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COMMISSION IMPLEMENTING DECISION (EU) .../...

of XXX

granting an authorisation for the recycling process FASTPET with registration number RECYC321 for poly(ethylene terephthalate) under Regulation (EC) No 282/2008 on recycled plastic materials and articles intended to come into contact with foods

(Text with EEA relevance)

(Only the English text is authentic)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Commission Regulation (EC) No 282/2008 of 27 March 2008 on recycled plastic materials and articles intended to come into contact with foods and amending Regulation (EC) No 2023/2006¹, and in particular Article 6(1) thereof,

Whereas:

- (1) Regulation (EC) No 282/2008 provides that recycled plastic materials and articles can only be placed on the market if the recycled plastic therein is obtained from a recycling process authorised in accordance with that Regulation.
- (2) The plastic used as input to the FASTPET process does not originate from a closed loop. In this case, Article 4(c)(ii) of Regulation (EC) No 282/2008 requires that it must be demonstrated in a challenge test as defined in Article 2(2)(d) of that Regulation, or by

¹ OJ L 86, 28.3.2008, p. 9.

other appropriate scientific evidence, that the process can reduce any contamination of the plastic input to a concentration that does not pose a risk to human health.

- (3) The European Food Safety Authority (hereinafter referred to as "the Authority") published a favourable opinion² on the FASTPET process. According to the opinion, the applicant demonstrated in a challenge test that this process can reduce any contamination of the plastic input to a concentration that does not pose a risk to human health, provided the restrictions and specifications set out in its opinion are respected. Therefore, the Authority concluded that recycled poly(ethylene terephthalate) (PET) obtained with this process does not pose a risk to human health when used in food contact materials and articles. The Authority characterised the quality of the plastic input and output materials and established criteria³ for these materials and for the use of the recycled plastic. These criteria together ensure compliance with Article 3 of Regulation (EC) No 1935/2004 of the European Parliament and of the Council⁴ of plastic recycled with the process concerned, provided it is operated under conditions at least as severe as those used for the challenge test, and when this is monitored using a quality assurance system. Therefore, in this case the criteria for authorisation set out in Article 4 of Regulation (EC) No 282/2008 are all met. The FASTPET recycling process as described in the opinion of the Authority should thus be authorised in accordance with Article 6 of Regulation (EC) No 282/2008, subject to restrictions on the input and outputs of the process and its operation
- (4) The Authority concluded that this process is only able to reduce any foreseeable contamination if it is operated under conditions that are at least as severe as those obtained from the challenge test used to measure the decontamination efficiency. In addition, certain restrictions on the origin and processing of the input material, and on the intended use of the output material should be met and the Authority recommended that the recycler monitors whether such conditions are met. Therefore the decision should clarify the requirements on the input, operating conditions, output and monitoring of the recycling process in accordance with Article 6(3)(d), (e), (g) and (h) of Regulation (EC) No 282/2008.
- (5) To ensure recycled plastic materials are further converted and placed in contact with food in compliance with this Decision, recyclers purchasing recycled plastic originating from this process should be clearly informed on its recycled content and on any further restrictions and specifications that may apply to its use. Such information is normally transferred using compliance documentation, but it should also be directly available when materials are handled during their processing in manufacturing facilities. It is therefore appropriate to require the labelling of the containers of recycled plastic material with the applicable restrictions in a clearly legible way.
- (6) The measures provided for in this decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

² [DOI:10.2903/j.efsa.2013.3210](https://doi.org/10.2903/j.efsa.2013.3210)

³ Scientific Opinion on the criteria to be used for safety evaluation of a mechanical recycling process to produce recycled PET intended to be used for manufacture of materials and articles in contact with food; doi:10.2903/j.efsa.2011.2184

⁴ 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.

63 HAS ADOPTED THIS DECISION:

64 *Article 1*
65 *Subject matter*

66 This is Decision concerns an authorisation of a plastic recycling process in the scope of
67 Regulation (EC) No 282/2008, and in particular Article 6(1) thereof. The definitions laid down
68 in Article 2 of Regulation (EC) No 282/2008 shall apply to this Decision.

69 *Article 2*
70 *Authorisation*

- 71 1. Authorisation is granted to recycling process 'FASTPET' under registration number
72 RECYC321 for the manufacturing of recycled poly(ethylene terephthalate) (PET) to
73 be used in recycled plastic materials and articles intended to come into contact with
74 foods and placed on the market in accordance with Article 3 of Regulation (EC) No
75 282/2008.
- 76 2. The addressee of this Decision shall be the authorisation holder within the meaning of
77 Regulation (EC) No 282/2008.
- 78 3. The authorisation holder may provide the right to operate this process to other business
79 operators, and/or apply the process itself.
- 80 4. Any business operator applying this process to manufacture recycled plastic in
81 accordance with Article 3 of Regulation (EC) No 282/2008 shall be considered to be
82 a recycler as defined in Article 2(f) of that Regulation.
- 83 5. All recyclers shall operate the process in accordance with this Decision and Regulation
84 (EC) No 282/2008, and in particular Article 3a thereof.

85 *Article 3*
86 *General requirements on the authorised process*

- 87 1. The FASTPET process referred to in Article 1 shall only be used to place recycled
88 plastic on the market in accordance with Article 3 of Regulation (EU) No 282/2008 if
89 it is used in compliance with that Regulation, and in particular with Article 3a thereof,
90 and with the conditions set out in this Decision.
- 91 2. The process to which this decision applies, shall fully correspond to the process
92 described in the opinion No ON-2013.3456, including with any confidential parts, and
93 as further described and outlined in the application dossier which was provided to the
94 authority to obtain this authorisation and to which the authority assigned reference
95 number EFSA-Q-2009-00123 (further referred to as 'the process'). The authorisation
96 holder shall ensure the operated process corresponds to the process used in the
97 challenge test, and shall communicate the process conditions used in the challenge test
98 and any other information to ensure compliant operation to the recyclers applying the
99 process.

Article 4
Specific restrictions and specifications on the process, its input and output material and its monitoring

When the process is applied to manufacture PET which is placed on the market in accordance with Article 3 of Regulation (EC) No 282/2008, any recycler applying it shall ensure the following specific restrictions and specifications are met:

1. The plastic input material that originates from waste plastic shall consist of **Flakes:**
 - **that are washed and dried;**
 - that originate from plastic materials and articles that have been manufactured in accordance with Commission Regulation (EU) No 10/2011⁵ ;
 - that do not originate from post-industrial use, and in which the fraction originating from plastics used in contact with other matters than foods shall not exceed 5%.
2. The process shall be controlled with the following parameters:
 - **the temperature of critical step 2;**
 - **the pressure of critical step 2;**
 - **the residence time of critical step 2;**
 - **the inert gas flow used in critical step 2.**
3. The output material may be used for the manufacturing of the following materials and articles:
 - **all articles intended for hotfill and/or short or long term storage at room temperature or below; and**
 - **in contact with all types of foodstuffs.**

Provided the output material or its packaging is labelled in accordance with Annex 1 of this Decision with the following text:

 - **'recycled plastic suitable for food contact; up to 100% recycled content'**
4. The recycler shall monitor that:
 - the recycling process is operated according to the critical parameters;
 - it is validated that each batch meets the requirements of this Decision.

Records of the monitoring of these matters shall be kept for each batch manufactured with the process. The quality assurance system required in Article 4(c) shall set out appropriate operating procedures for recording and retaining monitoring records.

⁵ Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food; OJ L 12, 15.1.2011, p. 1–89.

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Article 5
Date of application

This Decision shall apply from *[Enter the date of notification]*.

Article 6
Addressee

This Decision is addressed to:

Some Authorisation Holder
Recycling road 123
Circularville
Member State.

Done at Brussels,

For the Commission
The President
Jean-Claude JUNCKER

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