

The European Glass Sector Contribution to the Revision of the Ceramics Directive (84/500/EC)

Position paper

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The European Commission is currently reviewing the existing regulatory framework on food contact materials (FCM), in particular Directive 84/500/EC relating to ceramic articles intended to come into contact with foodstuffs (Ceramic Directive). **The European Commission is contemplating the possibility of enlarging the scope of a revised ceramics directive to glass products and establish appropriate protective migration limits for lead, cadmium and possibly other heavy metals.**

Glass Alliance Europe understands that this possible extension is rooted in the European authorities' desire to put in place the most stringent regulatory framework applying to ceramics and possibly glass articles with a view to eliminating any potential health risk.¹

If the revision of the Ceramic Directive offers an opportunity to set up a regulatory framework for glass products, legislators need to appreciate and take into account the specificities of the glass material and its products. **For instance, there are a large number of glass products which have various food contact applications and exposure patterns.**

Glass Alliance Europe welcomes therefore the announced Impact Assessment and the inception impact assessment public consultation.

Within this framework, Glass Alliance Europe would like to raise co-legislators' attention to several aspects:

- 1. Glass Alliance Europe supports a harmonised European food contact legislation for glass with an appropriate impact assessment**
- 2. Pragmatic approach should be enhanced**
- 3. Limit values should be associated to testing methods**

¹ It has to be noted that due to overall reduction of exposure, diet exposure seems proportionally more important now than previously. This however does not mean that exposure through diet or via the FCM has increased.

1. Support for a harmonised food contact legislation for glass with an appropriate impact assessment.

Some EU Member States have already developed or intend to develop specific legislation requirements covering the use of glass as a food contact material. In the absence of an EU-harmonized legislation for glass, **a regulatory patchwork across Europe hinders the free movement of goods in the EU and increases the regulatory costs** for glass producers active in several countries.

This is particularly the case in the food and beverage sector, where fillers or importers of food and drink products ask the container glass producer to declare that the glass containers they use meet the general requirements (Article 3) of Regulation 1935/2004 on materials and articles intended to come into contact with food. In the absence of clearly defined EU legislation for glass, this sector might request glass producers to conduct multiple tests to meet the various national requirements across Member States. In other instances, **glass articles are being tested according to test protocols developed for other types of food contact materials** (e.g. plastics), even though these test protocols are not appropriate for glass products.

For Glass Alliance Europe, enlarging the scope of the ceramic directive to glass, changing the existing migration limit values and adding other metals is a major change to the legislation. Therefore, a co-decision process would be more appropriate than an implementing act.

Even if almost two-thirds of the EU glass production is used for food contact applications (i.e. bottles, jars, drinking glasses, plates, etc), not all glass companies are active in the food and beverage industry. Glass articles are also used for other applications (building, cars, home appliances, ...). Any ban of metals for certain applications could therefore have unintended effects not only on food contact material market but also on other markets. A glass furnace may supply several types of products, for different markets, and any ban could jeopardize other applications than FCM.

Glass Alliance Europe supports the development of a harmonised European food contact legislation for glass products and welcomes the announced impact assessment. However, the glass sector considers that essential elements are modified in this proposed legislation, i.e. the major changes introduced by the scope modification and the limit values. Therefore, a co-decision process would be more appropriate than an implementing act.

As announced in the inception impact assessment document, the impact assessment should be proportionate. Glass Alliance Europe acknowledges this principle and considers that as glass would be introduced within the scope, with possible impact also to other applications than FCM, a full (not proportionate) in-depth impact assessment should be realized for the different glass sectors.

2. Pragmatic approach should be enhanced

Glass Alliance Europe wishes to underline that in most cases the migration levels from glass articles are so low that they do not endanger human health see e.g. the French Glass Federation analysis for different glass articles². This is particularly the case for soda-lime silicate glass, which is the type of glass commonly used to produce flat glass, see Glass for Europe study showing insignificant releases of metals from flat glass products³.

The impact assessment should also evaluate when systematic testing is required. Contrary to ceramics articles, glass articles are produced by shaping a **homogeneous** molten material. If one glass article complies with migration limit values, articles produced on the basis of the same composition specification in the same process will also comply. Moreover, as glass is essentially inert, most of the glass articles would be compliant with the new limit values, in particular in the case of industrial production (which is the case for most of the glass articles). Requesting systematic testing for all kinds of articles seems therefore unnecessary. The impact assessment should assess testing requirements on a pragmatic basis in order to ensure that the legislation does not consider compulsory systematic testing

Glass Alliance Europe also considers that the Impact Assessment should clarify how imports could be controlled by Member States on a pragmatic basis in order to ensure a fair level playing field.

- Glass Alliance Europe considers that compliance could be demonstrated by a **single set of analyses**, remaining valid as long as the raw material batch and the production process remain unchanged.
- Glass Alliance Europe calls for **mainstream soda-lime flat glass** intended to be in contact with food to be **exempted from systematic testing obligations**, due to the demonstrated absence of health hazard and the disproportionate nature of such testing for 10 million tonnes of glass intended to be used as glazing in buildings and cars.
- The impact assessment should therefore consider different options regarding testing in order to establish the most **pragmatic approach for industry and for control by competent authorities**.

Mitigation measures such as permanent labelling for customers should be made compatible with the marketing of luxury articles, which represent a significant share of sales for some producers. Disappearance of this market would jeopardize the viability of the EU lead Crystal manufacturing sector.

3. Limit values should be associated with testing methods

For Glass Alliance Europe it is important that the testing methods to be applied to glass reflect the different applications and use-scenarios in contact with food. Therefore, testing methods must take into account conditions of use of the different glass products.

² Available on request: info@fedeverre.fr

³ Available here: <https://glassforeurope.com/insignificant-releases-of-metals-from-flat-glass-products/>

Under option 2 of the Inception Impact Assessment, Glass Alliance Europe would like to stress also that any limit values should be associated with a testing method. Any impact assessment should consider not only the limit values but also the associated testing method and the adequacy of this method and the conditions of use.

Glass Alliance Europe calls for considering the different glass applications within a full (not proportionate) impact assessment:

- **To adapt testing methods to glass products in order to reflect 'real-life' use scenarios and**
- **to link limit values to testing methods.**

About Glass Alliance Europe - EU Transparency Register N° 74505036439-88

Europe is the world leader in glass making. The European glass industry comprises more than 500 plants providing 500,000 direct and indirect jobs. Glass is a unique and inert material made from natural resources and fully recyclable. It is a key contributor to the EU objectives of a low-carbon, energy efficient and circular economy, and a key enabling material for essential supply chains, such as the pharmaceutical and health sector, the food and drink industry, buildings and construction, automotive, luxury goods and perfumes, electronics, etc.

For more information <http://www.glassallianceeurope.eu/>

