

Pre- Hearing Questions – PPWR

Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC. OJ L 2025/40 22.01.2025. [Regulation - EU - 2025/40 - EN - EUR-Lex](#)

Regulatory alignment/divergence

Based on the domestic regulatory landscape for packaging and packaging waste in the UK today, which elements of the PPWR - if applied in NI - would be likely to cause regulatory divergence between GB and NI? What impact is that likely to have on industry and/or consumers in Northern Ireland?

DAERA as the lead department responsible for the PPWR will be best placed to provide a view on the replacement Act as a whole, as well as whether the promotion of re-use and refill obligations on takeaways will result in divergence as those measures are aimed at promoting sustainability.

For areas falling within the FSA's policy remit, we note the Act does not cause regulatory divergence between food hygiene and safety rules that apply across the UK. These consumer safety protections remain in place and apply to food businesses in Northern Ireland and Great Britain as they do now, even where re-use and refill strategies are applied either voluntarily or on a statutory basis.

While PPWR outlines maximum levels for the sum of the concentrations of lead, cadmium, mercury and hexavalent chromium resulting from substances present in packaging or packaging components and requires these not to exceed 100 mg/kg; these maximums are applied without prejudice to the restrictions and specific controls on food contact materials and articles set by Regulation (EC) No. 1935/2004 on food contact materials. This aligns with assimilated law requirements in Great Britain so there is no resulting divergence in this regard.

The PPWR prohibits the use of per - and polyfluorinated alkyl substances (PFAS) in food contact packaging, at or above certain levels, as outlined in Article 5(5), from 12 August 2026. The Regulation commits to the restriction being reviewed in 2030. Although there is a difference between this restriction and current law applying in the rest of the UK, both sets of law seek to protect consumers and ensure exposure to PFAS is as low as technically feasible in food contact materials and any level of such exposure is safe. The UK's independent scientific Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT), has established a sub-group to carry out its own risk assessment of PFAS. The FSA will determine whether further restrictions on PFAS in food contact materials are required in the light of the COT opinion and make appropriate recommendations to ministers.

How does that compare with the likely impact if those elements of the PPWR were not applied in NI?

In relation to PFAS presence in food contact packaging, the FSA is regularly in discussions with UK trade bodies and packaging stakeholders who have indicated a move away from deliberate inclusion of PFAS in paper/cardboard packaging in recent years. Consequently, it is expected that the food industry will itself continue along the path of removing these substances from the packaging they produce and use, even if regulatory limits set out in PPWR are not applied in Northern Ireland.

Are you aware of any plans for UKG to further align with elements of the PPWR in future?

The FSA is unable to comment on the broader elements of the PPWR and its aims to support sustainability and the environment as this falls to DAERA as the lead department in Northern Ireland.

Any future plans to align with the PPWR in relation to the presence of PFAS in food contact materials will be informed by scientific advice from the COT as outlined above. The FSA is also part of a cross UK governmental working group created in 2022 to consider PFAS in a wider context, not solely limited to packaging.

Impact for GB-NI movements of products

What is your assessment of the likely impact of the PPWR on GB-based businesses who wish to export products to NI, and if there are any negative impacts, are you aware of any plans from UKG to mitigate against them?

Food contact materials from Great Britain can be supplied on the Northern Ireland market through the Northern Ireland Retail Movement Scheme as established by the Windsor Framework. Consequently, GB based businesses seeking to place these goods on the NI market will be able to continue to do so as now.

Engagement with UKG

Has UKG given any indication of whether it expects all of the finalised text of the PPWR, or only some parts of it, to apply in NI under Article 13(3) of the Windsor Framework? [If only some parts] Has it indicated which parts it expects to apply under Article 13(3)?

The FSA works on a four-nation basis through the provisional Common Framework on Food and Feed Safety and Hygiene, this includes policy on food contact material. FSA is not aware of any such indications that may be of relevance to our remit.

Has UKG highlighted any anticipated risks or problems associated with the application of the PPWR (or parts of it) in NI? What mitigations has it proposed?

As above, the FSA works on a four-nation basis in relation to food safety, hygiene and food contact materials. FSA is not aware of any proposed mitigations that may be of relevance to our remit.

Has UKG suggested any likely benefits to NI arising from the application of the PPWR (or parts of it) in NI?

DAERA are the lead department responsible for the PPWR and so will be best placed to provide a view on the likely benefits to NI as a whole. With regard to packaging that comes in contact with food, the FSA notes the PPWR at Article 7 outlines that by 1 January 2030 any plastic part of packaging placed on the market must contain a minimum percentage of between 10-35% recycled content recovered from post-consumer plastic waste. As the safety of recycled food contact materials falls to the FSA, through our engagement with manufacturers of food contact materials, we are aware of one business in Northern Ireland that has sought pre-market authorisation for the production of recycled plastic food contact materials from the EU; a decision on the application is awaited.

We have received queries from other virgin-plastic manufacturers based in NI wishing to introduce recycled plastic processes to their operations which may involve the use of novel technologies. The FSA is providing advice and support to all NI stakeholders, particularly those wishing to apply to the EU for authorisation under separate legislation. As such it is possible to foresee that application of Article 7 of the PPWR may support the interests of any business producing or seeking to produce recycled plastics that come into contact with food for the EU market.

Stakeholder engagement

Can you provide more detail on any engagement which has taken place to date between FSA and any potentially impacted stakeholders? Which sectors of industry and/or civic society have been consulted?

The FSA communicate key changes through our Northern Ireland Stakeholder Bulletin and signpost them to further information. This has over 9,000 subscribers across NI and GB and the primary audience for this email-based communique, is food businesses in Northern Ireland, district councils, other government departments and agencies are also included in the number in our subscribers.

We have established formalised fora to facilitate more detailed discussions on regulatory change, but we are always looking for ways in which to improve and strengthen our engagement capability.

This week (29 January), we included an update on the publication of this EU Regulation in this Bulletin and have invited stakeholders to get in touch with any questions or concerns.

What (if any) potential benefits of the PPWR have been highlighted by stakeholders in NI?

The FSA does not proactively set out benefits of any proposed legislation as it is important for the food industry to form its own view. We encourage and rely upon feedback from them to help shape and inform our advice to other public authorities and the legislatures we serve.

What (if any) risks or potential costs to business and/or consumers in NI have been highlighted?

There are no specific lines on Northern Ireland in the EU impact assessment that accompanied this replacement Act at proposal stage.

Reuse/Refill Obligations

Your Assessment of Impact states that Article 28 of the PPWR could impact supermarkets, but also notes that some may already comply with its requirements. Does the FSA have any indication of how many stores in NI would be within the scope of the requirements in Article 28, and how many of those are/aren't already compliant? In FSA's view, would this provision have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

It is important to note that the 'duty to endeavour' set out in Article 28 applies to those businesses that supply food as well as those that do not. Further detail on what businesses must do to demonstrate they have applied sufficient efforts will be needed through implementing regulations to understand what impacts may arise for food businesses that meet the qualifying 400m² sales area set out in PPWR.

Additionally, while we note the requirement could apply to supermarkets, further analysis is needed to identify the range of food businesses to which the provision could apply. The FSA is currently mapping the number of retail grocery outlets in Northern Ireland, this includes the estimated size of premises; we expect this to be completed by the end of March 2025. This information will assist any further considerations by FSA and DAERA. The FSA's focus will be to work with impacted food businesses and district councils to provide advice on the hygiene and safety standards for refill containers.

Does the FSA have any indication of how many takeaways in Northern Ireland would / would not be exempted (as micro-enterprises) from the reusable packaging obligations in Article 27? Of those not exempted, does the FSA have any indication of how many takeaways are not already compliant with Article 27? In FSA's view, would this provision have a significant impact specific to everyday life of communities in Northern Ireland in a way that is liable to persist?

As a science and evidence led department, it is important that we have sufficient data available to provide the Committee with insights to how many takeaways may be impacted or exempt. We do not ordinarily hold data on the annual turnover of food businesses as this is commercially sensitive information that businesses are not obliged to routinely share with us. However, it is expected that the majority of microenterprises will not meet the turnover threshold set out in PPWR.

We are currently mapping the number of takeaways in Northern Ireland and will need to verify any figures with district councils who work closely with those in their respective areas. We will work with DAERA to support any assessments they may wish to undertake as the lead department for PPWR. As above, our focus will be to work with impacted food businesses and district councils to provide advice on the hygiene and safety standards for reusable packaging.