethylene migrates more quickly than BPA in PET.

Q13: Can BPA migrate from packaging materials such as polyethylene terephthalate glycol (PETG) and polytetrafluoroethylene (PTFE) to food (oils, butter...)?

This is possible but – as the migration rates are very low – migration is commonly below the detection limit at the end of the food's shelf-life.

D. Declaration of Compliance

Q14: Is there a standard format for the Declaration of Compliance (DoC)?

Yes, the content of the Declaration is defined in Annex III of Regulation 2024/3190.

Q15: Is a declaration of non-use of BPA sufficient to comply with the rules?

Food producers need to ask their packaging suppliers to confirm that no bisphenol or bisphenol derivate has been *intentionally* used to produce the packaging. Packaging producers must draft a written DoC confirming that these requirements are met.

Q16: Who needs to prepare and pass on the DoC?

The packaging manufacturer must prepare the DoC, which needs to be passed all along the supply chain. Only retailers and end users do not need to receive this DoC.

Q17: Should the DoC be drafted with reference to all the bisphenols or bisphenol derivatives listed in Art. 5 of Regulation 2024/3190, or is it enough to refer to the testing report?

It is not enough to refer to the testing report. The DoC provides guarantees that the performed analysis really covered all relevant bisphenols (derivatives) and that they are not used.

Q18: What should be done when the supplier states that they do not use BPA, but migration tests show migration slightly above the migration limit?

Under Regulation 2024/3190, this would be legally compliant. However, packaging that releases measurable amounts of BPA should not be accepted or used. It poses a safety risk for human consumption, and authorities could consider that the packaging is not compliant with the food packaging framework rules (Regulation 1935/2004, Art. 3), or the general principles and requirements of food law that food must be safe (Regulation 178/2002, Art. 14).

Part II. New EU rules on PFAS (per- and polyfluorinated alkyl substances)

A. Scope of the new rules

Q19: Do the new PFAS requirements apply to each packaging component, or to the entire packaging? For example, in the case of a plastic bottle, do the requirements apply separately for the printed label and plastic cap?

The new PFAS limits set by the Packaging and Packaging Waste Regulation 2025/40 (PPWR) apply to the whole packaging in total, not to each individual packaging component. Under the PPWR, labels are part of the packaging. In this example, the PFAS limits apply to the total packaging comprising a plastic bottle with the printed label and plastic cap.

Q20: Do the new PFAS requirements apply only to the packaging layer in contact with food, or to all layers of the packaging (including external varnish)?

The limits apply to the whole packaging, including its outer lacquer.

Q21: Do the new PFAS requirements apply to all food packaging, or only to paper/cardboard and plastic packaging?

The new PFAS requirements apply to all types of food packaging, regardless of the material.

Q22: Does Regulation 2025/40 (PPWR) apply only when exporting to the EU?

The PPWR is an EU law that only applies to products being placed on the EU market.

Q23: If one of our packaging suppliers uses PFAS as an additive in plastic films, can we still comply with the three PFAS limits set in Art. 5 of the PPWR?

Yes, the PPWR does not ban the use of PFAS, but sets three *cumulative* limits:

- < 25 ppb (parts per billion) for any *single* PFAS (as measured with as target PFAS analysis) – polymeric PFAS excluded, *and*
- < 250 ppb for the sum of these measured PFAS, *and*
- < 50 ppm for the *total fluorine* – polymeric PFAS included.

Thus packaging manufacturers can still use PFAS if it is below the limits.

Q24: Must a PFAS residue monitoring plan be submitted by non-EU countries and approved by the EU to export food products?

PFAS is not one of the substances that must be monitored in annual residue monitoring plans. Nevertheless, the EU contaminants regulation (2023/915) sets limits for some PFAS such as perfluorooctanesulfonic acid (PFOS) on certain foods.

Q25: Is the use of PFAS as a production aid for the manufacture of certain polyethylene still permitted under Packaging and Packaging Waste Regulation 2025/40 (PPWR)?

The use of a production aid is still acceptable provided that the content of total organic fluorine is <50 ppm. These types of products are already available for purchase on the market.

B. Timeline

Q26: Can you outline the transitional period for PFAS more in detail?

Packaging that is placed on the EU market – meaning it is sold for the first time by an EU importer or a retailer to a client – must comply with Regulation 2025/40 (PPWR) from 12 August 2026. This date applies regardless of when and where the packaging was purchased.

Q27: As a food-producing company, can we use packaging material ordered before 12 August 2026?

The deadline for PFAS requirements is 12 August 2026. Packaging placed on the market after this date must comply with the PFAS restrictions. So the ordering date of your packaging is not relevant; the important date is when it was first placed on the market in the EU.

Q28: Must products be withdrawn from the EU market by 12 August 2026 if they are non-compliant, or can stock on the market be sold without being non-compliant?

This is not clear yet. From the wording in the PPWR, such food needs to be considered non-compliant and thus cannot be sold. But in practice this could result in significant levels of food waste, which should be avoided.

Q29: What about food products that are packaged now and have a 2-year Best Before Date?

If a food company sells products to an EU buyer that stores the products for 1 year or more, the products will have been placed on the EU market before 12 August 2026 and can continue to be sold afterwards.

If a non-EU company keeps products in a warehouse and does not sell them to EU buyers before 12 August 2026, they will only be allowed to place the products on the EU market after that date if they comply with the new requirements.

C. Analytics

Q30: When will the PFAS reference limits be published?

There are no reference limits in the PPWR. The limits are set in Art. 5(5) of the PPWR and are legally binding as of 12 August 2026.

Q31: Are PFAS analyses mandatory?

Regulation 2025/40 (PPWR) does not require analytical verification. However, the low limits set by the Regulation – in particular the limit of 25 µg/kg for each individual substance – mean that in practice compliance can only be ensured through analysis.

It is not yet clear how operators in the supply chain will manage these requirements. Brand owners and retailers might not demand declarations or analytical results, or at least for every packaging material.

Q32: Does accreditation under ISO/IEC 17025 mean that a laboratory can test for PFAS?

ISO/IEC 17025 is a standard that laboratories must meet to be accredited. In practice, it is the most relevant and important standard for laboratory accreditation. However, ISO/IEC 17025 is a system accreditation for the management systems of laboratories, while analytical methods (for instance for the detection of PFAS) are defined in separate specific standards.

Q33: In the absence of analytical standards for PFAS, how is it possible to know what, and what quantity of, substances are present in packaging?

As of today, a laboratory that has analysed these substances can only ensure that the quantities of PFAS it has analysed are within the limits set by the Regulation.

Q34: Is there a list of PFAS to be tested on packaging?

There is no common list of substances. Many laboratories use the list of PFAS in the EU Drinking Water Directive 2020/2184, Annex III, Part B. However, this list is not completely relevant and comprehensive for each type of packaging, including for paper and cardboard. When analysing substances specifically in paper and cardboard, telomer alcohols and telomer acrylates are important monomers used by industry and must be covered by the method applied by the laboratory.

Q35: When food manufacturers use empty food packaging, should the packaging supplier provide a PFAS analysis?

The PPWR does not define who is responsible for testing. However, the manufacturer (which is very often the manufacturer of the food) needs to prepare the Declaration of Compliance, and also should maintain technical documentation.

Article 16 of the PPWR requires packaging suppliers to provide the (food) manufacturer with any information and documentation that is needed to fulfil the legal requirements. This includes sufficient information on PFAS and heavy metals.

Q36: Single PFAS are not the same as total fluorine, but are there PFAS in the total fluorine? If yes, how to choose between analysing the PFAS content or the total fluorine?

Under the PPWR, analysis of both the single PFAS and the total fluorine is required.

A single PFAS analysis will usually give positive results in a total fluorine analysis. However, there might be a small amount of single PFAS substance that might not be detected in a total fluorine analysis because this has a higher limit of quantification. For example, 100 ppb of perfluorooctanoic acid (PFOA) as a single substance is non-compliant, but might not be detected in a total fluorine analysis because this has a higher limit of quantification of 10 ppm (factor of 100 higher than the PFOA content).

Q37: What about measurement uncertainty?

Measurement uncertainty is an important aspect. If a laboratory confirms a limit of quantification of 1 ppb, it must ensure that this is securely validated, including the measurement uncertainty. In practice, this means that the detection limit must be significantly lower than 1 ppb (for example, 0.1 ppb).

Q38: Can PFAS migrate from packaging materials such as polyethylene terephthalate glycol (PETG) and polytetrafluoroethylene (PTFE) to food (oils, butter...)?

This is possible, but migration rates are very low and commonly below the detection limit at the end of the food's shelf-life. Furthermore, the PPWR does *not* regulate specific migration, but the total content of PFAS. Compliance with the PPWR requires that PFAS do not exceed the limit; it is irrelevant whether they migrate or not.

D. Declaration of Conformity (DoC)

Q39: Is there a standard format for the DoC?

No standard format for a DoC has been provided by the EU yet. A European industry organisation, Forum Recyclat, has published a proposed Template for a standardized PPWR declaration of conformity, which is often used. However, this is an example, not a mandatory template.

Q40: Can compliance with the PFAS requirements be proven in another way than the DoC?

Compliance with requirements set by Regulation 2025/40 (PPWR) must be guaranteed in a DoC. However, the way to prove that the PFAS limits are not exceeded is not defined. In practice, analytical verification will be the only secure way to show compliance – especially with the very low limit of 25 ppb.

Q41: Is a declaration of non-use of PFAS sufficient to comply with the PFAS restrictions?

The PPWR requires the packaging manufacturer to prove that the very low limits for PFAS are not exceeded. A declaration of non-intentional use of PFAS in food packaging is not enough to comply with the requirements. (This is a **significant difference from compliance with BPA rules**: in the case of BPA, a declaration of non-intentional use of BPA is sufficient.)

Analytical verification must be accompanied by a written DoC confirming that the PFAS limits are not exceeded.

Q42: Who needs to prepare and pass on the DoC?

The packaging manufacturer must prepare the DoC. Under the PPWR, in most cases the **food manufacturer** is considered to be the packaging manufacturer (for example, when the product is packaged in packaging that was designed or manufactured under the food producer's own name or trademark), and thus needs to draft the DoC.

When exporting products to the EU, the DoC is handed over to the EU importers, who must verify that this document is complete and correct. If the DoC is approved, there will be no further control at the import stage. Official enforcement bodies in the EU may ask importers or retailers for the DoC (this is not an automatic request) and may carry out checks. However, the responsibility for completeness and correctness of the DoC lies with the EU importer (not the exporter).

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