

## Food Safety Committee

**Date:**  
26 09 2024

**Time:**  
10h00 - 12h00 CET

**Venue:** ONLINE TEAMS

**Chairman:** Mike Turner (ECMA MD) [MT]

**Participants:** Sigrid Gerold (Mayr Melnhof Packaging) [SG], Eliza Konecka-Matyjek (WestRock) [EK], Marjatta Punkka (Metsä Board) [MP], Paolo Minichini (SEDA) [PM], Elaine Murray (WestRock) [EM], Carola Poggenpohl (Mayr Melnhof Packaging) [CP], Annika Schrimpf (Graphic Packaging) [AS], Caroline Seguin (Mayr Melnhof Packaging) [CSG], Jan Cardon (ECMA) [JC]

**Apologized:** Michael Avemarg (Van Genechten Packaging), Carmine Iuvone (SEDA & Co-Chair FS Committee), Ashleigh Pyatt (Alexir Packaging), Christian Schiffers (FFI), Dorien van den Helm (Acket), Helena Moring Vepsalainen (Mestä Group)

### 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. Harmonised testing conditions for cartons.

Lionel Spack (Senior Expert FCM Nestlé) joined the meeting for this agenda item. After welcoming words, the starting point and some background (customer requirements, ECMA statement, mails in May) for the discussion are briefly presented.

See meeting preparation p 3-7

Opening comments made by Lionel Spack [LS]

A question since many years is, how close can cardboard be compared with polymers? In the Migratest project, Rainer Brandtch argued cardboard is behaving most likely as a poor PE. Diffusion is indeed quite fast in cardboard, but if you have polar compounds, they are attracted by the cellulose. Fibres do not behave as polymers.

At the EDQM Council of Europe Conference in Madrid, Nestlé was attending the session on the draft guidance on supporting documentation. The document is probably asking too much from machine suppliers, but makes sense for packaging.



Less convincing were the presentations by the national authorities, Germany and Belgium. It is a mess!

Countries don't know how to test, leading to discrepancies and confusion. Lydia Richter (CVUA Stuttgart) indicated, packs with a coating are tested, starting with an extraction, while for packs with inside a laminated film CVUA is performing migration tests. Fine, but how to compare? BfR 36 is probably the reference for the extraction tests, while the Plastics Regulation limits will typically be used for checking compliance of the laminated packs.

This is not correct, a laminated film is not the same as a plastic!

Laboratories do not know, how to test and they come with non-compliant test results ... based on what? Cold and hot water extraction, to which extent is this representative for the real migration into food? The cardboard industry needs to propose something to the Commission and the national authorities.

The Plastics Regulation is stating, testing at 40 °C can be done if it is proven a steady state is reached. A study proving this, would be valuable. Hot melts and printing inks are destroyed when testing at 60 °C.

A publication by the carton sector, why not together with Nestlé on testing LT @RT would be valuable. How to test coated and laminated cartons may be a next step. Half of the current tests are not useful.

#### Comments made:

- [SG] A lot of uncertainties remain for testing paper. As long as there are no rules, we will always have discussions. Many people do not understand the difference between migration and extraction, and even at the BfR there is uncertainty on the testing approach to use.

For compliance [LS] advocates in favour of migration testing. In safety assessments if there are doubts about the substances present, extraction, why not. Let us however avoid to wake up the dragon with questions related to the safety of natural compounds.

Both approaches, extraction and migration need clearly to be separated!

In recent months there have been regularly notifications at the RASFF portal about paper straws, suggesting they may even be more dangerous as the plastic ones.

The results are however typically based on extraction tests, with mineral oils detected, but there is no migration in products as milk and soda, therefore the notifications are not justified!

Extraction is the wrong approach and we will continue to have problems as long as authorities continue with extractions.

The exposure of consumers is key and we need to defend this as long as possible.

In the new FCM legislation, the harmful Tier 1 (CMR ...) substances will probably have to be checked by extraction, while for the rest we should be able to defend migration.

- How to make concrete progress?

[LS] suggests to develop a common publication by the Food Industry and ECMA, hoping Nestlé will not be alone. In context of PIJITF? The common publication may contain a proposed testing for dry food LT@RT, based on test results. From the Nestlé perspective the testing makes sense for virgin board samples as recycled is not used since 2007 for direct and indirect contact [*without a barrier present*].

The sector needs to look into its portfolio to select a few samples. Nestlé may provide packs in the confectionary segment.

[SG] confirms a common statement would definitely help.

- [CP] suggests to involve also laboratories, as they continue to perform testing at 60 °C ...

ISEGA is mentioned.

[LS] shared, Nestlé started 3 years ago with ISEGA to assess the NIAS and at the time, the first results

were not good. A second round of testing was much better.



Nestlé will continue to work with them in 2025 not only for migration, also for NIAS tox assessments.

[SG] Also tox assessments with ISEGA? Detection limits low enough?

[LS] ISEGA can deliver routine testing at a reasonable price (below TTC ...). Nestlé is not working with Fraunhofer, TNO or FERA. Those laboratories are delivering gold standard test reports, but at far too high prices (20 000 € ...).

Nestlé applies the limit of 10 µg/kg, below which you shall not quantify.

The ongoing work with ISEGA does not mean we have to wait. We can start now also with the considered testing.

Thomas Gude is still well involved and is steering the ink DOC project at the SVI/JIG?

[LS] expressed towards Stefan Kucsera (Swiss Authorities), inks need to be assessed in 2 steps, covering the composition with afterwards testing in real conditions. Thomas Gude is in charge of the project and is paid by a consortium. The objective is to come with proposals also towards the PIJTF.

When suppliers are selling inks, the safety testing needs to be performed together with the converter and not in unrealistic ideal conditions. All this is included in the current proposal.

On testing conditions, the JRC may also be a source of expertise to involve, with reference to the publication on testing conditions for kitchenware in which also paper and board is covered.

See meeting preparation p 8-10.

[LS] Certain NGOs were at EDQM coming with statements that functionalised paper and board is worse than plastic, as so many substances can be found in the new P&B FCM materials which are coming to the market.

What happened in the plastic sector in the last 20 years is a hyper simplification, with less different compounds used. The assessment of functionalised P&B materials is indeed complex.

- Samples to test?

[LS] 2 or 3 compositions may be selected, with for the printing inks LM and the adhesives, hot melts, acrylics or both.

Waxes are again another topic, also those materials should not be tested above 40 °C. In case waxed cartons need to be included, we should involve the wax industry. The alerting test results from FoodWatch in 2021 was all about waxed paper.

For the first time laboratories were looking into the fraction C35-C50 and FoodWatch was right, in that fraction MOAH was present coming from crude oil (1 and 2 rings, not the 3-7 ring fraction). Industry had to make changes in the formulations.

In Annex 20 of the Nestlé Guidance, limits are included for the waxes and the Commission will also come with restrictions.

- Aside the testing conditions, which limits to respect?

ECMA has in its supplier questionnaires - in the first legal section - for the board, inks, adhesives and plastics as main references, BfR 36, the Swiss Ordinance, BfR Recommendations & FDA and the Plastics Regulation. See meeting preparation p11-12.

[LS] Interesting is the work done at the Council of Europe on metals and alloys. The developed SRLs (Specific Release Limits) are based on the assumption the public is exposed to 20% metal packaging in its diet. A similar assessment (20-25%) may be made for carton board. If not possible, a default approach can be used (1kg per day packed in cardboard).

The Council of Europe is preparing a revision of the P&B Technical Guide and Laurent Mallet (Chairman EDQM) is open for discussion with the industry.

ECMA has been involved in the development of the previous edition of the TG for paper & board and the ad hoc group on appropriate safety documentation in the chain.

- The willingness to carry out testing at the Nestlé Packaging Institute is confirmed.



[LS] Nestlé intends also to organise an internal workshop on the safety and testing of paper and board early 2025. The currently discussed project and also the safety of new paper based functionalised materials will be covered. ECMA will be contacted for an involvement.

- At the end of the exchange [LS] shared an early warning related to allergens present in natural materials. There may be a transfer of proteins from packaging into food. Cold seal has already been assessed and there are not enough proteins present to create a reaction, unless in case of lip contact.

Gluten can be present in the board substrate to make the material more solid. The sector may consider a statement on this, confirming the exposure should in principle be OK for the cardboards used.

The outcome of the discussion, the proposal to perform a migration study to validate appropriate testing conditions for regular cartons is well appreciated by all participating. The proposal needs a further internal reflection, after which ECMA will recontact [LS].

Special thanks for the discussion on this topic were exchanged.

### **3. Approval of the notes from the Food Safety Committee 18/06/24 and from the 8/07 discussion.**

See meeting preparation p14-15.

The notes are approved without comments.

- Similar to the allergen issue mentioned by [LS], natural materials can also in bio assays trigger in vitro toxicity. An issue to follow.

- The additional meeting with EuPIA on the Fraunhofer study is scheduled on the 8/11.

- A detailed LCA database on carton board production and conversion is available from the Pro Carton website. In this RISE publication the forest biogenic CO<sub>2</sub> uptake and the end of life are left out.

### **4. Sector projects.**

See meeting preparation p16-18.

#### **Harmonised testing conditions.**

- [SG] As long as the rules are not established it will be difficult to define a common approach on NIAS testing. Carton makers also don't know what to ask from their suppliers.

[CP] If some compound is found, suppliers come first with statements "the substance is not intentionally added", and when asking further they will maybe come in a third round with some reactions which may have occurred.

The test results can also be completely different from laboratory to laboratory. Nestlé has an excellent R&D department, but many commercial laboratories are not at the same level.

[CSG] There are two aspects, the testing conditions and the limits. How far do we need to go in the testing? Can the laboratories reach the limits? What is the required equipment? Not all tests can be performed at Nestlé.

All participants agree with the proposal out of the discussion with Lionel Spack:

- . A common testing project on a few samples for validating appropriate testing conditions for regular cartons LT @ RT.
- . Testing done at Nestlé with an expertise involvement from ISEGA.
- . The development of a common statement (Food Industry - ECMA)

As a next step, a separate project call will be organised with interested FS Com members, ISEGA and Nestlé.



## **NIAS database initiative.**

- As agreed ECMA has been writing to EuPIA and FEICA to obtain from the supplier association information on the NIAS which may be present in broad categories of FCMs, carton makers are using. A reply was obtained from EuPIA stating they consider this is for different reasons not an issue to cover at the association level.

- [CSG] In view of the obtained replies it seems clear the suppliers will not provide support and without - in doing it on our own - it will lead to an outcome with limited value. A NIAS assessment goes also beyond what is present, it is also about the reactions and the usage conditions and what the customers are telling us about ...?

It will be very difficult to build such a database, the best option is to continue to do what we can, tell customers about which information we obtain from suppliers.

[AS] Without support and also in view of the currently often missing split between IAS/NIAS in declarations ... it will not be possible to come somehow to "complete and exhaustive" lists.

[EK] confirms it doesn't make sense to continue this initiative.

- The decision is taken to regretfully stop the project and to park the idea.

## **Other initiatives.**

- On intellectual property on ordering platforms [EM] expressed the view, this idea also needs to be parked, as we are at the moment not able to take it forward.

- Review existing food safety documents.

See as a first step agenda item 7

- Legal library.

The proposal in the last FS Com meeting to put basic legal information on the ECMA website is difficult to realise, as translations obtained from service providers (Decernis, Keller& Heckman) cannot be shared broadly with the membership.

BfR 36 is easily available in English from the web.

## **5. Tour de table on specific food safety concerns and developments.**

- The current top priority for customers, constantly coming in, is the compliance with the very low MOSH/MOAH levels in inks which will soon come in France. Suppliers are prepared to confirm they don't use MO, but are not willing to sign for "0% or NO presence".

The EuPIA statement is very helpful and provides a lot of information, but this is for customers not enough. What is the plan? ... [CSG/AS/EM/SG/CP/PM/EK]

The question is raised if ECMA could not develop a statement on behalf of the converters, aside PIJITF and EuPIA? The comprehensive statement from EuPIA is for instance not covering what will happen on the 1/01/25. [EM]

- Questions related to epoxy derivatives. Requirements on microplastics. Customers asking after the presence of compounds which may be banned in future, trying to understand what may be in the composition. [EM]

- Questions on the PPWR. What is a plastic ...? What we can expect in the coming weeks are even more requirements on PFAS, in view of the adopted restriction. [SG]

[PM] shared how the discussion with customers continues on the PFAS testing method. They ask for a TOF (Total Organic Fluorene) analysis, while a targeted analysis is more appropriate. When using TOF, also naturally occurring fluorene compounds are included.

Another area of concern for customers is the EUDR compliance. The guidance from the Commission is still missing.

- [EK] stated it has been very difficult to find a laboratory able to reach the low LOQ level for BPA. WestRock found one lab able to go down to 0,12 ppb.

In the last few months, the requirements from customers



are ever more going deeper, becoming too difficult to handle. It becomes problematic, the DOCs are expanding including concerns which were 2 years ago not at all considered.

Radiological hazards not only related to the materials also to the signs.

Questions on the exclusion of Part B in the Swiss ink Ordinance and the substances which were listed there so far.

Another burning platform is the contamination which may occur during the transport and storage of finished cartons, coming from the corrugated board boxes.

- [MP] No really new concerns, typically at Metsä Board, questions on EUDR and PFAS.

- From the ECMA congress in Berlin a slide from Felix Grünewald (Mc Kinsey) is shared, indicating consumers see “Hygiene and food safety” as the top priority when it comes to product packaging.

See meeting preparation p19.

- Checking the alerts on the RASFF portal (1/06-25/09), 18 notifications are mentioned for MO in food or FCM (2 Germany, 1 Switzerland, 11 Netherlands, 3 Belgium, 1 Poland).

Mainly in the two rice notifications there may be a contribution coming from the P&B packaging.

Another FCM alert concerns again pizza boxes from Turkey, notified by France.

See meeting preparation p 20-21.

- In follow up to the suggestion to develop an own sector statement on the French MO ink measure, [JC] will contact FFI as they may have something available.

## 6. Legal developments.

See meeting preparation p 22-23.

### EU

- A ban on PFHxA - amending Annex 17 of the REACH Regulation - has been adopted for a limited number of materials including paper and cardboard used as food contact materials.

[SG] confirms, the information included in Recital 1 “still widely used in many sectors, with large quantities used in paper and cardboard ...” is entirely wrong.

For many years those substances are not used and were also never detected at MM.

- ECMA contributed to the CITPA submission into the consultation on the definition of sustainability in FCM, in line with previous discussions in the FS Com. Sustainability is covered in other legislation, not ideal to mix up.

- On MO in food, the Commission made available a FAQ document.

- The final version of the CoE document on an appropriate information exchange in supply chains should remain close to the latest favourable draft version and be published in Q4 2024.

### Germany and France

Nothing new to report. What was obtained was shared via the FC network. (21/08)

## 7. Review of ECMA food Safety documents.

See meeting preparation p 23-32

From the different food safety documents which are available on the Members Only section of the website, the checklist to use with customers is the oldest one (2015), and for that reason probably the best to revise first.

The ink section and the storage time for unfilled finished cartons are e.g. areas to be modified. It is agreed to circulate the document again and to discuss the checklist in the next meeting.

This will be done in consultation with the QM Committee of FFI, who developed the initial version in 2009.

## 8. Update on sustainability related topics



[MT] reports on the tremendous ECMA work in the sustainability area.

## PPWR

There is just one more vote to come in the European Council.

The text should be fully adopted at the end of the year and published in the Official Journal early next year, with a transition period of 18 months, until mid-2026.

A small risk exists the text may go back to the Parliament in view of the political pressure coming from the plastic sector.

## Eco Design

The Eco Design Regulation has been adopted. Packaging is not directly a target, but some products packed in cartons such as perfumes and cosmetics, are in scope.

## EUDR

The introduction of this regulation is chaotic. The legislation will go live in 3 months' time and the guidance is not yet available. A postponement can only be made by Ursula von der Leyen and this needs to be announced by the end of September.

Another circulating idea is an agreement to not enforce the legislation for a certain period of time. This is however not satisfactory, as NGOs may take legal action.

At the ECMA congress, also the green party speaker from the German Authorities was arguing in favour of a postponement.

## **9. Miscellaneous.**

- The next plenary FS Com meeting is scheduled on the 22/11 online 10h00-12h00.

For 2025 the same rhythm of meetings will be continued and members will be asked if at least once a year it makes sense to have a physical meeting.

- [EK] brings once more forward the topic of contamination coming from the transport packaging.

[CSG] comments also MMP has had complaints coming from customers related to the rub resistance, as corrugated board is very abrasive. The migration of substances is something else.

Yes, useful to look into, especially in view of the PPWR, requiring no empty space, which will lead to an even higher impact.

Back in 2015/2016 ECMA has been discussing this in follow up to a study by Prof. Thomas Simat (Dresden Technical University) indicating mineral oils coming from the corrugated boxes were contaminating the packed food through the cartons and even through open airspace on the shelves in stock zones.

At that time [LS] mentioned in a coffee break at ILSI, how even simply a virgin inner liner is already helpful in limiting the migration. Such a liner may of course also be treated ...

ECMA has been discussing this with FEFCO, with the objective to maybe come to the development of corrugated boxes more adapted for the food segment. This was rejected, as from their perspective, if there is an issue of migration from the transport packaging, the problem is the product packaging [*cartons without barrier, all PE product packaging ...*] not protecting enough the packed food.

[EM] adds how test results are available on the migration into packed food, but nearly not on the migration into unfilled cartons during storage, the part we are responsible for.

[CSG] Customers in certain segments have also their own packers and they pack which means it is out of our control.

It is agreed to have this issue as an agenda item in the next FS Com meeting.

Hereafter, Mike Turner closed the meeting around 12h00. All participants were thanked for their attendance and contribution in the discussion.

