

HSPA input to TRIS Notification 202/4/F

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

The Hydrocarbon Solvents Producers Association (HSPA), a Cefic Sector Group, takes the opportunity of the TRIS notification to express its concerns on the submitted order.

MOSH and MOAH definition:

There are no scientific, technical or regulatory agreed and officially recognized definitions of the terms MOSH and MOAH as mentioned in the Order and the terms MOSH and MOAH do not appear in any EU regulation.

So-called MOSH and MOAH could comprehend a variety of substances, toxic or non-toxic, mono-constituent, multi-constituents and/or UVCB. The terms MOSH and MOAH appear too generic, there is no differentiation of substances on the basis of their toxicological properties, but only a vague definition of whether they contain aromatic or saturated hydrocarbons. On the other hand, there are currently more accurate data on hydrocarbon substances composition and toxicological profiles beyond the mere information on whether they are aromatic or saturated hydrocarbons. This reinforces the non-representativity of the two classes of substances as defined by the terms MOSH and MOAH.

Analytical issues:

Article 2 of the Draft Order states limits for mass concentration of so called MOSH and MOAH in the ink formulation. HSPA would like to highlight the fact that compositional analysis of a complex ink formulation is neither realistic nor technically feasible. A printing ink formulation contains a number of ingredients, including pigments/dyes, resins, solvents, viscosity modifiers that may or may not contain aromatic rings or saturated hydrocarbons not necessarily originated from the so called MOSH or MOAH as defined in the Order. It is not possible to discriminate via analytical techniques where the aromatic or saturated hydrocarbon is originating from.

The identification and quantification of specific hydrocarbon petroleum cuts is not technically feasible for the following reasons:

- The use of solvent extraction techniques to isolate aromatic or saturated hydrocarbons potentially present in the ink or the printed support may not be quantitative and/or repeatable and reproducible .
- Where any saturated or aromatic hydrocarbons are extracted, it is not possible to determine their origin given that printed matters may contain saturated and/or aromatic hydrocarbons coming from other parts of printed matter than the ink such as adhesives, varnishes, and paper additives.
- The recommended analytical method according to the ANSES report (2017) has a quantification limit of 5mg/kg (5 ppm) which is far away from the 1 ppb proposed in article 2 of the order. There



is no analytical technique available for the precise identification and quantification of the components of a complex mixture down to ppb levels.

- The proposed order implies that the French authorities can effectively control the imports: the technical limitations mentioned above suggest this is not the case.

Economic issues:

This proposed order not only concerns the import of inks and printed matters to France, but would have a massive impact on the internal French market as well and for a variety of articles such as packaging, packaged goods and printed products.

The enforcement of this proposed regulation implies an unrealistic understanding and control of the inks and printed matter composition manufactured and imported into France from EU and outside the EU countries with serious doubts on its enforcement efficiency.

The draft order would clearly hinder or even stop imports of packaging and printed papers including newspapers, magazines and even books. At the end the EU printing industry will face unfair competition within its internal market.

Conclusion

HSPA is not convinced that the draft order will address the perceived problem. Already the definition provided is not supported by any EU regulation or scientific body. The analytical issues would lead to an enforcement problem from the start. It is relevant that such kind of regulatory issue is discussed at European level and in the framework of the work in progress at EFSA and ECHA, taking into account all EU Member States positions to avoid double legislation and market distortion.

Should the French draft order be adopted this would create a barrier in the EU internal market for printed products.

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About HSPA

The Hydrocarbon Solvents Producers Association is a Cefic Sector group representation the EU manufacturers of those solvents.

Cepsa, DHC Solvents, ExxonMobil, Haltermann Carless, Hellenic, Neste, Sasol, Shell, Total Energies Fluides

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A sector group of Cefic

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