Thermoforming, a path to circularity
June 14th 2023

Functional Barrier Task Force

FUNCTIONAL BARRIER CONSORTIUM

Background (EU 2022/1616)

- Regulation (**EU) No 10/2011** however does not provide clear support of the **excluded technologies**, as it does not define rules for partially depolymerized substances or oligomers, offcuts, and process scraps, and limits the **substances that can be used behind a functional barrier.**
- Among **those recycling technologies** that fall within the scope of this Regulation **and that are not listed as suitable recycling technologies**, the manufacture of recycled plastic materials and articles in which the **recycled plastic is used behind a plastic functional barrier**,
- In particular **there is insufficient information available on the ability of the applied functional barriers to prevent migration** to food of contaminants contained in the recycled plastic over an extended period of time. Therefore, **this technology should not be established as a suitable recycling technology yet**
- Therefore, **this technology should not be established as a suitable recycling technology yet**. However, unlike other technologies to be considered as novel for the purposes of this Regulation, the main principles of this technology are already understood. This allows to **lay down specific adaptations to the rules on novel technologies** concerning the use of this technology until a decision is taken on its suitability, and in particular to **add a requirement to verify the effectiveness of the barrier principle**.
- While on the one hand, given the number of existing installations, **it does not appear necessary to require the monitoring** of all these recycling installations in order to obtain sufficient data on contamination levels, on the other hand, given that, on the basis of the already available knowledge, **there are doubts as to the ability of the functional barriers to prevent migration of contaminants** on the long term, **it is appropriate to subject the placing on the market** of recycled plastic materials and articles manufactured with this technology **to the condition that additional testing has been carried out to guarantee that ability.**

Article 32

Specific transitional provisions applicable to the manufacture of materials and articles in which the recycled plastic is used behind a functional barrier

1. The following additional requirements shall apply to the operation of recycling installations that already manufactured recycled plastic materials and articles in which the recycled plastic is used behind a plastic functional barrier before 10 October 2022:

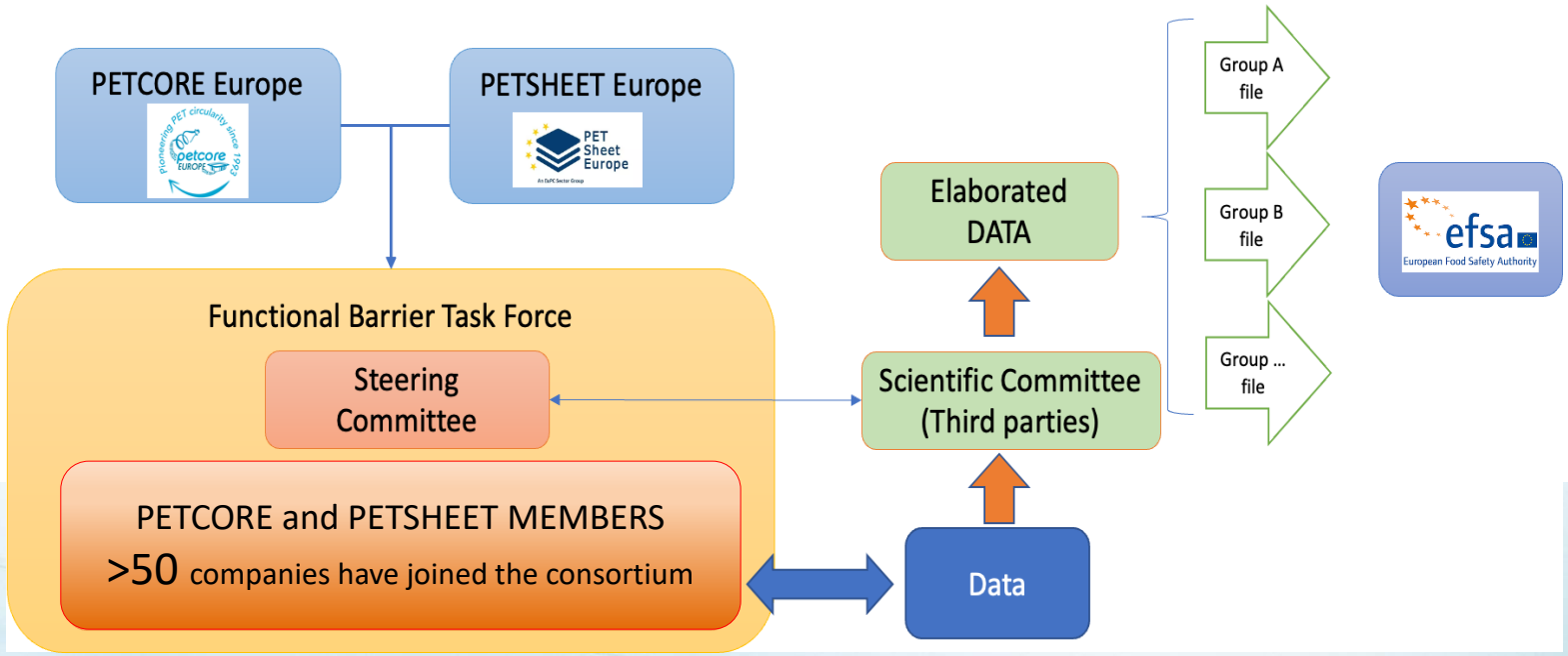
(i) the decontamination installation manufacturing the recycled plastic as well as any post-processing installation adding the functional barrier is included in a **list of installations submitted by a developer** notifying the specific recycling technology applied by all the installations on the list in accordance with Article 10(2); and,

The developer shall communicate the list referred to in point (i) and a study report incorporating the test results required under point (ii) to the competent authority and to the Commission before 10 April 2023. A robust summary of the study shall be part of the initial report published in accordance with Article 10(4).

2. **Individual recyclers, converters** or other operators participating in the manufacture of the materials referred to in paragraph 1 **shall not act as developer**

FUNCTIONAL BARRIER CONSORTIUM

- PETSHEET Europe and PETCORE Europe have agreed to partner and join efforts in supporting their members and the thermoforms industry for filing to EFSA to comply with article 32 on functional barrier of EU 2022/1616.
- The new regulation states that the individual companies should go through associations/consortium to submit aggregated files to EFSA for assessment.

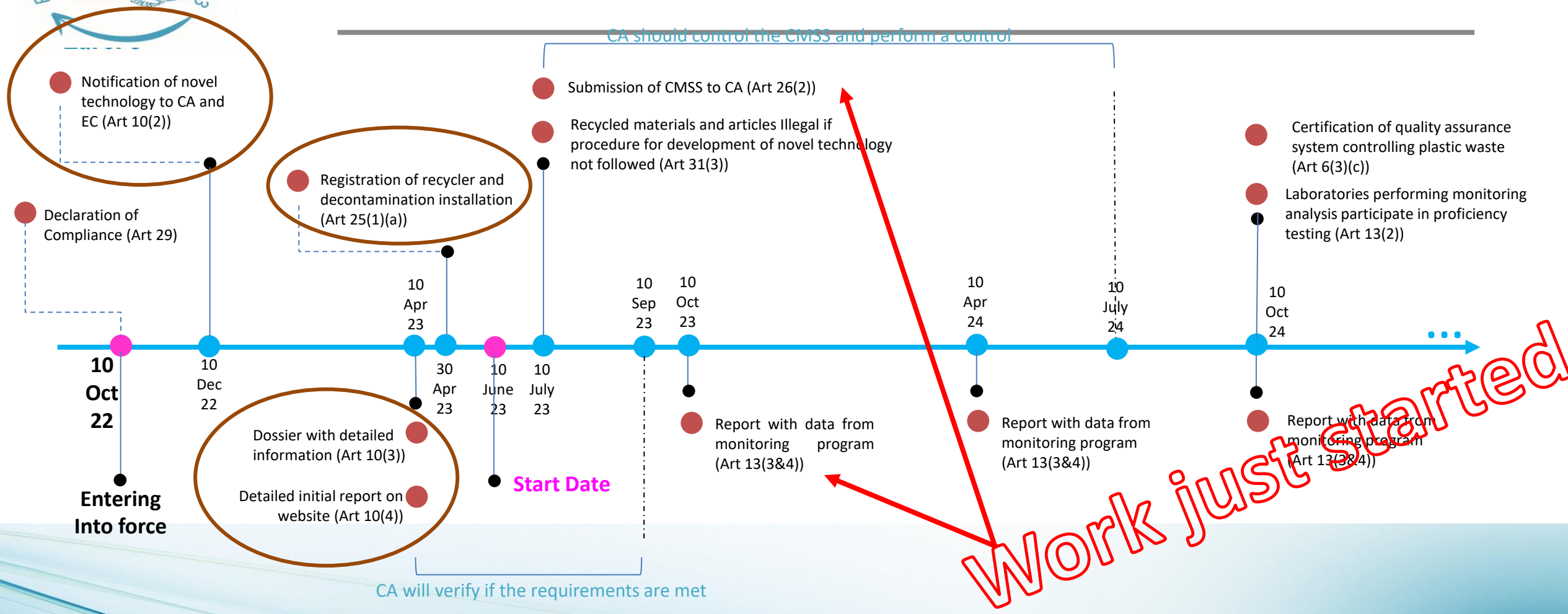


DISCLAIMER. Functional Barrier Cooperation Agreement. No guarantee is given by any Party as to an approval by the authorities under Regulation EU 2022/1616. In this respect the filing under article 32 of Regulation EU 2022/1616 shall be considered as an obligation of means.

FUNCTIONAL BARRIER CONSORTIUM

AFG ADVANCED PACKAGING
amb Your satisfaction, our ambition
ARCOPLASTICA
ALIPLAST Società del Gruppo Herambiente
ARISTEA
benzaplastic
CARTONPACK WE KNOW HOW
CIER
COEXPAN
DASF INVESTMENTS & TECHNOLOGIES
doloop REGENERATIVE PACKAGING SOLUTIONS
ECOPET Quality from Waste
EKOREC
ERGIS GROUP
Esperia PACKAGING TECHNOLOGY
Eurocast KEEP IT FRESH.
EUSKOPLAST
evertis Packaging Solutions
Faerch plast
FWG folienwerk wolfen
Formaspack packaging solutions
FUCINEFILM
GUILLIN EMBALLAGES
HANEX
hordijk Verpakkingen
GRUPPO HAPPY
ilpa group
INDESLA PACKAGING
Krumbeck Kunststoffverarbeitung GmbH
kp
lietpak
MERBA PLASTIK
NGP MUSTAD PACKAGING
PLASTISAVIO
ROBOPLAST SUSTAINABLE SOLUTIONS
Reifenhäuser CAST SHEET COATING
RETAL
Sealed Air Re-imagine
SILVER PLASTICS
SML EXTRUSION LINES – ENGINEERED TO PERFORM
SODESA CLEAR AND RECYCLED PACKAGING
SP GROUP
SZP
VIPLAST rigid PET films

Operation of recycling installations that already manufactured recycled plastic M&A before 10 October 2022 and that operate under the novel technology route according to regulation (EU) No 2022/1616



- Novel technologies already on the market prior to entering into force

CMSS = Compliance Monitoring Summary Sheet
CA = Competent Authority

Responsibilities Developer Novel Technology and Recycler operating an existing recycling installation applying the novel technology

Action	Deadline	Responsible	Sent to	Reference
Notification NT	10-Dec-22	Developer of the technology (Petcore Consortium)	EC + CA of developer	**Art 10(2)**
Provide notification dossier NT	10-Apr-23	Developer of the technology (Petcore Consortium)	EC + CA of developer	**Art 10(3)**
Detailed report based on NT notification dossier	10-Apr-23	Developer of the technology (Petcore Consortium) and/or recycler (STILL TO BE CLARIFIED)	Report on website	**Art 10(4)**
Adapt the CMSS template to the needs		Developer of the technology (Petcore Consortium)		**Art 10(5)**
Supplementary information (set of information that needs to be available)	as of start date of the operation	Recycler	Keep available at plant	**Art 12**
Contaminant monitoring program	Analysis at batch level; report every 6 months	Recycler	Report on website	**Art 13**
Laboratory proficiency testing	10-Oct-24	Recycler		**Art 13(2)**
Registration of recycler, recycling facility and decontamination installations	Approx 30 April 2023	Recycler	EC + CA of recycling installation	**Art 25**
Fill out CMSS (template in Annex II, to be adapted during NT notification if needed)	10-Jul-23	Recycler	CA of recycling installation	**Art 26**
Provide Declaration of Compliance (template in Annex III)	10-Oct-22	Recycler	next one in supply chain	**Art 29**

NT: novel technology
CA: competent authority
CMSS: compliance monitoring summary sheet

[Resources for plastic recyclers (europa.eu)]