



Can coatings are not Plastics

The thermoset coatings used as protective layers on the surface of coated metal articles for food contact are not in the scope of the definition for “plastics” which is given in European Commission Regulation (EU) 10/2011 (the “Plastics” Regulation) (as amended). The “Plastics” Regulation defines “plastic” in Article 3 (2) as a “...polymer to which additives or other substances may have been added, which is capable of functioning as a main structural component of final materials and articles”. This is supported by the Union Guidelines on Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food”, where a coating is defined in Section 2.2 as “non-self-supporting layer composed of substances applied on an already existing substrate in order to impart special properties or improve technical performances of the finished article”.

European Regulation (EU) 2025/40 (the “PPWR”) defines plastic in Article 3(52) as “...a material consisting of a polymer within the meaning of Article 3, point (5), of Regulation (EC) No 1907/2006, to which additives or other substances may have been added, and which is capable of functioning as a main structural component of packaging” thus is aligned with the definition given in the “Plastics” Regulation. The same definition is also given in Directive (EU) 2019/904 (on the reduction of impact of certain plastic products on the environment) in Article 3(1).

A “polymer” is defined (Article 3(3)) in the “Plastics” Regulation as “any macromolecular substance obtained by a) a polymerisation process such as polyaddition or polycondensation, or by any other similar process of monomers and other starting substances, b) chemical modification of natural or synthetic macromolecules, or c) microbial fermentation”. Organic surface coatings are resinous polymerised materials intended to provide a functional (protective) effect on the metal substrate. These thermoset coatings are, as explained in the Union Guidelines on Regulation (EU) 10/2011, non-self-supporting layers, and therefore do not meet the definition for plastics of being capable of functioning as a main structural component of packaging as given in (EU) 10/2011, (EU) 2025/40 and (EU) Directive 2019/904.

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