

**COUNCIL OF EUROPE**  
**COMMITTEE OF MINISTERS**

(PARTIAL AGREEMENT IN THE SOCIAL AND PUBLIC HEALTH FIELD)

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RESOLUTION AP (2002) 1

**ON**

**PAPER AND BOARD MATERIALS AND ARTICLES  
INTENDED TO COME INTO CONTACT WITH FOODSTUFFS**

*(adopted by the Committee of Ministers on 18 September 2002  
at the 808<sup>th</sup> meeting of the Ministers' Deputies)*

The Committee of Ministers, in its composition restricted to the Representatives of Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, The Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and the United Kingdom, member states of the Partial Agreement in the Social and Public Health Field,

Recalling Resolution (59) 23 of 16 November 1959, concerning the extension of the activities of the Council of Europe in the social and cultural fields;

Having regard to Resolution (96) 35 of 2 October 1996, whereby it revised the structures of the Partial Agreement and resolved to continue, on the basis of revised rules replacing those set out in Resolution (59) 23, the activities hitherto carried out and developed by virtue of that resolution; these being aimed in particular at:

a. raising the level of health protection of consumers in its widest sense, including a constant contribution to harmonising – in the field of products having a direct or indirect impact on the human food chain as well as in the field of pesticides, pharmaceuticals and cosmetics – legislation, regulations and practices governing, on the one hand, quality, efficiency and safety controls for products and, on the other hand, the safe use of toxic or noxious products;

b. integrating people with disabilities into the community; defining – and contributing to its implementation at European level – of a model of coherent policy for people with disabilities, which takes account simultaneously of the principles of full citizenship and independent living; contributing to the elimination of barriers to integration, whatever their nature, whether psychological, educational, family-related, cultural, social, professional, financial or architectural;

Having regard to the action carried out for several years for the purposes of harmonising their legislation in the public health field and, in particular, with regard to paper and board materials and articles intended to come into contact with foodstuffs;

Considering that paper and board materials and articles intended to come into contact with foodstuffs may, by reason of migration of paper and board constituents to the foodstuffs, pose under certain conditions a risk to human health;

Emphasising the fact that this resolution and the technical documents on paper and board materials and articles intended to come into contact with foodstuffs form a whole and should be read in conjunction with each other.

Taking the view that each member state, faced with the need to introduce regulations governing this matter, would find it beneficial to harmonise such regulations at European level,

Recommend to the governments of the member states of the Partial Agreement in the Social and Public Health field to take into account in their national laws and regulations on paper and board materials and articles intended to come into contact with foodstuffs the principles set out hereafter.

## APPENDIX TO RESOLUTION AP (2002) 1

### 1. Field of application

This resolution applies to materials and articles constituted of paper and board (excluding nonwovens<sup>1</sup>) which may comprise one or more layer(s) of fibres and are intended to come into contact with or are placed in contact with foodstuffs. A plastic layer, or a layer of any other material, such as aluminium, waxes or paraffins applied to the paper and board is excluded from this resolution<sup>2</sup>. When the materials and articles consist of two or more layers, exclusively or not exclusively made of paper and board, any layer which is composed of paper and board must fulfil the requirements of this resolution, unless separated from the foodstuffs by a functional barrier<sup>3</sup> to migration.

Filtering layers of high grammage<sup>4</sup> and consisting to a large extent of non-fibrous material as well as tissue paper kitchen towels and napkins are excluded from the field of application of the present resolution.<sup>5</sup>

### 2. Definition

Paper and board are manufactured from cellulose-based natural fibres from bleached and unbleached fibre material. Recycled fibre materials may also be used in accordance with the 'Guidelines on paper and board materials and articles, made from recycled fibres, intended to come into contact with foodstuffs', set out in Technical document No. 3. In addition paper and board may contain functional additives and synthetic fibres<sup>6</sup>. Paper and board may also contain other treatment agents and polymeric binders for organic and inorganic pigments.

### 3. Specifications

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<sup>1</sup> As defined by ISO 9092.

<sup>2</sup> Examples: Mineral coated papers and their components, including polymeric binders in the coating formula, are subject to this resolution. The plastic layer, or a layer of any other material, such as aluminium, waxes or paraffins in contact with foodstuffs, of a coated or laminated paper is excluded from this resolution. The paper behind the layer is not subject to this resolution if it can be shown that the layer is a functional barrier.

<sup>3</sup> A functional barrier is any integral layer which under its normal or foreseeable conditions of use reduces all possible material transfers (permeation and migration) from any layer beyond the barrier into food to a toxicologically and organoleptically insignificant and to a technologically unavoidable level.

<sup>4</sup> Products with a weight to surface area ratio of 500 g/m<sup>2</sup> and above (BgVV Chapter XXXVI/1 - Papers and filter beds for use in boiling and hot-filtering).

<sup>5</sup> Tissue paper kitchen towels and napkins are covered by specific guidelines.

<sup>6</sup> Synthetic fibres should comply with EU Directive 90/128/EEC.

3.1. Paper and board used for all food contact applications under normal or foreseeable conditions of use should meet the following conditions:

3.2. They should not transfer their constituents to foodstuffs in quantities which could endanger human health or bring about an unacceptable change in the composition of the foodstuffs or a deterioration in the organoleptic characteristics thereof, in accordance with Article 2 of Directive 89/109/EEC.

3.3. They should be manufactured in accordance with the 'CEPI guide for good manufacturing practice for paper and board for food contact' set out in Technical document No. 4 and using the substances of the 'List of substances used in the manufacture of paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 1 and according to the conditions specified.

3.4. They should be of suitable microbiological quality, taking into account the intended end use of the material. For materials and articles intended to come into contact with aqueous and/or fatty foodstuffs, particular attention should be paid to pathogens.

3.5. They should not release substances which have an antimicrobial effect on foodstuffs. The method of analysis to be applied is laid down in the 'Guidelines on test conditions and methods of analysis for paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No 2.

3.6. They should comply with the restrictions laid down in Table 1 and Table 2 hereafter and with either the QM<sup>7</sup> or SML restrictions<sup>8</sup> laid down in the 'List of substances used in the manufacture of paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 1.

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<sup>7</sup> The restrictions in Table 1 of this resolution and of the 'List of substances used in the manufacture of paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 1, expressed as QM (maximum permitted quantity of the substance in the finished material or product expressed as mg per dm<sup>2</sup> of the surface in contact with foodstuffs), have been derived from guideline levels laid down in Council of Europe Resolution AP (96) 4 on maximum and guideline levels and on source-directed measures aimed at reducing the contamination of food by lead, cadmium and mercury and from the SML (specific migration limit) restrictions as laid down in EU Directives, respectively, based on toxicological assessment, applying the conventional ratio of 6 dm<sup>2</sup> of material coming into contact with 1 kg of foodstuffs and assuming 100 % migration. For contact conditions where the mass of food to contact area ratio differs from the conventional ratio of 1 kg to 6 dm<sup>2</sup>, the QM restriction to be applied should be calculated as specified in the 'Guidelines on test conditions and methods of analysis for paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 2.

<sup>8</sup> The SML restrictions are those set by the Commission of the European Communities in its directives relating to plastic materials intended to come into contact with foodstuffs.

Table 1 - Restriction limits (QM) for cadmium, lead and mercury

<i>Substance</i>	<i>Restriction QM limit (mg/dm<sup>2</sup> paper and board)</i>
Cadmium	0.002
Lead	0.003
Mercury	0.002

Table 2 - Restriction limit for pentachlorophenol

<i>Substance</i>	<i>Purity requirement (mg/kg paper and board)</i>
Pentachlorophenol	0.15

3.7. Verification of compliance with the quantitative restrictions should to be carried out according to the conditions laid down in the 'Test conditions and methods of analysis for paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 2.

3.8. Testing for compliance with the restrictions in Table 1 is not required for paper and board materials and articles intended to come into contact with dry foodstuffs or foodstuffs which are to be shelled, peeled or washed.

3.9. If it can be shown by calculation, taking into account the conditions of manufacture, that the restrictions laid down in the 'List of substances used in the manufacture of paper and board materials and articles intended to come into contact with foodstuffs' set out in Technical document No. 1, cannot be exceeded, no testing for compliance with these restrictions is necessary.

3.10. Paper and board produced with recycled fibres can be used as food contact material if it originates from specified qualities of recovered paper and board which has been subjected to appropriate processing and cleaning, provided that the finished materials comply with the specifications in this resolution and with the 'Guidelines on paper and board materials and articles, made from recycled fibres, intended to come into contact with foodstuffs' set out in Technical document No 3.

3.11. Manufacturers of paper and board for food contact applications should make sure that they use raw materials produced by processes which reduce dioxins (polychlorinated dibenzodioxins and dibenzofurans) to levels as low as reasonably achievable.

**References:**

Council Directive of 21 December 1988 on the approximation of the laws of the Member States relating to materials and articles intended to come into contact with foodstuffs (89/109/EEC). Official Journal of the European Communities L40 11.2.89.

Council of Europe Resolution AP (96) 4 on maximum and guideline levels and on source-directed measures aimed at reducing the contamination of food by lead, cadmium and mercury. Adopted by the Committee of Ministers on 2 October 1996.

ISO 9092: 1988. Textiles - Nonwovens - Definition.