



Council of the  
European Union

Brussels, 3 November 2017  
(OR. en)

13938/17  
ADD 1

DENLEG 88  
AGRI 596  
SAN 393

#### COVER NOTE

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From:	European Commission
date of receipt:	3 November 2017
To:	General Secretariat of the Council

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No. Cion doc.:	D052940/03 - ANNEX 1
Subject:	ANNEX to the COMMISSION REGULATION (EU) .../... amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food

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Delegations will find attached document D052940/03 - ANNEX 1.

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Encl.: D052940/03 - ANNEX 1



Brussels, **XXX**  
SANTE/10814/2017 ANNEX Rev. 1  
(POOL/E2/2017/10814/10814R1-EN  
ANNEX.doc) D052940/03  
[...](2017) **XXX** draft

ANNEX 1

**ANNEX**

**to the**

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

**amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food**

## ANNEX

Annex I to Regulation (EU) No 10/2011 is amended as follows:

(1) in point 1, Table 1 is amended as follows:

(a) the entry concerning FCM substance No 856 is replaced by the following:

856	40563	25101-28-4	(butadiene, styrene, methyl methacrylate, butyl acrylate) copolymer cross-linked with divinylbenzene or 1,3-butanediol dimethacrylate	yes	no	no			Only to be used in: - rigid poly(vinyl chloride) (PVC) at a maximum level of 12% at room temperature or below; or - at up to 40% w/w in blends of styrene acrylonitrile copolymer (SAN) / poly(methyl methacrylate) (PMMA) repeat-use articles at room temperature or below, and when either in contact only with aqueous, acidic and/or low alcoholic (< 20%) foodstuffs for less than 1 day, or when in contact only with dry foodstuffs for any duration of time.	
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(b) the following entries are inserted in numerical order of the FCM substance numbers:

1061		80512-44-3	2,4,4'-trifluorobenzophenone	no	yes	no			Only to be used as a co-monomer in the manufacture of polyether ether ketone plastics up to 0.3% w/w of the final material.	
1063		1547-26-8	2,3,3,4,4,5,5-heptafluoro-1-pentene	no	yes	no			Only to be used together with tetrafluoroethylene and/or ethylene co-monomers to manufacture fluorocopolymers for application as polymer processing aid at up to 0.2% w/w of the food contact material, and when the low-molecular mass fraction below 1 500 Da in the fluorocopolymer does not exceed 30 mg/kg.	
1064		39318-18-8	tungsten oxide	yes	no	no	0,05		Stoichiometry: WO <sub>n</sub> , n = 2.72–2.90	(25)
1065		85711-28-0	mixture of methyl-branched and linear C <sub>14</sub> -C <sub>18</sub> alkanamides, derived from fatty acids	yes	no	no	5		Only to be used in the manufacture of articles made of polyolefins, and which do not come into contact with foods for which food simulant D2 is assigned in Table 2 of Annex III.	(26)

(2) in point 3, in Table 3, the following entries are added:

(25)	When used as reheat agent in polyethylene terephthalate (PET) verification of compliance with the specific migration limit is not required; in all other cases compliance with the specific migration limit shall be verified in accordance with Article 18; the specific migration limit is expressed as mg tungsten / kg food.
(26)	Migration of stearamide, listed in Table 1 under FCM substance No 306 to which no specific migration limit applies, shall be excluded from verification of the compliance of the migration of the mixture with the specific migration limit laid down for the mixture.