



## PFP Statement on the draft German “Mineral oil ordinance” -22<sup>nd</sup> ordinance amending the German Consumer Goods Ordinance-

The Primary Food Processors (PFP) take note of the notification issued by the German Federal Ministry of Food and Agriculture (Bundesministerium für Ernährung und Landwirtschaft – BMEL) to the European Commission within the Technical Regulation Information System (TRIS) on the draft 22<sup>nd</sup> ordinance amending the German Consumer Goods Ordinance (“Mineral oil ordinance”).

The proposed regulation notably aims to amend Article 6 of the German Consumer Goods Ordinance as follows:

***“§ 6a - Food contact materials made of paper, paperboard or cardboard with a proportion of recycled paper.***

*(1) Food contact materials made of paper, paperboard or cardboard using recycled paper may only be manufactured and placed on the market if a **functional barrier** in accordance with § 2(9) ensures that **no aromatic mineral oil hydrocarbons [MOAH] are transferred from the food contact materials to the food.** A transfer is deemed not to have occurred if*

*1. the detection limit of **0.5 milligrams of the sum of aromatic mineral oil hydrocarbons per kilogram of food** is not exceeded”.*

The Primary Food Processors (PFP) would like to join other stakeholders, such as the German Food Industry (Deutscher Lebensmittelverband) in voicing their very strong concerns regarding this legislative proposal.

In order to protect consumers as well as the free movement of goods within the European single market and trade with third countries it is imperative to ensure **a uniform, appropriate and scientifically sound approach** to limit mineral oil aromatic hydrocarbons (MOAH) occurrence in food.

In this regard, we would notably like to highlight the following issues:

### **1. The German “Mineral oil ordinance” does not take into account the current level of knowledge and good manufacturing practices:**

- The complex routes of entry for MOAH throughout the process chains call for a wholistic approach instead of measures exclusively focusing on paper and cardboard packaging. Notably, packaging is not always the source of MOAH in food products, hence if the product is contaminated before packaging, the presence of a functional barrier would not be useful.
- Effective aids (e.g. toolboxes and guidelines) have been developed over recent years to address all potential routes of entry into food, raw materials, packaging materials and components at all relevant stages of the value chain.





## The Vital Link in the Food Chain

- “MOH benchmark levels” jointly drawn up and recommended by business and food control and inspection organizations have already been set in Germany.
- Ongoing industry studies (e.g. performed by the European Cocoa Association) and recent professional proficiency tests have shown that the detection of MOAH remains challenging, especially close to the proposed limit of detection at 0.5 mg/kg food. In addition, MOAH detection remains susceptible to the inclusion of false positive results in complex matrices.
- Finally, it is important to note that currently no official analytical method is able to identify the source of the contamination and it is impossible to differentiate MOAH entry routes when checking levels of MOAH in consumer goods.

### 2. The German “Mineral oil ordinance” can severely damage the European economy and single market:

- Costs associated with the high effort required for the implementation of this national regulation will also have a lasting effect on importers in the EU.
- No provision is made for the recognition and free marketing of products compliant with EU law.
- The ordinance will create a fragmented regulatory landscape for MOH in the EU, hindering trade within and beyond the European Union.

### 3. The draft “German Mineral oil ordinance” is not aligned with EU initiatives aimed at reducing the presence of mineral oils in food and does not take into account the need for a harmonized approach to consumer protection:

- EU monitoring (Commission Recommendation 2017/84) and the preparation of an EFSA risk assessment for MOH are currently ongoing, delivering EU wide data on MOH. This information will provide a sound scientific basis for further EU wide actions-including at German level.
- A credible, consistent sustainability policy in the sense of the Green Deal breaches the additional use of barrier and composite materials to the detriment of recycling.
- It pre-empts the revision of EU legislation on food contact materials that is already foreseen in the EU Farm-to-Fork Strategy.

The **Primary Food Processors of the EU (PFP)** is composed by:

**European Committee of Sugar Manufacturers (CEFS)**

**European Cocoa Association (ECA)**

**European Flour Milling Association (European Flour Millers)**

**European Vegetable Protein Association (EUVEPRO)**

**European Vegetable Oil and Proteinmeal Industry (FEDIOL)**

**European Starch Industry Association (Starch Europe)**

PFP members process approximately 220 Million tons of raw materials (cereals, sugar beet, rapeseeds, soybeans, sunflower seeds, crude vegetable oil, cocoa products, starch potatoes...) employing over 120 000 people in the European Union.

