

## Commission Recommendation (EU) 2019/794

The Commission issued mid May a new recommendation to the Member States on a coordinated control plan for materials and articles intended to come into contact with food.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019H0794>

“The general objective of the control plan is to establish the prevalence of substance migration from food contact materials into food or the presence of substances in the food contact material.”

The recommendation mentions specifically paper and board as a food contact material to be sampled for certain substances:

	Food contact material to be sampled
Primary aromatic amines (PAA)	Plastic tableware and kitchenware and printed food contact materials including paper and board.
Phenol	Plastic kitchenware and tableware; varnished or coated materials and; printed plastic and paper and board packaging materials.
Fluorinated compounds	Paper and board based materials and articles, including those used to wrap fast-food, takeaway and bakery products and microwave popcorn bags.

Other substances included in the control plan for which paper and board is not specifically mentioned : Formaldehyde and Melamine, Bisphenols including BPA and BPS, Phthalates and non-phthalate plasticisers, metals and the overall migration.

The controls should take place from 1 June to 31 December 2019 with a reporting to the Commission by 29/02 2020.

## Perfluoro compounds in food contact materials

In a Council of Europe meeting, the Dutch Institute for Health and the Environment (RIVM) presented the outcome of the study on the “Per- and polyfluoroalkyl substances (PFAS) in food contact materials”.

<https://www.rivm.nl/publicaties/per-and-polyfluoroalkyl-substances-pfass-in-food-contact-material>

Within this large group, certain substances are present on the Union List (Reg 10/2011) or in the positive lists of Member States, others not.

The report mentions how based on literature and on experimental data, there is for grease repellent paper and board, substantial migration of perfluorocarboxylic acids (PFCAs) and fluorotelomers (FTs), chemicals not allowed to be used.

According to RIVM not allowed substances may come, from impurities in the chemicals used (the starting materials) or from the degradation of allowed substances.

In the ECMA Technical Committee (25/06) it was once more stated the outcome of tests is often biased due to use of ethanol in the extraction process. Certain suppliers simply mention those perfluoro compounds should not be used in presence of alcoholic foods.

The Danish Food Administration announced recently a national legislation on the fluorinated substances, is coming.



**German Mineral Oil benchmark study.**

At the Fresenius conference “Residues of food contact materials in food” (13-14/06), Rüdiger Helling from the Saxon State Ministry for Social Affairs and Consumer Protection presented the outcome of the German study on benchmark levels for MOSH and MOAH.

Not driven by exposure and toxicity considerations the German authorities have been verifying together with the BLL (German scientific platform for the food industry) a huge amount of data on the presence of mineral oils in food samples.

In total 10 474 datasets coming from the authorities and from the industry, were taken into consideration to establish for different food categories from a statistical perspective, regular levels of mineral oils.

Aggregated data for the categories dry food and bakery products:

MOSH in mg/kg food

	Authorities	Industry	All data
Number of data			2165
Maximum	385,0	265,0	385,0
Median	0,6	1,2	1,0
75% Percentile	3,0	3,0	3,0
90% Percentile	4,9	6,1	5,5
95% Percentile	6,7	9,3	8,6

MOAH in mg/kg food

	Authorities	Industry	All data
Number of data			2164
Maximum	29,0	2087,0	2087,0
Median	0,0	0,0	0,0
75% Percentile	0,0	0,0	0,0
90% Percentile	0,4	0,5	0,5
95% Percentile	0,9	1,5	1,1

Compared to the data made available in 2010 with 90% Percentile values for MOSH and MOAH of 50 mg/kg food and 6 mg/kg food, this outcome proves the awareness campaign towards and in the industry worked well without specific legislation. The contamination went down by a factor 10.

Based on this outcome the following benchmark levels were adopted by the experts from the public authorities and the food industry:

Food category	Benchmark level MOSH	Benchmark level MOAH
Vegetable oils, plant oils (tropical oils excluded)	13	< Limit of quantification (2)
Bread, rolls, biscuit, pastry, grains and grain based products, oats, pasta and noodles, rice, breakfast cereals.	6	< LOQ (0,5/1)
Confectionary, chocolate	9	< LOQ (0,5/1)

Those levels should according to the German authorities help, to avoid highly contaminated food and to define good practice.

There is no intention to link this outcome with for instance BfR 36, but in practice if a benchmark level of 6 mg and 0,5 mg is in place for MOSH and MOAH in food, it seems difficult to have a migration above those limits just coming from the paper and board packaging.



## **Recommendation of the French public authorities applicable to paper and board in food contact applications, reviewed.**

For France, the General Directorate of Competition, Consumption and Fraud Repression is issuing guidance on food contact materials.

The recommendation for paper and board DGCCFR N° 2004-64 has been updated and the review is available from the following link : <https://www.economie.gouv.fr/dgccrf/Papiers-et-cartons>

The text contains in section 4, the overall migration limit to respect and the specific migration limits for a number of substances.

Compared to other legal references this recommendation introduces based on performed risk assessments and an allocation factor of 10% for the migration from the food contact materials, lower limits for certain phthalates.

DEHP, DBP, BBP and DIBP (present on Annex 14 of REACH) should not be intentionally used and the following migration limits need to be respected :

BBP < 3 mg/kg food, DEHP < 0,3 mg/kg food, DIBP + DBP < 0,012 mg/kg food, DINP + DIDP < 0,9 mg/kg food, while the other plasticizers such as DEP, DMP, DBS and DEHA should not present a risk to human health in the sense of article 3 of the Food Contact Framework Regulation.

The French DG is not setting a limit for the mineral oil hydrocarbons, mentioning in the table this will be determined at a later stage.

The polycyclic aromatic hydrocarbons should however not migrate from paper and board in a detectable quantity.

The sum of the migration of benzo[3,4]pyrene, benzo(a)anthracene, benzo(b)fluoranthene and chrysene should (as markers for the presence of PAH) not be detectable in the food with a detection limit ≤ 1 µg/kg of food.

In the ECMA Technical Committee (20/02) it was stated this level of contamination may already be present in many unpacked food samples due to exhaust gases, smoke and heating.

For the use of paper and board made from recycled fibres a number of good practices are specified in paragraph 3.2.1.3 : the selection of appropriate qualities of paper for recycling, the introduction of washing and cleaning steps, clear terms of reference between the paper and board manufacturers/converters and the food industry operators regarding the barrier requirements and the introduction of functional barriers. Annex 2 covers the effectiveness testing of functional barriers. Reference is made to the very strict Swiss approach with however the comment the work regarding the testing of functional barriers is still ongoing.

## **CWA 17433**

As previously announced a vast part of the CEPI/CITPA Food Contact Guidelines for the compliance of paper & board materials and articles has been developed into a CEN Workshop Agreement, titled "Mapping of future needs of standardisation in the paper and board sector for food contact applications."

The document has been published on the CEN website:

[https://standards.cen.eu/dyn/www/f?p=204:110:0:::FSP\\_PROJECT,FSP\\_ORG\\_ID:68127,2503644&cs=1FD154673C486BBBBB0D502835D4D33E5](https://standards.cen.eu/dyn/www/f?p=204:110:0:::FSP_PROJECT,FSP_ORG_ID:68127,2503644&cs=1FD154673C486BBBBB0D502835D4D33E5)

This process formalises more the work done, making it also easier for the Member States to refer to.

## **Single Use Plastics Directive 2019/904**

The SUP has been published.

<https://eur-lex.europa.eu/eli/dir/2019/904/oj>

The Directive tackles the 10 single use plastic products most found on European beaches as well as abandoned fishing gear and oxo-degradable plastics.

In general the Directive may offer opportunities for the paper and board sector as a substitution for certain included plastic articles.

There are however also concerns related to the SUP.



As single use plastic products are defined as products made wholly or partly from plastic, paper cups and food containers for immediate consumption (on the spot or take-away) with a plastic layer on, are in the scope of the consumption reduction measures to be adopted by the Member States.

“Those measures shall achieve a measurable quantitative reduction in the consumption of the single use plastic products on the territory of the Member State by 2026 compared to 2022.”

Another concern is the “lex specialis” character of the SUP. This means Member States may go further and adopt even stricter policies.

9th July 2019

