

## Legislation – Food Packaging – Germany - Printing Ink Ordinance

On 26<sup>th</sup> November 2021, the German Bundesrat passed the 21st Ordinance amending the German Consumer Goods Ordinance, otherwise known as the [German “Printing Ink Ordinance”](#) (“Druckfarbenverordnung”). The Ordinance amends the German consumer goods regulation by introducing a list of substances permitted to be used in the manufacture of printing inks for food contact materials, together with their specific migration limits, covering all printed food contact materials. The Ordinance does not regulate printing inks as such, but printed food contact materials for which a transfer of substances from the printing ink layer to the food cannot be excluded. The provisions are only applicable after a transitional period of four years, from 1<sup>st</sup> January 2026.

The core of the German Ink Ordinance is a positive list of substances (Annex 14 Tables 1 and 2), which may be used for the manufacture of printing inks for food contact materials. In addition, there is a dynamic reference to the positive list of Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food. It should be noted that this reference to the EU Plastics Regulation only applies to substances which are listed therein without group restrictions and without restrictions and specifications. In the positive list, specific migration limits, group limits or restrictions are partially laid down, which must be observed. If no migration limit or other restrictions are defined, the global migration limit of 60 milligrams per kilogram of the foodstuff applies.

Inks for printing food contact materials where the print does not come into direct contact with food may be manufactured from substances other than those listed, provided that these substances are not classified as carcinogenic, mutagenic or toxic for reproduction (CMR) under chemical legislation (CLP Regulation (EC) No 1272/2008) and their migration from the printed packaging is not detectable (with a detection limit of 0.01 mg/kg food or 10 ppb). Transient food contact applications, where the print may come into direct contact with food during normal or foreseeable use, such as printed napkins, are considered to be direct food contact applications. Consistent with EU legislation, unintentionally added substances (NIAS) must be evaluated in accordance with internationally recognised scientific principles on risk assessment.

The German Ink Manufacturers Association (VdL) has published an [Information Note](#) indicating that the positive list is still incomplete and missing essential substances, and stating that there is currently no basis for requesting confirmations of compliance with the requirements of the Ordinance. In addition to the composition of the printing ink, compliance with the migration limits depends on various factors such as the layer thickness, the packaging design and the packaging material and is thus subject to the compliance work of the manufacturer of the final food contact material.

The VdL and the entire food packaging chain strongly believe that only a European regulation can satisfy the functioning of the European internal market and ensure a uniform level of consumer protection. This view is also shared by the Bundesrat. In an accompanying [Resolution](#), the Bundesrat calls on the Federal Government to support the European Commission in its review of the EU legal framework and to strongly advocate the development of a uniform European regulation. The Federal States conclude that the "established concepts of the European printing ink industry EuPIA ensure the safety of printed packaging" and thus confirm the successful EuPIA concepts for safe food packaging. In principle, the German Federal Government also recognises the priority of a European regulation, and an extension of the transitional period is envisaged should the EU Commission present a corresponding specific measure on printed food contact materials within this period.