

Food Safety Committee

Date: 19 04 2024 **Time:** 10h00 - 12h00 CET **Venue:** ONLINE TEAMS

Chairman: Mike Turner (ECMA MD) [MT], Carmine Iuvone (SEDA) [CI]

Participants: Michael Avemarg (Van Genechten Packaging) [MA], Sigrid Gerold (Mayr Melnhof Packaging) [SG], Eliza Konecka-Matyjek (WestRock) [EK], Paolo Minichini (SEDA) [PM], Elaine Murray (WestRock) [EM], Carola Poggenpohl (Mayr Melnhof Packaging) [CP], Caroline Seguin (Mayr Melnhof Packaging) [CSG], Helena Moring Vepsalainen (Mesta Group) [HV], Jan Cardon (ECMA) [JC]

Apologized: Mathilde Gros (Graphic Packaging) [MG], Christian Schiffers (FFI) [CS]

1. Introduction and welcome.

Mike Turner welcomed all participants and opened the meeting around 10h00. According to good legal practice, reference is made to the ECMA Antitrust Guidelines which had been prepared by ECMA's legal attorneys. The proceedings of this meeting would be in accordance with these guidelines. A statement summarizing these Guidelines was read out. They are designed to ensure ECMA meetings' compliance with the legal framework as set out in article 101 of the Treaty on the Functioning of the European Union ("TFEU"), which prohibits all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market. It was stressed that individual company data other than those publicly available will, under no circumstances, be made public during the meeting. The purpose of the discussions would not be to identify market related information regarding a particular company but to identify general trends and market developments to the benefit of all those concerned.

2. Approval minutes and short follow up from the Food Safety Committee 19/02/24

See meeting preparation p 5-8

The minutes are approved without any changes.

Many items from the previous meeting are covered as separate agenda items for a detailed follow up.

- The precious exchange with EuPIA was in summary shared within the FC network update 29/03.
- The announced note on the French ink measure has been released and is copied in, in the meeting presentation. The note was written by Lionel Spack (Nestlé/FoodDrinkEurope) and Mike Simoni (Sun Chemical/EuPIA) and was formally approved in the PIJTF meeting (11/04). The way for converters to demonstrate compliance is by a chain of custody approach.

The question is raised, if this approach can work in practice. To which extent are the ink suppliers prepared to confirm, the very low MO levels will be reached in January 2025?



[EM] shares the experience, suppliers mention they are trying hard, but are not absolutely certain. It is challenging to confirm and also the availability of testing capacity is a burden.

Further announced statements by EuPIA and the ongoing attempts of the French ink association to push back the MO measure are mentioned.

[For information: EuPIA Existing information note on French Order on Mineral Oils in Printing Inks https://www.eupia.org/wp-content/uploads/2022/09/2022-07-12_EuPIA_Information_Note_French_legal_texts_on_Mineral_Oils.pdf]

[CSG] In theory they comply but they can't demonstrate compliance by analytical testing. Especially with the low limits they cannot prove the banned MO are "out" and not mistaken for allowed FCMs. Proving is extremely difficult.

[EM] Contaminations can come from further upstream, from the used pigments.

[CSG] If authorities would test finished products or the food itself, the MO can come from many sources ...

- As covered in the previous meeting, the Swiss Ink Ordinance has been reviewed. A note is announced by the Authorities, to explain which information needs to be in the DOCs. A discussion will take place on this at SVI the 19/06 [For information: is restricted to a number of invited experts] and the status will be presented at the Fresenius conference "Residues of Food Contact Materials in Food" (8-9/10/24)

In relation to the still missing substances (certain photo initiators ...) in the German Ink Regulation, it seems a grey zone solution could be provided via a so-called "CEN Box" project, in which missing substances may be notified with of course accurate risk assessment data.

3. Update on the allergen presence in printing powders.

See meeting preparation p 9

Also, the FFI Quality Managers Committee has been discussing this concern once more and the outcome reported in the minutes was shared.

The food labelling regulations for allergens stipulate that "even traces of wheat must be indicated on the packaging ... An implemented allergen management (and GMO management) is essential ..."

Questions raised:

- [EK] Allergens can not only be present in the printing powders, also in the board. How to handle? [SG] stated that no allergens are coming out of the board. The wheat starch is fixed in the matrix. Confirmation can be asked from the board suppliers. Allergens can only affect consumers if inhaled or ingested.

Types of board without?

There are differences, some boards will contain wheat starch, others not. MM did tests and even for the worst-case types of board, there was no release of wheat proteins.

[HV] shares Metsa has the same experience as MMK.

An issue which may require further attention is the behaviour at die cutting, as brought in the discussion by FFI in a previous meeting.

- [EK] Other allergens? What about soy beans? It seems those might be in too? [SG] In which form, present in soy oil based raw materials?

4. Tour de table on specific food safety concerns and developments.

The concerns which remain high on the agenda: BPA/Bisphenols, PFAS, MO (with the national measures taken), EDCs, ... and out of the direct agenda of the FS Com the PPWR and EUDR.

Some specific comments made:

- For France, the CITEO tree in relation to the recyclability of



articles, is requiring lots of analyses.

The food safety requirements from customers are massive into the tiny details and represent an ever further increasing burden. [EM]

- The PFAS issue is difficult to cope with in the US, with single state decisions and bans. Also, in Europe, many PFAS and EDC information request. [CI]
- Customers asking after MO statements, confirming there are no mineral oils, any at all in the materials used ... Requests related to carbon black, which doesn't make sense for paper and board. Carbon black is only an issue in plastic sorting and customers are just mixing up. [CSG] Carbon black is a problem coming from the North American market. The substance is there present on lists with substances of concern ... [CI]

[EM] There is often a misuse of regulation by customers as "stuff not to have". Even in a REACH context where limits need to be respected, customers are just wrongly requiring the substances are not in.

- Related to SUPD, customers are asking after plastic free carton board and are in such a request mixing up polymers, plastics ... [SG]

- In the RASFF alerts (15/02-17/04) ([See meeting preparation p11-13](#)),

France continues to notify phthalate contaminations in pizza boxes, the mineral oil testing in food is spreading and now done in different Member States and 2 BPA notifications were introduced by France and Germany.

[CI] stated, typically for the Italian market, the pizza boxes are made of recycled board but with a virgin layer in direct contact and sometimes aluminium to keep the product warm. SEDA is not involved in this market.

- [CP] MM produces lots of pizza boxes and for this type of applications is confident the used recycled board is safe. [SG] Certain recycled board types are appropriate for short term hot contact with fatty foods.

5. Legal developments.

[See meeting preparation p 14-24](#)

[Review EU FCM legislation.](#)

- Information exchange study. The ECMA input in relation to the 3 IT infrastructure policy options are well covered in the draft report of Ernst&Young.

It was strange to see at the workshop the 15/03 how the Commission was directly opposing to the clearly expressed preference of E&Y for option 1, a unique EU-level database managed by an EU entity.

At the workshop one of the comments made by DG SANTE, was that industry would not be prepared to send all compositions to a central database. Interesting in this respect was the discussion in the PIJTF, where it was mentioned, manufacturers will even more not be willing to share all details with industry owned platforms (Option 3)

- [EK] also participating in the workshop, expressed support for Option 1 and underlined the confidentiality concern. It remains difficult to imagine all compositions will be released into such a database.

- The study on the sustainability of food contact materials has not yet really started.

- Next steps include a type of policy paper from the Commission and discussions in working Groups per policy pillar, while most of the legislative work will probably take place in 2026.

BPA

- The 2 positions developed in the Round Table meeting (19/03) have been well circulated to the membership.

- [EK] reported, the Polish authorities intend - once adopted - to



enforce any single aspect of the BPA regulation. The included monitoring requirement, how will the Commission set this up? [SG] MMK is already monitoring BPA in board. We have to wait for further clarification. [JC] The long BPA statement was shared with the Belgian Authorities, and from their side the latest information was indicating the monitoring may be left out.

POP's Regulation

- It seems the 0,1 ppm UTC level for PCBs in pigments is off the desk. The Commission intends to have bilateral meetings with individual pigment suppliers, to check what is feasible when applying best practices.

Council of Europe

- The prepared and pre-circulated comments for the consultation on the Technical Guide on supporting documentation are presented and approved. The majority of the comments are providing support for the current text.

- [SG] checked the text and confirms the included requirements sound quite reasonable. For paper and board manufacturers, the guidance will be more challenging to follow as for the converters. For paper and board manufacturing the upstream suppliers are less used to an accurate information exchange compared to the ink and varnish industry. Also, in this respect the document will be useful.

- A final meeting of the Council of Europe Ad Hoc working group to discuss all comments from the consultation is announced for the 3/06.

PPWR

- [MT] reported on the latest developments.

The final vote in the Parliament is scheduled on the 24/04. Hopefully the last-minute amendment by a German MEP, Andreas Glück (supported by the plastic sector) will not obtain sufficient support to block the vote. If so the current PPWR text (positive for paper and board) would have to go back to the trilogue.

In case the vote on the 24/04 is positive, the text will go to the legal services, with a formal adoption in Q4 2024. Aside this adoption process, the focus will now go towards the 14 pieces of secondary legislation, the announced delegated acts.

From Fibre Packaging Europe a very detailed note on the PPWR implications for our sector will soon be made available.

Plastics Regulation Amendment 18

- If the current version of the amendment would be adopted, MMMLs would have to fulfil the OMLs and SMLs included in the Plastics Regulation. Also, for those applications (paper + plastic layer) there will be a need to develop appropriate test methods.

- It seems CEPI has introduced comments in the now closed consultation process.

PFAS

The restriction proposal by 5 Member States is currently being reviewed.

For the inks, the attitude to have in relation to PTFE was discussed with EuPIA in February.

What about the adhesives and the board suppliers?

- [CSG] The adhesive suppliers are communicating all over their websites, they comply, PFAS are out.

- [EM] informed on the difficulties WestRock had with the decorative foil suppliers, not willing to work on compliance with not yet strict legal obligations, but in between WR got there.

- [HV] confirmed PFAS is not present in the Metsa boards, the converting is however not in the hands of the board manufacturers.

- [SG] PFAS are not intentionally added at MM, traces can however not be avoided in recycled boards. This is similarly true for SEDA, for the used raw material used SEDA obtains statements confirming there is no intentional use of PFAS, but unintentional traces may be present. [CI]



- [EM] shared the observation from projects in which WR is no longer active, ink suppliers have not yet entirely stopped to deliver PFAS containing inks and how also certain customers have been reluctant to change as the legislation is not yet adopted.
- Is this assessment - amongst the well organised carton manufacturing plants - is out, also valid as a general market assessment, including for the well-known product segments where PFAS has been used in the past, fast food, popcorn ...?
- [CI] In niches certain small suppliers may still deliver articles containing intentional PFAS, but not towards the big names SEDA is working with. In those companies PFAS have been phased out for a while now. If NGOs are coming with negative test results, where have they found the PFAS ...? Some small distribution chains may still have PFAS containing home products. Bot the nig names! The example is also shared of lids for bottles, the PFAS came from the lubricants. Typically, certain suppliers are still arguing their product is not specifically mentioned on the article lists included in the PFAS restrictions. [CSG]

6. Obtained information from the FEICA and EuPIA analytical working groups.

See meeting preparation p24-29

- The in the meeting preparation included partial reply from FEICA defends 10 days at 40 °C as an appropriate way for testing long term at RT.
- The test results from the Fraunhofer Institute were obtained from EuPIA. The tests for cardboard 240 g/m² are indicating Tenax testing 10 d/40 °C is not sufficiently covering the migration into Tenax for 6 months at 20 °C. The same is true when comparing with the migration into foods (oat flakes, chocolate) for 6 months at 20 °C. The Fraunhofer report refers to DIN Spec 5010 “Determination of the transfer of mineral oils” in which table 1 suggests to test for 30 days at 40 °C for storage times up to 24 months. EuPIA offered the possibility to have an extra online discussion with their analytical experts. [EK] confirmed her interest. A Doodle for an online meeting (30 min -1h) will be sent to all FS Com members and the obtained extra background will be presented in the next meeting.

7. Testing conditions for LT @ RT.

See meeting preparation p 30-32

All changes compared to the previous version are marked in blue.

From PTS no replies were obtained.

The statement makes extra reference to the additional input received from the JRC, Sciensano, experts at the PIJITF and EuPIA/Fraunhofer.

As formulated, the conclusion is anyway correct: “assumes ... 40 °C for 30 days unless scientific evidence for equilibration at a different testing time.”

The meeting decides to wait one extra week before releasing the statement.

- The WestRock company test results are not yet available. [EK] will check when a summary of the outcome may be shared.
- [HV] will ask within Metsa Board, if also board becomes unstable if tested above 40 °C and if 10 days is sufficient as an accelerated test for LT at RT.
- [SG] confirms the ECMA statement is not in contradiction with the knowledge at MM.
- Also, in the meeting with FERA the testing conditions will be covered.

8 Discussion on how to approach the identified sector initiatives.

See meeting preparation p 33



Generic NIAS list

The suggestion made by Mike Simoni to develop with a third party a common list of NIAS based on anonymously shared information obtained from suppliers, is discussed.

- [CSG] Would be useful to have as a start.
- One list of NIAS? [CI] The NIAS would be classified per type of material (offset inks, conventional inks, water-based ...) [CSG]
- Which third party? [SG] proposes to work with an analytical institute with toxicological background. It seems better to focus (first) on some strategic substances.
- [CI] suggests - in case of such a project - to inform first the suppliers. Adhesive suppliers, there are not 20 of them. There is the risk of tracing back and with suppliers often NDA agreements are signed.

An option may be - as Mike Simoni suggested - to have substances on the list only if the substance is declared 2 or 3 times ...

- It is agreed to discuss the initiative with FERA the 23/04.
- The project is considered as approved.

Guidelines on how to test NIAS

To be covered with FERA.

IP protection on "ordering" platforms.

In addition to the previously mentioned concerns in this respect, [EM] shares how third-party experts are in some cases behaving as experts from contracting companies. "You may be not speaking to whom you think you are."

In such a cases, where is all information ending up?

9 Preparation visit FERA (23/04)

See meeting preparation p 33-34

The list with the so far announced topics is presented. Any additional questions to be raised would be welcomed.

10 Organisation and objectives next meeting in person. (18/06)

The ECMA Head Office will ask all FS Com members to indicate their preference, Brussels or Amsterdam and to confirm their intention to attend.

11 Miscellaneous.

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Hereafter, the Chairmen closed the meeting around 12h00.

All participants were thanked for their attendance and contribution in the discussion.