



22 March 2021

(21-2349)

Page: 1/2

Committee on Sanitary and Phytosanitary Measures

Original: English

NOTIFICATION

1. Notifying Member: <u>GERMANY</u> If applicable, name of local government involved:
2. Agency responsible: Federal Ministry of Food and Agriculture
3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable): Materials and articles in contact with food (fcm) made from recycled paper and board
4. Regions or countries likely to be affected, to the extent relevant or practicable: <input checked="" type="checkbox"/> All trading partners <input type="checkbox"/> Specific regions or countries:
5. Title of the notified document: Draft Twenty-second Ordinance amending the Consumer Goods Ordinance. Language(s): English and German. Number of pages: 16 https://members.wto.org/crnattachments/2021/SPS/DEU/21_2072_00_e.pdf https://members.wto.org/crnattachments/2021/SPS/DEU/21_2072_00_x.pdf
6. Description of content: The Draft Twenty-second Ordinance amending the German Ordinance on Consumer Goods establishes provisions minimising the transfer of mineral oil aromatic hydrocarbons (MOAH) from materials and articles in contact with food (fcm) made from recycled paper and board. The Federal Institute for Risk Assessment (BfR) and the European Food Safety Authority (EFSA) raised concerns about intake of MOAH due to a possible carcinogenic potential. For the aforementioned fcm a functional barrier shall be obligatory unless a) the manufacturer of the fcm or the person responsible for the placing on the market of the fcm could ensure by other means that a transfer of MOAH into food does not occur or b) the food business operator using the fcm declares that a functional barrier is not required. In such cases, the food business operator himself has to ensure by appropriate means that MOAH will not be transferred into food (e.g. by using a separate inner bag blocking MOAH transfer; or due to the characteristics of the food; or the packaging/use conditions avoid MOAH transfer). A limit of detection for a "non-transfer" of MOAH from such fcm of 0.5 mg MOAH/kg food will be applied. In case that testing of MOAH transfer from the recycled paper and board food contact materials and articles is carried out in food simulants, a detection limit of 0.15 mg MOAH/kg simulant applies (due to absence of significant negative matrix effects which are especially relevant as regards MOAH analytics in foodstuffs). The measure offers the possibility of continuous use of recycled paper and board in fcm while ensuring safety. The possibility to issue exceptions to the rules stated in this Ordinance can be applied upon request (based on Article 68 of the German Food and Feed Act, LFGB).
7. Objective and rationale: <input checked="" type="checkbox"/> food safety , <input type="checkbox"/> animal health , <input type="checkbox"/> plant protection , <input type="checkbox"/> protect humans from animal/plant pest or disease , <input type="checkbox"/> protect territory from other damage from pests.

<p>8. Is there a relevant international standard? If so, identify the standard:</p> <p><input type="checkbox"/> Codex Alimentarius Commission (e.g. title or serial number of Codex standard or related text):</p> <p><input type="checkbox"/> World Organization for Animal Health (OIE) (e.g. Terrestrial or Aquatic Animal Health Code, chapter number):</p> <p><input type="checkbox"/> International Plant Protection Convention (e.g. ISPM number):</p> <p><input checked="" type="checkbox"/> None</p> <p>Does this proposed regulation conform to the relevant international standard?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If no, describe, whenever possible, how and why it deviates from the international standard:</p>
<p>9. Other relevant documents and language(s) in which these are available:</p>
<p>10. Proposed date of adoption (dd/mm/yy): Not yet fixed.</p> <p>Proposed date of publication (dd/mm/yy): Not yet fixed.</p>
<p>11. Proposed date of entry into force: <input type="checkbox"/> Six months from date of publication, and/or (dd/mm/yy): The Ordinance will enter into force the day after publication (date of publication unknown at present); the provisions will be applicable after three years after publication; in addition a subsequent two years sales period will be provided.</p> <p><input checked="" type="checkbox"/> Trade facilitating measure The possibility to issue exceptions to the rules stated in this Ordinance can be applied upon request (based on Article 68 of the German Food and Feed Act, LFGB).</p>
<p>12. Final date for comments: <input checked="" type="checkbox"/> Sixty days from the date of circulation of the notification and/or (dd/mm/yy): 21 May 2021</p> <p>Agency or authority designated to handle comments: <input checked="" type="checkbox"/> National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>European Commission DG Health and Food Safety, Unit D2 - Multilateral international relations Rue Froissart 101 B 1049 Brussels Tel: +(32 2) 29 54263 Fax: +(32 2) 29 98090 E-mail: sps@ec.europa.eu</p>
<p>13. Text(s) available from: <input checked="" type="checkbox"/> National Notification Authority, [X] National Enquiry Point. Address, fax number and e-mail address (if available) of other body:</p> <p>European Commission DG Health and Food Safety, Unit D2 - Multilateral international relations Rue Froissart 101 B 1049 Brussels Tel: +(32 2) 29 54263 Fax: +(32 2) 29 98090 E-mail: sps@ec.europa.eu</p>