EU Regulation of Colorants and Printing Inks in Food Contact Applications

Presented at National Association of Printing Ink Manufacturers Annual Convention & Technical Conference

October 7, 2026

Jennifer Bonanno, Senior Counsel

Steptoe

© 2026 Steptoe LLP

www.steptoe.com

About the Presenter – Jennifer Bonanno, Senior Counsel

- **Bachelor of Arts – Chemistry, Physics**
  Bowdoin College

- **Juris Doctor (J.D.)**
  American University, Washington College of Law, cum laude

- Experience with advising clients on the regulation of food-contact materials and articles in the European Union, United States, China, Asia-Pacific, and MERCOSUR (South America)

- Former general counsel for a semiconductor manufacturer and FDA Counsel and Director of Regulatory Compliance for a biotech pharmaceutical company



© 2026 Steptoe LLP. All rights reserved.



Jennifer Bonanno

Senior Counsel

Washington, D.C.
+1 202 429 6440
jbonanno@steptoe.com

Jennifer Bonanno advises clients on US and global regulatory compliance matters involving food-contact materials, processing aids for use with food and alcoholic beverages, medical devices, and drugs. Drawing on her scientific background in chemistry, years in private practice, and prior experience as in-house counsel, Jennifer provides practical, business-focused guidance to help clients navigate complex domestic and international regulatory frameworks, including in the EU, Canada, Japan, China, MERCOSUR, and Australia.

Jennifer regularly assists clients with US Food and Drug Administration (FDA) submissions, including food contact notifications (FCNs), threshold of regulation (TOR) requests, premarket notifications for medical devices (510(k) notices), and investigational new drug applications (NDAs). She also prepares legal opinion letters addressing the regulatory status of food additives, food-contact materials, drug packaging, and modified medical devices marketed under a 510(k) notification.

Earlier in her career, Jennifer served as general counsel for a semiconductor manufacturer and as FDA Counsel and Director of Regulatory Compliance for a biotech pharmaceutical company. She also dedicated several years to volunteer work as a disability advocate.

Steptoe's FDA and Global Regulatory Team

What we do

- Food Contact Notifications and Submissions
- FDA Generally Recognized as Safe (GRAS) "Self-Determinations" and GRAS Notifications
- Regulatory Compliance Opinion Letters
- Good Manufacturing Practice (GMP) Assistance and Audits
- Labeling and Claims Assistance
- Food Safety and Risk Assessments
- Food Industry-Related Legislation and Policy Developments
- Import Issues
- Recall Issues



Our areas of practice extend beyond food and food packaging:

- Drugs and Drug Packaging Materials | Dietary supplements | Medical devices | Cosmetics

We are a global practice – our clients need global solutions

- North America, EU, China, Japan, MERCOSUR

Steptoe

© 2026 Steptoe LLP. All rights reserved.

Steptoe

Today's Presentation on Printing Inks

Framework Regulation (Regulation (EC) No. 1935/2004)

German Printing Ink Ordinance and the Swiss Packaging Ink Ordinance

Plastics Regulation (Regulation (EU) No. 10/2011)

BPA Regulation (Regulation (EU) 2024/3190) and recent note for guidance

Recent News

© 2026 Steptoe LLP. All rights reserved.

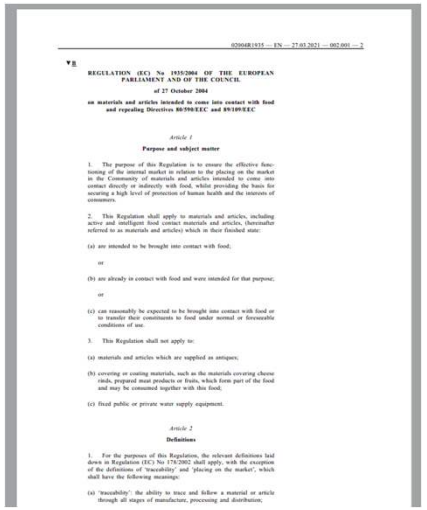
Overview of EU Regulation of Printing Inks

- Framework Regulation establishes the general provisions for food-contact materials (FCM) and charges the European Commission (EC) with adopting specific measures for classes of FCM, including for colorants and printing inks.
- Colorants and printing inks are not the subject of harmonized legislation; so, in addition to the Framework Regulation, EU Member States' national laws still apply (subject to mutual recognition)
  - Swiss Packaging Ink Ordinance 817.023.21
  - German Printing Ink Ordinance (21st Amendment to the Consumer Goods Ordinance), effective December 31, 2026
- Printing inks are typically composed of a pigment, binder, and vehicle; a suitable EU status is required for each component of the physical mixture
  - The chemistry can matter! For example, with printing inks for use in plastic, if the dispersant in the printing ink covalently bonds to the pigment, then the reaction product is outside the scope of the Plastics Regulation
  - If, however, the dispersant is not covalently bonded **and** has a technical effect in the plastic or final food-contact article, then the dispersant falls within the scope of the Plastics Regulation

© 2026 Steptoe LLP. All rights reserved.

Framework Regulation

- Regulation (EC) No. 1935/2004 on "Materials and Articles Intended to Come into Contact with Food…"



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

Article 1

Purpose and subject matter

1. The purpose of this Regulation is to ensure the effective functioning of the internal market in relation to the placing on the market in the Community of materials and articles intended to come into contact directly or indirectly with food, whilst providing the basis for securing a high level of protection of human health and the interests of consumers.

2. This Regulation shall apply to materials and articles, including active and intelligent food contact materials and articles, (hereinafter referred to as materials and articles) which in their finished state:

(a) are intended to be brought into contact with food;

or

(b) are already in contact with food and were intended for that purpose;

or

(c) can reasonably be expected to be brought into contact with food or to transfer their constituents to food under normal or foreseeable conditions of use.

3. This Regulation shall not apply to:

(a) materials and articles which are supplied as antiques;

(b) covering or coating materials, such as the materials covering cheese rinds, prepared meat products or fruits, which form part of the food and may be consumed together with this food;

(c) fixed public or private water supply equipment.

Article 2

Definitions

1. For the purposes of this Regulation, the relevant definitions laid down in Regulation (EC) No 178/2002 shall apply, with the exception of the definitions of 'traceability' and 'placing on the market', which shall have the following meanings:

(a) 'traceability': the ability to trace and follow a material or article through all stages of manufacture, processing and distribution;

- Articulates the general framework for how food-contact materials are regulated in the EU and vests EFSA with jurisdiction

- **Article 3** – All food-contact materials must be manufactured in accordance with GMPs and shall not "***engender human health or bring about an unacceptable change in the composition of the food or bring about a deterioration in the organoleptic characteristics thereof***"

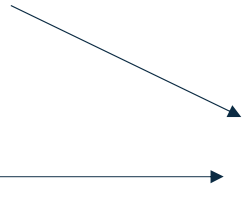
SAFETY STANDARD

www.steptoe.com

© 2026 Steptoe LLP. All rights reserved.

Framework Regulation

- **Article 5** – Provides that **specific measures may be adopted to regulate specific groups of food-contact materials**, and in so doing, the legislation may include:
  - Lists of authorized substances (i.e., "**positive lists**")
  - Specific limits on the migration of certain constituents or groups of constituents into or onto food (**SMLs**)
  - An overall limit on the migration of substance into food (**OML**)



More on this later!

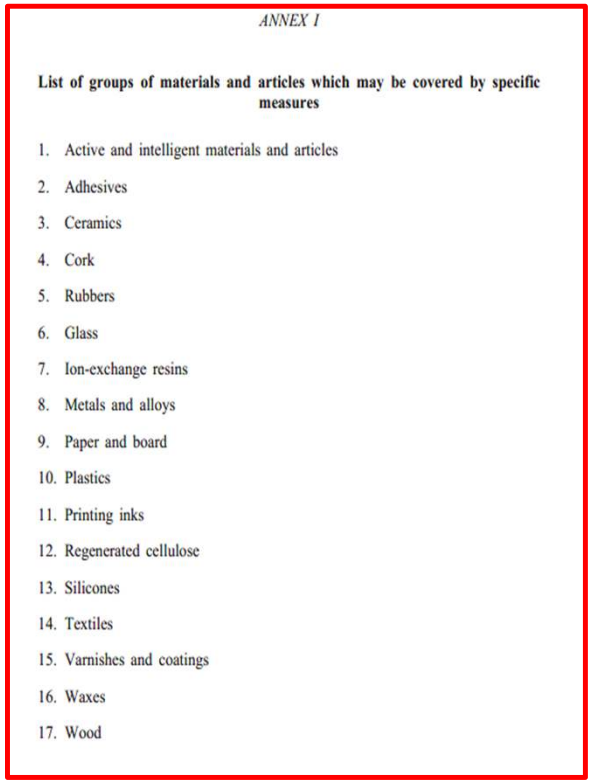
www.steptoe.com

© 2026 Steptoe LLP. All rights reserved.

Framework Regulation

- **Annex I** – lists the specific groups materials subject to regulation
- But specific legislation to regulate these categories has only been adopted for select categories:

  - Commission Regulation (EU) No. 10/2011 on "*Plastic Materials and Articles Intended to Come into Contact with Food*"
  - Commission Directive No 2007/42/EC on "*Materials and Articles Made of Regenerated Cellulose Film Intended to Come into Contact with Foodstuffs*"
  - Commission Regulation (EC) No 450/2009 on "*Active and Intelligent Materials and Articles Intended to Come into Contact with Food*"
  - Commission Regulation (EU) 2022/2016 on "*Recycled Plastic Materials and Articles Intended to come into Contact with Food"*
  - Plus, some legislation on ceramics and specific substances (e.g., BPA)



ANNEX I

List of groups of materials and articles which may be covered by specific measures

1. Active and intelligent materials and articles
2. Adhesives
3. Ceramics
4. Cork
5. Rubbers
6. Glass
7. Ion-exchange resins
8. Metals and alloys
9. Paper and board
10. Plastics
11. Printing inks
12. Regenerated cellulose
13. Silicones
14. Textiles
15. Varnishes and coatings
16. Waxes
17. Wood

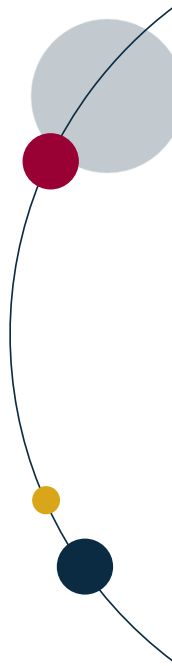
© 2026 Steptoe LLP. All rights reserved.

Framework Regulation

- **Article 16 –** Materials subject to specific legislation shall be accompanied by a ***Declaration of Compliance*** (DoC)
  - Purpose is to confirm compliance with applicable legislation and to provide adequate information throughout the supply chain to ensure that any applicable legal restrictions can be met
  - In absence of specific legislation, member states can have their own national provisions relating to DoCs

More on this later!

- **Article 17** – Requires that companies have in place traceability systems and procedures to allow for identification of the businesses that supply food-contact materials
  - In place to ensure that, if there is a recall or public health issue, material can be pulled from the market quickly and responsible parties can be identified



© 2026 Steptoe LLP. All rights reserved.

Framework Regulation

- ***In absence of specific legislation***?
  - Food-contact materials must still comply with general safety standard in Article 3 of Framework Regulation
  - Look to member state legislation (e.g., German Printing Ink Ordinance, Dutch Warenwet, Swiss Printing Ink Ordinance) and the Plastics Regulation
  - If no applicable member state legislation, foreign clearances (e.g., US FDA) can be helpful, but need to perform risk assessment using accepted EU parameters (e.g., no consumption factors in EU, different food mass to food contact surface area ratios (1 kg of food contacts 6 dm2), etc.)
  - ***Principle of Mutual Recognition*** – guarantees that any good lawfully sold in one EU country can be sold in another (subject to some exceptions where public safety, health, or environmental concerns arise)

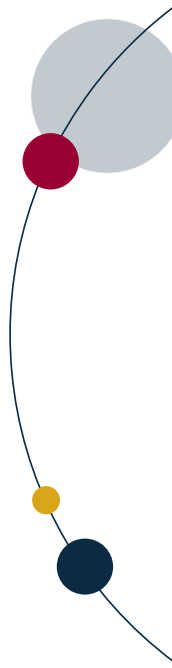


Stems from Articles 34 – 36 of the Treaty on the Functioning of the European Union

© 2026 Steptoe LLP. All rights reserved.

Recent Updates – Update to EU Approach to Regulating Food-Contact Materials

- EU authorities exploring reform to legislation because of concerns about:
  - Lack of harmonization beyond a few select product sectors (e.g., plastic), so EU market not functioning
  - Lack of assessment capacity and prioritization of evaluating substances that give rise to safety concerns
  - Poor exchange of information in the supply chain
  - SMEs are challenged
  - Legislation does not promote development of sustainable alternatives



© 2026 Steptoe LLP. All rights reserved.

Recent Updates – Update to EU Approach to Regulating Food-Contact Materials

- February 2026 publication: "Study on sustainability in the context of food-contact materials (FCM) in view of a possible revision of the FCM legislation"
  - Identifies four potential measures to improve the sustainability of FCMs:
    - (1) Harmonize standards and guidance for reusable FCMs – current legal uncertainty disincentivizes businesses from adopting reusable FCMs
    - (2) Eco-design guidance for FCMs – framework guidance would focus specifically on different categories of FCMs
    - (3) Product essentiality test – determine whether problematic FCMs serve a critical purpose
    - (4) Sector-wide science-based sustainability targets – informed by environmental impact assessments and performance benchmarks
- Currently DG Sante is engaged in "expert discussions" to inform future policy
- When expert discussions are completed there will be a stakeholder consultation and then **propose new legislation**

Member State Legislation: Swiss Printing Ink Ordinance

- Swiss Food Contact Ordinance requires that manufacturers comply with GMP and any specific requirements
- Section 12, Articles 33-35 govern printing ink and make clear that printing inks can only be manufactured from:
  - Annex 2: monomers, starting substances, and additives permitted in food contact plastic; and
  - Annex 10: comprised of Lists I-V of substances (e.g., List III is solvents) allowed in printing inks; an exhaustive list, so PPA, solvents, and additives must be included
    - Positive List: substances evaluated by Swiss authorities; in absence of other noted restriction SML of 60 mg/kg
    - (Old Part B: may only be used if no transfer to food occurs at detection level of 0.01mg/kg (10 ppb) and the substance is not CMR)

Member State Legislation: German Printing Ink Ordinance

- 2021 German Printing Inks Ordinance is 21st Amendment to the Consumer Goods Ordinance BedGgstV); originally 4-year transition but now becomes effective on January 1, 2027
- Positive list of all substances for printing inks (inks used on fired ceramic or glass are not in scope; housewares such as napkins are in scope)
  - Annex 14, Tables 1 (monomers, starting substances, solvents) and 2 (pigments)
    - Lists SML and SML(T); if no SML or other restriction, overall migration limit (OML) of 60 mg/kg applies
  - Substances listed on the Plastics Regulation without SMLs or SML(T)s
- Presence of a functional barrier: substances are not CMR and migration is not detectable at 0.01 mg/kg (10 ppb)
- If no purity specifications are set, must be of "good technical quality" for the intended use
- Consistent with EU legislation, NIAS must be evaluated in accordance with internationally recognized scientific principles on risk assessment **(more about this later!)**
- BfR published guidance for the safety assessment of substances for inclusion in Appendix 14, Table 1.

Sector Specific Legislation – The Plastics Regulation

Materials in Scope	Materials Out of Scope
Plastic as defined in Article 3	Rubber
Plastic multi-layer materials held together by adhesives	Silicones
Plastic layers in multi-layer and multi-material articles	Ion Exchange Resins
Plastic layers and coatings used to make gaskets in caps and closures	Coatings applied to metal, paper, or other substrates
Plastic materials covered by a coating	(Polymeric) Adhesives

© 2026 Steptoe LLP. All rights reserved.

Sector Specific Legislation – The Plastics Regulation

Substances Not Required to be on the Union List:

Colorants and solvents

- May be used subject to national law

Salts of listed acids, phenols, and alcohols

- E.g., the sodium salt of a listed phenolic polymer

Mixtures of listed substances

- Covers situations where two or more authorized substances are mixed (but not reacted) together

Polymers with a Mw of greater than 1000 Daltons when used as additives

- Provided the monomers and other starting materials are appropriately listed and that the polymer is capable of functioning as the main structural component of a final material or article

Prepolymers and other polymers used as monomers or other starting substances

- Provided the monomers and other starting materials are appropriately listed

Substances separated from food by a functional barrier

- Provided the substance is not a CMR or a nano-material; a functional barrier = migration of less than 0.01 mg/kg (10 ppb)

Aids to polymerization and Non-intentionally Added Substances (NIAS)

© 2026 Steptoe LLP. All rights reserved.

Sector Specific Legislation – The Plastics Regulation

Substances Included on the Union List:

Monomers and other starting substances

- Focus is on monomers and starting materials, *not finished polymers*
- Monomers and other starting substances that are listed are permitted to be reacted with one another

Additives

- All plastic additives must be listed
- Includes substances intentionally added to plastic to achieve a technical effect during processing of the material or in the final article; is intended to be present in the finished article (e.g., antioxidants)

Polymer Production Aids

- Includes substances used to provide a suitable medium for polymer products – may be present in finished material but is not intended to be present or have continuing technical effect (e.g., a pH regulator, dispersing aid, or a defoamer used during polymer production)
- Under Article 5, *can* be listed on Union List, but under Article 6(1), *are not required to be subject of listing*

Macromolecules obtained from microbial fermentation

- E.g., some bioplastics, like polyhydroxyalkanoates

© 2026 Steptoe LLP. All rights reserved.

Sector Specific Legislation – The Plastics Regulation

- *Aids to polymerization* – Defined in Article 3(8) as a "substance which initiates polymerization and/or controls the formation of the macromolecular structure"
    - Examples include accelerators, catalysts and catalyst modifiers/ deactivators/supporters, chain transfer agents, chain scission reagents, cross-linkers not incorporated into the polymer backbone, initiators, redox agents, etc.

- *NIAS* – Defined in Article 3(9) as an "impurity in the substances used or a reaction intermediate formed during the production process or a decomposition or reaction product"
    - Examples include impurities (other than residual monomers and aids to polymerization since they are intentionally added), reaction products formed during polymerization, including oligomers

© 2026 Steptoe LLP. All rights reserved.

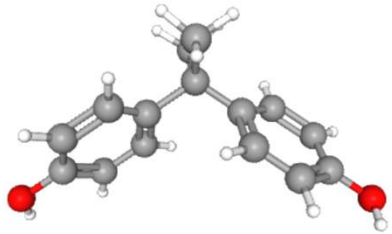
What is BPA and Why the Ban

Bisphenol A (BPA)

- 4-4'-Isopropylidenediphenyl (CAS Reg. No. 80-50-7)
- Found in a variety of food-contact articles
- Potential to migrate to food
- Pre-regulation banning BPA,
  - regulated as FCM 151 on the Plastics Regulation EU 10/2011 with an SML of 0.05 mg/kg; regulated in food-contact varnishes and coatings with an SML of 0.05 mg/kg in Commission Regulation No 2018/213
  - Prohibited from use in polycarbonate drinking cups and bottles for infants and young children (Commission Implementing Regulation (EU) No 321/2011) and in food-contact coatings and varnishes intended for use in infant and young child applications (Commission Regulation No 2018/213)

EFSA 2023 Re-Assessment on BPA

- Classified as an endocrine disruptor
- Adverse effects, including on the immune system, which was considered the most sensitive effect
- Tolerable Daily Intake reduced 20,000x
- New TDI: 0.2 mg/kg•bw/day
- Dietary exposure estimates for all age groups show exposures exceed TDI by 2 to 3 orders of magnitude



www.steptoe.com

Substance Specific Legislation – BPA Regulation (EU) 2024/3190 and December 2025 Note for Guidance

An Overview:

- Broad Prohibition on intentional use of BPA and its salts in the manufacture of FCMs and articles, with two derogated uses:
  - Manufacture of liquid epoxy resins applied on self-supporting FCMs or articles with a capacity > 1,000 L
  - Manufacture of polysulfone filtration membrane assemblies
- Restrictions on use of other hazardous bisphenols and hazardous bisphenol derivatives in the manufacture of FCMs and articles
- Limit of Detection of BPA of 1 µg/kg
- Declaration of Compliance Requirements for FCMs and articles covered by regulation at all stages of marketing other than the retail stage
- Transitional Periods for single-use and repeat use final food-contact articles

www.steptoe.com

Areas of Focus of the Note for Guidance

www.steptoe.com

5 Main Topics

- Scope of the Commission Regulation
- Other bisphenols and bisphenol derivatives
- Compliance and testing
- Placing on the market
- Transitional provisions

Substance Specific Legislation – BPA Regulation (EU) 2024/3190 and December 2025 Note for Guidance

- Regulation (EU) 2024/2190 bans the *intentional use* of 4-4'-Isopropylidenediphenyl (BPA) (CAS Reg. No. 80-50-7) and its salts in the following food-contact applications:

Material	Examples
Varnishes and Coatings	Epoxy can coatings, pipe linings
Plastics	Polycarbonate reusable drink bottles, kitchenware
Adhesives	Labels, laminated packaging
Printing Inks	Applied to labels, packaging
Silicones and Rubbers	Seals, gaskets
Ion Exchange Resins	Process water in food manufacturing

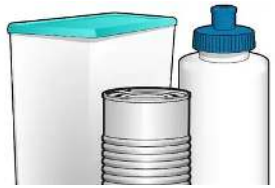
Annex II derogations:

1. Liquid epoxy resins in self-supporting FCMs or articles with a capacity > 1,000 L that are flushed prior to first use
2. Polysulfone filtration membrane assemblies that are flushed prior to first use

© 2026 Steptoe LLP. All rights reserved.

Making Sense of the Guidance on the Scope of the Regulation

- Regulation applies to FCM and articles as per the meaning with the Framework Regulation Article 1(2), so the regulation encompasses the intentional use of BPA in starting materials, intermediate materials, as well as finished FCMs and articles.
- Materials Outside the Scope
  - Materials and articles in contact with pet food
  - Recycled FCMs
  - Enamel coatings that are glass-based materials that are melted onto clay, metal, or glass
  - Paper and paperboard



- Materials Within the Scope
  - Detachable pipes to vats and tanks, even vats and tanks and the resulting self-supporting material or article in its entirety has a total capacity of > 1,000 L fall within Annex II derogation
  - External parts of FCMs where there is no reasonable expectation to contact food but there is reasonable expectation of transfer of constituents to food under normal or foreseeable conditions of use (e.g., external can coatings may transfer due to set off)

Use of Other Bisphenols or Bisphenol Derivatives Under the Regulation

- **Article 2(2)(c)**
  - Salts of BPA are banned because these substances fall within the BPA definition provided in Article 2(2)(c)

- **Article 5**
  - Otherwise, bisphenol derivatives or other bisphenols are not specifically restricted unless they fall within the scope of Article 5, hazardous bisphenols (other than BPA) or hazardous bisphenol derivatives or contain residual BPA (see Article 4)
    - e.g., bisphenol-A-diglycidyl ether (BADGE) is permitted for use in food-contact applications since it is not classified as hazardous, but the BADGE may not contain residual BPA

- **Article 6**
  - Permits authorization of the use of hazardous bisphenols other than BPA or hazardous bisphenol derivatives for use in specific applications upon valid application based on guidance published before January 20, 2027

Making Sense of the Guidance on Use of Other Bisphenols or Bisphenol Derivatives

- **Article 5**: Prohibition on the use of BPA
  - Clarification on the derogation on varnishes and coatings in Annex II: Bisphenol derivatives, such as BADGE, when reacted with additional BPA are within scope of intentional use of BPA; thus, these epoxy resins are only authorized on (1) articles with a capacity > 1,000 L when (2) no migration of BPA into food is detectable and (3) the articles are flushed prior to first contact
- **Article 6**: Authorization for use of hazardous bisphenols other than BPA or use of hazardous bisphenol derivatives based on submissions
  - Hazardous bisphenols and hazardous bisphenol derivatives are listed in Part 3 of Annex VI to Regulation (EC) No 1272/2008, classified as IA or IB CMR or category 1 endocrine disruptor
  - Current List

Substance	CAS Number	Classification
Bisphenols	80-09-1	Repr. 1B
4,4'-Isobutylethylidene diphenol	6807-17-6	Repr. 1B
Phenolphthalein	77-09-8	Carc. 1B
Bisphenol AF (BPAF)	1478-61-1	Repr. 1B
Tetrabromobisphenol-A (TBBPA)	79-94-7	Carc. 1B

  - Risk Assessment Committee (RAC) September 17, 2024 opinion on bisphenol F (CAS No. 620-92-8) proposing Repr. 1B; track at http://echa.europa.eu/subscribe

Making Sense of the Guidance on Use of Other Bisphenols or Bisphenol Derivatives (Cont.)

- **Article 6**: (Cont.) Use of hazardous substances before and after EFSA issues Scientific Guidance on information needed to support submission requesting a derogation
  - Before EFSA Issues the Guidance: Look to the status quo
    - For example, BPS may be used in plastic subject to an SML of 0.05 mg/kg, and its use as a polymeric binder in varnishes and coatings must be safe under Article 3 of the Framework Regulation 1935/2004 and any applicable Member State Legislation
    - Will be important to consider scientific information available and ongoing developments with CLP classifications
  - After EFSA Issues the Guidance: Must submit an application for a derogation from prohibition on use

Hazard Classification Status	Currently on the Market	Timing for Submitting Petition	Remain on Market Pending Decision
Classified pre-guidance	Yes	9 months after issuance of guidance	Yes
Classified pre-guidance	No	Anytime	No
Classified post-guidance	Yes	9 months after classification	Yes
Classified post-guidance	No	Anytime	No

Recent Updates – BPA Regulation (EU) 2024/3190 and December 2025 Note for Guidance

- **Article 6** – Permits authorization of the use of hazardous bisphenols *other than BPA or hazardous bisphenol derivatives* (defined by the CLP) for use in specific applications upon valid application based on (not yet) published guidance
  - Before guidance is published can use currently authorized bisphenols (other than BPA or hazardous bisphenol derivatives under the CLP)
- **Demonstrating Compliance in a DoC (required) and Testing (not required):**

No BPA Intentionally Used (Article 3)	Statement that FCM or article contains no intentional used BPA or BPA salts; testing discretionary because regulation does not cover BPA as a contaminant
No Migration of BPA (Annex II)	For substances used in accordance with a derogation, include any parameters necessary to support no migration above 1 µg/kg based on mathematical modelling or migration testing; statement to meet any other restrictions (e.g., flushing)
No Residual BPA (Article 4)	For materials made with permitted bisphenols or bisphenol derivatives, include any parameters necessary to support no residual BPA at a level above 1 µg/kg in the FCM or article based on analytical data or data on the presence of BPA as an impurity

© 2026 Steptoe LLP. All rights reserved.

Making Sense of Guidance on Compliance and Testing (Cont.)

www.steptoe.com

- Issuing a Declaration of Compliance (DoC)
  - All materials specified in Article 1(2), including multi-material articles, must be accompanied by a DoC, even when no BPA has been used in the manufacturing process
  - Obligation for the DoC begins during transition period and should cover all bisphenols and bisphenol derivatives not just hazardous substances
  - A DoC should be issued at all stages, except the retail stage
  - No specific format required and can be a single DoC if other DoCs are required



Making Sense of Guidance on Compliance and Testing (Cont.)

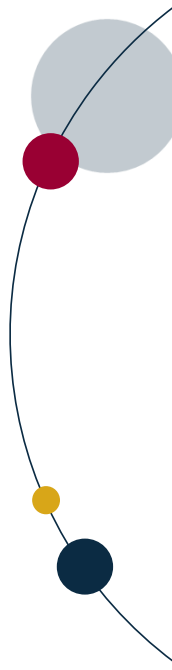
- Demonstrating Compliance and Testing

No BPA Intentionally Used (Article 3)	Statement that FCM or article contains no intentional used BPA or BPA salts; testing discretionary because regulation does not cover BPA as a contaminant
No Migration of BPA (Annex II)	For substances used in accordance with a derogation, include any parameters necessary to support no migration above 1 µg/kg based on mathematical modelling or migration testing; statement to meet any other restrictions (e.g., flushing)
No Residual BPA (Article 4)	For bisphenols or bisphenol derivatives, include any parameters necessary to support no residual BPA at a level above 1 µg/kg in the FCM or article based on analytical data or data on the presence of BPA as an impurity

Making Sense of the Guidance on Placing FCMs and Articles on the Market

- The ban and restrictions do not apply to FCMs and articles intended for export only, but must be accompanied by appropriate documentation to ensure traceability, including clear demonstration of destination

- Imports are subject to the regulation



Making Sense of the Guidance on the Transitional Period

ELI: http://data.europa.eu/eli/C/2025/6721/oj

OJ C, 17.12.2025

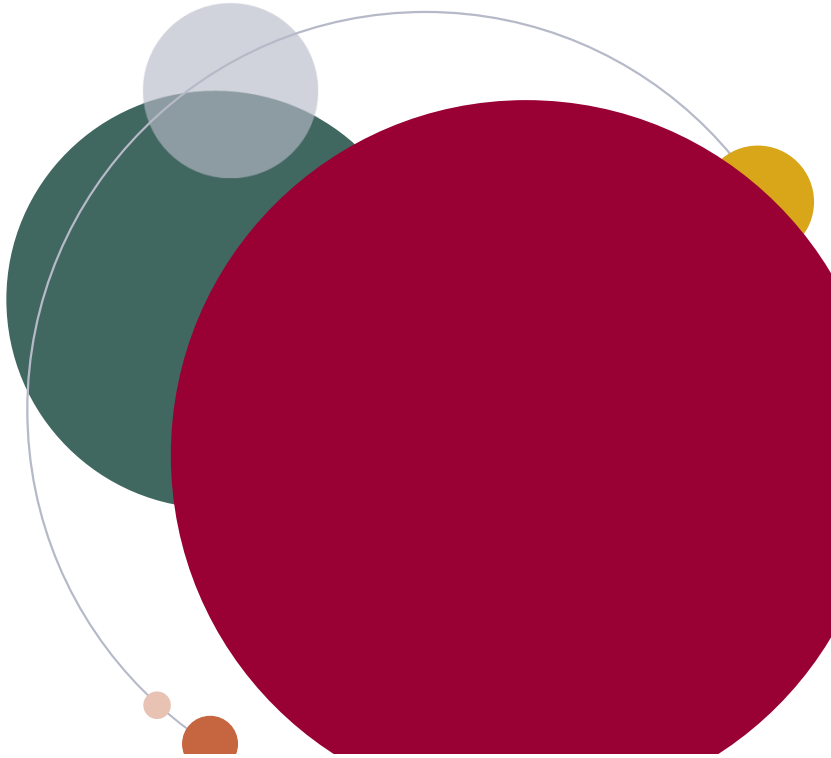
Overview of transitional periods for FCMs within the scope of Commission Regulation (EU) 2024/3190. The table is for illustrative purposes only and does not cover every scenario. It should be read in conjunction with the answers given to the preceding questions and with the Regulation

	FCMs that comply with the rules applicable on the date from which the Regulation applies (20 January 2025)	+ 18 months By 20 July 2026	+ further 12 months By 20 July 2027	+ 36 months By 20 January 2028	+ further 12 months By 20 January 2029	No specified date
A	**Single-use final food contact articles (e.g. metal packaging such as a can) except B**	Can no longer be first placed on EU market. Unfilled packaging may remain on the market for 1 year for filling with food	Any unfilled packaging must have been filled with foodstuffs and sealed			Filled food packaging may remain on the EU market until exhaustion of stocks
B	**Single-use final food contact articles for preservation of fruits, vegetables and fishery products or where a varnish or coating manufactured using BPA has only been applied to the exterior metal surface**			Can no longer be first placed on EU market. Unfilled packaging can remain on the market for 1 year for filling with food	Any unfilled packaging must have been filled with foodstuffs and sealed	Filled food packaging may remain on the EU market until exhaustion of stocks
C	**Repeat-use final food contact articles (e.g. kitchenware such as drinks bottles) except D**	Can no longer be first placed on EU market (i.e. by the manufacturer of the final article or importer)	Can no longer be placed on EU market (e.g. kitchenware for sale to consumers)			Business operators may continue to use articles until replacement
D	**Repeat-use final food contact articles used as professional food production equipment**			Can no longer be first placed on EU market (i.e. by the manufacturer of the final article or importer)	Can no longer be placed on the EU market (e.g. cannot be passed from one business to another)	Business operators may continue to use articles until replacement

Steptoe

Recent News

- BfR Guideline for risk assessment of non-intentionally added substances (NIAS) in the area of food contact materials (September 10, 2026)
- Substances of Very High Concern (SVHC) present in the Union list of substances authorized to manufacture plastic food contact materials and articles: methodology to evaluate whether their hazardous properties challenge their current assessment (September 2, 2026)



www.steptoe.com

Steptoe

www.steptoe.com

Thank you!

Jennifer Bonanno, Senior Counsel
Steptoe LLP
1330 Connecticut Avenue, NW
Washington, D.C. 20036 USA
+1 202 429 6440
jbonanno@steptoe.com



© 2026 Steptoe LLP. All rights reserved.

Steptoe

www.linkedin.com/company/steptoe-&-johnson-llp

@SteptoeLLP

For more information about Steptoe, the partners and their qualifications, see **www.steptoe.com**.

Where case studies are included, results achieved do not guarantee similar outcomes for other clients. Attorney advertising. Images of people may feature current or former lawyers and employees at Steptoe or models not connected with the firm.

© 2026 Steptoe LLP. All rights reserved.

Questions?



© 2026 Steptoe LLP. All rights reserved.