

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

Resolution ResAP(2004)2

on cork stoppers and other cork materials and articles intended to come into contact with foodstuffs

*(Adopted by the Committee of Ministers on 1 December 2004
at the 907th meeting of the Ministers' Deputies)*

The Committee of Ministers, in its composition restricted to the Representatives of the States members of the Partial Agreement in the Social and Public Health Field,¹

Recalling Resolution No. R (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 No. R (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 No. R (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 application: 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 – a model 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 legislation in the public health field and, in particular, with regard to materials and articles intended to come into contact with foodstuffs;

Considering that cork stoppers and other cork materials and articles intended to come into contact with foodstuffs may, by reason of the migration of their components to the foodstuffs, pose in certain conditions a risk to human health;

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,

Recommends to the governments of the States members of the Partial Agreement in the Social and Public Health Field to take into account in their national laws and regulations on cork stoppers and other cork materials and articles intended to come into contact with foodstuffs the principles set out hereafter.

¹ Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and United Kingdom.

1. Field of application

- 1.1. Resolution ResAP(2004)2 applies only to the cork part of cork stoppers and any other cork materials or articles whose main component is manufactured cork which, in the finished product state, is intended to come into contact with or is placed in contact with foodstuffs.
- 1.2. Plastic capsules or any other materials such as glass or metal are excluded from the field of application.

2. Definition

- 2.1. The definitions of ISO 633 concerning cork apply to the Resolution.
- 2.2. Cork stoppers or the cork part of stoppers should contain at least 51% of manufactured cork w/w.
- 2.3. The cork part of cork stoppers can be made of a whole piece or two or more pieces of cork or granulated cork which are bound together by means of glues, adhesives or by any other means.

3. Specifications

Cork used for food contact applications under normal or foreseeable conditions of use should meet the following conditions:

- 3.1. it should not transfer its constituents to foodstuffs in quantities which could endanger human health or bring about an unacceptable change in the composition of the foodstuffs or deterioration in the organoleptic characteristics thereof;
- 3.2. cork stoppers should be manufactured in accordance with the International Code of Cork Stoppers Manufacturing Practice, drawn up by the European Cork Federation (C.E. Liège), using the substances of *“Technical document No. 1 – List of substances to be used in the manufacture of cork stoppers and other cork materials and articles intended to come into contact with foodstuffs”* and according to the conditions specified;
- 3.3. silicones used should comply with Resolution ResAP(2004)5 on silicones used for food contact applications;
- 3.4. any other constituent than cork and not included in *“Technical document No. 1 – List of substances to be used in the manufacture of cork stoppers and other cork materials and articles intended to come into contact with foodstuffs”* should comply with corresponding European Union Directives, if any, and Article 2 of Directive 89/109/EEC and its future amendments;
- 3.5. additives used on the surface of cork stoppers or other cork materials and articles, such as paraffin and wax, should comply with European Union Directives on food additives, if any;
- 3.6. brand printing by hot stamp or with authorised pigments is authorised;
- 3.7. colorants or pigments of inks used for printing surfaces of cork stoppers and those used in the cork stoppers' treatment should be edible colorants or pigments and be in compliance with European Union regulations for foodstuffs;
- 3.8. any other colorants and pigments should comply with the restrictions set in *“Technical document No. 1 – List of substances to be used in the manufacture of cork stoppers and other cork materials and articles intended to come into contact with foodstuffs”*;

3.9. cork stoppers and other cork materials and articles intended to come into contact with foodstuffs should comply with the following restriction limits and with either the QMA² or SML³ restrictions laid down in “*Technical document No. 1 – List of substances to be used in the manufacture of cork stoppers and other cork materials and articles intended to come into contact with foodstuffs*”;

3.9.1. restriction limits for Pentachlorophenol as contaminant:

- residues in cork as QMA limit: 0.15 mg/kg cork
- migration into simulant: 150 ng/kg or l

3.9.2. restriction limit for Trichlorophenols as contaminant:

- migration into simulant: 2,000 ng/kg or l

3.10. verification of compliance with the quantitative restrictions should to be carried out according to the conditions laid down in “*Technical document No. 2 – Test conditions and methods of analysis for cork stoppers and other cork materials and articles intended to come into contact with foodstuffs*”;

3.11. migration tests should be conducted according to ISO 10.106 standards on cork articles;

3.12. Directives 82/711/EEC, 85/572/EEC, 93/8/EEC, 97/48/EEC, 2002/72/EEC and their future amendments should be applied, as appropriate, unless technically impracticable due to the nature of the material and the migration tests;

3.13. if more severe methods of analysis prove that the limit of maximum migrations are fulfilled then no migration tests will be required;

3.14. cork stoppers or cork articles used as agricultural products should comply with Article 2.i of Directive 98/8/EC concerning the placing of biocidal products on the market, and future amendments. The migration of residues of pesticides into foodstuffs should comply with European Union Directives on foodstuffs;

3.15. cork should not contain any fungi or yeast that could produce any microbiological contamination, which poses a risk to human health or could cause unacceptable changes in the foodstuffs which are in contact with the cork articles;

3.16. the residues of mycotoxins in cork should comply with the limits of European Union Directives for agricultural products and the migrations of these toxins to the foodstuffs should comply with the specific limits established in these directives for them.

¹ QMA : maximum permitted quantity of the substance in the finished material or article expressed as mg per dm² of the surface in contact with foodstuffs.

For contact conditions where the mass of food to contact area ratio differs from the conventional ratio of 1 kg to 6 dm², the QM restriction to be applied should be calculated as specified in “*Technical document No. 2 - Test conditions and methods of analysis for cork stoppers and other cork materials and articles intended to come into contact with foodstuffs* “ (to be prepared).

² The SML restrictions are those set in the European Union Directives for plastic materials intended to come into contact with foodstuffs.

References

ISO 10106 Cork stoppers - Determination of global migration.

ISO 10718 Cork stoppers - Enumeration of colony-forming units of yeasts, moulds and bacteria capable of growth in an alcoholic medium.

ISO 633. ISO 2569 - Vocabulary of cork.

Council Directive of 18 October 1982 laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs (82/711/EEC) (Official Journal of the European Communities L297/26, 23.10.82).

Council Directive of 19 December 1985 laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs (85/572/EEC) (Official Journal of the European Communities L372/14, 31.12.85).

Commission Directive 93/8/EEC of 15 March 1993 amending Council Directive 82/711/EEC laying down the basic rules necessary for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs (97/48/CE) (Official Journal L 090 , 14.04.1993 P. 0022 – 0025).

Commission Directive of 29 July 1997 amending for the second time Council Directive 82/711/EEC laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles intended to come into contact with foodstuffs (97/48/EC) (Official Journal of the European Communities L222/10, 12.08.97).

Commission Directive 2002/72/EC of 6 August 2002 relating to plastic materials and articles intended to come into contact with foodstuffs (Official Journal L 220, 15.08.2002 P. 0018 – 0058).

Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (Official Journal L 123, 24.04.1998 P. 0001 – 0063).