Frequently Asked Questions
ON THE LEGAL STATUS OF PRINTING INKS, COATINGS AND VARNISHES FOR THE NON FOOD CONTACT SURFACE OF FOOD PACKAGING (FOOD PACKAGING INKS)

1. Does EU legislation on printing inks for food packaging exist?

Up to now, no specific EU harmonised legislation on printing inks for food packaging has been issued, with the exception of Directive 2007/42/EC relating to materials and articles made of regenerated cellulose film, which states that the printed surface of regenerated cellulose film must not come into contact with food, and therefore is relevant to printing inks for food packaging.

2. Are printing inks subject to any other EU legislation?

Even if printing inks are applied on the non food contact surface of packaging, as a component of the printed package, they must not prevent the final package from meeting the requirements of Regulation (EC) No 1935/2004 concerning materials and articles intended to come into contact with foodstuffs.

This Regulation requires that no food contact material (whether printed or not) should endanger human health, change the composition of the food or alter the organoleptic properties of the food. This Regulation repealed Framework Directive 89/109/EEC and, as a Regulation, immediately came into force in the Member States on 3 December 2004.

In addition, Commission Regulation (EC) No 2023/2006 "*on good manufacturing practice for materials and articles intended to come into contact with food*" also makes specific reference to printing inks.

3. Are printing inks covered by other provisions?

In 2005, the Council of Europe (CoE) Committee of Ministers of the Partial Agreement in the Social and Public Health Field adopted the Resolution ResAP (2005)2 on "Packaging Inks Applied to the Non-Food Contact Surface of Food Packaging". CoE Resolutions are not legally binding, but should be considered as statements of policy for national policy makers of the Partial Agreement member states. EuPIA could not support the Resolution as adopted, because it was not practicable. The substance inventory lists were not sufficiently comprehensive, and did not provide protection for consumer health or reflect current practices.

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Up to now, Switzerland is the only member state of the CoE Partial Agreement who decided to translate the Resolution ResAP (2005)2 into its national legislation. In 2008 an amendment to the Swiss Ordinance on Materials and Articles (SR 817.023.21) was made, detailing certain provisions specific to food packaging inks. The core element of the new regulation is a list of "permitted substances", identifying the only substances which may be used in the manufacture of food packaging inks marketed in Switzerland. This list, which has been established with the support of EuPIA and CEFIC, became applicable as from 1st April 2010. A revised list was published in February 2011 and came into force in May 2011. For more information on the Swiss Ordinance please consult the relevant EuPIA Q&A document.

Since late 2010, Germany has been developing an amendment to the German Ordinance on Materials and Articles, introducing printing ink-specific provisions.

Independent of these legal initiatives and in the absence of specific EU legislation, EuPIA developed a Guideline setting out a mechanism for the selection of raw materials for food packaging inks. It is considered that this Guideline satisfies the current requirements of the food packaging chain.

4. What is the industry position on positive lists for packaging inks raw materials?

As part of an integrated approach to risk assessment positive lists may help in communicating developed toxicological data and harmonized migration limits. They provide transparency for substances used, however any positive list alone does not guarantee pack safety.

5. What is the industry position on non-evaluated substances used in packaging inks?

To cover all market technical demands, non-evaluated substances are often required. This does not pose a problem as long as the relevant migration threshold of the substance from the printed packaging into the foodstuff is met.

6. What is the industry position on threshold limits of substances migrating from the dried printing ink layer?

Where they exist, specific migration limits (SML) must be met. With regard to non-evaluated substances, migration limits of no concern - based on toxicological assessments – have to be established.

7. Are there any special issues related to the use of energy curing printing inks for food packaging?

EuPIA members can confirm that, as with other ink types, UV curable materials can be used safely for food packages providing that the conditions of the EuPIA Guideline are met, as with all food packaging inks.

8. What are the legal responsibilities in the food packaging chain?

Due to the complexity of the process, all members of the packaging chain must exchange relevant information – under appropriate confidentiality agreements if necessary – in order to ensure that products can be formulated to be fit for purpose, and thus be compliant with all legal responsibilities. To this end EuPIA members will provide adequate information about the composition of their products by means of a standard Statement of Composition. This will allow the manufacturer of the printed food packaging and the food filler to meet their legal responsibility to ensure that it is fit for its intended purpose.

There are many types of final package and the printing ink is only one constituent. Since the parameters in the printing, packing and storage processes are not under the control of the printing ink manufacturer, the printing ink suppliers are not able to issue certificates or declarations of compliance which cover the legal responsibility of the entire packaging chain.

9. How are the responsibilities in the packaging chain managed?

According to Good Manufacturing Practices, or quality control standards, the co-operation between all members of the food packaging chain is managed by requirement specifications, e.g. by information about the substrates, type of food packed, printing and converting process parameters, storage and treatment conditions. The ink manufacturer will formulate the ink accordingly, which if used correctly will allow the final package to meet the legal requirements.

10. What information will member companies of EuPIA make available on packaging inks to enable the rest of the packaging chain to meet the legal requirements?

EuPIA members will identify which specific components in the packaging inks offered by them should be monitored to assess compliance. They will make available such information to those parties specifically involved in the compliance control. To this end they are prepared to provide a Statement of Composition.

11. What specific verifications of compliance are recommended to users of packaging ink products?

The printer should conduct representative practical investigations, such as migration testing or migration modelling, to cover each relevant packaging application category and structure.

If required, EuPIA members can help identify suitable laboratories that have the required analytical capability to give a qualified verification of compliance of printed packaging.

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