



Declaration of compliance for food contact legislation of beverage cans coated with PPG 2012-820C inside liner

I, the undersigned, **Sandip Rai**, on behalf of **Ball Corporation, European Technical Centre, Delaware Drive, Milton Keynes, MK15 8HG, UK**, acting in my position of **Regulatory Affairs Manager**, declare that **aluminium cans** produced using BPANI food contact protection coating and characterised as hereafter:

Family of material: **Aluminium cans**

Characteristic components, from the inside outwards:

- Coating: **PPG 2012-820C** acrylic material
- Aluminium: **AA3104 alloy H19 temper**
[The external basecoat, inks and over-print varnish do not need to comply with food contact regulations as they are separated from the food by the functional barrier of a continuous aluminium layer of at least 6 microns thickness]

comply with the requirements of the following regulations

EUROPE

- **EU Framework Resolution ResAP (2004)1** on coatings intended to come into contact with foodstuffs
- **EU Regulation 1895/2005** Restricting use of certain epoxy derivatives in materials intended to come into contact with food
- **EU Regulation 1935/2004** Food contact framework Legislation
 - No harmonised EU legislation has been adopted for coated metal packaging under Regulation 1935/2004/EC but the above food contact material complies with the requirements of sections 30 and 31 of the Lebensmittel und Futtermittelgesetzbuch (LFGB) (German Law Book on Foodstuff and Feeds). Through mutual recognition principle this entitles use of the article within the EU.
- **EU Regulation 2023/2006** on good manufacturing practice
- **EU Directive 94/62/EC (Article 11)** placing restriction on use of certain heavy metals
- **CEPE: Code of Practice for coated articles where the food contact layer is a coating.** Annex X: GMP Food Contact materials
- **EU Regulation 2018/213** on the use of bisphenol A in varnishes and coatings intended to come into contact with food

FRANCE

- French regulations in force restricting the use of Bisphenol A in food contact materials.
The aforementioned internal coating does not contain any intentionally added BPA or BPX (a generic description for a series of substances based on bisphenol). Therefore, we can certify that the aforementioned cans comply with the French regulations in force concerning materials and articles in contact with food products namely,
 - **The Law No. 2012-1442 24 December 2012** to the suspension of the import and the placing on the market of any conditioning food vocation containing bisphenol A including **Décision n° 2015-480 QPC du 17 Septembre 2015**.
 - **The decree N°2007-766 of 10 May 2007** amended by **decree N° 2008-1469 of 30 December 2008** relating to the materials and articles intended to come into contact with food products, products and beverages to feed humans or animals.
 - The specified BPA-NI coating is based on acrylic resins as listed on p40-52 of the French report (**Rapport du gouvernement au parlement relative aux substituts au BPA**), which lists acceptable alternatives to BPA.

SWITZERLAND

- **SR 817.02 Lebensmittel- und Gebrauchsgegenständeverordnung Food and Utility Ordinance**

USA

- **USA Food and Drug Regulations 21 CFR 175.300** on resinous and polymeric coatings
- **USA CONEG (Coalition of Northeastern Governors) Regulation** restricting the use of certain heavy metals including compliance as required by the Iowa Code section 455D.19.
- **California Proposition 65.** The article referenced above contains substances which are listed on Proposition 65 but, according to the current implementation, these substances are below the labelling threshold limits.

Ball Beverage Packaging Europe has defined and documented a Quality Management System that meets the requirements identified in ISO 9001, ISO14000 and OHSAS18001. In order to ensure the highest levels of hygiene, food and personal safety are maintained, individual facilities have specific programmes in place to manage these risks and adhere to both customer and legal/regulatory requirements (such as those operated by the International Standards Organisation, OHSAS and the British Retail Consortium/Institute of Packaging) thus confirming compliance with GMP requirements.

INFORMATION ON USED SUBSTANCES

All constituents of the food contact coating referenced above comply with Council of Europe Resolution ResAP((2004)1, which stipulates the restriction of starting substances for coatings intended to come in to the contact with foodstuff. Compliance is confirmed by specific migration testing for restricted substances.

Where specific migration limits need to be applied for corresponding substances, testing for compliance is carried out by approved external laboratories. For required analysis, all applied simulants, durations and temperatures are in accordance to EU Regulation 10/2011/EC. The migration testing procedures described in Regulation EU 10/2011 are designed for compliance testing of plastic food contact materials. Nevertheless, the procedures are applied accordingly for migration testing of coated cans.

To demonstrate compliance with the specific and overall migration limits, food simulant A (Ethanol 10%), food simulant B (Acetic acid 3%) and food simulant D1 (Ethanol 50%) were applied to a specimen representative of the material with a surface to volume ratio of 1 cm² to 2 ml of simulant.

Additionally, to demonstrate compliance with the overall migration limit for all food types, testing with distilled water was applied.

The test conditions for all foods for long term storage are defined in Regulation EC 10/2011 annex V chapter 3 (3.1) and shown in table 3 of the "Standardised testing conditions". Test condition OM5, 2 hours at 100°C, is intended for high temperature applications up to 121°C and test condition OM2, 10 days at 40°C, is intended "any long term storage at room temperature or below, including heating up to 70 °C for up to 2 hours, or heating up to 100 °C for up to 15 minutes". Both of these test conditions are applied successively to the samples.

The specific migration is analysed using an analytical method in accordance with the requirements of Article 11 of Regulation EC 882/2004 and these migration tests are certified by Eurofins report 1543-094-CKWC dated 28 October 2020.

SPECIFICATIONS

When our cans are used in accordance to our technical data sheets, the food contact coating referenced above, under normal and foreseeable conditions for use is suitable for the storage of **aqueous, acidic and alcoholic products (maximum 20% alcoholic content) to be pasteurised or milk and dairy products to be processed up to 121°C.**

According to the requirements set in **Swiss Ordinance 817.023.21**, we can confirm that all inks (and over-print varnish) used on the can are not in food contact and aluminium can be seen as an impermeable barrier for any potential migration from the outside surfaces.

The outside decoration and coating are applied to the formed can so there is no risk of set-off as the inside, food contact surface is physically separated from the outside surface.

Based on statements from our suppliers, we can confirm that none of the substances contained in their preparations are stated on present candidate list of Substances of Very High Concern (SVHC) maintained in the Registration, Evaluation and Authorisation of Chemicals (REACH) system.

No dual-use additives are contained in the internal or external coatings on our cans.

There is no intentional use of phthalates as additives or components of the food contact coatings or external materials.

No detectable BPA is found inside cans as supplied (limit of detection = 100 parts per trillion).

We can confirm that none of the 14 major allergens listed in Annex II of **EU Regulation 1169/2011** are used in our products for any direct food contact or indirect food contact materials nor are they introduced after manufacture. Based on our knowledge of our raw materials and manufacturing process, we can state that none of the aforementioned allergens are present in the products supplied.

According to the legal definition adopted by the EU Commission, we can confirm there are no specifically engineered novel nanomaterials which are currently in commercial use in our can and end production

Furthermore, we certify that the food contact coating referenced above is composed entirely of synthetic chemical materials and does not contain any animal products or animal by-products, therefore it would be considered acceptable for the packaging of halal products and comply with the general guidelines for use of the term "halal" as defined in **Codex CAC/GL 24-1997**. Similarly, they are, therefore, suitable for packaging vegan and Kosher foods.

This declaration of compliance has been drawn up on the basis of declaration by our suppliers of raw materials and analysis of overall and specific migrations.

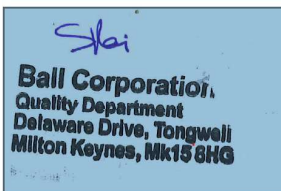
This declaration is valid for a period of five years. It will be renewed in all cases where the previous conformity is no longer ensured and in case of changes to the relevant regulations.

Regulatory Affairs Manager

Sandip Rai

Ball Corporation Technical Centre Tongwell UK

Signed



1 June 2022