



TRIS notification 2022/4/F

French order on the substances contained in mineral oils prohibited for use on packaging and for printed matter distributed to the public

Position of the Federation of European Publishers

14 March 2022

The Federation of European Publishers (FEP) welcomes the possibility to comment on the French order on the substances contained in mineral oils prohibited for use on packaging and for printed matter distributed to the public (TRIS notification 2022/0004/F).

FEP is an independent, non-commercial umbrella federation of publisher associations from all over Europe. FEP represents 29 national associations of publishers of books, learned journals and educational materials from 28 European countries. FEP is the voice of the great majority of publishers in Europe.

Publishers are supportive of initiatives aimed at supporting the green transition and are making their best efforts to constantly improve the environmental impact of their industry, and fully understand the interest of measures to protect consumers' health in relation with food packaging material, which may include recycled paper. Nevertheless, FEP wishes to express its concern about the potential consequences of the draft order, which largely outweigh its possible benefits, especially with regard to the book sector.

The proposed measure, in fact, will constitute a severe restriction to the free movement of goods within the EU, will have a significant negative economic impact on the publishing sector – especially on the many SMEs of which it is comprised – and does not meet the principles of necessity and proportionality that should guide the introduction of legislation in the EU.

First of all, the order will have a big impact on the free movement of books in the EU. It will affect books printed on offset printing machines, which still use inks including mineral oils. In France, for example, this concerns 35 to 40% of production, equivalent to some 160 million copies per year (200 million in years of school curricula reforms implying a renewal of textbooks). For a start, the French printing industry is not ready to change inks in its printing machines, and the necessary alternative inks are not available in Europe on a scale that would be sufficient to meet the greatly increased demand. In addition, French publishers that print their books in other EU countries will not find any printing companies using such inks, as they are not required in other countries. Moreover, European publishers would have to comply



with additional requirements in order to export their books to France. Conversely, French publishers would be in a competitive disadvantage situation in comparison with other European publishers who would not have to fulfil such requirements.

As a consequence, this measure constitutes an obvious obstacle to the free movement of books in the EU, notably with regard to those entering the French market.

FEP is also of the opinion that the impact of the measure has not been thoroughly assessed in relation to its stated objectives, and that its consequences are therefore disproportionate, in particular for products like books, that have very low probabilities to end up recycled as food packaging. The effectiveness of the measure is also questionable, as food packaging in France could be still produced using recycled materials from other countries.

Given that the order could not technically and practically be complied with in the current situation (due to the lack of supply of alternative inks in sufficient quantity, among other reasons), this measure results in fact equivalent to a quantitative measure, and it does not meet the proportionality criteria.

Moreover, there is no guarantee that economically and/or technically viable alternative inks will be available – that meet the deadlines and thresholds of the French order – and therefore a whole range of potential market disruptions need to be taken into account.

FEP therefore calls on the European Commission and the Member States to present a detailed opinion during the TRIS procedure.