



Notification Number: 2011/529/F

Draft bill seeking the suspension of the manufacture, import, export and placement on the market of all food packaging containing bisphenol A.

Date received : 19/10/2011
End of Standstill : 20/01/2012 (**20/04/2012**)
Issue of comments by : Commission,Italy,Slovakia
Issue of detailed opinion by : Czech Republic,Netherlands,Spain,United Kingdom

Message

Message 002

Communication from the Commission - SG(2011) D/52434
Directive 98/34/EC
Translation of the message 001
Notification: 2011/0529/F

No abre el plazo - Nezahtajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201102434.EN)

1. Structured Information Line

MSG 002 IND 2011 0529 F EN 19-10-2011 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

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4. Notification Number

2011/0529/F - C70A

5. Title

Draft bill seeking the suspension of the manufacture, import, export and placement on the market of all food packaging containing bisphenol A.

6. Products Concerned

Packaging, containers and utensils manufactured using bisphenol A.

7. Notification Under Another Act

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8. Main Content

The bill adopted by the National Assembly on 12 October 2011 has two articles. Article 1 is intended to suspend manufacture, import, export and placement on the market, free of charge or for a consideration, of any packaging, container or utensil containing bisphenol A that is intended for food use, as of 1 January 2014. It states that said suspension shall take effect from 1 January 2013 if such packaging, containers and utensils are intended for use with foodstuffs for infants and young children, as defined in Article 2 (a) and (b) of Directive 2006/141/EC.

In anticipation of the cessation of the use of bisphenol A, Article 2 of the bill states that the same materials and objects shall bear a health warning advising against their use by pregnant women and children under 3 on account of the presence of bisphenol A.

The legislator intends for the suspension of the use of bisphenol A and the consumer-information measure to apply to materials and objects intended to contain foodstuffs, as well as the foodstuffs contained therein.

A progress report drawn up by the French National Agency for Food Safety and Occupational and Environmental Health (Anses) on substitute products for bisphenol A, as well as their safety and suitability for use in the manufacture of plastics and resins for foodstuffs, shall be sent by the Government to Parliament no later than 31 October 2012.

Keywords: packaging, bisphenol, manufacture, import, warning

9. Brief Statement of Grounds

In a report published on Tuesday 27 September 2011, the French National Agency for Food Safety and



Occupational and Environmental Health (Anses) disclosed the health effects of bisphenol A found in animals and suspected in humans, some of which occur at low levels of exposure below the regulatory reference levels, the possibility of a non-linear dose-effect relationship, and the difficulty in defining a no-effect dose level on the basis of available scientific data, the existence of exposure windows corresponding to periods of susceptibility to the effects of BPA and the existence of susceptible groups (pregnant women, infants, young children).

In consideration of these new findings, the conclusion reached by Anses is that sufficient scientific evidence has been found to immediately prioritise the prevention of exposure of the most susceptible groups: infants, young children, pregnant women and breastfeeding mothers. This objective will be achieved by reducing exposure to bisphenol A, in particular by replacing it in materials that come into contact with foodstuffs, identified as the main source of exposure for these groups.

This notification covers the provisions of the draft bill as they concern the materials and objects intended to come into contact with foodstuffs other than materials and objects made of plastic. The French authorities shall issue a separate notification for the latter, by virtue of the safety measure provided for in Article 18 of Regulation (EC) 1935/2004.

10. Reference Documents - Basic Texts

Reference texts: Documents:

- Anses collective expertise report on the health effects of bisphenol A
- Report on Anses study DRC-11-115721-08982A: Identification of actions to reduce uses for bisphenol A

Nature of the substance:

- bisphenol A, CAS number 80-05-7, IUPAC name: 4,4'-isopropylidenediphenol

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Article 9.7 of Directive 98/34 permits Member States, for urgent reasons, occasioned by serious and unforeseeable circumstances relating to the protection of public health (...) to prepare technical regulations in a very short space of time in order to enact and introduce them immediately. The opinions expressed by Anses, communicated by the French authorities in support of this notification, disclose the health effects of bisphenol A found in animals and suspected in humans, some of which occur at low levels of exposure.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

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16. TBT and SPS aspects



EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

TBT relevance

No - The draft is neither a technical regulation nor a conformity assessment.

SPS relevance

Yes

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