

Refining & Chemicals

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Feluy, 14/01/2021

To whom it may concern**Interim statement regarding Commission Regulation (EU) N° 2020/1245 (15th Amendment to the Plastics Regulation (EU) 10/2011)**

Dear Customer,

The 15th amendment to Regulation (EU) 10/2011 introduces important modifications as regards the intermediate plastics for the manufacture of materials and articles intended for the contact with foods. These will apply to materials and articles placed on the market from 23 March 2021 onwards. Also, materials and articles already on the market on that date will be allowed for further sale and use until the exhaustion of the stocks.

Two important points in such 15th amendment are currently retaining our attention:

First, it introduces a new point 6 in the Annex IV of Regulation (EU) 10/2011, which mandates, among others, for the identification and disclosure of substances '*at intermediate stages*' of plastics manufacture, for which '*genotoxicity has not been ruled out, and which originate from an intentional use during a manufacturing stage of that intermediate material and which could be present in an amount that foreseeably gives rise to a migration from the final material exceeding 0,00015 mg/kg food or food simulant*'.

Second, it significantly amends Annex II of Regulation (EU) 10/2011 and includes a new table with (i) SMLs for metals in food contact materials (present as impurities or in salts used in accordance Article 6.3.a); and (ii) substances that can be used to form salts of authorized acids, phenols and alcohols authorized for use in plastics in accordance with Article 6.3.a), together with respective SMLs. The new Annex II table combines (i) the 'old' Annex II, setting SMLs for metals (including resulting from salts) with (ii) the list of substances that can be used to form salts, authorized in plastics although not explicitly listed on Annex I (previously included in Article 6.3.a itself).¹

In order to comply with the above new requirements, we currently are performing a complete evaluation of our product range and the related DoC (Declaration of Compliance). Such DoC might have to be updated accordingly. We will come back to you as soon as possible and in any event before the end of the transitional period mentioned above.

The present letter is valid until September 23rd, 2022.

We are at your disposal for any further information you may need and remain,

Yours faithfully,

Total Research & Technology Feluy
B. KLUYSKENS
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¹ Regulation 2020/1245 explains this change saying that Annex II already set SMLs for most of the substances covered by Article 6.3.a and thus these should be combined (Recital 7)