

Brussels, 24 January, 2020

CEPI position on TRIS notification 2019/520/DK

The Confederation of European Paper Industries (CEPI) is very concerned by the notified Danish legislative proposal on the ban of food contact material made of cardboard and paper if perfluoroalkyl and polyfluoroalkyl substance (PFAS) have been used. We support the phasing out of such substances but have concerns regarding the proposal from Denmark:

- Food contact materials are regulated on EU level through the EU framework directive (EC) No 1935/2004. As a specific harmonized measure for paper and board does not yet exist at EU level, we understand that a Member State takes initiatives aiming at the protection of human health as provided also by article 6 of the Framework Regulation 1935/2004. Our position is that, ideally, any new legislation on food contact materials in general and on food contact paper and board in particular should be harmonized within EU. This is a principle which we advocate since many years. What we do not support is the approach contained in the TRIS Notification 2019/520/DK on PFAS for the reasons explained below.
- The ban only concerns paper and board intended for food contact materials, which is a very small part of the consumer's daily exposure to products. When substances are harmful and banned, they should be equally banned for all sectors, materials and articles.
- There are no validated analytical methods that can specifically identify and measure these substances in the raw material or in the final paper based food packaging. This makes enforcement and compliance assessment difficult or even impossible.
- Any concerns regarding such substances due to their potential persistent and bio accumulative properties are better regulated through other regulations i.e. REACH regulation where there are procedures to ban or restrict the marketing and use of these substances.
- Activities are already ongoing to phase out such substances, see EU PFAS action plan

Furthermore, we are concerned about the content and wording of the proposal. The proposed text reads as follows:

"The purpose of the Order is to ban the placement on the market of food contact material made of cardboard and paper if perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been used.

The Order will however allow the placement on the market of food contact materials made of cardboard and paper where perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been used, for example from inks or reused cardboard and paper, but only if a functional barrier is used in the material to prevent the substances migrating into the food”:

The proposed text in bold is very unclear and open to misinterpretations as it implies that:

- a) The use of recovered paper and board as a raw material in paper and board manufacturing is considered as equal to intentional use of PFAS. If such substances are present in the recycled raw material at trace levels as non-intentionally added substances the use of barriers would become obligatory in any case.
- b) The use of inks containing PFAS for printing of paper-based packaging should still be allowed if a barrier is used which is illogical, considering the proposed ban on food contact materials made of paper and board where PFAS have been used.

We strongly object to this approach for the following reasons:

- Any restrictions shall take in consideration the difference between the intentional use of a substance (i.e. IAS , Intentionally Added Substance) and the non-intentional use (i.e. NIAS, Non Intentionally Added Substance). In the case of PFAS eventually being present in the in paper and board made of recycled papers this can only at the level of small quantities (small traces). NIAS can only be controlled and reduced by tackling the root-cause of such substances i.e. to restrict the intentional use of them in various applications in the food supply chain.
- It is technically very difficult to check, control and know if there are trace amounts of such substances in the recovered paper and board raw material used in recycling paper mills. Consequently, it might require functional barriers for all paper and board made fully or partly from recovered paper and board to ensure compliance with the proposed legislation.
- Increasing mandatory use of barriers is not in line with the EU policy and strategies i.e. the high ambitions for a circular economy and increased recycling as this will make such packaging more difficult to recycle and will cause different level of playing field for virgin and recycled materials.

CEPI therefor urges the Commission to take action on and disapprove of the Danish proposal 2019/520/DK on banning “the placement on the market of food contact material made of cardboard and paper if perfluoroalkyl and polyfluoroalkyl substances (PFAS) have been used” and act in order to ensure that a harmonized approach on measures to reduce the use of PFAS and to eliminate barriers to trade is quickly adopted.

Treating consumer protection as the highest priority, while at the same time respecting resource efficiency and sustainability, is essential in pursuing the objective of paper and board industry in providing safe food packaging materials to customers in the food supply chain. Paper based packaging is manufactured from biobased, renewable and recyclable raw materials. Paper based packaging plays an important role in mitigating climate change by substituting fossil-based materials.