



New draft German printing ink regulation

Following the first comprehensive legislative measure on packaging inks applicable since April 2010 in Switzerland, Germany developed a measure which was notified in July 2016.

Similar to the Swiss Ordinance, this German draft regulation contained a positive list with all evaluated substances which are allowed for manufacturing inks for food contact materials. Other substances are allowed if covered in the Plastics Regulation 10/2011 and it remains also possible to use non evaluated substances, in case the printing ink is not intended (and not expected) to come into direct contact with food, the substances are not classified as CMR and the migration is not detectable (below 10ppb).

With the announcement by the Commission in November 2016, they intended to develop a new Harmonised Measure on Printed Food Contact Materials, the German national regulation was put on hold. The initial timing for a final draft of this Harmonised Measure was mid-2018.

Two years later and in view of the recently announced further delays (See FC update 23/04/2020), it became clear National Authorities would not any longer abstain from more national Food Contact legislation.

As covered in the CITPA Product Safety Working Group (30/04) and in the obtained FFI background the new text is identical to the version from 2016. Only the substance tables were updated.

Annexed you will find (in German):

- the "final" draft of the German Printing Ink Regulation
- the substance tables well indicating all changes compared with the previous version
- the 31 pending substances for which the German and Swiss authorities are still trying to align

It is unclear which is the further timeline we can expect until formal adoption and enforcement. Urgent new comments can still be introduced until the 29th May.

The carton sector has been especially arguing in favour of clear communication (with appropriate declarations of compliance) from the ink suppliers on the migratable substances. FFI is directly involved in the German platforms currently examining the possibility of any additional comments.

Council of Europe Technical Guide for Paper and Board

At its final online meeting (8-9/04) the Ad Hoc Working Group developing the Technical Guide for Paper and Board discussed in detail all comments out of the public consultation.

The obtained latest track change version of the Technical Guide is indicating certain introduced comments (See FC update 13/03/2020) have been taken in account.

ECMA tried to avoid, only 99% efficient barriers are presented as providing enough safety.

Within the section 2.1 "General requirements" is now stated how *"The effectiveness of barriers placed onto the paperboard and adsorbents needs to take in account the overall packaging concept and the actual conditions. Protection against migration may be provided by a combination of packaging layers."*

Within the table with SML's for some constituents or known contaminants, the very low SML for the sum of benzo(a)pyrene, benzo(a)anthracene, benzo(b)fluoranthene and chrysene of 0,001 mg/kg in food/food



simulant was modified into “*Not detected*”.

Based on input from the Joint Research Centre the explanation provided aside is however stating “*The method of analysis should have a limit of detection not higher than 0,001 mg/kg for migration in food simulant from paper and board not yet in contact with food. ...*”

For the mineral oils the table stipulates the MOH are under discussion, with now the following comment below : “*Until a specific migration limit or other restrictions based on the evaluation of the latest available scientific evidence can be established, producers or other operators responsible for placing on the market of food contact materials and articles are recommended to keep migration of MOH as low as reasonably feasible (instead of technically unavoidable) and to ensure that migration of genotoxic, carcinogenic MOAH’s (instead of all MOAH) does not occur.*”

It seems the Technical Guide text is now for approval on the agenda of the CoE European Committee for Food Contact Materials and Articles (Partial Agreement) (CD-P-MCA), the 26/27 May.

6th May 2020

