



Technical and Regulatory Committee Meeting Minutes
Wednesday 23rd March 2022
Via Teams

Present at meeting:

Paul Rooke	BCA Executive Director
Catriona Balfour	BCA Comms & PA Manager
Tracy Brown	BCA Secretariat
Nick Boxall	Complete Coffee Ltd (Chair T&R Committee)
Mike Saltmarsh	AVA
Deirdre McCooley	Bewleys
Jenny Breadmore	Cafea UK
Carla Politano	Costa Coffee
Claire Thomas	Costa Coffee
Chris Coates	Taylors of Harrogate

1. Apologies for absence:

Fergus Wilson	Group Sopex
David Short	JDE
Kevin Carrington	Vollers

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.

4. Matters Arising from Previous Minutes

No matters arising.

5. UK/EU Trade Agreement Issues (*Presentation Attached Separately*)

• **Outstanding and Current Issues**

PR noted that some Members are still having issues with organic coffee into the EU. This has been raised on several occasions with Defra. The challenge has been trying to get any movement within the EU, which requires trade within the EU to lobby. This has not happened to any great extent; Defra note without that pressure from EU Trade the Commission have not taken any notice of the UK. It appears it is not something that is going to be resolved in the short term.

PR noted that the divergence of legislation is now starting to show and will be covered during this meeting.

6. Glyphosate

• **Current Position on EU Import Tolerance**

PR noted that there are two significant issues with glyphosate, firstly its re-registration as an approved agrochemical and, secondly, a review of MRL's which relates to the previous re-registration approval which has not yet been concluded. The Commission continues to propose a significant reduction in the MRLs from current levels. The

assessment is based on European production of coffee, of which there is very little. Some of our biggest origin exporters will have issue with these reduced MRLs. As previously reported, Bayer are running trials in Brazil to provide evidence for an Import Tolerance request. It has recently been reported that there have been problems with these trials, the standard approach for the trials appears to have not been in line with the normal practice within Brazil and therefore some of the trials were not conducted within those practices, meaning levels were higher than they should have been, meaning the trial results cannot be used. and for this reason, the work has been canned. Bayer are looking to re-start this again in 2022/2023, which means that there will be a further delay. Therefore, we have the possibility of a potential gap of new MRL levels reducing and no import tolerance level.

- **Possible Delay to EU Re-registration Process**

PR noted that this review is now likely to be delayed, which would at least deliver a smaller gap with reduction of MRLs and possible import tolerance.

PR added that the UK is currently maintaining its post-Brexit moratorium on reviewing products 2023. As a result, it was possible we could see a higher MRL into the UK, but a lower one into the EU.

There are some significant challenges ahead of us, the ECF note that 30% of coffee into the EU would likely be over the reduced MRL levels.

CC asked who were the main countries that would have issues, PR noted that the most significant origins are Brazil and Vietnam.

CC asked what the timelines are for adopting the new MRLs, PR noted that he suspects something during 2023, but this would be dependent on when the crops are harvested.

CC asked what the Codex MRL for Glyphosate is, PR noted that whatever the level it was likely to be higher than what is being proposed by the EU. The difficulty is if you compare coffee with wheat, the MRL on wheat is significantly higher than for coffee – for a product you might likely consume more. ***Subsequently confirmed that Codex does not have an MRL for Glyphosate in coffee.***

CC noted that he understands that the UK approach is very much more pragmatic, and a risk base approach, and would it be likely that the UK follow the Codex MRL, having data available to support this and engage with FSA and Defra would be a good place to be. PR noted that he has spoken to CRD who run the re-registration of glyphosate and been informed that this will be an official review, although data might assist, they are not basing their response on this.

CC noted that this divergence is just the tip of the iceberg, and how do we get more proactive something that we need to get on the front foot with. PR noted that from a UK perspective those importing coffee back into the EU will be the ones facing issues, and those wanting to trade with the EU will need to take the EU rules.

PR noted that he will re-circulate the country figures on levels, the caveat being this is about a year old.

Action: PR (Noted Below)

IMPACT ON GREEN COFFEE TRADE



Origins representing **60% of our imported volume would be directly affected**

Country	Total EU Imports (volume)	Country Exports to the EU (volume)	0.05 mg/kg exceedance	Method uncertainty Values between 0.02-0.05 mg/kg
Brazil	32%	60% Robusta & 50% Arabica	43%	26%
Vietnam	24%	42%	80%	7%
Honduras	8%	62%	7%	48%
Colombia	6%	30%	6%	35%
Peru	4%	42%	4%	42%

7. Contaminants

- **OTA**

PR noted that OTA has been in the news again at EU level during recent weeks. The ECF has recently republished its guidelines in February, these are available from their website.

The EU proposed changes have now been confirmed from the 1st January 2023, these will be 3ppb for roasted and 5ppb for soluble. This has yet to go through the legal process. Anything that sits on the market prior to 1st January is still OK until expiry date.

The Priority Register that the FSA have come up with in terms of their work plan, OTA is not one of their first priorities as far as they are concerned, and likely levels will stay as previous until they have the bandwidth to review.

ECF noted that there is a lack of mitigation for coffee, but at these levels it is not a safety issue, and is a waste of a safe product, but the Commission have not recognised this.

CC asked if the ECF guidelines were circulated to BCA members for comment before being finalised. PR noted that he would need to double check as he can't remember seeing a draft. PR noted that he believed that this was done through the ECF Contaminants Committee, which the BCA does not sit on. ***Subsequently confirmed that we had not had sight of a draft version ahead of finalisation.***

- **Acrylamide (AA) Regulation & BCA Position Statement**

PR noted that the EU has been looking at this for quite a period of time, and the impact on Children and Infants, not so much of an issue for coffee but for other products such as crisps etc. There was a stakeholder forum last month, the Chair of the ECF Contaminants Committee presented at this forum, ECF continues to ask for the continuation of benchmark levels to continue rather than maximum levels, with a slight increase for soluble coffee but retaining existing levels for roasted coffee. The ECF continue to highlight the issue between the AA and Furan levels during the roasting process. As we know the age profile for coffee is not marketed to children but adults. Also as with OTA, there is a lack of mitigation and that would be a waste of a safe product.

PR noted that feedback previously from the FSA was that they were taking a very pragmatic line, again the focus would be around where the issues of safety were, especially for products targeted to infants and children.

- **Furan & Methyl Furans**

PR noted that the Commission are supposed to be coming out with recommendations on monitoring for levels, but there has been no further news at this time.

- **Diacetyl**

CC noted that there has been no further update from the HSE since the backend of last year but nothing further. CC noted that the safety notice does not seem to have been issued at this time. PR noted that he has not come across anything either.

- **Heavy Metals**

PR noted that there is nothing further to really report on this at this time.

- **Mineral Hydrocarbons**

PR noted that the pressure is on the presence of MOAH, particularly in relation to infant foodstuffs. There is a discussion still at EU level on migratory levels, but nothing further reported.

PR added that France is the latest member state to take national action on MOAH & MOSH, PR noted that he would circulate levels proposed.

Action: PR

- **Furfural & 2-Phenylphenol**

PR noted that he has been chasing up on this, these can appear in the coffee process as well as being applied during an agri-chemical route. To understand more about this, the ECF put up some money and have been undertaking some data collection work, but no further update at this time. PR added that he has asked for this to be added to the next ECF

Contaminants Committee meeting agenda, which will take place next week. *Subsequently confirmed with ECF that there is no additional information at this time and not, currently, any further action proposed.*

- **Ethylene Oxide**

PR noted that from a coffee perspective that was not much to say, the ECF identified that it was not present in the vast majority of samples. CC noted that he understands that organic coffee from India should be tested for EO and this was confirmed.

8. FSA Priority Register

- **Outstanding & Current Issues**

PR noted that this was circulated some weeks ago, and this was just a reminder for Members.

High

- AA
- Mineral Hydrocarbons
- Microplastics (*PR asked for guidance on how much of an issue this for Members and it was concluded that it was not a priority for those businesses present.*)

Medium

- OTA

PR added that there are really no timelines attached to this from the FSA at this time.

Low

- Furan
- Nickel
- PAH's

PR noted that with these low priorities the aim is to collect more data.

PR noted on AA we have provided the FSA all the data via the ECF in terms of information, and we will continue to be as helpful as we can and provide as much data as we can to them. Within FSA there is good relationship, and they are keen to engage with industry. PR asked would Members like to have FSA back to give an update at the next meeting. CC added that he felt that this would be of benefit, those on the call agreed.

Action: PR

9. Isotopic Analysis of Coffee Samples

- **LGC Update**

PR extended his thanks to all those Members who provided samples to LGC, we covered off 100% of the samples that were requested.

LGC have not yet finished the sample analysis, but they were seeing some interesting results so far. They have promised to come back and present the data to the BCA, hopefully at the next meeting, and at the possibility of doing a report for a journal. CC noted that he was keen that they engage with us first before engaging with a wider audience. CC added that he would be keen to see a joint published report, and that it needs to be made clear on the messaging that this was not the only solution but another part of the solution. PR agreed and added that he sees this as a tool for the wider due diligence work.

Action: PR

10. BSI / ISO Activities

- **BSI AW/15 Committee**

PR asked NB if this Committee had now concluded, NB nothing further had been seen from them and certainly no further work had been undertaken.

PR referenced the Codex Coalition Group which represents a group of commodities, who are quite active. We are trying to establish further connections/meetings with them as well as to encourage the ECF to partake in these meeting and to keep engaged.

11. Technical & Regulatory Priorities & Risk Register

PR noted that this was updated in November following the last meeting.

PR asked those Member on the call if they knew of any additional issues that were coming down the line.

PR added that he did not feel anything need changing at this time to the November reiteration.

CC noted the next reiteration of the BRC document, which might mean that the BCA BRC Working Group might need to meet up again to go review our document and establish if any changes need to be made. JB noted that she had looked at the BRC document but did not find anything too scary regarding food fraud and integrity.

Action: BCA/BRC Working Group

12. Dates of the next Technical & Regulatory Meetings 2022

It was hoped that these will be held at the FDF, 10 Bloomsbury Way, London, WC1A 2SL, with possibly some hybrid element. PR noted that we would need to look at the cost to hold these meetings at the FDF if only a few people were willing to attend. There was a conversation to hold perhaps one meeting a year in person and the other two to be via Teams.

Action: BCA

JB and NB noted that they found these meetings extremely useful even though they have been via Teams.

- **Technical Meeting – 11.00a.m. – 1.00p.m.**
Wednesday 8th June – Rooms George & Machin
- **Technical Meeting – 11.00a.m. – 12.30p.m.**
Wednesday 23rd November – Rooms Bodinnar & Cleminson