

**Technical and Regulatory Committee Meeting Minutes
Thursday 26th March 2020
Via Conference & Video Call**

Members present at meeting:

Paul Rooke	BCA Executive Director
Tracy Brown	BCA Secretariat
Nick Boxall	Complete Coffee Ltd (Chair T&R Committee)
Fiona Sweeney	Bewley's
Carla Politano	Costa
Jenny Breadmore	Fine Foods International Ltd
Rhodri Evans	Finlays
Stephanie Jordan	JDE
Chris Coates	Taylors of Harrogate

1. Apologies for absence:

Sarah Harrington Masteroast

2. Competition Law Compliance

It was confirmed that this conference and 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 – JB, Seconded – CC

4. Matters Arising from Previous Minutes

No matters arising.

5. Contaminants

- **OTA**

JB noted that we were waiting for an EFSA opinion which was not received until the end of December. They are trying to work out the human dietary exposure, and more data will be required to understand if it is an issue. Feedback was required by the end of January.

- **Acrylamide (AA) Regulation**

JB noted MS experts met on 02.03.20 to discuss amongst others the possible setting of maximum levels for foodstuffs other than foods for infants and young children as well as reviewing the benchmark levels provided for in Regulation EC 2017/2158.

The ECF have informally heard from FoodDrinkEurope that a few MS were very active in the discussion, and those active were in favour of looking into MLs. The categories that will come next were not fully defined yet, some mentioned were breakfast cereals, potato crisps, coffee, biscuits (for general consumption), which are the highest contributors according to the Commission. They also stressed that more work is needed in the classification of broad categories such as cereals or biscuits. The discussion is said to continue in May with FoodDrinkEurope hoping that they will be

invited to share their (our) views with MS at the meeting. Bilateral meetings with Frans Verstraete also seem possible.

The ECF have called for data. TB to recirculate the request from the ECF

Action: TB

CC asked if the levels would be the current indicative levels, JB noted that she has not heard anything further just the request to data, it appears that the ECF are trying to prove that we can manage levels.

JB confirmed that the ECF sent an update to confirm that we have one coffee standard CEN for AA. European Committee for Standardization (CEN) has taken over ISO 18862:2016 for the determination of acrylamide in coffee and coffee products. We therefore have one single coffee standard for the determination of acrylamide to be used all over the world. The CEN standard was published in December 2019 as [EN ISO 18862:2019](#) and is now available in German, French and English.

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

RE noted that he is not aware of any further activities around this at this time.

- **Diacetyl**

CC noted that the BCA Position Statement and Q&A were circulated on the 15th November, no further comments received. Subsequently the Draft HSE Safety Notice and letter to Members was circulated to the Technical Working Group on the 6th March for further comment. CC added that he has had some issues getting hold of the HSE to clarify some points. CC noted that we are trying to start dialogue with the SCA to involve them within our Working Group. CC to formalise some wording to go out with the BCA Position and HSE Safety notice for member feedback prior to deadline of 4th April.

Action: CC/TB

TB and CC to convene a conference/video call with the Working Group.

Action: TB/CC

- **Heavy Metals & Chemicals**

NB noted that nothing really to report apart from lead in food.

- **Mineral Hydrocarbons**

CC noted there is not a lot of development on this, some focus by the FSA. One of the problems with this is finding an agreed methodology to test for this. CC noted that if you have not already done so perhaps start to do some testing to understand what the issues might be.

CC added that the FDF are looking at doing some ring testing so that we can start to have some approved testing facilities.

- **Pesticides**

- **Glyphosate**

At the moment glyphosate in coffee is not covered by the EU monitoring programme and monitoring data for glyphosate in coffee beans is not available to EFSA. Suggestion has been made to build a database to collect information on the history of the sample (type of treatment, application rate, growth stage at application) in order to verify the correlation between the residue found and the treatment with glyphosate.

- **Chlorate**

RE noted that the update received from the ECF. Chlorate although not a Pesticide because the Chlorate levels are now under 396 the Pesticide MRLs.

The **draft Commission Regulation** amending **Annex III to Regulation (EC) 396/2005** of the European Parliament and the Council **as regards Maximum Residue Levels for chlorate** in or on certain

products has been sent to the European Parliament and the Council for scrutiny, following the favourable vote of the SCoPAFF Committee on 17-18 February 2020.

The date of receipt by the General Secretariat of the Council was 12 March 2020, and therefore the initial deadline for the scrutiny period* is **13 May 2020**. In the scenario that no extension for 1 month is requested by Council or Parliament and no objections are raised, **the Commission expects the Regulation to be published in Q3** (July/August). The new MRLs will be applicable 20 days after publication (i.e. in Q3)

**Regulatory procedure with scrutiny: If, within three months from the date of referral to them, the European Parliament or the Council opposes the draft measures, the latter shall not be adopted by the Commission. In that event, the Commission may submit to the Committee an amended draft of the measures or present a legislative proposal on the basis of the Treaty. If, on expiry of that period, neither the European Parliament nor the Council has opposed the draft measures, the latter shall be adopted by the Commission.*

For coffee it means as follows:

- **For green coffee beans.** MRL set at 0,05 mg/kg
- **For roasted and soluble coffee (processed products).** When justified, the MRL may exceed 0,05 mg/kg. The burden of proof regarding the level of those additional contributions lays on the roaster/manufacturer. As you are aware, due to the complexity of applying processing factors as referred to in Art. 20 (2) of Regulation 396/2005, the Commission compromised by introducing footnote (A). As a result, if levels over 0,05 mg/kg are found in soluble coffee, the FBO will need to justify that those levels are the result of lawfully permitted 'external sources' of chlorate e.g. contact with products containing chlorate residues, or through ingredients with such residues, such as drinking water. Now the question is, what does burden of proof exactly mean for Member States, and whether this interpretation will be different across Member States! To be continued....

RE noted that the levels should relate to Green Beans, there is some latitude allowed if you can demonstrate it is from other sources, such as water, although the foot note is quite vague and may need clarification.

6. BRCv7(8) – Food Authenticity

CC noted that we now reviewed the document, and it has been circulated.

Again, if Members are aware of any fraudulent activity or safety aspects, please let the BCA know.

It was agreed that this agenda item could be changed to the heading of just **Food Authenticity**.

7. ISO Activities

NB noted there are 4 documents that are being finalised, that were previously circulated by the BCA, NB noted that he will go onto the voting panel to submit responses prior to the deadline, as not changes required and just a verification process.

8. Sustainability and Foot Printing

• Regulatory

TB gave an update Plastics Tax and European Green Deal.

The plastics tax announced on the 11th March, plastic packaging produced or imported into the UK that does not contain at least 30% recycled plastic. The amount is proposed at £200 per tonne. The FDF is currently drafting a response to the consultations, that should be shared with its members in the coming days. The FDF is also setting up a Member Meeting with the Treasury on the 21st April. The BCA Board to decided if we need to directly input into the consultations or instead liaise via the FDF. Proposal to be submitted by Public Affairs Consultant – Matthew Orman - Harcourt.

The European Circular Economy 'Green Deal' was published on the same day as the Budget, coffee capsules were one of many items singled out and mentioned, but subsequently removed in the published plan. However, it does indicate a direction of travel by the European Commission. The ECF have formed a Working Group to look into single-use plastics, the BCA will stay close to the ECF on this.

For note the Waste & Resources Phase 2 Consultation will come about later in the year and will be discussed at the Comms and Sustainability Committees in June as to how we proceed.

It was discussed and decided that perhaps we remove this from the agenda as this would be covered by the Comms and Sustainability Committees.

Action: TB to add SJ to the Sustainability Distribution List.

9. Health Claims

- **Caffeine Claims**

RE noted no real movement on these at this time, things might change when the new EC and EP sit.

It was discussed if this does need to remain on the agenda at this time.

10. Food Information for Consumers

- **Rules of Origin (FIC)**

JB noted that we finally got the final published guidance document through on the 31st January, so that packaging is not misleading. It was no different from the draft that was published in December 2019.

As anticipated, **as from the 1st of April 2020**, Article 26 (3) will also apply to single ingredients IF the country of origin of the food (roasted coffee) is indicated and it differs to that of the single ingredient (green coffee). The finished product will need to be labelled accordingly to [Regulation \(EU\) 2018/775](#)

Please bear in mind that this does not mean that we will need to indicate the different origins of the green coffee but we shall need to label indicating: 'EU and non-EU' or 'coffee does not originate from Italy', as an example.

On 21 February 2020, Defra launched its consultation on its national enforcement for England (i.e. offences and sanctions) of Regulation (EU) 2018/775 regarding the new primary ingredient origin labelling rules. This Defra consultation closed on 20 March 2020, and the new labelling rules come into force in the UK from 1 April 2020. The BCA had no further comment to draft FDF Response to Defra Enforcement Consultation on Primary Ingredient Origin Labelling.

- **Labelling (Brexit)**

TB to remind Defra that we are awaiting an update from them in regard to labelling queries.

Action: TB

11. Technical & Regulatory Priorities

TB and NB to make changes to the priorities list including changing the date of the Brexit extension for 31st December 2020.

Update the section on Diacetyl.

Pesticides to now be added to the list, including Glyphosate.

Action: NB/TB

12. Position Statements

- **Diacetyl**

CC as previously stated the Position Statement has now been finalised, and HSE draft safety notice received. Both to be recirculated to Members.

TB to remove the Position Statements general points, we would add to the agenda those that need to be discussed and actioned at that time.

- **Covid-19**

CC thought that we might need to have a general Covid-19 overarching Position Statement. PR noted that EFSA put out a statement recently that we could look to adopt. PR added that we have added a comment on the BCA website and we could also look to update this.

Action: PR

13. Date of the next 2020 Technical meetings

Tuesday 9th June 2020 – Technical Committee Meeting – 11.00a.m. – 1.00p.m. - FDF, 6th Floor, 10 Bloomsbury Way, London, WC1A 2SL – Room Machin

Wednesday 4th November 2020 – BCA Board Meetings – 11.00a.m.-4.00p.m. - FDF, 6th Floor, 10 Bloomsbury Way, London, WC1A 2SL – Room Cleminson

- Technical Meeting / Board Meeting