



## Information note

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

On April 29<sup>th</sup> 2020, the German Federal Ministry of Food and Agriculture (BMEL) presented a new draft of the 21<sup>st</sup> ordinance amending the German Consumer Goods Ordinance; this amendment is called “Printing Ink Ordinance” (“Druckfarbenverordnung”). The relevant associations of the food packaging chain are invited to comment.

#### Background:

In July 2016, Germany notified a draft of this "Printing Ink Ordinance" to the European Commission pursuant to Directive (EU) 2015/1535. Eight EU member states had expressed their concerns in the form of "detailed opinions". Two EU member states and the EU Commission itself had submitted "comments".

In appreciation of the objections raised, the EU Commission had informed that it intended to adopt EU legislation on printed food contact materials and invited Germany to postpone its national measure. In the course of the work on the EU legislation on printed food contact materials and articles, the Commission identified, however, potential fundamental deficiencies in the existing regulatory framework (the Framework Regulation (EU) No 1935/2004), which will first be examined in the context of a broad-based evaluation, before the work on specific measures within the meaning of the Framework Regulation, such as paper and cardboard, adhesives, but also printing inks, can be continued. The priority of this project over other specific measures is understandable with regard to a consistent legal framework on a European level. The current timetable does not suggest that such specific harmonized measures can be expected before 2022.

Due to the changed timetable at the European level, the BMEL has now taken up its original initiative for a national regulation and presented a new draft of the ordinance, which has not yet passed the interservice consultation of the involved ministries. The wording of the draft, however, is largely identical to the draft notified in 2016.

The core of the German draft regulation is a positive list of substances that may be used for the production of printing inks for food contact materials and articles. This list has been extended only slightly compared to the draft notified in 2016. Currently, raw material manufacturers continue to work on the completion of this list; they are supported by the printing ink industry. New substances are to be added to the list in accordance with a BfR "Guideline for the safety assessment of substances in printing inks for the manufacture of food contact materials and articles". So far, however, this guideline is only available in an unworkable draft version that cannot be implemented by the industry. The regulation itself does not contain any procedural rules for the



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application of dossiers for inclusion of substances in the list; only the official justification contains a vague indication, which is not sufficient in terms of legal certainty.

**Against this background, there is currently no basis for requesting confirmations of compliance with the requirements of this draft of the Printing Ink Ordinance.**

It is important to emphasize that printing inks which are intended to be printed on food contact materials, and which are manufactured or distributed in accordance with the relevant guidelines of the European Printing Ink Association EuPIA, comply with all relevant applicable European legislation on food contact materials. This applies regardless of whether or not their components are included in the list of the draft German ordinance.

The Food Federation Germany, in consultation with the VdL, has already reacted with a first statement to the BMEL, and expressed its incomprehension for this new initiative by the BMEL. In the opinion of the VdL, only a harmonised European regulation for printed food contact materials makes sense. The printing ink industry supports the European Commission in its efforts to achieve a consistent European regulation and is advocating to give the European legislative process the time it needs.

This information note is updated as soon as new information becomes available.

VdL, 13 May 2020