



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR INTERNAL MARKET, INDUSTRY, ENTREPRENEURSHIP
AND SMES
Ecosystems I: Chemicals, food, retail

DIRECTORATE-GENERAL FOR ENVIRONMENT
Circular Economy and Green Growth

The Directors

Brussels
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[REDACTED]
Health and Environment Alliance
(HEAL)
[REDACTED]

Subject: Civil society findings of widespread presence of harmful chemicals PFAS widespread in food packaging and request for a meeting

Dear [REDACTED]

Thank you for your message of 2 June 2021 addressed to Executive Vice-President Timmermans, and Commissioners Kyriakides, Sinkevicius, Breton regarding the civil society findings of widespread presence of PFAS (Per- and polyfluoroalkyl substances) in food contact articles. They have asked us to reply on their behalf. Let us also thank you for suggesting a meeting to present the findings. Commissioners' teams may come back to you on this.

On 14 October 2020 the Commission adopted the Chemicals Strategy for Sustainability (CSS) towards a toxic-free Environment¹. PFAS, explicitly mentioned in the CSS, require special attention, considering the large number of cases of contamination of soil and water, including drinking water, in the EU. The Commission has proposed a comprehensive set of actions to address the use of and contamination with PFAS². These actions aim to ensure in particular that the use of PFAS is phased out in the EU, unless it is proven essential for society. One important action is a REACH³ restriction on all non-essential uses of PFAS that a group of four Member States (DE, DK, NL, SE) and Norway are preparing with a potential entry into EU chemicals legislation in 2025. This restriction intends to cover also food contact materials (FCMs) and the results of your study will be considered.

¹ COM (2020) 667 final, 14.10.2020

² SWD (2020) 249 final, 14.10.2020

³ OJ L 396, 30.12.2006, p.1

Food safety is of paramount importance for the Commission. Present EU legislation requires that FCMs, including food packaging, must not transfer their constituents to food in amounts that can endanger human health. Nevertheless, following its evaluation of the FCM legislation, the Commission is aware that the absence of specific EU rules, particularly for certain materials such as coatings and paper and board, has led to legal uncertainty and challenges for Member States, who are responsible for enforcement. Therefore, and as announced in the Farm to Fork Strategy, the Commission has committed to a major revision of the FCM legislation in order to provide long-term solutions. One of the objectives of the revision is to prohibit the most harmful substances including PFAS, in line with the CSS and to ensure coherence with the REACH legislation. In this respect, the Commission will take any further action necessary to protect consumers in addition to proposed REACH restriction.

The Commission also asked the European Food Safety Authority (EFSA) to assess the risk of the occurrence of PFAS in food. As this has now resulted in a new recommended tolerable weekly intake⁴, the Commission has committed to taking action to introduce maximum levels for PFAS in food, which is also outlined in the CSS. Although the EFSA opinion did not identify FCM as a major source of exposure, the Commission will continue to monitor the situation, including following up its 2019 Recommendation⁵ to Member States to monitor several substances in FCM, including PFAS.

Yours sincerely,

(e-sign)

Kristin Schreiber
DG Internal Market, Industry,
Entrepreneurship and SMEs

(e-sign)

Kestutis Sadauskas
DG Environment

⁴ <https://www.efsa.europa.eu/en/news/pfas-food-efsa-assesses-risks-and-sets-tolerable-intake>

⁵ Commission Recommendation (EU) 2019/794 of 15 May 2019 on a coordinated control plan with a view to establishing the prevalence of certain substances migrating from materials and articles intended to come into contact with food, OJ L 129, 17.5.2019