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Administrative guidance for the preparation of applications on substances to be used in active and intelligent materials and articles intended to come into contact with food

European Food Safety Authority (EFSA)

Abstract

This document provides guidance to applicants submitting applications on substances that may be used in components of active and intelligent materials and articles intended to come into contact with food, which are to be evaluated by EFSA. It describes the administrative requirements for the preparation and online submission of the dossier to support an application for a new authorisation or for the modification of an existing authorisation of substances used in components of active and intelligent materials and articles intended to come into contact with food, for applications submitted to the competent authority of a Member State as of 27 March 2021.

The Transparency Regulation amended the General Food Law by introducing new provisions in the pre-submission phase and in the application procedure: general pre-submission advice, notification of information related to studies commissioned or carried out to support an application, public disclosure of non-confidential version of all information submitted in support of the application and related confidentiality decision-making process, public consultation on submitted applications. These new requirements, as implemented by the Practical Arrangements laid down by EFSA, are reflected in this guidance.

The guidance describes the procedure and the associated timelines for handling applications on active or intelligent substances present in active and intelligent materials and articles intended to come into contact with food, the different possibilities to interact with EFSA and the support initiatives available from the preparation of the application (pre-submission phase) to the adoption and publication of EFSA's scientific opinion.

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Key words: Application, e-submission, food contact materials,, active and intelligent materials, Regulation (EC) No 1935/2004, Commission Regulation (EC) No 450/2009

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Summary

This document provides guidance to applicants preparing applications for a new authorisation or for the modification of an existing authorisation of substances that may be used in components of active or intelligent materials and articles intended to come into contact with food in the European Union within the scope of Regulation (EC) No 1935/2004 and Commission Regulation (EC) No 450/2009. It takes into account the new provisions introduced in Regulation (EC) No 178/2002 (i.e. the General Food Law) and in Regulation (EC) No 1935/2004 by Regulation (EU) 2019/1381 (i.e. the Transparency Regulation).

This guidance applies to all applications submitted to the competent authority of a Member State as of 27 March 2021 and should be used for the preparation of applications intended to be submitted from that date onwards.

The present guidance document consists of three chapters and one appendix:

- Chapter 1. *Background and Terms of Reference* provides the context for the publication of this guidance document;
- Chapter 2. *Guidance* describes the procedure, the associated timelines and the documentation to be provided for an application submitted for the authorisation or for the modification of an existing authorisation of an active and intelligent material;
- Chapter 3. *Interaction with EFSA staff* provides information on the different possibilities to interact with EFSA staff during the life-cycle of the application, from the preparation of the application (pre-submission phase) to the adoption and publication of EFSA's scientific opinion.
- Appendix A provides the format to be used by applicants when submitting an application for active and intelligent materials through the e-submission system. It should be used by applicants to submit the information to support an application, in accordance with the scientific/technical requirements described in EFSA's scientific guidance document on active and intelligent materials.¹

For all applications submitted as of 27 March 2021, this administrative guidance supersedes the chapters of the 'Guidelines on submission of a dossier for safety evaluation by the EFSA of active or intelligent substances present in active and intelligent materials and articles intended to come into contact with food' (EFSA CEF Panel, 2009)² containing administrative information. The guidelines have been republished without the administrative information (EFSA CEF Panel, 2009, updated in 2021). For all applications submitted before 27 March 2021, the previous version of the guidance (EFSA CEF Panel, 2009) continues to apply.

This administrative guidance will be updated, if needed, in accordance with relevant changes of the sectoral legislation and/or guidance documents.

¹ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>

² <https://www.efsa.europa.eu/en/efsajournal/pub/1208>

Table of contents

Abstract.....	1
Summary.....	3
1. Background and Terms of Reference as provided by EFSA.....	5
2. Guidance.....	6
Overview of the main preliminary actions for preparing an application for active and intelligent materials.....	7
Pre-submission phase.....	8
2.1. General pre-submission advice.....	8
2.2. Notification of studies.....	9
From submission of the application to adoption of EFSA’s scientific opinion.....	10
2.3. Submission of an application.....	10
2.4. Receipt of the application by EFSA.....	10
2.5. Completeness check of data for risk assessment and validation of the application.....	11
2.6. Transparency and confidentiality requirements.....	12
2.6.1. Transparency requirements applicable to information shared by applicants with EFSA.....	12
2.6.2. How to submit a confidentiality request.....	13
2.6.3. Parts of the application or information for which a confidentiality request can be submitted ..	14
2.6.4. Processing of confidentiality requests.....	15
2.6.5. Possibility of commenting on, or challenging, a negative decision on a confidentiality request	15
2.6.6. Implementation of EFSA’s confidentiality decision.....	15
2.6.7. Implications of the award of confidential status to certain information.....	15
2.6.8. Proactive disclosure of information contained in the application.....	15
2.7. Public consultation on information contained in the application.....	16
2.8. Risk assessment, adoption and publication of EFSA’s scientific opinion.....	16
2.9. Spontaneous submission of information during the life-cycle of an application.....	18
2.10. Withdrawal of an application.....	19
2.11. Preparation of the dossier.....	20
2.11.1. Language.....	20
2.11.2. Structure of the dossier.....	20
2.11.3. Metadata.....	26
2.11.4. File format and naming.....	26
2.11.5. Page numbering.....	27
2.11.6. Tables and figures.....	27
2.11.7. Standard units, terms and abbreviations.....	27
3. Interaction with EFSA staff during the life-cycle of the application.....	28
References.....	29
Useful links.....	30
Abbreviations.....	31
Appendix A - Technical dossier.....	32

1. Background and Terms of Reference as provided by EFSA

Since 2014, EFSA implemented dedicated services and initiatives to support applicants and other stakeholders during the whole life-cycle of applications for regulated products.

In this context, EFSA prepared this administrative guidance on active or intelligent substances present in active and intelligent materials and articles intended to come into contact with food (hereinafter 'active and intelligent materials'), in order to provide applicants with updated and detailed information as regards the procedure for the preparation and the online submission of an application, the format of the dossier and the handling of the application by EFSA. It aims at improving the understanding of the requirements for applications and the services in place in EFSA during the life-cycle of the applications, from preparation of the application (pre-submission phase) to adoption and publication of EFSA's scientific opinion.

The scope of this administrative guidance document relates to Regulation (EC) No 1935/2004³ read jointly with Commission Regulation (EC) No 450/2009⁴ regarding applications on active and intelligent materials. In accordance with Article 5 of Commission Regulation (EC) No 450/2009 and without prejudice to the derogations laid down in the Regulation itself, substances must be included in the Union list of authorised substances in order to be used in components of active and intelligent materials and articles. Such inclusion in the Union list may be obtained in accordance with the procedure set out in Articles 9 to 11 of Regulation (EC) No 1935/2004.

This guidance is to be read in conjunction with the above-mentioned Regulations, as well as with Regulation (EU) 2019/1381⁵ (hereinafter 'Transparency Regulation') amending *inter alia* Regulation (EC) No 178/2002⁶ (i.e. the General Food Law, hereinafter 'GFL Regulation') and Regulation (EC) No 1935/2004 and with EFSA's Practical Arrangements⁷ implementing the Transparency Regulation. In case of discrepancy between the content of this document and applicable legal acts, or EFSA's Practical Arrangements, the legal acts and the latter prevail.

This guidance applies to all applications submitted to the competent authority of a Member State as of **27 March 2021** and should be used for the preparation of applications intended to be submitted from that date onwards. For applications submitted before 27 March 2021, the previous version of the guidance (EFSA CEF Panel, 2009) applies.

For the purpose of this guidance document, an 'applicant' means any legal or natural person (e.g. individuals, business operators, industry associations, consultancy companies), no matter whether situated within or outside the European Union (EU), who has submitted an application under Regulation (EC) No 1935/2004 and Commission Regulation (EC) No 450/2009.

EFSA will update this document, if needed, in line with relevant changes of the legislation and/or guidance documents and according to the experience gained in the handling and assessment of applications on active and intelligent materials. Therefore, applicants are advised to always consult the latest published version of this document available on EFSA's website.⁸

³ 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. OJ L 338, 13.11.2004, p. 4–17.

⁴ Commission Regulation (EC) No 450/2009 of 29 May 2009 on active and intelligent materials and articles intended to come into contact with food.. OJ L 135, 30.5.2009, p. 3–11.

⁵ Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC, PE/41/2019/REV/1. OJ L 231, 6.9.2019, p. 1–28.

⁶ Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, as amended by Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC, PE/41/2019/REV/1. OJ L 231, 6.9.2019, p. 1–28.

⁷ EFSA's Practical Arrangements are available online at: <https://www.efsa.europa.eu/en/corporate/pub/tr-practical-arrangements>

⁸ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>

2. Guidance

This guidance applies to all applications submitted to the competent authority of a Member State as of 27 March 2021 and should be used for the preparation of applications intended to be submitted from that date onwards.

For all applications submitted as of 27 March 2021, this administrative guidance supersedes the chapters of the 'Guidelines on submission of a dossier for safety evaluation by the EFSA of active or intelligent substances present in active and intelligent materials and articles intended to come into contact with food' (EFSA CEF Panel, 2009)⁹ containing administrative information. The guidelines have been republished without the administrative information (EFSA CEF Panel, 2009, updated in 2021). For all applications submitted before 27 March 2021, the previous version of the guidance (EFSA CEF Panel, 2009) continues to apply.

Active and intelligent materials are subject to conditions for their placing on the EU market. As part of these conditions, certain substances¹⁰ are subject to a regulatory authorisation before they can be used in components of active and intelligent materials and articles entering the market of the European Union (EU). Prior to their authorisation, EFSA is tasked to perform a comprehensive and science-based risk assessment, as to whether, under the intended conditions of use of the material or article in which it is used, the substance complies with the safety criteria set out in Article 6 of Commission Regulation (EC) No 450/2009.¹¹

In this framework, the applicant can submit:

- **Applications for the authorisation of a new substance**, according to Article 9 of Regulation (EC) No 1935/2004;
- **Applications for the modification of the existing authorisation of a substance**, according to Article 12 of Regulation (EC) No 1935/2004.¹²

The life-cycle of an application encompasses various steps and activities:

- **Pre-submission phase:** this covers the preparation of the application and all pre-submission activities;
- **Submission phase and completeness check:** through the e-submission system, the applicant submits the application to the competent authority of a Member State. EFSA checks that the application is complete;
- **Risk assessment phase:** following the validation of the application, EFSA launches a public consultation on the information contained in the application (non-confidential version of the application dossier) and performs the risk assessment leading to the adoption of EFSA's scientific opinion by the EFSA Panel on Food Contact Materials, Enzymes and Processing Aids (CEP Panel);
- **Post-adoption phase:** EFSA's scientific opinion, which provides scientific advice to support decision-making by risk managers, is published on the EFSA Journal. After EFSA has forwarded its opinion to the European Commission (EC), the Member States and the applicant, the EC prepares a draft specific measure.¹³

Confidentiality decision-making and proactive disclosure by EFSA of information contained in the application (non-confidential version) take place at different moments during the application life-cycle.

The tools that applicants are expected to use in the preparation of the application and subsequent phases (e.g. EFSA's portal supporting pre-submission activities, database of study notifications, e-submission system, as detailed below) are available on EFSA's website¹⁴, together with a brief description of each tool, how to access it, and dedicated user guide where available.

⁹ <https://www.efsa.europa.eu/en/efsajournal/pub/1208>

¹⁰ i.e. substances requiring authorisation in accordance with Article 5 of Commission Regulation (EC) No 450/2009.

¹¹ Making reference to Article 3, and where applicable, Article 4 of Regulation (EC) No 1935/2004.

¹² This is without prejudice to other cases of suspension or revocation of authorisation as also referred to in Article 12 of Regulation (EC) No 1935/2004.

¹³ In accordance with Article 11 of Regulation (EC) No 1935/2004.

¹⁴ <https://www.efsa.europa.eu/en/applications/toolkit>

Overview of the main preliminary actions for preparing an application for active and intelligent materials

Before starting to prepare an application for an active and intelligent material, EFSA strongly advises applicants to check the list below concerning the preliminary actions to be considered in order to correctly prepare and submit an application.

- ✓ Consult the Food Contact Materials (FCMs) section on European Commission's website for information on the regulatory framework and the authorisation process for active and intelligent materials:
https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials_en
- ✓ If an application for an active and intelligent material is to be submitted, besides this administrative guidance, consult EFSA's scientific guidance documents on active and intelligent materials for information on how to prepare the dossier supporting the application:
<https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>
- ✓ Consult EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a) and EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b): <https://www.efsa.europa.eu/en/corporate/pub/tr-practical-arrangements>
- ✓ Consult the Administrative guidance for the processing of applications for regulated products (EFSA, 2021c) for the general principles and harmonised way followed to process applications for regulated products in EFSA: <https://www.efsa.europa.eu/en/supporting/pub/en-6471>
- ✓ In case of doubts on the requirements for an application, ask for clarification to EFSA using the webform: <https://connect.efsa.europa.eu/RM/s/new-ask-efsa-request>
- ✓ Notify EFSA of information related to all studies commissioned or carried out in support of the application as of 27 March 2021, using the database of study notifications established by EFSA: <https://www.efsa.europa.eu/en/applications/toolkit>
- ✓ Request general pre-submission advice (GPSA), if needed (optional), using the dedicated GPSA form available on EFSA's website: <https://www.efsa.europa.eu/en/applications/toolkit>
- ✓ For questions that EFSA cannot answer by means of GPSA, the European Commission may be contacted. In case of such contact, provide a detailed explanation of the problem and relevant information. Please include all correspondence with EFSA, if any.
Contact: SANTE-fcm@ec.europa.eu
- ✓ Consult EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d) for an overview of the support initiatives provided by EFSA to applicants: <https://www.efsa.europa.eu/en/supporting/pub/en-6472>

Specific indications on how to prepare and submit the application are provided in the following sections of the guidance document.

Pre-submission phase

Before submitting an application for an active and intelligent material, a potential applicant should first register in EFSA's portal supporting pre-submission activities available on EFSA's website.¹⁵ The registration is needed only if at least one of the pre-submission activities is carried out.

Upon request addressed to EFSA, potential applicants are given a reference i.e. pre-application identification 'ID' (EFSA-ID-YYYY-NNNNNN¹⁶), valid for a specific regulated product and a given regulated product area, to be used for any activity related to the pre-submission phase (see Sections 2.1 and 2.2), as introduced by the GFL Regulation:

- possibility to request general pre-submission advice from EFSA (optional, applicable to all types of applications);
- notification of information related to studies commissioned or carried out (mandatory, applicable to all types of applications).

The pre-application ID(s), if any, must be provided when submitting the application (see Sections 2.3 and 2.11).¹⁷

The sections below provide an overview to applicants of the procedure governing the pre-submission phase. They are to be read in conjunction with binding Union legal acts, in particular with the GFL Regulation and with EFSA's Practical Arrangements on pre-submission phase and public consultations¹⁸ (EFSA, 2021a), which provide comprehensive information and instructions on that matter.

2.1. General pre-submission advice

In accordance with Article 32a(1) of the GFL Regulation, potential applicants may request general pre-submission advice (GPSA) from EFSA at any time before submitting the corresponding envisaged application with respect to both intended applications for new authorisations or modification of existing authorisation. The GPSA is optional for the potential applicant. Within the framework of GPSA, EFSA provides advice on the rules applicable to, and the content required for, an application prior to its submission.

In particular, the following items are considered outside of the scope of the GPSA:

- design of the studies to be submitted and questions related to hypotheses to be tested, unless the advice concerns guidance documents developed by EFSA in which study design is addressed;
- risk management questions;
- any aspects going beyond the information available in the legislation, rules, guidance documents or guidelines applicable to applications.

For questions outside the scope of the GPSA, applicants should contact the European Commission.

EFSA recommends submitting the request for GPSA at least six months before the envisaged submission date of the application.

Requests for general pre-submission advice must be submitted to EFSA by filling in the dedicated general pre-submission advice online form ('GPSA form') available on EFSA's website.¹⁹

Following an administrative check EFSA will provide its feedback on whether the submitted request is accepted or rejected within 15 working days from the receipt of the GPSA form. For accepted requests, the advice is notified to the potential applicant. A summary of the advice is drawn up and stored by EFSA. It is sent to the potential applicant for information purposes. For a comprehensive description of

¹⁵ <https://www.efsa.europa.eu/en/applications/toolkit>

¹⁶ YYYY corresponds to the year and NNNNNN is a progressive number.

¹⁷ In accordance with Article 5 of Decision of the Executive Director of the European Food Safety Authority laying down the practical arrangements on pre-submission phase and public consultations (EFSA, 2021a).

¹⁸ See [Decision of the Executive Director of the European Food Safety Authority laying down the practical arrangements on pre-submission phase and public consultations](#)

¹⁹ <https://www.efsa.europa.eu/en/applications/toolkit>

applicable procedures and provisions, please refer to EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

The summary of the advice is made public together with the non-confidential version of the application dossier, as soon as the application is declared valid. On applicable transparency and confidentiality requirements, please see Section 2.6.

2.2. Notification of studies

In accordance with Article 32b of the GFL Regulation, potential applicants commissioning or carrying out studies as of 27 March 2021 to support an application concerning active and intelligent materials (new authorisation, modification of an existing authorisation) have the obligation to notify EFSA without delay of the following information²⁰ related to those studies:

- title and scope of the study;
- laboratory or testing facility carrying out the study;
- starting and planned completion dates of the study.

The same obligation applies to the laboratories and other testing facilities located in the EU²¹ for studies commissioned by potential applicants and carried out by such laboratories and other testing facilities. Therefore, both potential applicants and laboratories/testing facilities have the obligation to notify information about all studies commissioned or carried out to support an application.

Study notifications must be submitted in the database of study notifications available on EFSA's website²² without delay before the starting date of the study. The database will assign a unique study identification 'ID' to each study notification (i.e. study ID: EFSA-YYYY-NNNNNNNN²³).

For any study notification submitted after the starting date of the study, the applicant must provide justifications for the delay when submitting the application.

The obligations of notification of studies apply to any additional studies provided after the submission of the application either during the completeness check or in relation to the risk assessment, or as part of a spontaneous submission of information, if such studies are commissioned or carried out as of 27 March 2021.

Applicants should be aware that non-compliance with the notifications of study obligations may result in the non-validity of the application or in delays in the risk assessment process (see Sections 2.5 and 2.8).

Studies submitted to support an application are not subject to the study notification obligations if they were commissioned or carried out before 27 March 2021.

For a comprehensive description of applicable procedures and provisions, please refer to EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

²⁰ The full list of information to be notified for each study is provided in Annex II to Decision of the Executive Director of the European Food Safety Authority laying down the practical arrangements on pre-submission phase and public consultations (EFSA, 2021a).

²¹ The same obligation applies to laboratories and testing facilities located in third countries insofar as set out in relevant agreements and arrangements with those third countries, including as referred to in Article 49 of the GFL Regulation.

²² <https://www.efsa.europa.eu/en/applications/toolkit>

²³ YYYY corresponds to the year and NNNNNNNN is a progressive number.

From submission of the application to adoption of EFSA's scientific opinion

2.3. Submission of an application

Applicants must submit the application to the competent authority of the Member State of their choice²⁴ by using the electronic tool, i.e. the **e-submission system**, accessible through European Commission's website or EFSA's website.²⁵

The system allows applicants to submit and follow-up on applications through an online web interface from the start to the end of the authorisation process. Detailed instructions for accessing and using the e-submission system are provided in the dedicated user guide.²⁶

A detailed description of the content of the dossier to prepare in support of the application is given in Section 2.11 of this Administrative guidance.

Regarding the study notification obligations of Article 32b(2) and (3) of the GFL Regulation, when submitting an application, the applicant must provide the following information:

- **pre-application ID(s)** related to the active and intelligent material which is the subject matter of the submitted application provided to the applicant at pre-submission phase, in case pre-submission advice was requested and/or or new studies have been notified;
- **study ID** generated by EFSA's database of study notifications for each study submitted in the application;
- if necessary, **justifications** explaining the divergences between the information notified in accordance with Section 2.2 and the studies included in the application, linked, where applicable, to the study ID.

For a comprehensive description of the information to be provided when submitting applications to allow verification of compliance with study notification obligations, please refer to EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

At the moment a draft application is created, the e-submission system assigns a unique reference number i.e. application 'ID' (AAA YYYY/NNNNN²⁷) that persists even after submission. Once the submission is completed, the applicant receives a confirmation.

2.4. Receipt of the application by EFSA

Once an application is submitted through the e-submission system, the competent authority of the Member State checks the application and issues a mandate to EFSA in view of the risk assessment procedure. The applicant is notified accordingly.

At the receipt of the application by EFSA, a unique reference number is assigned to the application and communicated to the applicant. This unique number (i.e. EFSA question number: EFSA-Q-YYYY-NNNNN²⁸) should be used in any communication related to the application.

The status of the application is automatically updated in the e-submission system. Each step is registered and can be monitored by the applicant.

Information on all applications received by EFSA is available to the public in the OpenEFSA portal.²⁹

Applicants should note that information and documents uploaded as part of the initial submission of the dossier, later during completeness check or in the scientific evaluation process are subject to the provisions on confidentiality and proactive disclosure of the information, as detailed in Sections 2.6 and 2.7.

²⁴ In accordance with Article 9(1)a of Regulation (EC) No 1935/2004.

²⁵ <https://www.efsa.europa.eu/en/applications/toolkit>

²⁶ <https://www.efsa.europa.eu/en/applications/toolkit>

²⁷ AAA corresponds to a three letter code of the regulatory domain, YYYY corresponds to the year the draft is created and NNNNN is a progressive number.

²⁸ YYYY corresponds to the year and NNNNN is a progressive number.

²⁹ <https://open.efsa.europa.eu>

2.5. Completeness check of data for risk assessment and validation of the application

From receipt of the application to the validation, the application is handled by the EFSA Applications Desk (APDESK) Unit.

After receipt of the application, EFSA checks the completeness of the application and validates it when it fulfils the legal requirements, including those on notification of studies³⁰, and the requirements set in EFSA's guidance document on active and intelligent materials.³¹

The starting date of the completeness check is the date of receipt by EFSA of both the dossier supporting the application and the request from the competent authority of the Member State to evaluate the application. At this stage, the status of the application in the e-submission system shows that the application is acknowledged and that EFSA's completeness check has started.

EFSA endeavours to finalise and communicate to the applicant the outcome of the completeness check within 30 working days from the receipt date of the application.

In case certain parts of the dossier need modification or completion in order to be considered valid, EFSA requests the missing information to the applicant, through the e-submission system.

The applicant should insert the response in the e-submission system within 30 days from the receipt of the request for missing information. When this is not possible, the applicant should indicate to EFSA the date by which the response is expected, including an appropriate justification.

After receiving a request for missing information or clarifications by EFSA and before submitting the response, the applicant can ask EFSA to organise a teleconference to clarify the questions raised by EFSA.³²

When responding to EFSA's questions, the applicant should upload an updated version of documents that were subject to completion or modification, and any missing files (e.g. studies, annexes, references) directly to the e-submission system in the corresponding sections. Applicants are reminded that the provisions on confidentiality and proactive disclosure of the information, as detailed in Sections 2.6 and 2.7, apply to all information, documents or information uploaded as part of the initial submission, or later during completeness check or in the scientific evaluation process. Therefore, should the documents include elements that are claimed to be confidential, the applicant is expected to upload a version with these elements blackened (non-confidential version, also called 'public version', see details in Section 2.6.1) and a version including the elements claimed confidential, where the confidential information is boxed or earmarked (confidential version, not for public disclosure).

Applicants should note that if new studies are submitted to EFSA following a request during the completeness check, these studies are subject to the study notification obligations if commissioned or carried out as of 27 March 2021. In this case, the relevant information must be notified in EFSA's database of study notifications in accordance with EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

Once the requested information is uploaded to the e-submission system, EFSA checks the content of the submission to see if it is complete and the application can be validated, or if further revision is required. EFSA endeavours to inform the applicant within 15 working days from the upload of the missing information to the e-submission system.

Applicants are reminded that notified studies and the justifications provided to prove compliance with notification of studies obligations (see Sections 2.2 and 2.3) are also subject to completeness check.

EFSA interrupts the completeness check and the application is declared as non-valid³³, if during the completeness check EFSA concludes that:

³⁰ See Chapter IV on Notification of Studies of Decision of the Executive Director of the European Food Safety Authority laying down the practical arrangements on pre-submission phase and public consultations (EFSA, 2021a).

³¹ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>

³² See Section 2.2.2 of EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

³³ In accordance with Article 32b(4) and (5) of the GFL Regulation.

- a submitted study was not previously notified in EFSA's database of study notifications or was notified after the starting date of the study (i.e. non-notification regulated by Article 32b(4) of the GFL Regulation) and the applicant has provided no valid justification; and/or
- a study previously notified in EFSA's database was not included in the application and the applicant has provided no valid justification (i.e. non-inclusion of a study regulated by Article 32b(5) of the GFL Regulation); and/or
- a notification of a study was withdrawn and the applicant has provided no valid justification (Article 23(2)(c) of EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a)).

The applicant may re-submit the application, provided that:

- it notifies in the database the studies that were not previously notified; and/or
- it submits all the studies which were previously notified in the database or, in case of unjustified withdrawal of a notification of a study, the data delivered by the relevant laboratory or testing facility even without the study having been completed.

To this end, the applicant should insert in the e-submission system a completely new application. When re-submitting the application, the applicant should contextually provide the unique number of the application (i.e. EFSA's question number: EFSA-Q-YYYY-NNNNN) which was previously not considered valid. The completeness check of the new application will commence six months after the re-submission of the application.

For a comprehensive description of applicable procedures and provisions, please consult EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

When the dossier is considered complete, the applicant is notified of its validity. The status of the application is updated automatically in the e-submission system showing that the completeness check has been completed.

Upon validation, EFSA proactively discloses the non-confidential version of the dossier as provided by the applicant³⁴ on the OpenEFSA portal. The non-confidential version published on the OpenEFSA portal will be replaced by the one sanitised by EFSA pursuant to its confidentiality decision, in case one or more confidentiality requests submitted by the applicant are rejected by EFSA (see Section 2.6).

The validity date of the application is the starting date for the scientific assessment of the application and for the assessment of the confidentiality requests contained therein.

2.6. Transparency and confidentiality requirements

This section aims at giving an overview to applicants on the procedure implementing transparency and confidentiality requirements, in accordance with relevant provisions of the GFL Regulation and Article 20 of Regulation (EC) No 1935/2004, as amended by the Transparency Regulation, and with EFSA's Practical Arrangements concerning transparency and confidentiality³⁵ (EFSA, 2021b). It is to be read in conjunction with Union law³⁶ and case law, as well as with EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b), which provide a comprehensive description of applicable procedures and provisions.

2.6.1. Transparency requirements applicable to information shared by applicants with EFSA

The GFL Regulation as amended by the Transparency Regulation introduced a general principle of proactive disclosure and transparency of information, studies and data submitted to EFSA for scientific evaluation. In light of this principle, and of the related provisions, EFSA must proactively disseminate

³⁴ In accordance with Article 19 of Regulation (EC) No 1935/2004 as amended by the Transparency Regulation, and with Article 38 of the GFL Regulation.

³⁵ See [Decision of the Executive Director of the European Food Safety Authority laying down practical arrangements concerning transparency and confidentiality](#)

³⁶ Relevant provisions of the GFL Regulation and of Regulation (EC) No 1935/2004.

all information submitted by applicants for the purposes of EFSA's scientific evaluation of regulated products, including the information submitted during the assessment process at EFSA's explicit request.

Specifically, EFSA is to make publicly available³⁷ *inter alia* the following information³⁸:

- all its scientific outputs;
- scientific data, studies and other information supporting applications, including additional information requested during an assessment, as well as other scientific data and information supporting requests from the European Commission and the Member States for a scientific output;
- the information on which its scientific outputs are based;
- a summary of the advice provided to potential applicants at pre-submission phase.

By derogation from the general principle of proactive disclosure and transparency, EFSA, when required to issue an opinion, may grant confidential status to certain elements of application dossiers, provided applicants submit a verifiable justification and EFSA accepts the confidentiality request. For this purpose, and for each document for which confidentiality is requested, applicants are required to upload to the e-submission system:

- **a request to treat certain item(s) as confidential**, specifying: the confidentiality ground(s) and conditions, justification, excerpt of the text, location in the file. These requests should be inserted in the e-submission system at the time of submission of the information. Multiple requests can be submitted per file, but only with regard to specific items as indicated in the relevant Union law (see Section 2.6.3);
- **a version of the concerned document with all information visible and no blackening applied**. In this version, all information claimed to be confidential by the applicant should be boxed or earmarked (confidential version, not for public disclosure);
- **a non-confidential version with all elements claimed to be confidential blackened** (public version). This version will be made publicly available in the OpenEFSA portal as soon as the application is declared valid (as mentioned in Section 2.5). This non-confidential version provided by the applicant and made available on the OpenEFSA portal will be replaced by the one sanitised by EFSA pursuant to its confidentiality decision, in case one or more confidentiality requests are rejected. Applicants should note that the public version should have all the names and addresses of individuals involved in testing on vertebrate animals or in obtaining toxicological information blackened as these elements must not be disclosed. Furthermore, the public version should also have all the personal data the applicants consider should not be disclosed pursuant to its confidentiality requests, equally blackened. For more information, see Section 2.6.3 as well as EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

2.6.2. How to submit a confidentiality request

Applicants are required to submit confidentiality requests via the e-submission system (see also Section 2.11.3) by providing reasoning supporting each request and addressing the requirements set out in Article 10 of EFSA's Practical Arrangement concerning transparency and confidentiality (EFSA, 2021b).

It is fundamental that applicants submit all relevant confidentiality requests at the time of submission of the related piece of information (e.g. technical dossier, information submitted following a request for missing or additional information, spontaneously submitted information, etc.). After submission, applicants may not modify confidentiality requests anymore, unless requested to do so by EFSA.

³⁷ The proactive disclosure of the above information does not imply permission or licence for their re-use, reproduction, or exploitation in breach of the relevant existing rules concerning intellectual property rights or data exclusivity. EFSA cannot be held liable or responsible for any use of the disclosed data by third parties in breach of any existing intellectual property rights.

³⁸ For an exhaustive list of the types of information, documents or data which is made proactively available, please refer to Articles 5 and 6 of Decision of the Executive Director of the European Food Safety Authority laying down practical arrangements concerning transparency and confidentiality (EFSA, 2021b).

If EFSA requests the applicant to provide clarifications on the information initially provided to justify a confidentiality request, and the applicant does not react by the given timeline, EFSA will reject the confidentiality request.³⁹

A comprehensive description of applicable procedures and provisions is available in EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

2.6.3. Parts of the application or information for which a confidentiality request can be submitted

Applicants may submit confidentiality requests only regarding the following items of the application or submissions, as indicated in the relevant Union law and specified in Annex of EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b):

- any information provided in detailed descriptions of starting substances and mixtures used to manufacture the substance subject to the authorisation, the composition of mixtures, materials or articles in which the applicant intends to use that substance, the manufacturing methods of those mixtures, materials or articles, impurities, and migration testing results, except for information which is relevant to the assessment of safety⁴⁰;
- the trademark under which the substance shall be marketed as well as the tradename of the mixtures, material or articles in which it shall be used, where applicable⁴¹;
- the manufacturing or production process, including the method and innovative aspects thereof, as well as other technical and industrial specifications inherent to that process or method, except for information which is relevant to the assessment of safety⁴²;
- commercial links between a producer or importer and the applicant or the authorisation holder, where applicable⁴³;
- commercial information revealing sourcing, market shares or business strategy of the applicant⁴⁴;
- quantitative composition of the subject matter of the request, except for information which is relevant to the assessment of safety.⁴⁵

Personal data are processed in accordance with Regulation (EU) 2018/1725⁴⁶. The following personal data must by law be made proactively available by EFSA:

- a. the name and address of the applicant;
- b. the names of authors of published or publicly available studies supporting the application;
- c. the names of all participants and observers in meetings of the Scientific Committee and the Scientific Panels, their working groups and any other ad hoc group meeting on the application.

In contrast, personal data (names and addresses) of individuals involved in testing on vertebrate animals or in obtaining toxicological information are not made publicly available by EFSA.⁴⁷

³⁹ In accordance with Article 9(5) of Decision of the Executive Director of the European Food Safety Authority laying down practical arrangements concerning transparency and confidentiality (EFSA, 2021b).

⁴⁰ Article 20(2)(a) of Regulation (EC) No 1935/2004.

⁴¹ Article 20(2)(b) of Regulation (EC) No 1935/2004.

⁴² Article 20(2) of Regulation (EC) No 1935/2004 (making reference to Article 39 of the GFL Regulation).

⁴³ Article 20(2) of Regulation (EC) No 1935/2004 (making reference to Article 39 of the GFL Regulation).

⁴⁴ Article 20(2) of Regulation (EC) No 1935/2004 (making reference to Article 39 of the GFL Regulation).

⁴⁵ Article 20(2) of Regulation (EC) No 1935/2004 (making reference to Article 39 of the GFL Regulation).

⁴⁶ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, OJ L 295, 21.11.2018, p. 39–98.

⁴⁷ Article 39(e)(2) of the GFL Regulation.

2.6.4. Processing of confidentiality requests

EFSA will assess each confidentiality request, when requested to issue an opinion, by performing an individual examination of the information claimed as being confidential by the applicant and of the relevant justification provided.

Confidentiality requests are processed by EFSA in accordance with EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

The notification of the confidentiality decision or the decision itself will also inform the applicant of its right to ask for a review of its confidentiality decision (confirmatory application).⁴⁸

A comprehensive description of applicable procedures and provisions is available in EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

2.6.5. Possibility of commenting on, or challenging, a negative decision on a confidentiality request

Applicants have several opportunities to participate in the decision-making process regarding confidentiality requests made on their dossiers and to put forward their views and observations.

Applicants have the opportunity to comment draft decisions on their confidentiality requests and challenge the decisions, once adopted:

- a. **prior to the adoption of a decision rejecting the applicant's confidentiality request in part or in full**, by being consulted on the draft decision;
- b. **after the adoption of a confidentiality decision**, by making use of the possibility of submitting a confirmatory application;
- c. **after the adoption of a decision on a confirmatory application**, by having the possibility of bringing an action for annulment against the decision on the confirmatory application pursuant to Article 263 of the Treaty on the Functioning of the European Union.⁴⁹

A comprehensive description of applicable procedures and provisions is available in EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

2.6.6. Implementation of EFSA's confidentiality decision

EFSA implements its confidentiality decisions without delay in accordance with its Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

2.6.7. Implications of the award of confidential status to certain information

Information for which EFSA's decision on confidentiality is still pending or to which confidential status has been granted will not be made public. EFSA makes such information available to the European Commission and the Member States upon request, or proactively when explicitly prescribed by the law.

All professionals having access to information for which EFSA's decision on confidentiality is still pending or to which confidential status has been granted are subject to the obligation of professional secrecy and bound to not disclose information to which confidential status has been granted. These obligations continue to apply even after their duties have ceased.

2.6.8. Proactive disclosure of information contained in the application

During the life-cycle of the application, EFSA will proactively disclose information contained in the application dossier. Specifically:

⁴⁸ In accordance with Article 39b(2) of the GFL Regulation.

⁴⁹ Consolidated version of the Treaty on the Functioning of the European Union. OJ C 326, 26.10.2012, p. 47–390.

- The non-confidential version of the dossier is published once the application has been considered valid;
- If confidentiality requests are rejected, an updated non-confidential version of the dossier is published upon implementation of EFSA's confidentiality decision;
- Non-confidential version of information provided at EFSA's request for additional information, or as a result of spontaneous submission by the applicant, is published as soon as received;
- If confidentiality requests presented on the additional information are rejected, an updated non-confidential version of the information is published after implementation of EFSA's confidentiality decision, once EFSA's scientific opinion is adopted.

2.7. Public consultation on information contained in the application

In accordance with Article 32c(2) of the GFL Regulation, in order to ensure that EFSA can have access to all relevant scientific data and studies available on the active and intelligent material subject to the application, EFSA consults stakeholders and the public ('consultation of third parties') on the scientific data, studies and other information part of, or supporting, the submitted application to identify whether other relevant scientific data or studies are available.

Following the implementation of EFSA's confidentiality decision and upon publication by EFSA of the non-confidential version of the application dossier (see Section 2.6), EFSA launches a public consultation on its website.

The consultation of third parties remains open for a period of 3 calendar weeks. All comments received from third parties will be made public by EFSA upon the closure of the consultation of third parties. Relevant comments will be considered during the risk assessment phase. EFSA's scientific opinion will address the relevant comments received from the third parties.⁵⁰

For a comprehensive description of applicable procedures and provisions, please refer to EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021b).

2.8. Risk assessment, adoption and publication of EFSA's scientific opinion

After validation of the application, EFSA performs the risk assessment of the application according to EFSA's standard procedures, which are published on EFSA's website.⁵¹ At this stage, the status of the application in the e-submission system shows that the application is valid and that EFSA's risk assessment is ongoing.

During this phase, the application is handled by the EFSA Food Ingredients and Packaging (FIP) Unit.

The timeline to finalise the assessment of an application for an active and intelligent material by EFSA is six months from the date when the application is considered valid (see Section 2.5). This time period may be extended by EFSA by a maximum of a further six months, providing an explanation for the delay to the applicant, the European Commission and the Member States.⁵²

EFSA may extend the timeline to conclude the assessment for a maximum of seven weeks in case the results of the public consultation cannot be given proper consideration within the regulatory time limit allotted for delivering the opinion.⁵³

During the risk assessment phase, EFSA may request the applicant to submit additional information.⁵⁴ In that case, the time limit to deliver an opinion by EFSA is extended accordingly and the scientific risk assessment process is put on hold ('stop-the-clock' procedure). If during the risk assessment process it

⁵⁰ The public disclosure of the results of the public consultation, as well as of the comments received, is done pursuant to Article 6(1), letter (d) and Article 5(2) letter (g) of Decision of the Executive Director of the European Food Safety Authority laying down practical arrangements concerning transparency and confidentiality (EFSA, 2021b), respectively.

⁵¹ <https://www.efsa.europa.eu/en/corporate/pub/sops>

⁵² In accordance with Article 10(1) of Regulation (EC) No 1935/2004.

⁵³ In accordance with Article 32c(2) of the GFL Regulation.

⁵⁴ In accordance with Article 10(2) of Regulation (EC) No 1935/2004.

becomes evident that a migration limit is likely to be established, the applicant may be requested by EFSA to provide to the European Union Reference Laboratory (EURL-FCM) a physical sample of the substance along with information on the identification of the substance and analytical method(s).

The request for additional information is inserted in the e-submission system and the applicant is notified of the request. At this stage, the status of the application in the e-submission system shows that the application is on hold and that additional information is requested.

The deadline for providing the additional information is specified by EFSA in the request.⁵⁵ This deadline may be extended at the request of the applicant. In that case, the applicant should contact EFSA requesting an extension of the deadline. In doing so, the applicant should provide detailed justification as to why an extension of the deadline to submit the additional information is needed. The justification should be accompanied by a detailed planning, which should be in any case proportional to the amount and type of information requested. EFSA will decide on the acceptability of the extension request on the basis of the justification given by the applicant and of the nature of the requested data.

After receiving a request for additional information or clarifications by EFSA and before submitting the response, the applicant can ask EFSA to organise a teleconference to clarify the questions raised by EFSA.⁵⁶

When responding to EFSA's questions, the applicant should upload the additional information through the e-submission system.⁵⁷ Should the documents include elements that are claimed to be confidential pursuant to Section 2.6, the applicant is expected to upload a version with these elements blackened (non-confidential version, also called 'public version', see details in Section 2.6.1) and a version including also elements claimed confidential where the confidential information is boxed or earmarked (confidential version, not for public disclosure). In fact, additional information or data provided during the risk assessment phase are subject to the provisions on confidentiality and proactive disclosure of the information, as detailed in Sections 2.6 and 2.7.

Applicants should also note that if new studies are submitted following a request for additional information during the risk assessment, these studies are subject to the study notification obligations if commissioned or carried out as of 27 March 2021 (see Sections 2.2 and 2.3). In this case, the relevant information must be notified in EFSA's database of study notifications in accordance with EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021b).

In case the applicant does not provide the requested additional information or responds by providing inadequate information, EFSA will not reiterate already formulated requests nor will ask for the same information a second time. In this case, EFSA reserves the right to complete the risk assessment with the available information.

After receipt of the additional information or clarifications, the scientific risk assessment is restarted ('re-start the clock' procedure⁵⁸) and the status of the application in the e-submission system is updated accordingly.

In case EFSA needs further clarifications on an application or on the submitted additional information, EFSA may decide to invite the applicant for an applicant's hearing.⁵⁹ In such case, the applicant is invited to attend the corresponding agenda item of EFSA's working group or Panel meeting to answer questions and to clarify outstanding issues about the submitted information.

Applicants are reminded of the specific obligations of notification of studies commissioned or carried out to support the application (see Sections 2.2 and 2.3).⁶⁰ If, following a more extensive verification of the

⁵⁵ In line with the 'Indicative timelines for submitting additional or supplementary information to EFSA during the risk assessment process of regulated products' included in EFSA's Administrative guidance for the processing of applications for regulated products (EFSA, 2021c).

⁵⁶ See Section 2.3.1 of EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

⁵⁷ In case EFSA considers the submission incomplete, the applicant is asked to provide clarifications and the clock remains on hold.

⁵⁸ See Section 2.12 of EFSA's Administrative guidance for the processing of applications for regulated products (EFSA, 2021c) for details.

⁵⁹ See Section 2.3.3 of EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

⁶⁰ In accordance with Article 32b(2) and (3) of the GFL Regulation.

data submitted by the applicant, it is detected that the studies previously notified in accordance with Article 32b(2) and (3) of the GFL Regulation are not included in full in the submitted application, EFSA requests the applicant to provide justifications regarding any missing data.

The applicant is informed that the time limit within which EFSA is required to deliver its scientific opinion is suspended, pending the provision of valid justifications for the absence of certain data of studies previously notified. EFSA assesses the justifications provided by the applicant.

If the justifications are considered valid, the risk assessment process re-starts and the applicant is informed accordingly.

If the justifications provided by the applicant are not considered valid, the applicant is requested to submit the missing data of the notified study/ies. The applicant is also informed that the risk assessment process will remain suspended for six months after the submission of any missing data relating to any supporting studies.⁶¹

For details on implications and duration of the suspension, please consult EFSA's Practical Arrangements on pre-submission phase and public consultations (EFSA, 2021a).

The draft scientific opinion is presented to the EFSA CEP Panel for adoption at a plenary meeting. In case of adoption, the applicant is notified.⁶²

Following the adoption of the scientific opinion by the Panel, the process of publication starts, and the scientific opinion is checked for editorial review. The applicant is pre-notified⁶³ at least 36 hours prior to publication. The scientific opinion is then published⁶⁴ in the EFSA Journal,⁶⁵ implementing the decision of EFSA on the confidentiality (see Section 2.6), as outlined in EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b).

Should the opinion identify foreseeable effects regarding public health, animal health or the environment, and should these effects regard items that were granted confidential status pursuant to EFSA's Practical Arrangements above, EFSA will have to review its initial confidentiality decision in accordance with Article 39c of the GFL Regulation.

When the opinion is published, the status of the application in the e-submission system shows that the risk assessment is finalised.

2.9. Spontaneous submission of information during the life-cycle of an application

The applicant is expected to submit a complete application, including all relevant information available at the time of submission of an application. The spontaneous submission of information by an applicant on its own initiative and without a formal request for information by EFSA is possible but limited to:

- newly produced data; and/or
- information which was not available to the applicant at the time of the submission of the application; and/or
- information not previously requested by EFSA.

Spontaneous information⁶⁶ should be submitted as early as possible during the risk assessment process, and the applicant should explain how it may influence the risk assessment.

⁶¹ In accordance with Article 32b(6) of the GFL Regulation.

⁶² See Section 2.3.4 of EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

⁶³ See Section 2.3.5 of EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

⁶⁴ <https://www.efsa.europa.eu/en/corporate/pub/sops>

⁶⁵ EFSA Journal: <https://www.efsa.europa.eu/en/publications>

⁶⁶ See Section 2.13 of EFSA's Administrative guidance for the processing of applications for regulated products (EFSA, 2021c).

The spontaneous information should be provided through the e-submission system exclusively following preliminary contact with the relevant EFSA unit⁶⁷ which will indicate the path to submit the spontaneous information.

The provisions on notification of studies (see Sections 2.2 and 2.3), as well as the provisions on confidentiality and proactive disclosure of the information, as detailed in Sections 2.6 and 2.7, apply to spontaneous submission of information.⁶⁸

2.10. Withdrawal of an application

An applicant can withdraw its application at any time.⁶⁹ The request for withdrawal should be inserted directly in the e-submission system following the instruction provided in the e-submission system user guide.⁷⁰

Once the intention to withdraw the application is confirmed in the e-submission system, all aspects related to the application process stop (e.g. risk assessment, assessment of confidentiality).

When an applicant withdraws its application prior to the adoption of a confidentiality decision (see Section 2.6 and EFSA, 2021b), EFSA, the European Commission and the Member States must not make public the information for which the confidential status had been requested.

In case an applicant withdraws its application after the adoption of a confidentiality decision, all actors having access to the relevant information must comply with the confidentiality decision.

For the effects of the withdrawal on information made publicly available on the OpenEFSA portal, please refer to EFSA's Practical Arrangements concerning transparency and confidentiality (EFSA, 2021b), which give a comprehensive overview of the applicable procedure.

The withdrawal of an application after the adoption of a scientific opinion has no effect on the adopted output, which will be in any case published, and remain published, on the EFSA Journal.

⁶⁷ During completeness check phase until validation applicants should refer to the APDESK unit (see Section 2.5); during the risk assessment phase, applicants should contact the FIP unit (see Section 2.8).

⁶⁸ Spontaneous submissions are proactively disseminated to the extent they are accepted by EFSA for use in the risk assessment

⁶⁹ See Section 2.16 of EFSA's Administrative guidance for the processing of applications for regulated products (EFSA, 2021c).

⁷⁰ <https://www.efsa.europa.eu/en/applications/toolkit>

2.11. Preparation of the dossier

2.11.1. Language

In submitting an application under this guidance, please note that EFSA operates in accordance with its Decision on the Linguistic Regime⁷¹, which recognises English as its working language. In order to facilitate the evaluation of the applications, scientific and technical documentation should be submitted in English. EFSA may ask the applicant to translate the parts of the dossier that would not be submitted in English.

2.11.2. Structure of the dossier

When entering the e-submission system, the respective regulated product area (i.e. Food Contact Material, authorisation list: Active and intelligent materials) and type of application should be selected:

- Application for the authorisation of a new substance(s);
- Application for the extension of use of an already authorised substance(s).

The applicant should also select to which Member State the application is submitted. The competent authority of any Member State may be selected.

In case of applications for modification of an existing authorisation, the applicant should also select the concerned entry from the list of authorised active and intelligent substances.

The e-submission system has a pre-filled table of content. The information required by the system for submitting an active and intelligent material application is detailed below:

- **Administrative data**
- **Public summary**
- **Technical dossier**, with the full information. Any information claimed to be confidential should be boxed or earmarked.

When applicable, applicants must also provide:

- A **non-confidential (i.e. public) version of documents** (with the elements claimed to be confidential blackened), for any document for which a confidentiality request is presented in accordance with Section 2.6.

2.11.2.1. Administrative data

The following information should be provided via the e-submission system:

- Applicant's contact details (name of applicant/company, email, phone, website, address, post-code, country);
- Person responsible for the dossier contact details (name of contact person/person responsible, name of entity, email, phone, website, address, post-code, country);
- Manufacturer's contact details (name of entity, email, phone, website, address, post-code, country);
- Subject of the request (name of the active and intelligent material);
- Existing authorisations at Member State level;
- Existing authorisations in non-EU countries;
- Information on data sharing agreement in place, if any;
- Cover Letter, specifying the content of the submission.

⁷¹ See [Decision of the Executive Director on the Linguistic Regime of EFSA, 20 April 2015, REF. EFSA/LRA/DEC/14046420/2015](#)

2.11.2.2. Public summary of the dossier

A short summary of the dossier must be provided.⁷² This document will be made available to the public through the OpenEFSA portal once the application is considered valid. It should not contain any confidential information.

2.11.2.3. Technical dossier

The technical dossier included in an application for an active and intelligent material must comply with the applicable legal requirements. It should be compiled according to EFSA's scientific guidance document on active and intelligent materials⁷³ (EFSA CEF Panel, 2009, updated in 2021) and according to the format illustrated in this guidance document. As detailed in Sections 2.6 and 2.7, the technical dossier will also be made available to the public through the OpenEFSA portal except for information that will be claimed, and acknowledged by EFSA, as confidential.

The technical dossier should include detailed reports of all studies done and all the raw data of those experimental studies in a workable electronic format. Prior to submission of the application, applicants are advised to verify that all studies included in the technical dossier have been notified to EFSA by all parties involved as required by the GFL Regulation (see Section 2.2).⁷⁴

Applicants should summarise the principal information in a one stand-alone Word document for each section, using the templates available in Appendix A as required by the e-submission system (see Table 1 below).

Detailed reports of all studies performed in support of the application, e.g. full documentation of experiments, full description of analytical methods, raw data and bibliographic references should be provided as separate technical annexes and uploaded in the corresponding section (see Table 1).

A single file should be produced for each annex. When referring to a specific annex in the main text, a unique number should be used (e.g. Annex 2).

References and copies of all published scientific data relevant to the evaluation of the dossier should be included.

The applicant must ensure that terms and conditions asserted by any rightsholder of studies, information or data submitted to EFSA are fully satisfied. The applicant may consult with copyright licensing authorities (i.e. at national level) for guidance on purchasing the appropriate licenses to provide studies, information or data to EFSA, taking into account the proactive disclosure requirements as detailed above. For publications already available to the public upon payment of fees (e.g. studies published in scientific journals) for which the applicant does not have or cannot obtain intellectual property rights for the purposes of the proactive public disclosure requirements, the applicant must provide (a) a copy of the relevant publications along with the relevant bibliographic references/citations for scientific assessment purposes only, in the confidential version of its application and (b) these relevant bibliographic references/citations where these publications are available to the public in the non-confidential version of its application for public dissemination on the OpenEFSA portal.

Other documents which provide background information but have no direct relationship with the dossier and can help the Panel members to assess the safety of the active and intelligent materials may be included in the appropriate sections.

All information requested to be treated as confidential should be boxed or earmarked in the main text of the sections and in the annexes of the technical dossier, as well as in all documents or information uploaded later during completeness check or in the risk assessment process. This information should appear blackened in the non-confidential version of the documents. To this end, a redaction software tool that blackens the relevant text and fully removes the underlying information from the document should be used.

⁷² In accordance with Article 9 of Regulation (EC) No 1935/2004.

⁷³ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>

⁷⁴ In accordance with Article 32b of the GFL Regulation.

The information required in the technical dossier and the recommended format are presented in Table 1 below.

Table 1: Information required in the technical dossier and recommended format for active and intelligent material applications

CONTENT OF THE TECHNICAL DOSSIER	INFORMATION TO BE PROVIDED	EXPECTED ACTION	FORMAT
Pre-application information	Pre-application ID(s)	Insert all relevant pre-application ID(s) received by EFSA in the pre-submission phase for the active and intelligent material which is the subject matter of the application.	Free text
	Information on studies that have been notified in EFSA's database of study notifications, but not submitted in the application	Insert study ID generated by EFSA's database of study notifications for each study notified, and justification for non-inclusion in the application, if relevant.	Free text
Composition, structure and working principle of the active and intelligent material or article	Information on composition, structure and working principle	Upload the relevant information using the respective template 'Section 1'	Word
Identity of the active or intelligent substance(s)	Information on the identity of the substance	Select the substance from the list or insert manually the information on the substance\microorganism and its identifiers.	Search box\drop-down list \free text\checkbox
		Select the applicable option (i.e. active substance or intelligent substance).	Drop-down list
		Upload the relevant information using the template 'Section 2'	Word
Physical/chemical characteristics of the active and/or intelligent substance(s)	Physical properties	Upload the relevant information using the template 'Section 3.1'.	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
	Chemical properties	Upload the relevant information using the template 'Section 3.2'.	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex

CONTENT OF THE TECHNICAL DOSSIER	INFORMATION TO BE PROVIDED	EXPECTED ACTION	FORMAT
Manufacturing process of the active or intelligent substance(s) and materials and articles	Detailed description of the manufacturing process	Upload the relevant information using the template 'Section 4'.	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
Intended use of the active and intelligent materials and articles	Intended use of the active and intelligent materials and articles	Upload the relevant information using the template 'Section 5'.	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
Migration data	Specific migration (SM) Overall migration (OM) Quantification and identification of migrating oligomers and reaction products derived from monomers and starting substances and additives	Select if the SM, OM and the quantification and identification of migrating oligomers and reaction products derived from monomers, starting substances and additives are determined.	Checkbox
		Upload the relevant information using the appropriate templates: <ul style="list-style-type: none"> - For SM, use template 'Section 6.1'. If SM is not determined, give reasons. - For OM, use template 'Section 6.2' - For quantification and identification of migrating oligomers and reaction products derived from monomers, starting substances and additives, use template 'Section 6.3'. If not determined, give reasons. 	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
Toxicological data	Summary of the toxicological data	Upload the relevant information using the template 'Section 7'.	Word
	Genotoxicity	Upload the relevant information using the appropriate templates:	Word

CONTENT OF THE TECHNICAL DOSSIER	INFORMATION TO BE PROVIDED	EXPECTED ACTION	FORMAT
		<ul style="list-style-type: none"> - For Bacterial reverse mutation assay, use template 'Section 7.1.1' - For <i>In vitro</i> mammalian cell micronucleus test, use template 'Section 7.1.2' - For <i>In vivo</i> micronucleus test, use template 'Section 7.1.3' - For <i>In vivo</i> Comet assay, use template 'Section 7.1.4' - For Transgenic rodent gene mutation assay, use template 'Section 7.1.5' - For Other information, use template 'Section 7.1.6' 	
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
	General toxicity	Upload the relevant information using the appropriate templates: <ul style="list-style-type: none"> - For Repeated dose 90-day oral toxicity study, use template 'Section 7.2.1' - For Combined chronic toxicity/carcinogenicity, use template 'Section 7.2.2' - For Reproduction/teratogenicity, use template 'Section 7.2.3' - For Other information, use template 'Section 7.2.4' 	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
	Metabolism	Upload the relevant information using the appropriate templates: <ul style="list-style-type: none"> - For Absorption, distribution, biotransformation and excretion, use template 'Section 7.3.1' - For Accumulation in man, use template 'Section 7.3.2' - For Other information, use template 'Section 7.3.3' 	Word

CONTENT OF THE TECHNICAL DOSSIER	INFORMATION TO BE PROVIDED	EXPECTED ACTION	FORMAT
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
	Miscellaneous	Upload the relevant information using the appropriate templates: <ul style="list-style-type: none"> - For Effects on immune system, use template 'Section 7.4.1' - For Neurotoxicity, use template 'Section 7.4.2' - For Other information, use template 'Section 7.4.3' 	Word
		Upload any related supporting information, study reports, certificates of analysis for each analysis performed, raw data, published studies, etc. as annexes.	PDF or Excel, one file for each annex
List of annexes, references and checklist	List of annexes, list of references (EFSA's completeness checklist not available for active and intelligent material applications)	Upload a list of all annexes submitted in support of the application following the indications given below (see 'List of annexes').	PDF
		Upload a list of all references (published studies) submitted in support of the application, following the indications given below (see 'List of references').	PDF

Note on the preparation of the technical dossier for the modification of an existing authorisation

The technical dossier for the modification of an existing authorisation should be a **stand-alone dossier**, prepared following the most up-to-date requirements. Therefore applicants are strongly advised to check the latest version of this Administrative guidance and of EFSA's scientific guidance on active and intelligent materials published on EFSA's website.⁷⁵

The dossier should contain the full information, as required by EFSA's scientific guidance on active and intelligent materials. It should also provide the relevant data supporting the request for changes and the reason for requesting the modification. The new data submitted to support the request for modification should be clearly highlighted in the text.

If the application is submitted by a business operator different from the applicant who submitted the original application, Article 21 of Regulation (EC) No 1935/2004 on sharing of existing data may apply. It is recommended that the data for which data sharing agreement is reached, is provided in the technical dossier supporting the application for modification of the authorisation. Where that is not possible, for instance in case the data sharing agreement does not allow disclosure of the data to the new applicant, it is recommended that the original applicant provides it directly to EFSA to avoid misunderstanding over the scope and version of the data.

⁷⁵ <https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>

List of annexes

A list of all the unpublished studies and documents submitted in support of the application should be uploaded under the section 'List of annexes, references and checklist' in the e-submission system.

All documents listed should be identified using a unique number (e.g. Annex 2). The corresponding file name should contain the number and a short description of the content (e.g. Annex 2_Effect on xx.pdf). Reference in the dossier to a specific document should be done using this unique number.

Every submission (i.e. submission of the dossier, information submitted following request for missing or additional information) should include an updated version of the List of annexes.

List of references

A list of all the published studies submitted in support of the application should be provided as an annex, and uploaded under the section 'List of annexes, references and checklist' in the e-submission system. Applicants are advised to list the references by section. The following standard format is recommended when listing the bibliographical references:

Authors [add names in the format: Surname followed by Initial(s), Surname followed by Initial(s) and Surname followed by Initial(s)], Year of publication. Title. Periodical Title, Volume(Issue), pp-pp.

See for example:

Alderman G and Stranks MH, 1967. The iodine content of bulk herd milk in summer in relation to estimated dietary iodine intake of cows. *Journal of the Science of Food and Agriculture*, 18(4), 151–153.

Every submission (i.e. submission of the dossier, information submitted following request for missing or additional information) should include an updated version of the List of references.

2.11.3. Metadata

For every file uploaded to the e-submission system, the applicant needs to fill in and/or define a set of metadata, i.e. additional information linked to that file:

- Document type: (e.g. main text, study report, raw data, certificate of analysis, etc.). The applicant should define the document type from a given list;
- If the file uploaded is an unpublished study report (hence: document type= 'Study report') then an additional set of metadata needs to be filled in (e.g. authors, study type, completion date, study ID generated by EFSA's database of study notifications, or justification if not previously notified in the database, or justification for any deviations from the study notification obligations, etc.).

Applicants may also insert confidentiality requests for certain elements included in the uploaded files (see Section 2.6.3 for the elements for which confidentiality can be requested) and define the different elements of their request: the confidentiality ground(s) and conditions (to select from given lists), justification, excerpt of the text, location in the file (free-text fields). Multiple confidentiality requests may be submitted per file.

Technical aspects on how the different metadata can be viewed/inserted, are described in the e-submission system user guide.⁷⁶

2.11.4. File format and naming

EFSA strongly recommends that each document, including annexes (i.e. study reports, raw data, published studies and any other document in the technical dossier) be electronically **searchable** and accessible to allow downloading and printing of the file. This applies to **all documents or information**

⁷⁶ <https://www.efsa.europa.eu/en/applications/toolkit>

uploaded as part of the initial submission, or later during completeness check or in the risk assessment process.

The main text of the sections should be submitted using the forms provided in Appendix A of the present guidance in Word format.

The recommended format for any related study reports or annexes is portable document format (PDF).

Submission of datasets (e.g. raw data) should be done using other appropriate common electronic formats (preferably Excel).

The electronic files should not include any security settings that may interfere with the process of assessment by the reviewers. For instance, if a document is protected with a password, this should be provided.

File names should not include special characters, such as: \ / : * ? \ " < > | #.

2.11.5. Page numbering

All pages in the documents submitted as part of the technical dossier should be numbered, with progressive numbers. Numeration should restart at the beginning of each document.

2.11.6. Tables and figures

Applicants are encouraged, where possible, to present information in tabular form. Tables and figures should be inserted in their intended positions in the text where feasible and should be numbered with a unique identification number across the dossier. It is recommended to upload to the e-submission system also the respective Excel files containing data presented in tabular form.

It is better not to construct a table covering several pages. When this cannot be avoided, the header row should be repeated at the top of each page.

2.11.7. Standard units, terms and abbreviations

The International System of Units (SI)⁷⁷ should be used in reporting tests and studies. Other units may be used between parentheses if considered relevant.

For the naming of chemical compounds, and for chemical quantities, units and symbols, the applicants should follow the International Union of Pure and Applied Chemistry (IUPAC) nomenclature.⁷⁸

Standard technical terms and abbreviations should be used. Acronyms and abbreviations should be defined when first mentioned. In addition, when acronyms and abbreviations are used in a document, a list of such acronyms/abbreviations should be included in the document uploaded through the e-submission system.

⁷⁷ <https://www.bipm.org/en/publications/si-brochure/>

⁷⁸ <https://www.iupac.org/>

3. Interaction with EFSA staff during the life-cycle of the application

EFSA has implemented several initiatives to support applicants in understanding the evaluation process of applications for regulated products and to engage with them during all phases of the life-cycle of applications (i.e. pre-submission phase, preparation and submission of the application, completeness check, risk assessment and adoption of EFSA's scientific opinion, post-adoption phase).

For the different possibilities of interaction with EFSA in the different phases of the application life-cycle, please consult EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products (EFSA, 2021d).

The Catalogue also describes the dedicated support EFSA offers to small and medium-sized enterprises (SMEs).

References

EFSA CEF Panel. Guidelines of the Panel of Food Contact Materials, Enzymes, Flavourings and Processing Aids (CEF) on the Submission of a Dossier for the safety evaluation by the EFSA of active or intelligent substances present in active and intelligent materials and articles intended to come into contact with food. The EFSA Journal (2009) 1208, 1-11. [doi:10.2903/j.efsa.2009.1208](https://doi.org/10.2903/j.efsa.2009.1208), updated in 2021.

The previous version of this output (EFSA CEF Panel, 2009) is available online at: <https://efsa.onlinelibrary.wiley.com/action/downloadSupplement?doi=10.2903%2Fj.efsa.2009.1208&file=efs21208-sup-0001-Supinfo.pdf>

EFSA (European Food Safety Authority), 2021a. Decision of the Executive Director of the European Food Safety Authority laying down the Practical Arrangements on pre-submission phase and public consultations. Available online: https://www.efsa.europa.eu/sites/default/files/corporate_publications/files/210111-PAs-pre-submission-phase-and-public-consultations.pdf

EFSA (European Food Safety Authority), 2021b. Decision of the Executive Director of the European Food Safety Authority laying down practical arrangements concerning transparency and confidentiality. Available online: https://www.efsa.europa.eu/sites/default/files/corporate_publications/files/210111-PAs-transparency-and-confidentiality.pdf

EFSA (European Food Safety Authority), 2021c. Administrative guidance for the processing of applications for regulated products. *EFSA supporting publication* 2021:EN-6471. [doi:10.2903/sp.efsa.2021.EN-6471](https://doi.org/10.2903/sp.efsa.2021.EN-6471)

EFSA (European Food Safety Authority), 2021d. EFSA's Catalogue of support initiatives during the life-cycle of applications for regulated products. *EFSA supporting publication* 2021:EN-6472. [doi:10.2903/sp.efsa.2021.EN-6472](https://doi.org/10.2903/sp.efsa.2021.EN-6472)

Useful links

- Applicant toolkit:
<https://www.efsa.europa.eu/en/applications/toolkit>
- EFSA's Practical Arrangements:
<https://www.efsa.europa.eu/en/corporate/pub/tr-practical-arrangements>
- EFSA Journal:
<https://www.efsa.europa.eu/en/publications>
- Minutes of EFSA Food Contact Materials Working groups and composition of the Working groups:
<https://www.efsa.europa.eu/en/food-ingredients-and-packaging/working-groups>
- Minutes of EFSA CEP Panel plenary meetings and composition of the CEP Panel:
<https://www.efsa.europa.eu/en/panels/cep>
- APDESK section on food contact materials:
<https://www.efsa.europa.eu/en/applications/foodcontactmaterials>
- Overview of regulations and guidance documents for food contact material applications:
<https://www.efsa.europa.eu/en/applications/foodcontactmaterials/regulationsandguidance>
- Frequently Asked Questions:
<https://connect.efsa.europa.eu/RM/s/faq>
- Ask a question webform:
<https://connect.efsa.europa.eu/RM/s/new-ask-efsa-request>
- Food contact materials topic:
<https://www.efsa.europa.eu/en/topics/topic/foodcontactmaterials>
- European Commission's website on food contact materials:
https://ec.europa.eu/food/safety/chemical_safety/food_contact_materials/index_en.htm
- OpenEFSA portal:
<https://open.efsa.europa.eu>

Abbreviations

APDESK	Applications Desk Unit
EU	European Union
EC	European Commission
EFSA	European Food Safety Authority
EURL-FCM	European Union Reference Laboratory for Food Contact Materials
GFL	General Food Law
CEF Panel	EFSA Panel on Food Contact Materials, Enzymes, Flavourings and Processing Aids (now replaced by the CEP Panel)
CEP Panel	Panel on Food Contact Materials, Enzymes and Processing Aids
FCM	Food Contact Materials
FIP	Food Ingredients and Packaging
GPSA	General pre-submission advice
IUPAC	International Union of Pure and Applied Chemistry
PDF	Portable Document Format
SI	International System of Units
SME	Small and Medium-sized Enterprise

Appendix A - Technical dossier

This appendix contains forms that should be used by applicants submitting an application on an active and intelligent material. Once filled in, these forms, constituting the technical dossier, should be uploaded to the e-submission system in Word format (see Sections 2.11 of this guidance).

Appendix A can be found in the online version of this output under '**Supporting Information**' section: <https://efsa.onlinelibrary.wiley.com/doi/abs/10.2903/sp.efsa.2021.EN-6513>