



EUROPEAN
COMMISSION

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[...] (2025) XXX draft

COMMISSION REGULATION (EU) .../...

of XXX

correcting Commission Regulation (EU) 2024/3190 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

(Text with EEA relevance)

This draft text has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The provisions it contains are subject to change and should in no case be interpreted as representative of future policy or legislation, or as providing a likely direction of change to existing policy or legislation.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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/EEC¹, and in particular Article 5(1), points (a), (d), (e), (h), (i), (j) and (n) thereof,

Whereas:

- (1) Commission Regulation (EU) 2024/3190² contains certain inconsistencies and errors, which affect the content of the relevant provisions of that Regulation.
- (2) In Article 3, the reference to ‘*BPA and its salts*’ is inconsistent with the definition of ‘bisphenol’ laid down in Article 2(2)(c), which includes the salt form of the bisphenol. Therefore, for coherence, the words ‘*and its salts*’ should be deleted from Article 3.
- (3) Article 3(2), providing a derogation from the prohibition to use BPA in the manufacture of the food contact materials and articles referred to in Article 1(2), should be understood as also concerning the placement on the Union market of food contact materials and articles manufactured using BPA in line with annex II and any additional applicable legislation.
- (4) Article 11, laying down transitional provisions concerning single-use final food contact articles, refers to the possibility for such articles to be ‘*placed on the market*’ instead of ‘*first placed on the market*’. This limits the ability of business operators to continue to place on the market and pass-on to other business operators, including food businesses, single-use final food contact articles for filling and sealing, in the 12 months subsequent to the end of the transitional period, in accordance with Article 11(3). This wording is also inconsistent with the approach for transitional measures for

¹ 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, OJ L 338, 13.11.2004, p. 4, ELI: <http://data.europa.eu/eli/reg/2004/1935/oj>.

² Commission Regulation (EU) 2024/3190 of 19 December 2024 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, OJ L 2024/3190, 31.12.2024, ELI: <http://data.europa.eu/eli/reg/2024/3190/oj>.

repeat-use final food contact articles provided in Article 12. Thus, for consistency and to ensure that unfilled single-use final food contact articles can be passed from business to business in the 12 months subsequent to the end of the respective transitional periods to be filled with food, the reference to '*placed on the market*' should be corrected to '*first placed on the market*'.

- (5) Article 12(3) should provide for repeat-use final food contact articles, which were first placed on the market in accordance with paragraphs (1) and (2) of that Article, to remain on the market for a maximum period of 12 months, in accordance with recital 22 of Regulation (EU) 2024/3190, in order to allow businesses to pass on those food contact articles to customers. Since the end of the transitional period for food contact articles in paragraph (1) is different from the end of the transitional period for food contact articles in paragraph (2), the date of 20 January 2029 should only apply to articles first placed on the market in accordance with paragraph (2), and an additional date of 20 July 2027 should be added in Article 12(3) for the food contact articles referred to in paragraph (1) and first placed on the market by 20 July 2026.
- (6) The current wording in Annex III, point (3) can be interpreted as requiring identification of both intermediate food contact materials and final food contact articles in the declaration of compliance, which may pose confidentiality issues for business operators. Therefore, to protect business operators' confidentiality whilst ensuring traceability of food contact materials and articles, the wording should be changed to "*the identity of the intermediate food contact material or final food contact article for which the declaration of compliance is issued*". Regulation (EU) 2024/3190 should therefore be corrected accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2024/3190 is corrected as follows:

- (1) Article 3 is replaced by the following:

'Article 3

Prohibition of the use of BPA

- 1. The use of BPA in the manufacture of food contact materials and articles referred to in Article 1(2) and the placing on the Union market of food contact materials and articles manufactured using BPA is prohibited.
- 2. By way of derogation from paragraph 1, BPA may be used in the manufacture of food contact materials and articles to be placed on the Union market in accordance with Annex II.'

- (2) Article 11 is replaced by the following:

'Article 11

Transitional provisions concerning single-use final food contact articles

- 1. Single-use final food contact articles manufactured using BPA and complying with the rules as applicable before the date of entry into force of this Regulation,

which do not comply with the rules in this Regulation, may be first placed on the market until 20 July 2026.

2. By way of derogation from paragraph 1, the following single-use final food contact articles complying with the rules as applicable before the date of entry into force of this Regulation, which do not comply with the rules in this Regulation, may be first placed on the market until 20 January 2028:

(a) single-use final food contact articles intended for the preservation of the following foodstuffs:

(i) fruits or vegetables, excluding products defined in Annex I to Council Directive 2001/112/EC ⁽¹³⁾; or

(ii) fishery products as defined by Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽¹⁴⁾;

(b) single-use final food contact articles on which a varnish or coating manufactured using BPA has only been applied to the exterior metal surface.

3. Single-use final food contact articles first placed on the market in accordance with paragraphs 1 and 2 may be filled with food and sealed during the 12 months following the expiry of the applicable transitional period. The resulting packaged food may be placed on the market until exhaustion of stocks.’.

- (3) In Article 12, paragraph 3 is replaced by the following:

‘Repeat-use final food contact articles that were first placed on the market in accordance with paragraph 1 may remain on the market until 20 July 2027 at the latest. Repeat-use final food contact articles that were first placed on the market in accordance with paragraph 2 may remain on the market until 20 January 2029 at the latest.’.

- (4) Annex III, point (3) is replaced by the following:

‘(3) the identity of the intermediate food contact material or final food contact article for which the declaration of compliance is issued;’.

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN