



Brussels, 02 February 2024

Dear Negotiators,

Ahead of the first trilogue for the Packaging and Packaging Waste Regulation (PPWR), we urge you to reach an agreement on a credible approach to address substances of concern in packaging materials in the upcoming discussions. In line with our letter sent to Commissioners on 30 November 2023 regarding substances of concern in the Ecodesign for Sustainable Product Regulation (ESPR)¹, we are now calling on negotiators to maintain the ambition of the Chemicals Strategy for Sustainability (CSS) within the PPWR.

In particular, we ask the negotiators to:

- (1) Introduce restrictions in the cases of significant risks to human health or the environment with wording aligned with the ESPR, and**
- (2) Introduce bans on PFAS and BPA in packaging.**

European citizens and the environment are still widely exposed to chemical pollution and subsequent risks to health. PPWR offers an opportunity to limit this exposure, especially when considering the ongoing delays of two other important files, REACH and the Food Contact Materials Regulation. While maintaining our strong ask for the REACH revision, we call for implementing the Green Deal's commitment on chemicals also in other legislations if this guarantees a more speedy protection from chemical risks, as is the case for the PPWR.²

The PPWR should allow for flexibility over time in the case of new scientific information on hazards and risks. The PPWR must enable restrictions in line with the ESPR: that is, in cases where substances hinder the re-use and recycling of packaging materials, and also in cases where there are "significant risks to human health or the environment." We do not support language such as "appropriate" or "urgent" in this legislation because the prevention of harm should not be conditional.

The "design for recycling" criteria outlined in Article 6(4), line 260a(iv), should be revised to align with the ESPR language, which is as follows:

Performance requirements based on the product parameter set out in Annex I, point (f), shall not restrict the presence of substances in products for reasons relating primarily to chemical safety. **However, the establishment of performance requirements shall also where appropriate, reduce significant risks to human health or the environment.** (ESPR art. 6(3))

We urge negotiators to take up similar language as above. We recommend the adoption of this formulation:

¹ <https://ecostandard.org/publications/ngo-letter-ecodesign-substances-concern/>

² See NGO letter to Maros Sefcovic:
<https://eeb.org/library/letter-to-maros-sefcovic-executive-vice-president-for-european-green-deal-about-deliver-on-green-deals-commitments-on-chemicals>

(iv) as appropriate, impose restrictions on the presence **or the concentration** of ~~such~~ substances or groups of ~~such~~ substances, **that negatively affect the re-use and recycling of materials** in packaging or packaging components, or **which cause significant risks to human health or the environment** ~~for reasons not relating primarily to chemical safety.~~

In the CSS, the Commission committed to concrete actions as part of the Sustainable Product Policy Initiative, including to: “*minimise the presence of substances of concern in products by introducing requirements [...] on packaging, including food packaging.*”³ There is **not yet a proposal nor a timeline to update the FCM Regulation** and the current regulatory framework does not include harmonised EU requirements for paper and cardboard packaging.⁴ Therefore, **the proposed ban on PFAS and BPA in the PPWR offers an important way forward** to reduce consumer exposure to these substances.

We strongly support the proposed bans on PFAS and BPA as adopted in the position of the European Parliament. The two new restrictions are supplementary to the long-standing bans of lead, cadmium, mercury, and hexavalent chromium in packaging. It is only logical to continue to add to this list, and there is **ample scientific evidence to support these bans** (for details, please see Annex I). Many PFAS as well as BPA are **known endocrine-disruptors** and have other **adverse effects on human health**.^{5 6} Public exposure to widely used Bisphenol A exceeds acceptable health safety levels.⁷ PFAS substances are **persistent “forever chemicals”** and present in intolerable levels across Europe.⁸

These substances are still intentionally used in food contact packaging as well in other types of packaging.^{9 10 11} There are many other sectoral legislations which similarly restrict certain substances, to uphold the purposes of the legislation and which serve as complements to the horizontal chemical legislations such as REACH. **Especially in light of the ongoing delays in the revisions of the food contact materials regulation and REACH, we urge legislators to take this opportunity to remove these two harmful substances from food contact packaging.**

³ COM(2020) 670, 6.

⁴ ZWE policy briefing Food packaging: safety first

⁵ [PFAS Chemicals: EDCs Contaminating Our Water and Food Supply | Endocrine Society](#)

⁶ [The Endocrine Disruptor Bisphenol A \(BPA\) Exerts a Wide Range of Effects in Carcinogenesis and Response to Therapy - PMC \(nih.gov\)](#)

⁷ <https://www.eea.europa.eu/en/newsroom/news/public-exposure-to-bisphenol-a>

⁸

https://www.lemonde.fr/en/les-decodeurs/article/2023/02/23/forever-pollution-explore-the-map-of-europe-s-pfas-contamination_6016905_8.html

⁹ [Determination of several PFAS groups in food packaging material from fast-food restaurants in France - ScienceDirect](#)

¹⁰ [Test: Bisphenols in cans 🇩🇰 \(taenk.dk\)](#)

¹¹ [Testing finds that 8 out of 10 packaging materials for food contain highly toxic chemicals \(chemsec.org\)](#)

Thank you for the work undertaken on this incredibly important file and we commend the negotiators for their work in bringing the PPWR and its aims to fruition. We are available for further exchanges. We would also like to inform you that this letter will be made public.


Programme Manager - ECOS
@ecostandard.org

On behalf of the following organisations:

a tip: tap e.V.
Arnika - Toxics and Waste Programme
Bond Beter Leefmilieu (BBL)
BUND
Cantine sans plastique
ClientEarth
ChemSec
CHEM Trust
Child Rights International Network (CRIN)
Corporate Europe Observatory
Deutsche Umwelthilfe e.V.
ECOS - Environmental Coalition on Standards
European Environmental Bureau
Ekologi brez meja
Ecologistas en Acción CODA
Environmental Paper Network
Exit Plastik Alliance
Federation SEPANSO Aquitaine
Forbrugerrådet Tænk
Gallifrey Foundation
Générations Futures
Green Transition Denmark
Health and Environment Justice Support (HEJSupport)
Health Care Without Harm Europe
Humusz Szövetség
Institute for Health and Environment (Inštitut za zdravje in okolje)
Minderoo Foundation
OceanCare
Plastic Change
Recycling Network Benelux
Réseau Environnement Santé
Rethink Plastic Alliance
Rezero
Seas At Risk
Surfrider Foundation Europe
VOICE
Women Engage for a Common Future e.V
ZERO - Association for the Sustainability of the Earth System
Zero Waste Europe
Zero Waste Kiel e.V

Annex I

PFAS

- While the universal PFAS restriction is being considered within ECHA, the timeline of the restriction process is much longer than the enactment of the potential ban under the PPWR. Discussions will take at least one more year and previous cases have shown that it will take years before the Commission and the REACH committee to agree upon a final version. It will take **several years** to enact any restrictions on PFAS in food packaging under this ban.
- Denmark banned food contact materials with added PFAS in 2020¹², proving that this is a sensible and productive step to take. Many states within the US have also already done the same.¹³ Product tests carried out after Denmark's ban showed that **alternatives are available** and the industry can adapt.¹⁴ Banning the substance across the EU via the PPWR would give the industry much needed clarity since the FCM regulation does not yet include any harmonised requirements for the paper and cardboard packaging where PFAS is typically found. Even after many years of consultations and discussions, still no clear plan for creating these needed harmonised regulations at the EU level has been communicated by the Commission.
- Numerous PFAS, often at concerning levels, have been found in the blood of Europeans across the continent, as seen in the test results released this week of EU decision-makers.¹⁵ Human biomonitoring (HBM4EU) test results showed that European teenagers are exposed to levels of PFAS that exceed EFSA guidance.¹⁶
- We commend the Belgian Presidency for their efforts in this difficult negotiation. We applaud their commitment to the challenging issue of PFAS pollution, as mentioned by Mr. Alain Maron in an exchange on 24 January 2024 in the European Parliament, when he said that **"the Presidency will seize any opportunity to prevent and deal with [the PFAS pollution], where there are opportunities to do so in the legislation."**¹⁷

BPA

- While it is true that a ban on BPA in food contact materials is under preparation, there is **no indicative timeline or text**. The public consultation, planned by DG Sante for autumn 2023, has not yet taken place. There may be an intention to ban BPA in all

¹² [PFAS in food, feed and animals - Danish Veterinary and Food Administration \(foedevarestyrelsen.dk\)](https://www.foedevarestyrelsen.dk/en/food-safety/food-contact-materials/food-contact-materials-with-added-pfas)

¹³ [US states continue to develop local PFAS regulations | Food Packaging Forum](https://www.foodpackagingforum.org/news/us-states-continue-to-develop-local-pfas-regulations)

¹⁴ [Throwaway Packaging. Forever Chemicals: European wide survey of PFAS in disposable food packaging and tableware \(arnika.org\)](https://www.arnika.org/en/throwaway-packaging-forever-chemicals-european-wide-survey-of-pfas-in-disposable-food-packaging-and-tableware)

¹⁵ [High-level European politicians polluted by PFAS \(eeb.org\)](https://www.eeb.org/en/high-level-european-politicians-polluted-by-pfas)

¹⁶ [HBM4EU_Policy-Brief-PFAS.pdf](https://www.hbm4eu.eu/policy-brief-pfas)

¹⁷

https://multimedia.europarl.europa.eu/en/webstreaming/committee-on-environment-public-health-and-food-safety_20240124-1430-COMMITTEE-ENVI

FCMs, but nothing is certain, including transition times and possible derogations. That is why we advocate for the co-legislators to take a decision **now** under the PPWR.

- In April 2023, EFSA released a significantly lowered TDI of BPA from food¹⁸, showing that there is virtually no safe amount of BPA to ingest. Yet BPA is still intentionally present in many types of plastic packaging and widely used in coatings applied to the inside of steel food cans and aluminium beverage cans. This leads to the **measured, widespread presence of BPA in the foods we eat¹⁹ and (above safe levels) in our bodies.¹⁶** It is beyond time to ban this substance from food contact materials, and we urge legislators to move forward with this proposal to protect Europeans.
- In September 2023, the European Environment Agency released a briefing on the negative health effects of BPA and the products and pathways into our bodies.²⁰ This briefing also referenced the human biomonitoring HBM4EU study, which showed high levels of BPA in Europeans across the continent.

¹⁸ <https://www.efsa.europa.eu/en/news/bisphenol-food-health-risk>

¹⁹ <https://www.tandfonline.com/doi/full/10.1080/10408398.2022.2067828>

²⁰ [Human exposure to Bisphenol A in Europe — European Environment Agency \(europa.eu\)](#)