

ECMA GMP Version 2.0

The main food safety related development for the carton sector in the first quarter 2021 was no doubt the launch of the new ECMA GMP Version 2.0.

<https://www.ecma.org/industry-topics/food-safety/-/gmp/>

Information well explaining the initiative was circulated the 8/03 to the ECMA membership and a press statement went out the 15/03.



EU Food Contact Materials Legislation

In the previous Quarterly Update 2020 Q4, we mentioned different important developments at the Commission level. Since, ECMA has been directly involved in the consultation process regarding the Roadmap for revision of the EU Rules on food contact materials.

The ECMA position highlighted once again the need for accurate communication and a clear determination of responsibilities in the supply chain.

Carton makers involved in manufacturing food cartons need to work in accordance with GMP-procedures but can't take responsibility for substances introduced higher up in the supply chain and for which no precise information was shared. Several national Member Associations posted similar comments, thus providing more coverage for our sector!

In a DG Sante webinar the 20th January on the evaluation and revision of the EU rules on FCM the following messages from the Commission Officers provide a good view on the current thinking at the Commission:

- By the end of 2022, the Commission intends to have a text ready for new legislation.
- An increased focus on the hazardous properties of chemicals can be expected, but particular substances will still be allowed hand in hand with an appropriate risk assessment.
- The difference between IAS and NIAS substances will disappear.
- The increased focus on the safety of the final article is impossible without a clear, comprehensive transparent communication system to pass on compositional information down the supply chain.
- For the responsibility regarding substances, actors will need to depend on the supply chain. The necessary information needs to be shared already now.
- A specific regulation on recycled paper and board will follow after the current work on recycled plastics.

The underlined messages are an indication the voice of the carton sector has been well heard.

Mineral Oils

In view of the expressed comments and detailed opinion by the Commission and Member States following the EU TRIS notification of the **German Mineral Oil Ordinance**, the standstill period was extended until the 18/02.



ECMA obtained access to the comments which were entered by the Commission and Spain and the detailed opinion from the Netherlands. (See FC update mail the 5/02/21)

The opinion from the Netherlands contains a legally well-funded argumentation starting from Article 34 TFEU (Treaty on the Functioning of the European Union) prohibiting quantitative restrictions on imports and all measures having equivalent effect between Member States.

Obstacles to the free movement of goods must be justified on the basis of Article 36 TFEU. Obstacles must be necessary to achieve their objective. In addition, obstacles must be proportional, because they are appropriate for the objective pursued, do not go beyond what is necessary to achieve that objective and the objective cannot be achieved by other less restrictive measures.

The Dutch opinion states this is not the case. Once more reference was made to the reports from the National Institute for public health and the environment (RIVM), stating the MOAH exposure via dry foods, packed in cardboard packaging made of recycled materials, is only marginally contributing to the total exposure. (Background on the RIVM studies was circulated in FC updates 13/04/18 and 06/07/18)

The very latest development is the WTO notification of the German Mineral Oil Ordinance (22/03).

The National Associations and ECMA members were encouraged to contact once more the national authorities, especially in the Netherlands, Spain and also in Italy.

There are however indications, certainly some of those countries consider the discussion as closed after the obtained formal reply from the German authorities, which means major objections are probably just to be expected from non-EU countries.

Comments can be introduced until the 21/05.

In France the national law (No 2020-105) against waste and for the circular economy, contains a ban on mineral oils in packaging from the 1/01/22. This ban will be applicable to food and non-food packaging.

A Ministerial Decree should however further clarify which MO are in scope and if the measure covers aside the printing inks also the varnishes, coatings and adhesives. Recycled paper and board is not part of the measure, as the approach taken in France is to clean out the material loop at the source.

To steer in the same direction, customers are currently already paying a 50% higher EPR fee to CITEO for their packaging in case the packs are printed with conventional inks.

