



27 June 2024

(24-4751)

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Committee on Technical Barriers to Trade

Original: English

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>EUROPEAN UNION</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: European Commission Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: European Commission, EU-TBT Enquiry Point, Fax: +(32) 2 299 80 43, E-mail: grow-eu-tbt@ec.europa.eu Website: http://ec.europa.eu/growth/tools-databases/tbt/en/
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], 3.2 [], 7.2 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Food containers and packaging materials insofar as they fall within the scope of the draft Regulation (in particular lacquered metal packaging); HS codes 39 (plastics and articles thereof) and 40 (rubbers and articles thereof) insofar as the materials fall within the scope of the draft Regulation (e.g. 3924 10 00); Prepared foodstuffs insofar as they are packaged in materials and articles within the scope of the draft Regulation.
5. Title, number of pages and language(s) of the notified document: Draft Commission Regulation on the use of bisphenol A (BPA) and other bisphenols and bisphenol derivatives with harmonised classification for specific hazardous properties in certain materials and articles intended to come into contact with food, amending Regulation (EU) No 10/2011 and repealing Regulation (EU) 2018/213; (16 page(s), in English), (4 page(s), in English)
6. Description of content: This Regulation prohibits the use of bisphenol A (BPA) in the manufacture of those food contact materials and articles of which it may be a component, including adhesives, rubbers, ion-exchange resins, plastics, printing inks, silicones and varnishes and coatings. Additionally, it <ul style="list-style-type: none">allows the use of BPA in the manufacture of two specific food contact applications, by derogation and subject to a prohibition on the migration of BPA from the articles into food;

<ul style="list-style-type: none"> • prohibits the residual presence in food contact materials and articles that have been manufactured using bisphenols or bisphenol derivatives; • prohibits the use of other bisphenols or bisphenol derivatives for which a harmonised classification of carcinogenic, mutagenic, reprotoxic category 1A or 1B or endocrine disrupting category 1, is listed in annex VI to Regulation (EC)M No 1272/2008 and applies, except where a derogation may be given; • lays down rules concerning compliance and testing; • sets out transitional periods for the application of the requirements.
<p>7. Objective and rationale, including the nature of urgent problems where applicable: Protection of human health or safety</p>
<p>8. Relevant documents:</p> <p>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: Regulation – 1935/2004 - EN - EUR-Lex (europa.eu)</p> <p>Commission Regulation (EU) 2018/213 of 12 February 2018 on the use of bisphenol A in varnishes and coatings intended to come into contact with food: Regulation – 2018/213 - EN - EUR-Lex (europa.eu)</p> <p>Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food: Regulation - 10/2011 - EN - EUR-Lex (europa.eu)</p>
<p>9. Proposed date of adoption: November 2024 (estimated)</p> <p>Proposed date of entry into force: 20 days from publication in the Official Journal of the EU</p>
<p>10. Final date for comments: 60 days from notification</p>
<p>11. Texts available from: National enquiry point [] or address, telephone and fax numbers and email and website addresses, if available, of other body:</p> <p>European Commission, EU-TBT Enquiry Point, Fax: + (32) 2 299 80 43, E-mail: grow-eu-tbt@ec.europa.eu</p> <p>The text is available on the EU-TBT Website : http://ec.europa.eu/growth/tools-databases/tbt/en/ https://members.wto.org/crnattachments/2024/TBT/EEC/24_04058_00_e.pdf https://members.wto.org/crnattachments/2024/TBT/EEC/24_04058_01_e.pdf</p>