

Legislation – Food Packaging - Mercosur

Several of the countries in Latin America have largely harmonised their framework of laws as full members of Mercosur, the largest trade bloc in South America. Largely based on the EU regulatory system, Mercosur’s food contact legislation consists of positive lists that limit the use and migration of specific materials in food contact applications.

Mercosur free trade members

Full members	Associate members
Argentina	Chile
Brazil	Colombia
Paraguay	Ecuador
Uruguay	Peru
Bolivia ¹	Suriname
Venezuela ²	Guyana

¹ In process of accession

² Currently suspended

Regulation of food contact materials (FCMs) is generally accomplished through Mercosur resolutions, including a general framework resolution, and resolutions applicable to specific material categories, that are adopted and incorporated into the laws of the member countries. However, individual countries may establish separate registration requirements that apply to packaging materials or articles. The GMC (Grupo Mercado Comun = Common Market Group) resolutions only have the effect of law once transposed into the member state national legislation.

All food contact materials, including housewares, must comply with Mercosur’s general safety standard, GMC Resolution No. 03/92 (General criteria for packaging and articles intended to come into contact with foodstuffs: terminology, general criteria and classification of materials). This resolution requires all FCMs to be manufactured under good manufacturing practices (GMP), be of suitable purity, not transfer harmful or toxic compounds from the packaging to the food, and not cause an unacceptable change in food composition, taste or odour. Overall migration limits are also specified in this resolution, although the migration test methods are detailed separately in GMC Resolution No. 32/99. In addition to the general safety standard, FCMs are obliged to comply with applicable GMC resolutions addressing specific packaging categories; for example, only substances identified on the relevant positive list may be used in Mercosur to produce plastic and paper FCMs.

GMC Res. No. 02/12 identifies monomers, polymers and other starting substances that may be used in the manufacture of food contact plastics. GMC Res. No. 32/07 lists additives that may be used in the manufacture of food contact plastics, including antioxidants, foaming agents, lubricants and plasticisers, surfactants, pH buffering agents and solvents. The resolution does not apply to impurities, intermediates and aids to polymerisation, such as catalysts, initiators and accelerators. Both GMC Res. No. 02/12 and 32/07 include limitations pertaining to the use, composition and specific migration levels (SMLs) of listed substances. The positive list of additives, GMC Res. No. 32/07, is currently being revised, to more closely align it with the EU Plastics Regulation No 10/2011, following the publication of a new version of the positive list of monomers and polymers, based on US and EU food contact legislation. Several specific migration limits and concentration limits from the EU rules for plastic monomers, and the EU ban on the use of bisphenol A in baby bottles, have been included.



GMC Res. No 19/21 modifies Resolution No 2/12, setting specific migration limits for different metals (see Table below) and for bisphenol A (0.05 mg/kg), as well as prohibiting the use of BPA in feeding bottles and similar articles for infants and children up to three years of age.

Metal	Migration Limit (mg/kg)
Aluminium	1
Barium	1
Cobalt	0.05
Copper	5
Iron	48
Lithium	0.6
Manganese	0.6
Nickel	0.02
Zinc	5

Polymeric coatings applied to the interior food contact side of metal cans, paper and other substrates must comply with the positive lists and other requirements provided in GMC Res. No. 02/12 & 32/07. However, coatings applied to the exterior of metal cans are not yet regulated under Mercosur, and the can itself is considered a functional barrier to migration from exterior coating substances.

The general reuse of plastic food contact materials is forbidden in Mercosur, but several resolutions have authorised the use of PET bottles for beverages and foodstuffs, according to good manufacturing practices and a quality assurance system.

GMC Res. No. 40/15 (Technical regulations on cellulosic materials, containers, and equipment intended to contact food) applies to paper, paperboard and cardboard FCMs, establishing a positive list of additives used in paper, paperboard and recycled fibres, and also specifies use, migration and compositional restrictions. This resolution does not apply to paper used for filtration, infusion, cooking or microwave applications. GMC Res. No. 41/15 (Technical regulations on cellulosic materials for hot cooking and filtration) includes a positive list for cellulosic materials used to filter aqueous foods. The resolution limits the nitrogen content of total residue from hot water extraction of paper. GMC Res. No 42/15 (Technical regulations on materials, containers and cellulose equipment intended to be in contact with food during cooking or heating in an oven) contains a positive list for paper and paperboard used for cooking in the oven and microwave, and identifies specific conditions for extraction testing and applicable migration limits.

Brazil's regulations on technical requirements for food contact cellulosic materials (Resolution 88/2016) are now in force, with a list of substances that may be used, as well as restrictions on materials, containers and equipment treated with paraffin, waxes, mineral oils and pigments. The regulations also include the permitted migration levels for other substances that may constitute part of cellulose containers and packaging, including those for various phthalates, cadmium, lead, mercury and antimony. Resolution 56/2012 sets out the positive list of polymers and monomers permitted in the manufacturing of plastic packaging and FCMs. Resolution 105/1999 includes general provisions for packaging and plastic equipment in contact with food. The date for compliance with the positive list of additives allowed for use in food contact materials has been extended to June 3rd 2021. Resolution RDC No 498 limits the level of lead, arsenic, cadmium, mercury, antimony and copper in metals expected to come into contact food, and requires that coatings or plastic linings comply with Mercosur technical regulation GMC 39/19, which sets a list of permitted additives for plastic FCMs.



Argentina and **Uruguay** have also incorporated Mercosur resolutions on FCMs and cellulosic materials into their own national legislation, with implementation dates of 30 December 2018 and 7 June 2023 respectively.

Brazil has notified the World Trade Organization (WTO) of a technical resolution establishing Good Manufacturing Practices (GMP) for companies which manufacture direct food contact packaging. GMP is a fundamental part of the EU rules to protect consumer health and prevent food contamination from food contact materials. Brazil has announced its own requirements, which include: design of buildings and facilities, pest control, cleaning, waste, selection of raw materials, measures to avoid contamination, hygiene, training, standard operating procedures and documentation.

Decree No. 977 establishes general standards for FCMs in **Chile**, requiring that all utensils, vessels, containers, packaging, wrappers and packaging apparatus must not release substances which are toxic, or otherwise contaminate or modify the organoleptic or nutritional characteristics of the food. The decree also sets limits on heavy metal impurities in these articles – a combined limit of 0.1% for lead, antimony, copper, zinc, chromium, iron or tin, and 0.01% for arsenic or other contaminants composed of hazardous metals. Chile is also aligning its emerging plastic food contact material regulation to the EU rules. Plastics in contact with food may not contain substances that are hazardous to health, and there are limits for residual monomers, such as vinyl chloride, acrylonitrile and styrene.