

## EU Commission published draft regulation on BPA

Following the new EFSA opinion on BPA (See FC update 09/05/23) and aligned with its intentions expressed mid last year (See FC update 21/08/23), the Commission published the 9/02 the BPA draft regulation.

[https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13832-Food-safety-restrictions-on-bisphenol-A-BPA-and-other-bisphenols-in-food-contact-materials\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13832-Food-safety-restrictions-on-bisphenol-A-BPA-and-other-bisphenols-in-food-contact-materials_en)

In essence the draft regulation intends to ban the intentional use of BPA and the other bisphenols with a similar toxicological profile in food contact materials and articles within the scope of the Food Contact Framework Regulation (EC) 1935/2004.

The draft recognises unintentional BPA contaminations cannot be fully controlled in recycled materials, but that in the light of the circular economy it is neither practical nor proportionate to prohibit the presence in recycled materials.

The text contains however a monitoring obligation for paper and board containing recycled material.

According to the current draft, manufacturers would have to carry out a monitoring on 5% of the batches or in case of continuous production a sample shall be taken at a random time during a period of production that does not exceed 200 times the average residence time of the material in the production system.

Manufacturers would also have to work on the reduction/elimination of BPA and report to the authorities.

In the ECMA Food Safety Committee the 19/02 this draft was discussed and from a carton maker's perspective, specific concern was expressed in relation to the responsibility for the monitoring.

In the Article 5 on the "Monitoring and reporting of results", is stated, "a manufacturer placing on the Union market food contact materials and articles shall monitor for the presence of BPA and its migration from ... (c) paper and board materials and articles containing recycled material."

Monitoring needs to be performed - at the source - at the paper and board mills. In case any testing requirements would come into force the available testing capacity at laboratories will be very critical and a diffuse monitoring of converted products would be inefficient and further load the existing capacity.

Since then, it was however decided, to not submit comments to the Commission as ECMA before discussing this matter in depth with the partners in the carton supply chain.

For your background we added to this update the positions developed in the German industry platforms, obtained via FFI:

- Joint opinion by the paper producing and converting industry associations, on the draft regulation restricting bisphenol A (BPA) and other bisphenols in food contact materials.
- Position by the German Food Industry Association.

In case companies or associations would still like to support existing positions or introduce own comments in the current consultation round, this is still possible via the previously mentioned link until and including this Friday 8/03.

## Review of the EU Food Contact Materials legislation.

To facilitate an accurate food safety information exchange in supply chains, IT infrastructures will be needed. (See FC update 18/09/23)

Ernst & Young and DG SANTE are organising the 15/03 a workshop on the developed policy options to support the required IT infrastructures.

ECMA is participating in this event and more background has in between been shared on the E&Y Study supporting the impact assessment on the revision of EU legislation on food contact materials: the Draft Final Report, an Executive Summary and the Annex to the report.

On demand we can share those documents.



### JRC Technical Report on testing conditions

As shared in the previous [FC update 25/01/24](#) ECMA is currently discussing appropriate testing conditions for long term storage at room temperature and has been checking many sources on this topic.

A document which was so far not yet shared via the FC network is the 4<sup>th</sup> version of the JRC report “Testing conditions for kitchenware articles in contact with foodstuffs: plastics, metals, silicone & rubber, paper & board.”  
<https://publications.jrc.ec.europa.eu/repository/handle/JRC134290>

The included tables, present the relevant test conditions for products such as “food serving utensils for cold, ambient or hot use” with as examples the plates, food trays, the trays for French fries, finger food bags, popcorn boxes and “Food containers for cold, ambient or hot use” containing the lunchboxes, take away boxes, pizza boxes, pasta containers, ice cream containers.



### Review Swiss printing ink ordinance

The Swiss ordinance has been updated as of the 1/02, by an amendment dated 8/12/23. The list B with the unevaluated substances has been deleted.

Unlisted substances can still be used in case the substances are not carcinogenic, mutagenic or toxic to reproduction and their migration is not detectable with 10 ppb as the detection limit.

New is also, a declaration of compliance will be required in Switzerland for substances used in the manufacture of printing inks, the printing inks themselves and the printed food contact materials and articles at marketing stages other than the retail stage.

(Source Keller & Heckman)

<https://www.packaginglaw.com/news/swiss-printing-inks-ordinance-updated>

