

(English version)

**Question for written answer E-001764/24
to the Commission
Katri Kulmuni (Renew)
(19 September 2024)**

Subject: Use of wood flour and wood fibre in plastic products

On 11 July 2023, the European Commission adopted Regulation (EU) 2023/1442 amending Annex I to Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food. In the regulation, wood fibres were removed from the list of approved materials; i.e. wood flour and fibre are prohibited in plastic products used for food. Nevertheless, it was possible to apply for special authorisation from the European Food Safety Authority (EFSA) on a case-by-case basis.

Small enterprises have fewer resources to have the same sort of tests carried out and purchase consultancy services compared to large companies, especially if there are no grants available for this. Moreover, small enterprises might have seen it as a challenge drafting applications and acquiring adequate evidence as a basis for risk assessments, given the bureaucratic burden they face. Furthermore, an unsatisfactory application might well have resulted in the matter being put on hold, in the nature of a penalty, with no progress being made. This can have fatal consequences for small enterprises.

1. Is the Commission aware of the problems: for example, how the regulation referred to may affect smaller enterprises?
2. Will the effects of the regulation be monitored, and is the Commission prepared to amend it, if need be?
3. Additionally, will it be possible to revamp the special authorisation process, with the EFSA offering advice and helping companies to complete the applications instead of freezing the process because of possible flaws?

Submitted: 19.9.2024

**Answer given by Ms Kyriakides on behalf of the European Commission
(14 November 2024)**

The Commission is aware that new regulatory requirements may impact small enterprises with limited resources to comply. The evaluation of the food contact legislation ⁽¹⁾ concluded in 2022 that, amongst other matters, it should take better account of the needs of small businesses ⁽²⁾. This aspect will be thoroughly considered in the ongoing preparatory work for a revision of the legislation ⁽³⁾.

The legislation for plastic food contact materials sets out an authorisation procedure that applies equally to any user of authorised substances.

Historically the use of wood in plastic food contact materials was authorised because it was presumed inert. However, as bamboo added to plastic was shown to be not inert and unsafe ⁽⁴⁾, the Commission requested the European Food Safety Authority (EFSA) to re-evaluate the safety of the use of wood in food contact plastic.

EFSA concluded that wood should be evaluated on a species-by-species basis as wood cannot be considered inert and may contain toxic substances ⁽⁵⁾.

The amendment revoking the authorisation ⁽⁶⁾ was preceded by discussion with Member States and stakeholders which did not identify any operators adding wood to plastics. Nevertheless, in addition to the usual transition period of 18 months, the regulation includes a mechanism for operators to apply for evaluation of the safety of wood in plastic materials within a 9-month period ⁽⁷⁾.

⁽¹⁾ The basic act is 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 and repealing Directives 80/590/EEC and 89/109/EEC; OJ L 338, 13.11.2004, p. 4-17.

⁽²⁾ https://food.ec.europa.eu/food-safety/chemical-safety/food-contact-materials/revision-eu-rules/evaluation-eu-rules_en

⁽³⁾ https://food.ec.europa.eu/food-safety/chemical-safety/food-contact-materials/revision-eu-rules_en

⁽⁴⁾ https://food.ec.europa.eu/food-safety/eu-agri-food-fraud-network/eu-coordinated-actions/bamboo-zling_en

⁽⁵⁾ <https://doi.org/10.2903/j.efsa.2019.5902>

⁽⁶⁾ Commission Regulation (EU) 2023/1442 of 11 July 2023 amending Annex I to Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food, as regards changes to substance /authorisations and addition of new substances; OJ L 177, 12.7.2023, p. 45-58.

⁽⁷⁾ So far five applications have been submitted.

EFSA is available for advice prior to the submission of an application as provided in the General Food Law ⁽⁸⁾ and has drawn up a catalogue of further support possibilities -some addressed to small enterprises- while respecting its obligations with regard to transparency and independence ⁽⁹⁾. In addition, several technical and scientific guidance documents are available for applicants ⁽¹⁰⁾.

⁽⁸⁾ Article 32a of Regulation (EC) 178/2002, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02002R0178-20240701>

⁽⁹⁾ <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/sp.efsa.2021.EN-6472>

⁽¹⁰⁾ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>