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Voluntary Public

Date: 2/23/2018

GAIN Report Number: E18017

EU-28

Post: Brussels USEU

New Rules on BPA More Restrictive

Report Categories:

SP2 - Prevent or Resolve Barriers to Trade that Hinder

U.S. Food and Agricultural Exports

Agriculture in the News

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Report Highlights:

[Commission Regulation \(EU\) 2018/213](#) significantly tightens the rules on the use of Bisphenol A (BPA) in food contact materials and was published in the Official Journal on February 14, 2018. It lowers the current specific migration limit (SML), which is the amount of the substance that can migrate from the food contact materials into the food, of 0.6 mg of BPA per kg of food to 0.05 mg/kg. The new Regulation is also applicable to varnishes and coatings. In addition, it prohibits the use of BPA to polycarbonate drinking cups or bottles specifically intended for infants and young children, up to three years of age. The new Regulation goes into effect on September 6, 2018.

General Information:

Bisphenol A (BPA) is a chemical substance used in the manufacturing of certain plastics, including food contact materials, such as polycarbonate plastic (used, for example, in reusable drinking bottles, plates, mugs and storage containers) and epoxy resins (used in varnishes and coatings inside metal food and drink cans, and as a coating on metal lids for glass jars and bottles).

Regulation (EC) No 1935/2004 lays down general requirements for food contact materials at EU level. The use of BPA is currently authorized in the production of plastic food contact materials (Regulation (EU) No 10/2011) and is therefore subject to a specific migration limit (the amount of the substance that is allowed to migrate from the food contact material into the food). This [Commission Regulation \(EU\) 2018/213](#) now amends Annex I to Regulation (EU) No 10/2011 to lower the current specific migration limit (SML) (i.e. the amount of the substance that can migrate from the food contact materials into the food) for BPA used in plastic food contact materials. The current SML of 0.6 mg of BPA per kg of food is lowered to 0.05 mg/kg. In addition, the SML for BPA is now also applicable to varnishes and coatings used in materials and articles intended to come into contact with food.

The use of BPA was banned in polycarbonate infant feeding bottles in 2011 (Regulation (EU) No 321/2011). The new Regulation also extends this ban by prohibiting the use of BPA in polycarbonate drinking cups or bottles specifically intended for infants and young children, up to three years of age.

Overall, the measure prohibits the migration of BPA from varnishes or coatings applied to materials and articles specifically intended to come into contact with infant formula, follow-on formula, processed cereal-based food, baby food or food for special medical purposes developed to satisfy the nutritional requirements of infants and young children.

The measure also sets out rules for checking compliance with the SML for varnished and coatings applied to materials and articles when produced by using BPA. Business operators are requested to ensure that varnished or coated materials and articles are accompanied by a written declaration of compliance, which has to be available at all stages of manufacturing, processing and distribution other than the retail stage.

While the EU level updated regulation was published in February, some Member States already introduced these restrictions. For example, Denmark and Belgium banned BPA in food contact materials for infants and young children in 2010 and 2013 respectively while Sweden banned BPA in coatings and varnishes in food contact materials intended for infants and young children. Additionally, in 2015, France banned BPA in all food contact materials (except industrial equipment such as pipes and tanks). Differences between these national laws affect the proper functioning of the internal market for food contact materials and pose challenges to third-country exporters. These new EU rules on the use of BPA are stricter but improve the harmonization of the internal EU market.

For more information, see the briefing from the European Parliament:

[http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_ATA\(2018\)614705](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EPRS_ATA(2018)614705)

