

**Technical and Regulatory Committee Meeting Minutes
Tuesday 15th June 2021
Via Conference & Video Call**

Members present at meeting:

Paul Rooke	BCA Executive Director
Catriona Balfour	BCA Communications & PA Manager
Tracy Brown	BCA Secretariat
Nick Boxall	Complete Coffee Ltd (Chair T&R Committee)
Elena Ioannou	Costa Coffee
Chris Coates	Taylors of Harrogate

For the benefit of those on the call TB went round the room and introductions were made.

1. Apologies for absence:

Giuseppe Seminara	Caffé Nero
Carlo Politano	Costa Coffee

PR introduced CB to those on the call from the Technical Committee. CB noted that she is looking forward to working with the BCA and building on the work done by Seb and the team at SHED. CB noted that she will be looking to undertake a communications audit, to get a full understanding of communications Members would like to receive and the frequency, this needs to be a 2-way process. CB added that she is really looking forward to working with the T&R Committee.

2. Competition Law Compliance

It was confirmed that this video call would run under the FDF competition law compliance rules, as per the Golden Rules previously distributed.

3. Minutes of last meeting

Minutes of the last meeting were duly accepted without comment.

Proposed – CC

4. Matters Arising from Previous Minutes

• Update on provision of samples to LGC

The meeting reviewed the progress on samples being submitted against those countries originally identified. The continued importance of the work was confirmed, and it was agreed the working group should be approached with a view to filling in the remaining gaps, with a meeting to be called if necessary.

Action: PR/BCA/Working Group

5. UK/EU Trade Agreement Issues

• Outstanding issues re export to EU

PR noted that challenges continued in terms of export to certain Member States and a small number of specific areas were highlighted as still being worked on through both Defra and HMRC

- **UK import controls from 1st October – potential issues**

Regarding the introduction of full UK import controls, from 1st October onwards, it was agreed guidance should be developed as information became available and provided through ECF in an effort to minimise disruption and delay.

It was noted not all answers would initially be available, but work would focus on highlighting some of the main issues emanating from members. It was agreed this should be done in conjunction with the Communications Committee.

Action: PR/CB/CC

6. Pesticides

- **Glyphosate**
 - **Update on ECF activity**

PR gave an update on the 2 reviews going on in the EU at this time, together with the expected timelines for decisions. As previously reported, the danger with the MRL review is a reduction in the MRL, and the consequences of that for imports. The potential for establishing an Import Tolerance, giving a higher MRL was covered including the progress being made with the Bayer trials in Brazil. The issue of timings not being aligned, and the possible consequences, was also covered.

- **UK Authority position**

The policy position is that the UK will not be doing any reviews until the end of 2023, as there will be a moratorium in place for the UK to be able to put its own structure in place. This will be conducted by the HSE. Earlier changes would however be considered where there was something with a proven health issue. We could be in the situation where the EU could have a different MRL level for Glyphosate than what the UK has. Obviously, this could raise issues as to where your coffee might be coming in from. What we need to understand is if the EU timetable will be sticking to its timetable and dates. There are several challenges ahead as to what MRLs will be in place for both the EU and the UK.

There were a number of questions around the issue of the import tolerance trial work, including the role which data on residues being gathered by ECF might play in proving the need for a tolerance. It was recognised that the trials operated to a set formula and the EU has requirements on how that data is presented. The ECF trials will underpin the argument for best practice approach in origin countries. If you take Brazil and Vietnam out of the situation, they represent the biggest chunk of the samples that would fall outside the reduced limits, hence why the import tolerance work is being done in Brazil.

CC asked because the work is currently being undertaken in Brazil would the import tolerance only be applicable to imports from Brazil or from all origins. PR noted that it would be applicable to imports into the EU whether they are coming from.

CC asked increasingly the UK has been clear that they are happy to look at things with a pragmatic approach based on data and based on risk, because it is going to be a new MRL and we have adopted the EU framework the MRLs. But anything new would be under their jurisdiction but any approach by us to ask them to be flexible would be based on data, potentially we could look at using ECF data, but longer term that we need to have a UK database and to have a consistent approach to with robust information.

PR noted that going forward and by the end of 2023 if the UK look at reviewing and reducing MRLs, this is a legal process, they will not ask industry for data or views. But this is the same position as in the EU. But the ECF have had datasets that are bigger than what the EU or HSE may hold then it is something that would hold sway.

PR added that data gathering is something that he will need to look at, and he will go away and give more thought to how we might achieve this.

Action: PR

7. Contaminants

- **OTA**

PR noted that there is the SCOPAFF meeting next week, 21st June, looking to finalise the changes. 5mg down to 3mg for roast and ground and 10mg to 5mg for soluble.

There are no OTA limits on green coffee.

It is currently unclear as to whether or not these changes would automatically be adopted in the UK and that is something to be picked up with the FSA.

CC asked following the SCOPAFF meeting on the 21st June, will the reductions then be published and this comes into effect 6 months later from that date. PR noted that if these reductions are agreed on the 21st June, a date would then need to be agreed and this would be communicated as part of the publication in the Official Journal.

- **Acrylamide (AA) Regulation**

PR noted that discussions continue at EU level. There is a stakeholder consultation at EU level later by the end of this month, and the ECF is looking to maintain levels on roasted coffee and looking for a slight increase from 850 to 900 for soluble coffee, based on the datasets gathered. There is a strong data led case for an increase, there is a chance for the Commission to potentially look to stay at benchmark levels, but there is pressure from Member States for maximum levels to be set.

CC asked is there a plan to review the mitigation levels, toolbox, it would perhaps be a good thing to do. PR noted that this has not yet been raised and he will look to do so at the next ECF T&R meeting. CC added that previously the BCA fed into the ECF Code of Practice, which the BCA then adopted, TB confirmed that is correct.

Action: PR

PR added that the Danish Authorities have published an 'unofficial' data comparing benchmark and maximum levels, it is not understood why they may have done this, possibly their positioning for the SCOPAFF meeting next week.

- **Furan (and its methyl derivatives)**

PR noted that there was a call from the ECF for data, which will be circulated to members in the next few days, to build on the data from 2018-2019.

Action: BCA

- **Diacetyl**

CC noted that there seems to be a new person each week at HSE regarding Diacetyl. The idea was that the safety notice was due to be published in June following the delay due to covid, but we have heard further, and the safety notice has still not been published. The HSE were checking some of the data that was in there with their internal resources. The safety notice is still due to be published and CC will confirm when this is likely to happen. CC added Members should continue to have monitoring in place and to be aware of the exposure to Diacetyl. PR noted that we did raise with the ECF last year, and no other Member States are going down the same route as the UK.

- **Methyl Acetate & 2-Phenylphenol**

PR referred to the work that the ECF were undertaking looking at dual substances, such as 2-Phenylphenol. The initial indication was that these were a consequence of the roasting process, rather than residues coming from them being applied to the growing crop.

PR noted that he had raised with the HSE at the FDF Contaminants meeting, and they pointed to the possibility of higher residue levels being permitted through procedures defined in carried over EU legislation. Such an approach would however require supporting data and argumentation for it to be considered.

CC noted that there is a need, in the world of tea many contaminants that cause an impact because of the low default MRL, they are process contaminants not MRLs but they deem should be

an MRL not an maximum limit. A contaminant is a problem but a different type of problem, but having datasets is key.

PR noted that we will start to put some detail together, perhaps this is something that we can look to work with the UKTIA if they also are coming across these problems.

Action: PR

- **Ethylene Oxide**

PR reported on the results of the ECF call for data which had noted nothing above the MRL level for coffee samples but this work would be repeated to look also at the 2021 crop in the coming months.

8. BSI / ISO Activities

NB noted that there is nothing to report, only that they were looking for a Chairman for the UK Committee.

9. ECF T&R Committee Update

- **Imidacloprid**

PR noted that the expiry of its registration was brought forward to December 2020 and is now an expired product.

There is a use up period until May 2022 for the product to move through the supply chain after which the LoD of 0.01mg/kg applies.

From the ECF work they found that there were a number of Brazilian samples that would exceed that detection level.

This is a Bayer product, but they have no intention whatsoever of doing the work to apply for an import tolerance level. They are part of a group of products are used widely outside Europe.

The ECF focus is getting information into producing countries and for those countries to understand more clearly the EU position and the issues.

- **EP MRL Event**

PR noted that there was an event held at the start of June in the EP looking at MRLs, convened by one of the bodies looking at the plant protection industry. Eileen Gordon was invited to give a presentation on behalf of coffee and noted that we are an industry solely reliant on imports and by reducing MRLs then throws up a number of issues. The time for the producer to adapt and the length of time that coffee sits in the supply chain before it gets into the EU or the UK, and that there is no international standard for MRLs. PR noted that he sits on the Codex Coalition, the EU does not recognise Codex levels, and it also appears that several countries are moving more towards the EU levels, which is causing a raft of issues for the international movement of goods. There is a push for producer countries to put pressure on the EU. The UK have indicated that they are looking toward Codex which would put another differentiator between the UK and the EU.

10. Technical & Regulatory Priorities & Risk Register

PR noted that no comments had been received on the previous version circulated if there anything else on the register that we need to update or add to the register and were people comfortable with the comments.

PR asked regarding **AA and Furan** is there further work to be done with the FSA on this. CC added building that relationship of our issues and how we as an Industry are managing these, so they have clear understanding with everything that we are doing and due diligence. CB noted again this could be something that she could be involved with, to be on the front foot with an agreed position.

Action: PR/CB

It was noted **Origin Labelling** could now be removed.

Brexit – CC noted that we just update in line with recent comments and the deadline of the October 1st and NI protocol.

Diacetyl – CC noted that we can just update awaiting a definitive answer.

Chlorpyrifos – PR noted that he has not received any further comment on this since this was written, it was agreed that this can now be removed.

Glyphosate – CC noted that this can be updated as per recent comments.

CC added that perhaps we now need add in **Ethylene Oxide**, and how France and other possible EU Member States will start to take action.

PR noted if anyone can think of anything else that needs to be added then please let us know as this is a live document.

Action: BCA

11. Date of the next Technical Meeting 2021

- **Tuesday 9th November 2021 - BCA Board Meetings - FDF, 10 Bloomsbury Way - Rooms George & Machin or Teams - 11.00a.m. – 3.00p.m.**
 - Technical – 11.00a.m. – 12.30p.m.
 - Board- 1.00p.m. – 3.00p.m.