

# Recycled Food Contact Materials Regulation (EU) 2022/1616.

TÜV Rheinland LGA Products - Information

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On 20 September 2022, the European Commission released [Regulation \(EU\) 2022/1616](#) of 15 September 2022 on recycled plastic materials and articles intended to come into contact with food.

The Regulation enters into force on 10 October 2022 and repeals Regulation (EC) No 282/2008.

As part of the 2015 circular economy action plan, the Commission identified the increase in plastic recycling as an essential prerequisite for the transition to a circular economy.

The Commission therefore adopted in 2018 a strategy for plastics in a circular economy. It strives to increase recycled content in packaging. Food packaging holds a large proportion of plastic packaging, therefore the policy can only achieve its objectives if also the recycled plastic content in food packaging increases.

In order to ensure the safety and quality of recycled plastic materials and articles, rules on the placing on the market of those products are laid down in Regulation (EU) 2022/1616.

## RECYCLING TECHNOLOGIES AND PROCESSES

One of the key points in Regulation (EU) 2022/1616 is to define requirements for the development and operation of recycling technologies, recycling processes and recycling equipment for the production of plastic for use in food contact materials and articles (FCMs). Annex I contains suitable recycling technologies that have proven to be safe.

However, rules are also laid down to ensure that recycled plastic FCMs produced with novel technologies (any new recycling technology that is not yet reviewed regarding its suitability for FCMs) are of minimal risk placing such materials and articles on the market can be used to collect the information and experience allowing for the evaluation of the technology.

Therefore, prior to the placing on the market of these recycled material and articles, all available information on the principles, concepts and practices used by the novel technology should be used to minimize risks, and data on the decontamination efficiency of the technology must be available. Moreover, reports on the safety of the materials and of such monitoring are to be made public following the rules in Article 20.

## RECYCLING INSTALLATION: COMPLIANCE MONITORING

Since recycling installations are complex and they may be subject to many parameters, it is appropriate, in order to facilitate compliance monitoring by the recyclers and audits as part of official controls, to require that recyclers operating a decontamination installation keep available a document called "Compliance Monitoring Summary Sheet" (CMSS). This CMSS summarizes the operation, control and monitoring of that installation as well as of the recycling installation of which it is part in a way that shows compliance with Regulation (EU) 2022/1616. This document can be found in Article 26 and Annex II.

## REQUIREMENTS ON RECYCLED FOOD CONTACT MATERIALS

The underlying principle of Regulation (EC) No 1935/2004 is that any FCM must be sufficiently inert to preclude substances from being transferred to food in quantities large enough to endanger human health or to bring about an unacceptable change in the composition of the food or a deterioration in its organoleptic properties.

This principle also applies to recycled food contact materials. As the input to recycling processes originates from waste, it is much more likely to be microbiologically contaminated than FCMs that have been newly manufactured from starting substances. Therefore, this Regulation prescribes that recycled FCMs need not only to be sufficiently inert but also microbiologically safe.

For plastic FCMs, specific requirements are defined in Regulation (EU) No 10/2011. Many of them are also applied to recycled plastic FCMs

- Chapter II: Compositional Requirements  
such as Union list, derogations for substances not included in the Union list, restrictions in annex II, specific migration limits, overall migration limit
- Chapter III: Specific Provisions for certain materials and articles  
such as multi-layer materials and articles, multi-material multi-layer materials and articles (absence of CMR substances and substances in nanoform)
- Chapter V: Compliance  
such as rules for testing, expression of migration test results and risk assessment of substances not included in the Union list.

To ensure compliance with the compositional requirements of Regulation (EU) No 10/2011, the input collected from waste materials for recycling need to be only FCMs with as little contamination by other materials or substances as possible (e.g. maximum 5 % of materials and articles that were used in contact with non-food materials or substances at the PET recycling process).

There are also specific requirements for the labelling of recycled FCMs. Recycled plastic for further processing needs to be labelled with the food contact symbol, the registry number of the installation where the plastic was manufactured, a batch number and some further detailed information. If there are any restrictions on the use of the recycled material or article, these need to be included into the labelling required by Article 15 of Regulation (EC) No 1935/2004 and provided to food business operators or to final consumers.

## DECLARATION OF COMPLIANCE

To ensure that recycled materials and articles are used appropriately, a declaration of compliance (DoC) must be provided with batches of recycled plastic or finished articles. This DoC contains details of the recycler, origin of the plastic, and provides instructions to the converters and final users regarding its use. Unlike the DoC according to Regulation (EU) No 10/2011, this document does not pass information about all substances, which are subject to limitations as this information is not available for recycled materials.

The Regulation contains two pre-defined templates in tabular form, depending on the stage in the supply chain.

- Annex III Part A Declaration of compliance to be used by recycler  
with details about the recycler, the used recycling process and its compliance assessment, and instructions to the users of the product
- Annex III Part B Declaration of compliance to be used by converters  
with details about the converter, the recycled material used, if applicable added substances, instructions to the users of the product.

## ENTRY INTO FORCE AND TRANSITIONAL PROVISIONS

The Regulation enters into force from 10 October 2022.

Article 6(3)(c) (third party certification of the quality assurance system at collection and pre-processing) and Article 13(2) (proficiency tests for labs monitoring the decontamination) shall apply from 10 October 2024.

Further transitional provisions for other aspects are applicable, such as

- Recycling processes that rely on a suitable recycling technology for which an individual authorisation is required can be further used if a valid application has been submitted under existing rules. This transitional provision is applied until the applicant withdraws its application, or until the Commission adopts a decision granting or refusing authorisation of the recycling process. (Existing PET-recycling processes!)
- Food business operators can use recycled plastic materials and articles legally placed on the market to pack food and place that on the market until exhaustion of stocks.
- Special directions for materials and articles in which the recycled plastic is used behind a functional barrier

## EXPECTED IMPACT

Business operators handling finished articles from recycled FCMs shall reflect the following points

- The requirements for DoC are significantly different from Regulation (EU) No 10/2011, customers are advised to check their existing DoC and the received DoCs for conformity to the new rules.
- As the DoC for recycled materials does not contain details about substances, which are subject to limitations migration tests need to be executed in a sensible way. They should ideally include all common monomers and additives for the specific material, and also NIAS testing should be considered.
- More information shall be available once the guidance document from the authority is published at a later date.

Further information on current legal changes can also be found on our homepage at [www.tuv.com](http://www.tuv.com) or <https://www.tuv.com/regulations-and-standards/en/>.

TUV Rheinland Group can support customers finding the right approach and testing for the compliance requirements. Please feel free to contact your local TUV Rheinland for further information.

### **TÜV Rheinland LGA Products GmbH**

Technical Competence Center FCM

Dr. Ansgar Wennemer

[Wennemer@de.tuv.com](mailto:Wennemer@de.tuv.com)

Am Grauen Stein 29

51105 - Cologne

Germany

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