



## Information note

### 21<sup>st</sup> ordinance amending the Consumer Goods Ordinance (German “Printing Ink Ordinance”)

On 7 December 2021, the so-called German "Printing Ink Ordinance" was published in the Official Journal (BGBl. I 2021 p. 5068 (No. 82)). Despite massive criticism from the entire food packaging chain and although the EU Commission had already taken action, the regulation was thus launched as a unilateral national measure for which there was no need from industry's point of view. The relevant provisions apply after a transitional period of four years, from 1 January 2026.

#### Background:

Printed food contact materials, such as food packaging, are regulated in principle at EU level, however, specific provisions are lacking. Therefore, the European Printing Ink Association (EuPIA) has developed comprehensive concepts, which have been successfully implemented. They support the converters and distributors of food contact materials in their compliance work. Independently of this, the entire food packaging chain in Europe has long been in favour of a harmonised European regulation for printed food contact materials. In the course of the notification of the "Printing Ink Ordinance" to the EU Commission and in appreciation of the objections raised by various member states, the EU Commission announced in 2016 that it intended to adopt an EU legislation on printed food contact materials and invited Germany to postpone its national measure. However, in the course of the work on the EU legislation on printed food contact materials and articles, the Commission identified fundamental deficiencies in the existing legal framework, which are first examined in the context of a broad-based evaluation. The Commission currently plans to adopt a draft legal text in 2025. Due to the changed timetable at European level, the German regulatory initiative was taken up again in 2020 and completed in 2021.

#### Key provisions of the regulation:

Although the term "Printing Ink Ordinance" has become popular, the Ordinance does not regulate printing inks as such, but **printed food contact materials**, for which a transfer of substances from the printing ink layer to the food cannot be excluded. The primary addressee of the ordinance is therefore the commercial manufacturer of printed food contact materials. The scope includes food contact materials where the printing ink layer is in direct contact with the foodstuff as well as those where the printing ink layer is applied on the non-food contact side of the material.

The core of the German ordinance is a **positive list** of substances (Annex 14 Tables 1 and 2), which may be used for the manufacture of printing inks for food contact materials. Furthermore, substances may be used which are covered by a dynamic reference to the positive list of regulation (EU) No. 10/2011 on plastic materials and articles intended to come into contact with food. It should be noted that this reference only applies to substances which are listed without group restrictions and without restrictions and specifications.



For the printing of food contact materials where the printing ink layer is in **direct contact with the foodstuff**, only those printing inks may be applied, which are fully composed of substances that are listed in the positive list (Table 1) or are covered by the dynamic reference to Regulation (EU) No 10/2011. In the case of food contact materials where the printing ink layer comes into direct contact with food during normal or foreseeable use, although they are not intended for this purpose (e. g. printed napkins), the printing inks may additionally contain the pigments listed in Table 2; however, this only applies until 1 January 2027.

For the printing of food contact materials where the printing ink layer is **not in direct contact with foodstuff**, printing inks may be applied which also contain non-listed substances; these substances must not be classified as CMR under chemical legislation (CLP Regulation); in addition, a migration must not be detectable at a detection limit of 10 ppb.

For the purposes of the ordinance, "use of substances in printing inks " is defined as the planned usage of substances for the manufacture of printing inks, i.e. it refers to **intentionally added substances**. **Non-intentionally added substances (NIAS)** must be evaluated in accordance with internationally recognised scientific principles of risk assessment, as is in EU legislation.

In the positive list, **specific migration limits, group limits or restrictions** are partially laid down, which must be observed. If no migration limit or other restrictions are defined, the global migration limit of 60 milligrams per kilogram of the foodstuff applies.

The regulation does not contain any requirements for the information exchange along the supply chain. Therefore, ink manufacturers will continue to use the well-established "Statement of Composition" developed by the European Printing Ink Association (EuPIA) to provide adequate information.

#### Practical implications:

The transitional period of four years was set by the Federal Government to take into account that the positive list is incomplete and to give the raw material suppliers time to submit the relevant dossiers. The raw material suppliers are continuing to work on completing the list and are supported by the printing ink industry in this task. Nevertheless, it is becoming apparent that the positive list will not be significantly completed by 1 January 2026. Although many important raw materials are still missing on the list, it should be possible for most applications to offer suitable printing inks in good time, with which the requirements of the regulation can be fulfilled. This is due to the fact that substances, which are not listed can still be used for printing inks that are not intended for direct food contact, provided that the conditions described above are met. However, in order to fulfil the requirements of the ordinance resource-intensive and costly reformulations are necessary in these cases. Furthermore, performance restrictions of the reformulated products cannot be ruled out. The respective printing ink manufacturers can provide more specific information.

It should be noted that in addition to the composition of the printing ink, **compliance with the migration limits** depends on various factors such as the layer thickness, the packaging



geometry or the packaging material and is thus **subject to the compliance work of the manufacturer of the final food contact material**. Even though the Printing Ink Ordinance does not specify how information is to be exchanged along the supply chain, close cooperation between the various players within the chain is crucial. Here, the already established concepts such as the "Statement of Composition" are suitable tools.

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