



EUROPEAN FEDERATION OF THE TRADE IN DRIED FRUIT & EDIBLE NUTS • PROCESSED FRUIT & VEGETABLES • PROCESSED FISHERY PRODUCTS • SPICES • HONEY

**Mr Salvatore De Meo, MEP**  
European Parliament  
60, rue Wiertz / Wiertzstraat 60  
B-1047 Bruxelles/Brussel

Brussels, Thursday, 09 November 2023

**Subject: Technical submission to safeguard food safety under Article 26 in relation to Transport Packaging Reuse obligations in the Packaging and Packaging Waste Regulation proposal**

Dear Mr De Meo,

FRUCOM represents European Union importers, and growers, processors, and traders, of edible nuts, dried and processed fruit and vegetables, and processed fish and seafood products. FRUCOM would like to express the concerns of its members about Article 26 on Transport Packaging Reuse obligations under the Packaging and Packaging Waste Regulation proposal, and to highlight necessary changes to this proposal in order to safeguard food safety for European consumers.

#### Article 26

Article 26 – paragraph 12 – subparagraph 2

Commission proposal	Amendment AGRI opinion	Amendment suggested for plenary
This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats.	This obligation applies to pallets, boxes, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes, materials <b>and</b> including flexible formats <b>which are not in direct contact with food, and excluding cardboard.</b>	This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats <b>which are not in direct contact with food.</b>

Article 26 – paragraph 13 – subparagraph 2

Commission proposal	Amendment AGRI opinion	Amendment suggested for plenary
This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats.	This obligation applies to pallets, boxes, plastic crates intermediate bulk containers, and drums, of all sizes and materials <b>and</b> including flexible formats <b>which are not in direct contact with food, and excluding cardboard.</b>	This obligation applies to pallets, boxes, excluding cardboard, trays, plastic crates, intermediate bulk containers, drums and canisters, of all sizes and materials, including flexible formats <b>which are not in direct contact with food.</b>



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## **Rationale**

### **Flexible Intermediate bulk containers**

Flexible intermediate bulk containers are interwoven bags and would require an intensive clean. It would be problematic to remove allergens or microorganisms from this non-smooth surface, an issue that is recognised within the food industry relating to hygienic design of surfaces and the prevention on biofilm formation.

There is also the issue of drying the flexible intermediate bulk containers post washing. This would be a very difficult activity due to the size of the opened bags. There is a risk of transporting wet bags, which could facilitate pathogenic microorganism growth in specifically dry manufacturing environments.

### **Drums/containers**

For the containers, this would need to be a validated clean to ensure the cleaning method could remove allergens, this is no easy task and would also require regular verification tests after every clean to ensure residual allergens and chemicals didn't cross over. Such verification facilities are not universally available from an industry perspective. This would use a lot of heated water and chemicals and resources to remove chemical residues from biocidal products. For any materials where microorganisms could grow, it would require a pasteurisation/sterilisation step to remove the contamination risk, which again would need validating scientifically. Screw cap lids on such drums generally include a tamper tab that is intentionally designed to be single use to be tamper-proof.

### **Legal obligations under Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs**

Food business operators are bound by Chapter X of this Regulation, which covers Provisions applicable to the wrapping and packaging of foodstuffs:

1. Material used for wrapping and packaging are not to be a source of contamination.
2. Wrapping materials are to be stored in such a manner that they are not exposed to a risk of contamination.
3. Wrapping and packaging operations are to be carried out so as to avoid contamination of the products. Where appropriate and in particular in the case of cans and glass jars, the integrity of the container's construction and its cleanliness is to be assured.
4. Wrapping and packaging material re-used for foodstuffs is to be easy to clean and, where necessary, to disinfect.

Mandatory reuse of flexible intermediate bulk containers would constrain the capacity of operators to ensure that wrapping and packaging of foodstuffs meets the provisions laid down under Chapter X of Regulation 852/2004. Guaranteeing the hygiene of foodstuffs and the safety of EU consumers is of paramount importance for food business operators, and the environmental goals of Article 26 of the Packaging and Packaging Waste Regulation proposal should be framed in this context.

Flexible intermediate bulk containers, specifically the polypropylene big bags typically used by food business operators to transport nuts in particular, and certain dried or processed fruits and vegetables, are neither easy to clean nor to disinfect safely, affordably, and at scale, in a manner that is consistent with the provisions under Chapter X.

## **Evaluation**

To incentivise innovation of solutions that eliminate contamination risks at a proportionate cost, including SMEs, a review clause could be included and aligned with the evaluation of the Regulation under Article 63. We would also encourage EU policymakers to consider how such innovation could be linked to the EU innovation funding mechanisms.

FRUCOM thanks you for its consideration of this letter. We remain at your disposal to answer any queries or give further explanations as you may require.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Anna Boulova", with a long horizontal flourish extending to the right.

Anna Boulova  
FRUCOM General Secretary