

PPA Food Law and Consumer Committee Meeting

Chair: Catharine Hall

24 March 2021

Agenda

Welcome and anti-trust statement	14:00-14:10
Transitional issues:	
Border Operating Model – phased introduction of controls UK (David Lowe, FSA)	14:10-14:30
New EU Official Controls – composite foods (Moira Redmond, Defra)	14:30-14:50
Review of minutes/action list - FLC 26 th November 2020	14:50-15:00
Updates:	
Nutrition	15:00-15:20
HFSS promotions and advertising restrictions	
OOH calorie labelling	
FoP nutrition labelling (incl. nutrient profiles) – UK, Ireland consultation, and EU	
Nutrition-related Labelling, Compositional and Standards CF	
UK list of nutrition and health claims and other resources (incl. UKNHCC)	

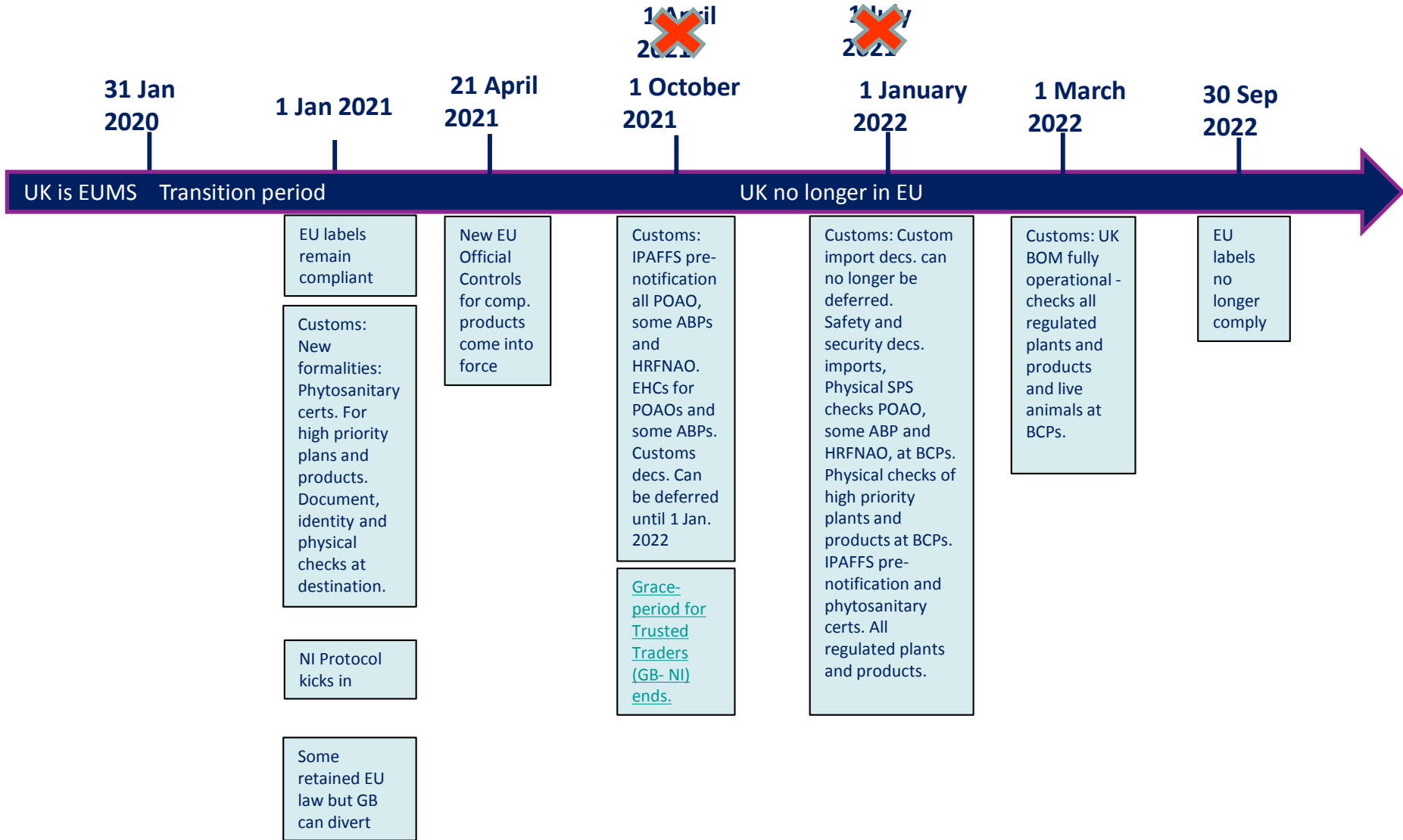
Agenda

Labelling	15:20-15:40
Upcoming review of food labelling	
Food Compositional Standards and Labelling CF	
National Food Strategy	
Other labelling updates	
Food Safety	15:40-16:00
Acrylamide	
3-MCPD	
Plant Protection Products	
Consultations	16:00-16:10
Issues of concern to FLC – priorities 2021	16:10-16:30
Close	16:30

TRANSITIONAL ISSUES



Transitional issues



NB: Not comprehensive



Border Operating Model

Phased introduction of controls for HRFNAO

David Lowe

Head of Import and Exports Strategy Team
Food Standards Agency (FSA)



Food
Standards
Agency
food.gov.uk



David Lowe
Head of Import and
Export Strategy Team
24 March 2021

Food Standards Agency – Imports and Exports Unit

- **Exports Team:** Provide the assurance to ensure the UK's reputation as a global exporter of safe, quality food is protected so that UK businesses can continue to benefit from export opportunities.
- **Imports Strategy Team:** Develop and improve our imported food strategy to protect consumers public health from risks associated with imported food
- **Imports Intelligence Team:** Ensure that new and re-emerging risks from imported food are identified early to protect public health from risks associated with imported food
- **Imports Delivery Team – details to follow**
 - Ensure the UK is able to facilitate the safe, uninterrupted trade in food
 - across all UK borders following the end of the Transition Period.

Working across wider Government at the border

- Almost 30 separate Government Departments and Agencies operating at the UK border, including:
 - Food and Environment Research Agency (FERA)
 - Foreign and Commonwealth Office (FCO)
 - Plant Health and Seeds Inspectorate (PHSI)
 - Her Majesty's Revenue and Customs (HMRC)
 - Border Force
 - Defra / Animal and Plant Health Agency (APHA)
 - Port Health Authorities

Responsibility for undertaking import controls

- The Department of Environment Food and Rural Affairs (Defra) are the UK Central Competent Authority for undertaking official controls of imported products of animal origin (POAO). This is undertaken by official veterinarians at border inspection posts (BCPS).
- The Food Standards Agency (FSA) are the UK Central Competent Authority for undertaking official controls of imported food not of animal origin (FNAO). This is undertaken by local authority Port Health Officers (PHOs) at the designated entry points.
- The FSA is responsible for ensuring all imported food is safe for UK consumers

Importing food and feed not of animal origin

- **Food & Feed Not of Animal Origin (FNAO)**
- **FNAO** can enter the UK from *any* country, unless it has a restriction e.g. is included on a high-risk list.
- FNAO can enter *any* port except for products on a high-risk list.
- High-risk FNAO has to enter through an appropriately designated BCP.
- Controls Framework is set out in the Official Control Regulation (Retained EU Regulation 2017/625) and tertiary legislation.

Import requirements for HRFNAO

- Imported FNAO listed as high-risk (HRFNAO) must:
- Be pre-notified on a Common Health Entry Document (CHED) via IPAFFS (The UK's new online import control system);
- Where applicable, be accompanied by the relevant documentation (e.g. results of sampling and analysis for products listed in Annex II of Reg 2019/1793);
- Enter GB via an appropriately approved border control post (BCP)
- Be subject to relevant import controls (documentary / identity and physical checks) before release onto the UK market.

Phased Introduction of GB Border Controls on high-risk food and feed from the EU

- **1 January 2021** full controls on non-EU origin high-risk food and feed transiting through the EU destined for GB,
- **1 October 2021**, pre-notification on IPAFFS for all high-risk food and feed imported from the EU and documentary checks on POAO from the EU.
- **1 January 2022**, introduction of identity and physical checks on all high-risk food and feed imported from the EU.

Further information

- FSA Imported Food web pages:
- <https://www.food.gov.uk/business-guidance/imports-exports>
- List of UK BCPs:
- <https://www.gov.uk/government/publications/uk-border-control-posts-animal-and-animal-product-imports>
- Information on IPAFFS (including how to register):
- <https://www.gov.uk/guidance/import-of-products-animals-food-and-feed-system>
- Border Operating Model:
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/949579/December_BordersOPModel_2_.pdf
- FSA Imports Mailbox: Imported.food@food.gov.uk

Composite Products

Moira Redmond
Defra

Matters arising - FLC 26 November 2020

Action	Status
PPA secretariat will keep developments regarding MLs for cadmium, specifically nuts and seed oils under review and update members as required.	Ongoing action
Members to submit any data on tropane alkaloids to the PPA secretariat.	Ongoing action
Secretariat to keep an eye on developments on each of the four nations National Food Strategies.	Ongoing action
Olivier to investigate timings for the EU proposals on sustainability labelling and provide information for circulation to PPA members	To be covered today
Food waste targets (2023) – invite EUPPA to join future FLC call to discuss work with JRC	Carried over
Food waste targets (2023) – Secretariat to speak to other trade associations to get overview on priorities/concerns	Carried over
Secretariat to circulate for comment the FDF draft response to the Government consultation on total ban of online advertising.	Completed
Secretariat to investigate and report back on UK and EU [flour] fortification requirements post EU Exit.	To be covered today
Secretariat to contact ESA and ask for comments and feedback on how they have found using Twitter.	To be covered today
Members to review both PPA and SNACMA mission statements and provide comments.	Completed
Secretariat to investigate options for a document management system for the PPA/SNACMA website members area.	Ongoing action
Secretariat to develop an FLC priorities document	Ongoing

NUTRITION & HEALTH

2019	2020		2021				2022	2023 +
Jan - Dec	Jan - Jun	Jul - Dec	Jan - Mar	Apr – Jun	Jul – Sep	Oct - Dec	Jan - Dec	
<p>PHE 2nd Sugar reduction report (Oct)</p> <p>SACN report on sat fat and health</p> <p>Consultation on fortification of folic acid (Sep)</p> <p>DHSC 'advancing our health' prevention green paper (including Ch3 of the childhood obesity plan) (Jul)</p> <p>DHSC Consultation on marketing & promotions (Apr)</p> <p>DHSC Consultation on advertising (Jul)</p> <p>Healthy Weight Healthy Wales (Oct)</p> <p>Northern Ireland amended obesity strategy 'A Fitter Future for All' (Nov)</p>	<p>Delivery Plan Healthy Weight, Healthy Wales (Jan.20)</p> <p>PHE stakeholder meeting baby food reformulation (Feb.20)</p> <p>PHE consultation new salt targets (Feb.20)</p> <p>NDNS urinary sodium analysis</p> <p>SG Consultation energy drinks (Jan.20)</p> <p>Govt. response consultation energy drinks</p> <p>PHE Nutrient profile review</p> <p>CAP/BCAP consultation on adopting new model</p> <p>DHSC white paper prevention (marketing baby food and SDIL milk-based drinks)</p> <p>DHSC consultation marketing baby foods</p>	<p>Henry Dimbleby interim report National Food Strategy – Part 1 (Jul.20)</p> <p>Government publishes Obesity Strategy (Jul.20)</p> <p>Govt. response consultation OOH calorie labelling (Jul.20)</p> <p>DHSC Consultation enforcement OOH calorie labelling (Jul.20)</p> <p>DHSC consultation FoP labelling (Jul.20)</p> <p>PHE calorie reduction programme launch (Sep.20)</p> <p>PHE new salt targets (Sep.20)</p> <p>PHE 3rd Sugar reduction report (Oct.20)</p> <p>PHE consultation guidance baby foods reformulation (Nov.20)</p> <p>Govt. response consultation ban marketing & promotions HFSS (Dec.20)</p>	<p>Consultation enforcement marketing & promos HFSS (Jan.21)</p> <p>Govt. response OOH enforcement calorie labelling (Feb.21)</p> <p>Commission limit trans fats comes into force (Reg. 2019/649) (Apr.21)</p> <p>Govt. response enforcement marketing and promos HFSS (Apr.21)</p> <p>Govt. response consultation advertising ban (TV + online) HFSS (Apr.21)</p> <p>Consultation enforcement advertising ban (TV + online) (Apr.21)</p> <p>CAP consultation on proposed advertising bans HFSS (Apr.21)</p> <p>Draft guidance on marketing and promos HFSS (Apr.21)</p>	<p>Guidance OOH calorie labelling (Apr.21 TBC)</p> <p>New legislation OOH calorie labelling (Apr.21 TBC)</p> <p>Health and Social Care Bill (mid-2021)</p> <p>New legislation marketing and promos HFSS (Jul. 21)</p> <p>EU Code of Conduct (Jun.21)</p> <p>Consultation WG HWHW Priority 1 (Jun.21)</p> <p>PHE guidelines on baby foods</p>	<p>WG response to consultation HWHW Priority 1 (Sep.21 TBC)</p> <p>EP Report on Beating Cancer Action Plan (Sep.21)</p> <p>EFSA draft opinion dietary sugars (Summer)</p> <p>PHE final assessment sugar reduction guidelines 2021 TBC</p> <p>SG Government HFSS Framework Bill introduced (Sep21 TBC)</p> <p>National Food Strategy – Part 2 (Jul.21)</p> <p>FDSC report on National Food Strategy (Sep.21)</p> <p>Govt. response FoP nutrition labelling (TBC)</p> <p>EP Draft Report on Beating Cancer Action Plan (Jul.21)</p>	<p>EU food reformulation programme</p> <p>EFSA final opinion dietary sugars (Summer)</p> <p>New legislation ban HFSS advertising</p> <p>Results EUREMO study (Dec.21)</p> <p>SG Government HFSS Framework Bill introduced (Sep21 TBC)</p> <p>EFSA consultation on nutrient profiles (end 2021)</p> <p>New NPM adopted (TBC)</p>	<p>OOH calorie labelling comes into force (Apr.22 TBC)</p> <p>PHE 1st kcal reduction report (2022 TBC)</p> <p>Legislation marketing and promos HFSS comes into force (Apr.22)</p> <p>PHE report on salt targets (2022 TBC)</p> <p>EFSA Opinion on nutrient profiles/FOP NL (Mar.22)</p> <p>Health and Social Care Act?</p> <p>EU study on food taxes (2022)</p> <p>EU report on AVMSD (2022)</p> <p>Defra white paper National Food Strategy (Jan.22?)</p> <p>SG HFSS Framework Legislation (Mid 2022 TBC)</p> <p>SG Consultation enforcement secondary legislation HFSS promo restrictions (Autumn.22)</p>	<p>Promos HFSS no longer allowed on packs (Apr.23)</p> <p>NDNS urinary sodium analysis (2023)</p> <p>PHE salt targets to be complied with (2024)</p> <p>SG Government secondary legislation HFSS promo restrictions (mid-end 2023)</p> <p>Legislation ban HFSS advertising comes into force (end 2022)</p> <p>EU Nutrient Profiles (Q4 2022)</p> <p>Review Beating Cancer Action Plan (2024)</p> <p>SG Government secondary legislation HFSS promo restrictions comes into force (2024 TBC)</p> <p>PHE final assessment calorie reduction guidelines (2025)</p>

UK Diet and Nutrition calendar

Policy areas	Type of legislation	Consultation	Consultation response	Legislation/ guidelines due	Comes into force
OOH calorie labelling	Secondary legislation under FSA 1990	Main - Dec. 2018 Enforcement – Jul. 2020	Main - 27/07/20 Enforcement – Feb. 2020	Apr. 2021 (TBC)	April. 2022 (TBC)
Guidelines OOH calorie labelling	N/A	Stakeholder engagement but no consultation	N/A	Apr. 2021 (TBC)	N/A
Volume/location promotional restrictions HFSS	Secondary legislation under FSA 1990	Main - Apr.2019 Enforcement – Jan.-Feb. 2021	Main – Dec. 2020 Enforcement – Apr. 2021	Mid. 2021	Apr. 2022
Advertising restrictions HFSS – 9pm watershed	Secondary legislation under new Health and Social Care Act (TBC)	Main - Jun.2019 Enforcement – Mid-end Apr. 2021 (TBC)	Mid-end Apr. 2021 (TBC) Enforcement – mid-late Jul.2021 (TBC)	Q4 2021 (TBC)	Late 2022
Advertising restrictions - online	Secondary legislation under new Health and Social Care Act (TBC)	Main - Nov-Dec.2020 Enforcement – Mid-end Apr. 2021 (TBC)	Mid-end Apr. 2021 (TBC) Enforcement – mid-late Jul.2021 (TBC)	Q4 2021 (TBC)	Late 2022
FoP nutrition labelling	TBC	Jul-Oct.2020	TBC	TBC	TBC
HWHW food environment consultation	TBC	Jun.2020 (TBC)	TBC	TBC	TBC
SG HFSS promo restrictions	Secondary legislation (under Framework Legislation)	Autumn.2022 (TBC)	TBC	Mid-end 2023 (TBC)	2024 (TBC)

Marketing and Promotions HFSS

- England only proposals.
- Government published response to consultation on 28 December
- Consultation on enforcement provisions from ended Feb.2021 – included draft Regulation
- Expecting government response **mid-late April**.
- Outcome expected to outline responses to the consultation questions on definitions to be used in regulation and enforcement
- Secondary legislation under FSA 1990 expected **Jul. 2021** – coming into force Apr.2022
- Extended transition on pack until Apr. 2023
- The price and location restrictions apply to the following product categories: soft drinks, cakes, chocolate confectionery, sugar confectionery, ice cream, morning goods (for example pastries), puddings, sweet biscuits, breakfast cereals, yoghurts, sweetened milk-based drinks, sweetened juices, pizza, ready meals and meal centres, including breaded and battered products, **crisps and savoury snacks, chips and similar potato products.**
- The [2004/05](#) NPM will be used to define HFSS products within the specified list of product categories in scope, to determine whether they can or cannot be promoted.
- Price restrictions will only apply to volume promotions ('multibuys' and 'extra free').
- Location restrictions will apply to checkouts, ends of aisles and store entrances.
- Micro and small businesses (< 50 employees) out of scope of both location and volume restrictions
- Stores with < 2,000 sq. ft out of scope of location restrictions
- Main PPA asks were:
 - DHSC to continue to liaise with retailers and Trading Standards – BRC broadly accepted proposals but proposed stricter definitions and longer transition. 18 months application
 - Independent review 2-3 years
 - Government guidance before start of transition to allow time to prepare
 - Re-consultation of amended draft text as too many changes needed – DHSC confirmed this is not going to happen.
 - Restrictions to online to be implemented together with advertising restrictions

Advertising HFSS

- UK-wide proposals
- 2019 consultation on 9pm watershed – response pending
- Nov-Dec. 2020 – consultation total ban online advertising – response pending
- RPC received the final IAs for 9pm watershed and total online ban on 12 March
- Expect Government to respond to both consultations at the same time (**mid-late April**)
- Expect consultation on enforcement of TV and online advertising at the same time
- Legislation to come into force end of 2022.
- CAP work on advertising restrictions
 - Alternative solution to regulation
 - Use of targeted approach to evaluate audience and reduce children’s exposure to HFSS advertising
 - Non-legislative solution - easier to implement
 - Expect consultation April/May
- ASA Q4 2020 sweep - 74% drop in the number of ads promoting HFSS products compared to Q3.
 - 2 more reports expected this year – Q1 2021 and final report in summer.

OOH Calorie Labelling

- Government published response to consultation on enforcement on 26 February
- Legislation expected **April.21**, coming into force **April.22**
- Will introduce mandatory calorie labelling for unpackaged, PPDS and food packaged at the consumer request.
- Will apply to restaurants, cafes, takeaways, bakeries, supermarkets (operating in the OOH sector), entertainment venues (e.g. cinemas), hotels (where food is served) and workplaces, where food and drink is provided by large catering companies, as well as online platforms
- Will apply to businesses on the OOH sector with +250 employees

FOPNL

- In 2013, 9 out of 10 consumers agreed that MTL helped them make informed decisions.
- At the time, labels incl. percentage of RIs, use of colour coding based and information per portion was preferred by consumers.
- Guidance issued in 2013.
- Adopted by all major UK retailers.
- 2016 DHSC commissioned research on consumer understanding and use of FOPNLs. Colour coding found to be crucial to effectiveness.
- Other research conducted in 2009 and 2019 (NI) drew similar conclusions.
- Since then new schemes have been implemented, shopping habits have changed (online shopping) and new science has emerged.
- DHSC launched UK 4 nation consultation Jul.20-Oct.20
- First step – consultation – views on current label, how it can be improved, and evidence of international schemes.
- In parallel, UK government commissioning research to understand the impact of specific FOPNLs on healthier choices.
- Comparative examples are Nutri-score and Chilean ‘warning labels’.
- Responses to be published ‘as soon as possible’.
- FOPNL also being considered at Codex level – expected discussions to continue next CCFL meeting (October).

EU Initiatives

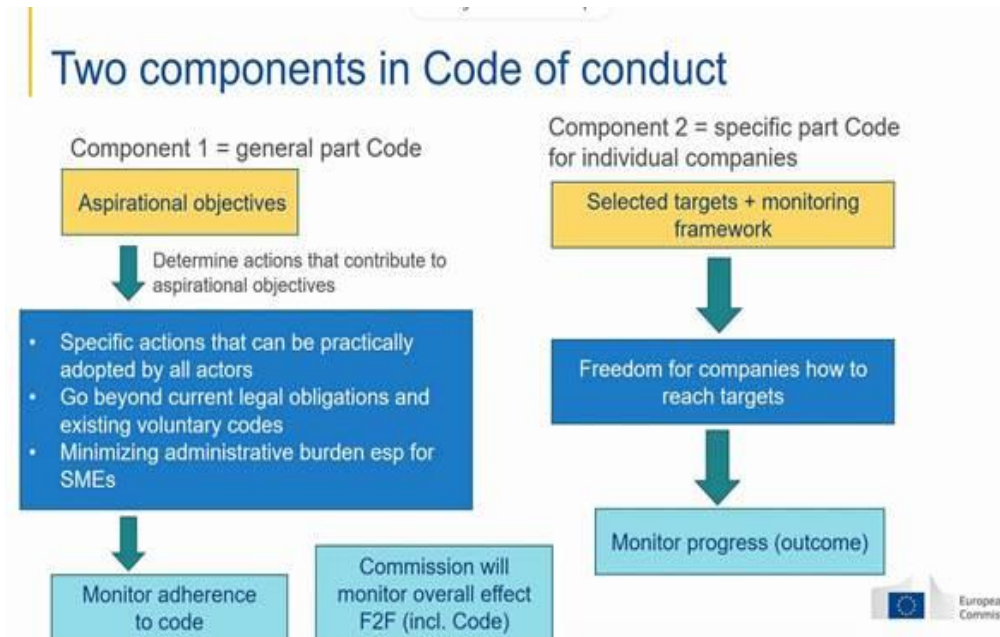
F2F Priorities:

- *Develop an EU code and monitoring framework for responsible business and marketing conduct in the food supply chain by Q2 2021;*
- *Launch initiatives to stimulate reformulation of processed food, including setting of maximum levels for certain nutrients by Q4 2021;*
- *Setting of nutrient profiles to restrict promotion of food high in salt, sugars and fat by Q4 2022;*
- *Proposal for a harmonised mandatory front-of-pack nutrition labelling by Q4 2022.*

EU Initiatives

EU Code of Conduct

- Part of F2F
- Expected launch June 2021
- Targets ‘middle part’ of food supply chain (food and drink manufacturers, retailers hospitality sector, etc).
- Co-created with stakeholders
- **Voluntary, tangible and measurable commitments**
- Task Force thematic sessions has been established by the Commission.
 - Food consumption patterns (for healthy and sustainable diets)
 - Improving the Impact of food processing, retail and food services’ own operations on sustainability
 - Improving the sustainability of the food value chain - in relation to primary producers and other actors in the chain
 - Monitoring and evaluation



EU Initiatives

Reformulation

- Expected emphasis on reformulation in 2021-2022:
- EFSA draft Opinion on Dietary Sugars due in summer 2021 - expected to influence if and the extent to which the European Commission will be able to set maximum levels of nutrients (Q4 2021). Final EFSA report due end of year.
- Reformulation initiatives under F2F expected Q4 2021, including the setting of maximum levels for certain nutrients.
- EC to support MSs and stakeholders in their effort on **reformulation** of and on implementation of effective policies to reduce marketing of unhealthy food products, including through a Joint Action on Implementation of Validated Best Practices in Nutrition.

Nutrient Profiles

- Nutrient profiles to restrict promotion of food high in salt, sugars and fat by Q4 2022.
- EFSA Scientific Opinion on Nutrient Profiles in relation to claims and FOPNL expected early 2022.

FOPNL

- Mixed opinions by MSs.
- NutriScore supported by France, Belgium, Spain, Netherlands, Portugal and Germany. Opposed by Italy and some other MSs.
- Some MSs in favour of their own national models (e.g. Sweden and Nordic keyhole)
- Due to the single market, the food and drink industry will likely support a harmonized approach to front of pack labelling, but currently there is no consensus on the preferred format. An EU impact assessment and EFSA opinion are expected to support this proposal).

EU Initiatives

EU Beating Cancer Plan

- Presented in February 2021
- Flagship initiative on measures the EC will take to reduce cancer rates in Europe.
- Specific measures on alcohol and diets are included in the chapter on prevention, alongside tobacco and air pollution.
- Brings together a series of actions that are already under way under F2F but also includes **taxation, marketing and advertising restrictions, labelling (including health warnings on alcoholic beverages), maximum limits for contaminants and food reformulation.**
- Will be developed and implemented 2021-2025.
- On [16 March 2021](#), the EU Health Council expressed clear support the Cancer Plan and for its holistic approach. Regarding the proposed measures against alcohol and tobacco, these were welcomed by several States. Members States noted the prevention measures regarding diets however no further measures were requested on this.
- European Parliament BECA Special Committee is expected to adopt its report on plan end 2022.
- EC to evaluate the 2014-2020 EU Action Plan on Childhood Obesity and propose a follow-up.
- EC to launch 'HealthyLifestyle4All' political commitment in 2021, inviting EUMSs, regional and local governments and civil society representatives to actively contribute to ensure that healthy choices become the easy and affordable choices.

Health and nutrition UK x EU

	EU	UK/England
Reformulation	<ul style="list-style-type: none"> • Reformulation initiatives F2F – Q4 2021 • Also part of Beating Cancer Plan • Also being considered as part of the Code of Conduct 	<ul style="list-style-type: none"> • Voluntary programmes (currently led by PHE) on: <ul style="list-style-type: none"> • Salt – Sep/2020 (2024 targets – 1st progress report 2022) • Sugar – 2016 (2020 targets – final progress report 2021) • Calories – Sep/2020 (2024 targets – 1st progress report 2022) • Baby foods
Nutrient profiles	<ul style="list-style-type: none"> • Nutrient profiles to restrict promotion of food high in salt, sugars and fats in F2F - Q4 2022 • EFSA report on nutrient profiles due Mar 2022 	<ul style="list-style-type: none"> • EU approved nutrition and health claims (NHCs) in retained legislation • UKNHCC new UK risk assessment body for claims (taking over from EFSA) • Awaiting government response on new NPM – no updates • Promotions and advertising restrictions based on 2004-5 Ofcom NPM model – no plans to extend their use to restricting the use of NHCs.
FOPNL	<ul style="list-style-type: none"> • Proposal for a harmonised mandatory front-of-pack nutrition labelling in F2F - Q4 2022 	<ul style="list-style-type: none"> • UK ‘call for evidence’ consultation on FOPNL Jul-Oct/20 – first step • In parallel, UK government commissioning research to understand the impact of specific FOPNLs on healthier choices. • No news
Taxation	<ul style="list-style-type: none"> • Food taxes will be considered under Beating Cancer Plan (EU to publish study mapping fiscal measures on sugars, soft drinks and alcoholic beverages in 2022) to advise on feasibility. 	<ul style="list-style-type: none"> • SDIL
Advertising	<ul style="list-style-type: none"> • Self-regulation at MS level • Advertising restrictions being considered under Beating Cancer Plan (EC to prepare a report in 2022 on the implementation of the provisions of the Audio-visual Media Service Directive (AVMSD) including those on unhealthy foods and drinks) 	<ul style="list-style-type: none"> • Self-regulating advertising restrictions in place (ASA) • Awaiting proposals on TV (9pm watershed) and total online advertising restrictions of HFSS food based on NPM mode (expected April).
Promotional restrictions	<ul style="list-style-type: none"> • Promotional/marketing restrictions TBC 	<ul style="list-style-type: none"> • Promotional (volume and location) restrictions of HFSS food based on NPM model.

Other

PHE

- Government announcement last year PHE would be disbanded.
- Part of PHE integrated into National Institute of Public Health
- Health Improvement section likely to be integrated into DHSC – awaiting formal confirmation.
- Movement likely to happen in October – but PHE remains a legal organisation until March/22 so may be later.

Enforcement Nutrition and Health Claims

- BExG/Trading Standards/DHSC proposals for enforcement of nutrition and health claims using improvement notices (under the Food Information Regulations 2014) as regulatory backstop.
- Same approach as promo/marketing restrictions on HFSS and OOH calorie labelling as no safety concern
- Current approach include up to 2 years' imprisonment or a fine, or both.
- Require local authorities to build a strong case to justify court action. Local authorities have a budget of £1K per day – costs can exceed £10K for a 2 day trial.
- Proposed approach will enhance cooperation with LAs and reduce costs significantly.
- Most issues would be dealt with a First Tier Tribunal on a paperwork basis.
- Intention to submit to Government in Autumn – will be followed by consultation.

Other

New register of claims UK

- New page on gov.uk with retained EU list of authorised nutrition and health claims, including a link to 'on hold' claims:
 - [Great Britain nutrition and health claims \(NHC\) register](#): *Includes the Annex to the GB NHC register of health claims authorised on the basis of proprietary data.*
 - ['On hold health claims on foods'](#): *Guidance on how to use 'on hold' health claims that are still under consideration in the EU in GB.*
- DHSC updated a number of resources on gov.uk, including the following:
 - [Nutrition legislation information sources](#)
 - [Fortified foods: adding vitamins, minerals and certain other substances](#)
 - [Guidance on nutrition and health claims on foods](#): *technical guidance to be updated 2021.*

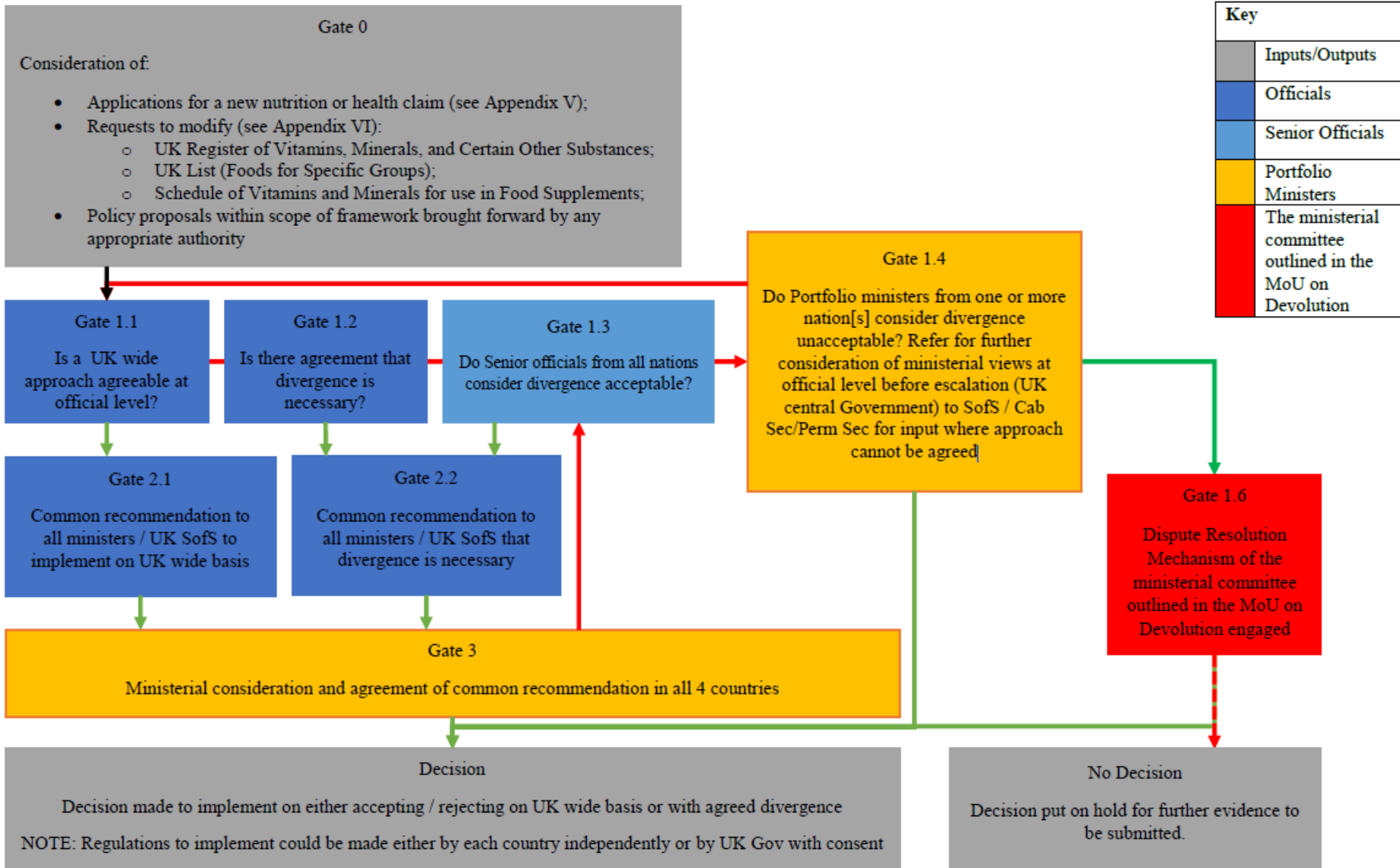
UKNHCC role (UK Nutrition and Health Claims Committee)

- New risk assessment body on Nutrition and Health Claims, performing EFSA's function in GB.
- Came into effect 1 Jan. 2021.
- New UK claims authorisation process.
- Meeting dates set and agendas will be published – 1st meeting 18 May.
- Not aware of any UK applications.

Nutrition-related labelling, composition and standards Common Frameworks

- Set out a common UK-wide approach and how it will be operated and governed in the following areas:
 - nutrition and health claims made on foods
 - the addition of vitamins, minerals, and certain other substances to foods;
 - the composition and labelling of food supplements
 - the composition and labelling of food intended for infants and young children, food special medical purposes, and total diet replacement for weight control ('Foods for Specific Groups')
 - and the mandatory nutrition declaration (food labelling), including additional forms of expression and presentation in which it may be given
- *Laid in October 2020. Final feedback received by Lords and devolved nations. Not yet finalised.*

APPENDIX IV: Joint Decision-making, Dispute Avoidance, and Dispute Resolution Processes



FOOD LABELLING

National Food Strategy (NFS)

- Part 2 report expected **Jul.21**
- FDSC to publish report with recommendations in Sep.21
- Defra White Paper **expected Jan.22**

- **Expected coverage:**
 - Food system reform
 - Primary focus on environmental sustainability
 - Nutrition and health
 - Animal welfare
 - Food waste
 - Promotion of national products (country of origin labelling, Geographical Indications)

- **Nutrition-related topics:**
 - Food taxation
 - Misleading marketing and claims
 - Sustainable healthy diets
 - Plant-based diets
 - Public food procurement
 - Ultra-processed foods?

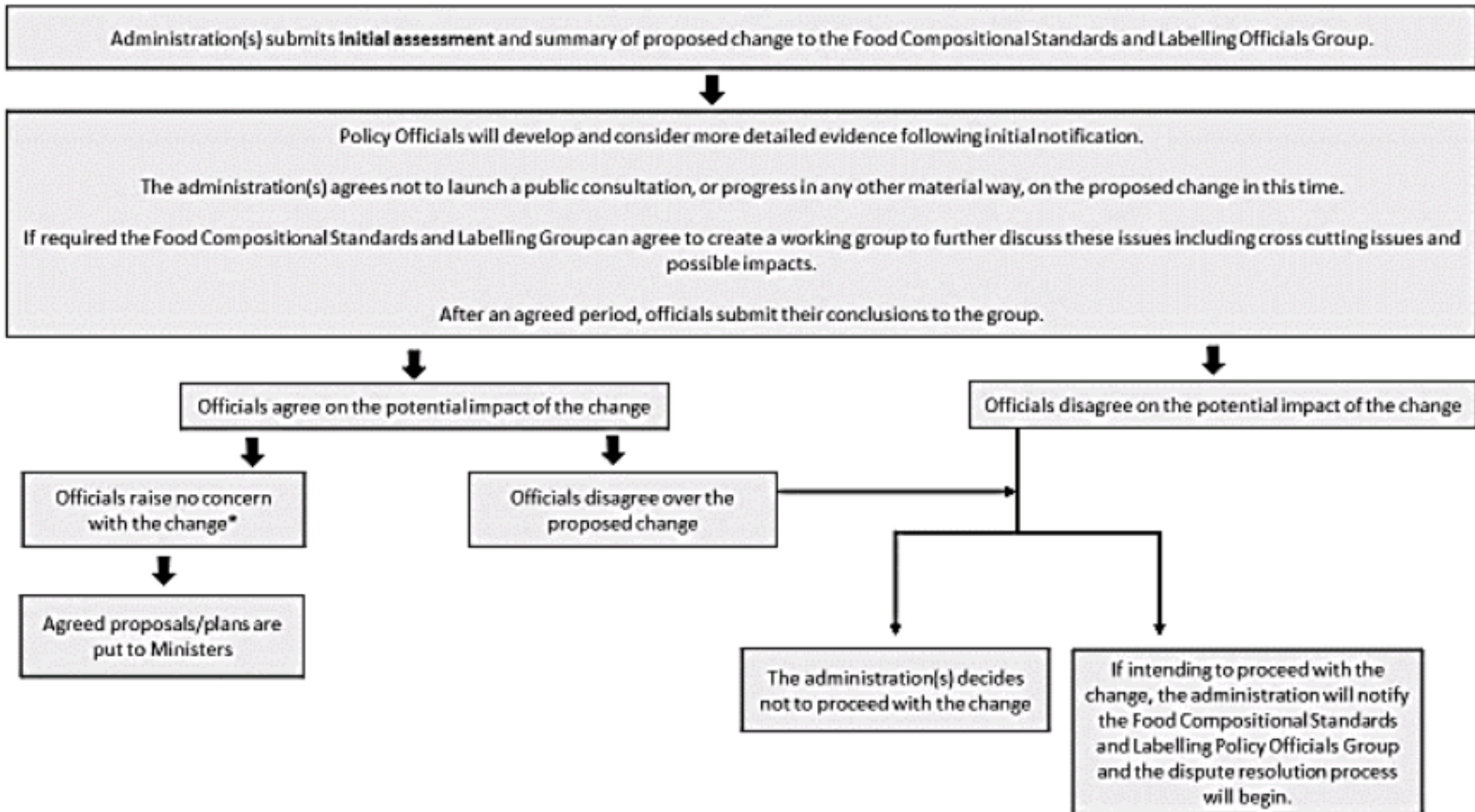
Post-exit Food Labelling Review

- Post-Brexit exercise to ensure legislation is still appropriate.
- Part 2 of National Food Strategy (NFS) will inform if changes are needed – due **July/21**.
- Unlikely to be a standalone review – possibly a series of consultations depending on outcome of NFS.
- Likely to happen only after Defra’s White Paper on the National Food Strategy (6 months after NFS)
- No changes identified to diverge from EU law so far, except for potentially animal welfare labelling – consultation was due February (delayed)

Common Framework Food Composition and Labelling

- Collaborative workstream between the UK, Scottish and Welsh Governments and the Northern Ireland Executive.
- Developed by DEFRA in England, FSA in Wales and NI, and FSS in Scotland.
- Will formally establish ways of working to develop policy approaches in compositional standards and labelling.
- Dispute resolution mechanism where alignment is not possible and nations want to diverge.
- [Provisional framework](#) published 23/03 – parliamentary scrutiny pending (no timescales).
- Upcoming stakeholder engagement in coming months.

Annex D: Joint decision-making mechanism



*FSA and FSS Board considerations included at this stage, when appropriate.

Allergen Labelling - UK

Food Hypersensitivity (FHS) Programme 2019-25

- Ambition to “make the UK the best place in the world to be a food hypersensitive consumer”.
- Brings together the work of the FSA with partners inside and outside government to achieve the highest possible levels of safety for consumers and food businesses
- Activity in the FHS Programme is coalesced around the three themes of Safety, Trust and Choice.
- Will deliver 4 key outcomes:
 - FSA to improve understanding of the causes and impact of allergen incidents and adverse reactions.
 - Food businesses to understand their responsibilities and embed management of FHS in a strong food safety culture.
 - FHS consumers trust the allergy information provided to them and use this to make informed decisions to effectively manage risk.
 - FHS consumers trust that effective enforcement action will be taken.
- Key FSA Activities
 - Implementing ‘Natasha’s law’
 - Food Allergy Safety Scheme
 - Food Allergic Reaction Reporting Mechanism (FARRM)
 - Precautionary Allergen Labelling (PAL)

Prepacked for Direct Sale (PPDS) – implementing ‘Natasha’s Law’

- The new Regulations will require most food considered PPDS to be labelled with the name of the food and a list of ingredients including allergens, which must be emphasised. (from 1 October 2021).
- Working with FDF and BRC on guidance for the industry

Allergen Labelling - UK

Food Allergy Safety Scheme

- Work in early stages of development.
- Engagement with consumers has established demand for provision of information on allergen management practices to consumers when eating out.

Food Allergic Reaction Reporting Mechanism Scheme (FARRM)

- Will allow consumers to report severe allergic reactions directly to the FSA.
- FSA will use information to understand more about root causes of food-related reactions.
- FSA will use data to identify patterns and trends, and will use information to inform policy decisions and research priorities.

Precautionary/advisory Allergen Labelling (PAL)

- FSA identified they may pose a risk to consumers with hypersensitivity
- Increased incidence of use – from 29% in 2012 to 55% in 2020.
- FSA commissioning 2 studies: 1) how and why businesses apply PAL and 2) consumer perceptions on PAL.
- Stakeholder consultation planned for FY21/22. Objective is to gather feedback from industry to inform policy interventions to address 2 key areas: 1) increase in use of PAL and 2) consumer mistrust of PAL.

Codex Work on Allergen Labelling

Codex Committee on Food Labelling - Allergen Labelling Electronic Working Group

- Chaired by Australia, and co-chaired by the United Kingdom and the United States of America.
- A paper has circulated seeking comment on the direction for the review of the allergen labelling provisions in the *General Standards for Labelling of Prepacked Foods (GSLPF)*. Proposals include the incorporation of new definitions relating to food hypersensitivity and the removal of certain allergen labelling exemptions.
- A full report from the eWG on both the review of the GSLPF and any draft Precautionary Allergen Guidance (PAL), including available scientific advice and consumer evidence to date, will be provided to CCFL46 (which is being rescheduled from the planned date of 26/09/2021).
- In response to the request for scientific advice, an [Ad hoc Joint FAO/WHO Expert Consultation on Risk Assessment of Food Allergens](#) was convened between 30 November – 11 December 2020 for Part 1: Review and validation of Codex priority allergen list through risk assessment.

Codex Committee on Food Hygiene

- *The Code of Practice on Allergen Management for Food Business Operators* has been adopted by the Commission.
- The CCFH has requested FAO/WHO convene an expert consultation to provide scientific advice on threshold levels for the priority allergens in relation to the *Code of Practice on Allergen Management for Food Business Operators*.

Other Labelling – FDF FLL

Defra/FSA EU exit guidance:

- Defra [Q&A labelling](#) and Defra guidance on [goods placed on the market](#).
- All other pre-EU exit online guidance (Defra/DHSC) incorporated into existing guidance:
- [Food labelling: giving food information to consumers](#).
- [Food labelling: country of origin](#).
- [Food labelling and packaging](#).
- FSA [guidance on health and identification marks](#) – includes links to [DAERA compliance protocol](#) confirming 1 October for full compliance under Trusted Trader scheme

EU Food Labelling Information System (FLIS)

- Launched 21 December 2020
- Fully searchable repository of EU legislation and associated guidance.
- Documents available in 23 languages, for 87 food categories
- Has no legal effect.
- Does not include national legislation for now.

EU Inception Impact Assessment consultations on FOPNL, COOL and date marking

- FOPNL – introduction of mandatory FOPNL
- Nutrient profiles – setting of nutrient profiles
- COOL – extend origin/provenance labelling to a wider range of foods
- Date marking – revision of rules on durability ('use by' and 'best before').
- Roadmap consultation closed 4 February.
- Potatoes: EC that informally clarified it only refers to **potatoes intended to be sold fresh to the consumer**.
- Several consultations planned for 2021 on the different topics.
- Early 2022: IA to be finalised.
- Late 2022: Draft proposal.
- 2023-2024: Adoption of new EU legislation.
- FSAI consultation on FOPNL, date marking, origin labelling and nutrient profiles

Other Labelling - FDF FLL

- **Eco-labelling (environmental food policy)**
 - Chris Conder, from Defra's Food Information Policy team introduced topic.
 - Private Members' Bill first introduced by Chris Grayling MP (Cons) on 3 November 2020
 - Requires food manufacturers to label products to indicate the environmental sustainability of their origins
 - Requires definitions of 'environmentally sustainable' incorporating protection of habitats, and prevention of biodiversity loss, deforestation and significant increases of net carbon emissions.
 - Defra's position is that work needs to continue, but it is not a priority for the immediate future.
 - Also, BEIS may consult on carbon labelling across all industries by 2030 – food likely to be one of the last sectors.
 - CMA to publish Consumer Protection Law Guidance by Summer/2021 to tackle misleading environmental claims.
 - At EU level, the indicative timeline timing for the proposal on the food sustainability framework is 2024, however, the [green claims initiative](#) is expected end of Q2 2021 (publication may be postponed to the Autumn). The aim is to require companies to substantiate their product environmental claims based on the use of the Product Environmental Footprint (PEF) methodology.
- **BSI PAS 100% Plant-based food**
 - does not apply to unprocessed fruit and vegetables, animal feed, pet food or packaging materials, nor does it address pre-harvest matters of environmental safety, human safety, animal welfare, animal testing or methods of manufacturing or preparation.
 - *100% plant-based is not necessarily the same as vegan or vegetarian – definitions already in existence (non-legislative)*
 - *0% animal ingredients can be presented as 100% plant-based, but no limit on non-animal/non-plant ingredients (e.g. minerals, water)*
 - *Permitted ingredients include all non-animal-derived ingredients and their subcomponents (e.g. carriers, additives and processing aids) obtained either directly or indirectly from plants, water or minerals, as well as synthetic or artificial ingredients*
 - *'100% plant-based' claims, when used on labels or advertising, should only be used when the requirements of the PAS are met, but the PAS makes no provisions on other similar terms.*
 - *Cross contamination not an obstacle to presenting a product as '100% plant-based' as long as GMP are followed.*
- **Standard ISO 23662:2021 – technical criteria for foods and food ingredients suitable for vegetarians (including ovo-lacto-, ovo- and lacto-vegetarians) or vegans for use by the food and beverage industry at a global level, as well as technical criteria for food labelling and claims.**
 - Amended in line with FoodDrinkEurope's recommendations
 - Post-harvest only
 - References to "appropriate precautions being taken in compliance with good manufacturing practices" instead of references to production lines, machinery, equipment, utensils and surfaces to remain "free from" non-acceptable substances/cross contamination.
 - References to "auxiliaries and other substances used for processing in relation to the product" removed.

CONSULTATIONS

Consultations

Gene Editing (England)

- England consultation on gene editing techniques – closed 17 March
- EU also discussing review of GMO legislation – EP conducting a ‘foresight’ exercise to understand concerns on gene editing - role of genome-editing in mitigating some of the challenges of the 21st century.
- 2019 report from Tahenau Instituut in the Netherlands – Genome editing in plants and crops: Towards a modern biotechnology policy focused on differences in risks and broader considerations – outlines 4 possible models.
- PPA response support GE not GMO but requested more research, especially on consumer acceptance.

Defra changes recognition clauses (England)

- Covers BFR, Products containing meat, Jam and Similar products and Spreadable Fats.
- PPA only responding to BFR part.
- 2 options: either remove ‘mutual recognition’ clause altogether or apply it to all WTO countries Removal of recognition clause would mean loss of access to unfortified flour - proposal allows to sell unfortified flour or products made with unfortified flour for export.
- PPA requested extension of mutual recognition to all WTO countries to allow the UK to continue to purchase unfortified flour and use it in manufacturing for products aimed at the domestic and export market.
- Consultation does not include other reviews to the BFR, e.g. reviewing fortification levels (same as EU), folic acid fortification, exemption flour used in small quantities.
- PPA requesting full review of BFR and 24 months transition (proposal Sep/22).

Note from FSAI on UK/GB fortified flour:

- No longer complies with EU requirements – but ok if fortified to Regulation 1925/2006
- Products made with UK/GB fortified flour non-compliant with EU
- Products made with fortified flour must be also be fortified – PPA raised issue with Defra/DHSC
- Products made with UK/GB fortified flour can be sold in NI – also confirmed by Defra/DHSC/FSA in 2020.

Consultations

Consultation on the UK Government's Draft Policy Statement on Environmental Principles

- The [Environment Bill](#) (currently at its report stage on the House of Commons) will create a duty on ministers across Whitehall to be guided by five internationally recognised environmental principles when making policy:
 - The integration principle is the principle which states that policy-makers should look for opportunities to embed environmental protection in other fields of policy that have impacts on the environment.
 - The prevention principle means that government policy should aim to prevent, reduce or mitigate harm.
 - The rectification at source principle means that if damage to the environment cannot be prevented it should be tackled at its origin.
 - The polluter pays principle is the principle that those who cause pollution or damage to the environment should be responsible for mitigation or compensation.
 - The precautionary principle states that where there are threats of serious or irreversible environmental damage, a lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.
- Closes 2 June.

FOOD SAFETY

Acrylamide

- EU Member States are currently discussing revised Benchmark Values (BMLs) and some initial draft values for maximum levels (MLs). These are supposedly based upon data in the EFSA database.

Food	Current BML	Draft revised BML	Draft ML
French fries (ready-to-eat)	500	500	750
Potato crisps from fresh potatoes and from potato dough	750	600	900
Potato-based crackers			
Other potato products from potato dough			
Crackers with the exception of potato based crackers (including salty snacks)	400	250	400

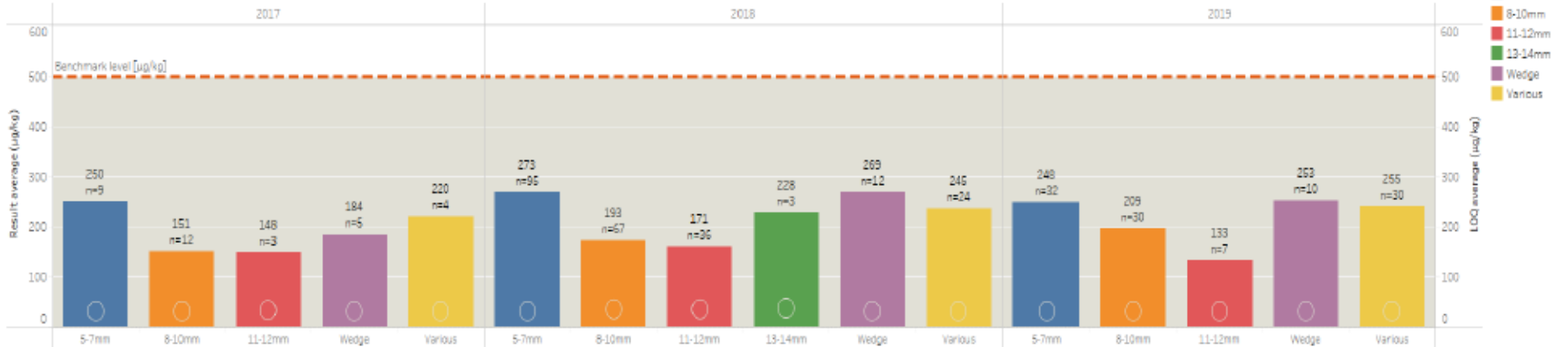
- In a letter to the Commission in January, ESA suggested an alternative BML of 700 ppb for potato crisps as a compromise between MS data and manufacturers' data.

Acrylamide

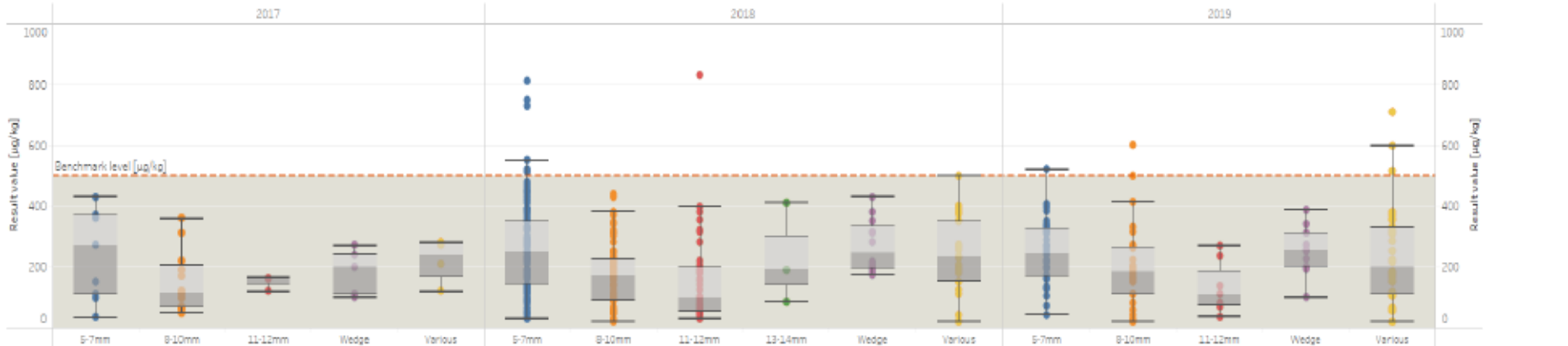
- Understood that priority will be the revision of the BMLs, but MLs discussion will follow.
- Commission will update the European Parliament but will likely miss its April deadline for revised BMLs.
- Discussion is **very political** – EP rejected Commission’s proposals for acrylamide MLs for infant foods as being too high.
- Commission called a whole day stakeholder forum on acrylamide, glycidyl esters and 3-MCPD esters for 2 March 2021.
- FDE and sector associations, including ESA and EUPPA, presented latest positions and supporting the success of the current legal requirements.
- Activity now focussed on MEPS and national experts.
- ESA’s 3rd peer review paper, covering almost 100,000 data points, published in Food Additives and Contaminants:
 - [‘Progress on reducing acrylamide levels in potato crisps in Europe, 2002 to 2019’](#). Stephen J. Powers, Donald S. Mottram, Andrew Curtis and Nigel G. Halford’. 18 March 2021.
- ESA has submitted a request to EFSA for MS data for 2019 for analysis of how they arrived at the proposed values.

EUPPA database Acrylamide monitoring 2017 – 2019

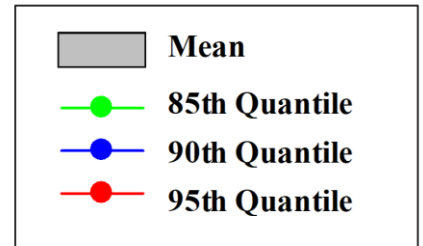
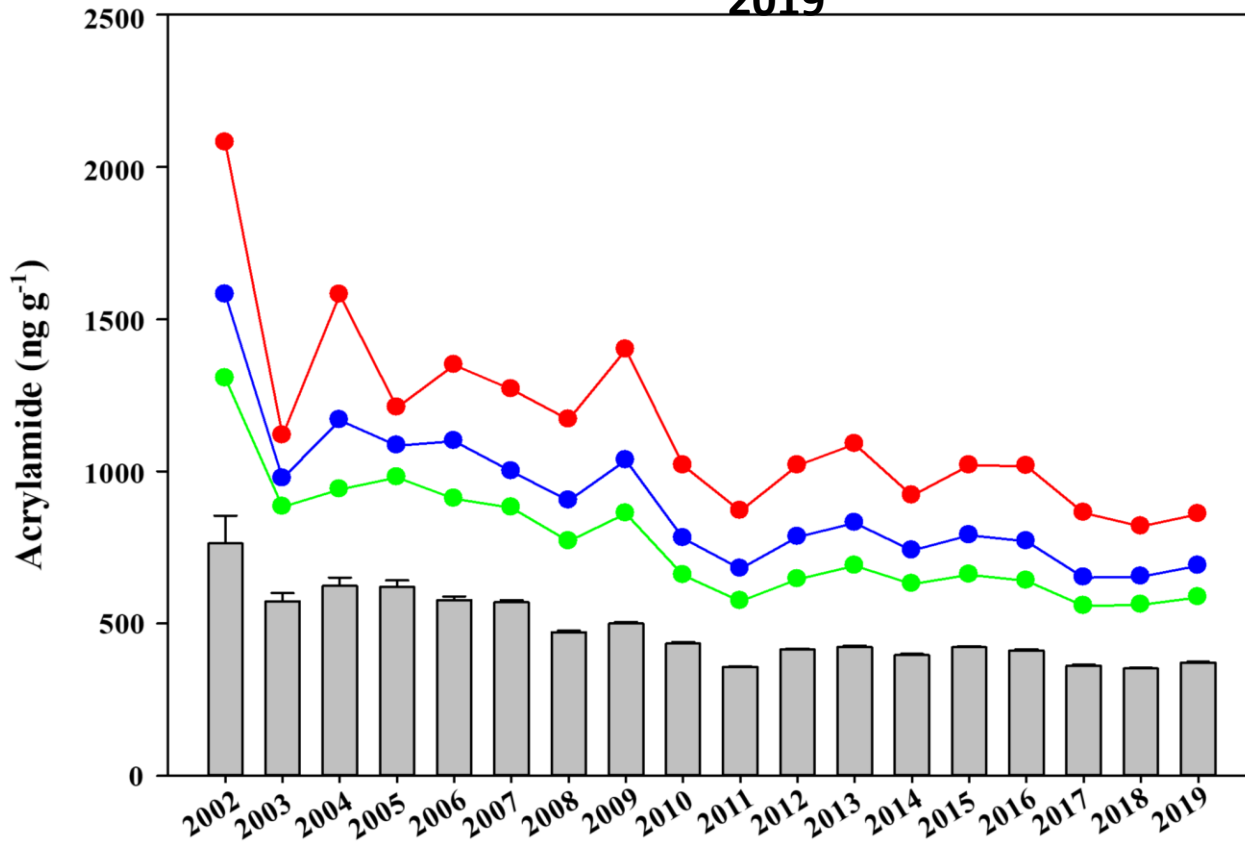
Cutsizes Grouping Average



Cutsizes Grouping Range



Progress on reducing acrylamide levels in potato crisps in Europe, 2002 to 2019



Data supplied by European manufacturers.

99,704 observations.

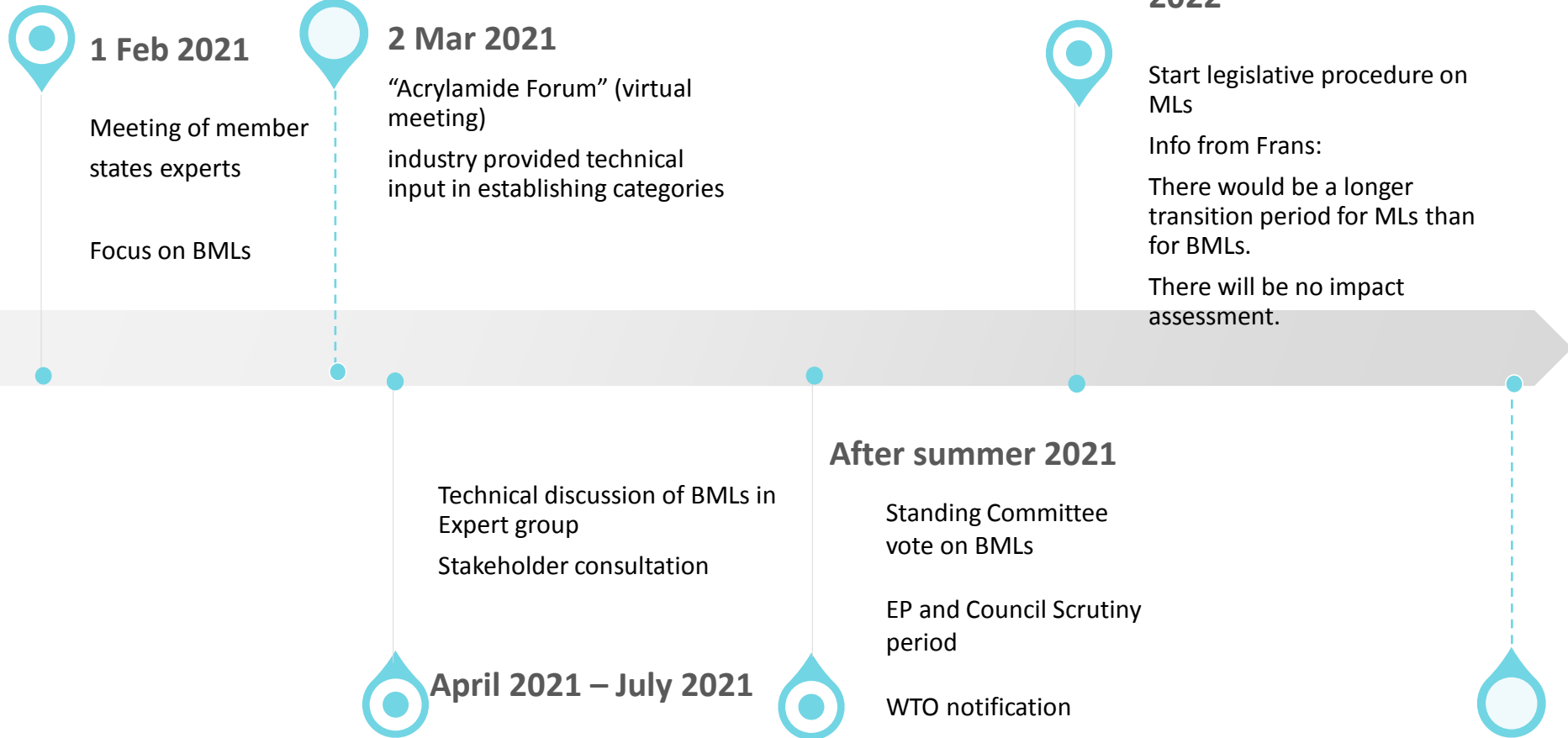
Mean reduction of 51%.

Includes observations from every European Union Member State apart from Estonia, Luxembourg, Malta and Slovenia.

Includes observations from Switzerland and Norway.

Progress on reducing acrylamide levels in potato crisps in Europe, 2002 to 2019. Stephen J. Powers, Donald S. Mottram, Andrew Curtis and Nigel G. Halford. FOOD ADDITIVES & CONTAMINANTS: PART A. Accepted for publication. Date TBC.

AA estimated timeline 2021-2022



3-MCPD-Esters

- Commission has started discussions on the setting of MLs for products including potato crisps. No suggestion of an ML for French fries.
- Commission has provided following summary for crisps as a starting point for discussion.
 - For GE: 307 datapoints range 0-2721 µg/kg (product basis)
 - For 3-MCPD: 413 datapoints range 0-4730 µg/kg (product basis)
 - “With an average fat content of 350 g/kg, levels of GE >350 µg/kg and 3-MCPD > 800 µg/kg on product basis difficult to explain”.
- Commission stakeholder forum on 2 March 2021, also covered glycidyl esters and 3-MCPD esters.
- FDE and sector associations presented latest positions.
- LCI presented its findings on behalf of the sector (joint presentation on behalf of ESA and CAOBISCO).
- Previous LCI evidence suggests no extraneous formation. Argued no need for separate ML:
 - fat/oil content easy to discover (e.g., information provided on the food packaging).
 - analytical procedure is based on fat/oil content.
 - in case mixtures of fats/oils are used: legal basis already given in footnote ***** in the annex of Reg. (EC) 1322/2020.
- ESA has issued a request to EFSA for all member states MCPD data on crisps and snacks for 2014 to present.

1,4 Dimethylnaphthalene (1,4-DMN)

- Emergency Authorisation (EA) in place as of 8 December 2020, but for various reasons (very late approval of authorisation, restrictions placed on use and waste disposal, and good application of Maleic Hydrazide (MH) this season) it has not been extensively used.
- Still uncertainty around how successful the MH treatment has actually been – questions remain as to whether it will hold for end of season/long term storage.
- The full application was submitted on 2 March 2020 and the expectation was for a statutory 52 week turnaround. However, CRD has now extended its own deadline until 6 October 2021.
- GB industry is considering the submission of a 2nd EA for the 2021/22 season, however industry and the approval holders have reservations on the value of an identical EA.
- AHDB is continuing discussions with CRD to establish whether there is any scope to amend the EA and on the progress of the full application.
- Dave Doogan MP raised two PQs on 1,4-DMN. Tabled on 08 and 11 March 2021.⁵²

Chlorpropham (CIPC) tMRL

- The EU will adopt the temporary MRL of 0.4 mg/kg on 2 September 2021.
- GB industry has asked that the CRD recognise and adopt the EU level of 0.4 mg/kg as it is based on well-defined data and a comprehensive review.
- Industry frustrated that HSE see the need to re-visit the data and not just adopt.
- Industry remains committed to CIPC stewardship and in particular support for store cleaning best practice.
- In many other conversations CRD have commented on workload and pressure on timelines – we are trying to understand why therefore they taken on more work?
- Also trying to understand CRD's suggestion around continuing post-harvest stewardship as the only post-harvest treatments authorised in GB are 1,4-DMN (EA only, with its own stewardship group and unlike CIPC only one authorisation holder), and ethylene and spearmint oil which do not have MRLs.
- PPA lobbying for a quick and early resolution to this: It is not helpful to have a different value from the EU on this active (for food safety, and for import or export purposes).
- EUPPA is working Arvalis (France) on a data collection activity to provide a report to the Commission.

Others actives of interest (to note)

Metribuzin (herbicide)

- Metribuzin is undergoing a renewal process. Estonia is as Rapporteur Member State (RMS). Germany as Co-RMS.
- Estonia was inconclusive about its findings with regards to the ED effects and accordingly no endpoints such as ADI.
- EFSA initiated a public consultation on the RAR, with the deadline for commenting of 20/01/2020, after which either an EFSA Opinion or EFSA Statement will be delivered.
- Regular engagement between ESA/EUPPA and Bayer.

Other

The Commission published Regulations (EU) 2020/2007 and (EU) 2020/1740 extending the approval periods of a number of active substances. Those of interest to the sector [mainly for use on potatoes] are as below. These Regulations entered into force on 12 December 2020.

Active Substance	Expiry
Fluxapyroxad (fungicide)	31 May 2025
Penflufen (fungicide)	31 May 2025
Orange oil (sprout suppressant)	31 July 2024
1,4-dimethylnaphthalene (sprout suppressant)	30 June 2025
Amisulbrom (fungicide)	30 September 2024
Prosulfuron (herbicide for use on maize)	31 July 2024

Priorities 2021

Transitional issues:
Imports – ROO
Imports – BOM
Exports – EUMS'
interpretation EU law
Mutual recognition (BFR)

EU Provisions (historical)

Food labelling
Food hygiene
Official controls
Food additives
Contaminants
GMOs
Novel foods
Comp. stds. (Breakfast directives)
FCMs
Pesticides*
Veterinary drugs
Microbiological criteria
Fortification
NHC
Organic
GIs
Weights and measures
Marketing standards

EU - emerging

Green Deal:
Sustainability
Environment
Food waste
F2F:
FoP NL
Nutrient profiles
Reformulation

**UK Provisions
(pre-Brexit)
UK and devolved**

Obesity strategy
Food marketing
Food advertising (UK and devolved)
Reformulation (salt, sugar, calorie) programmes
Pesticides*
National legislation (e.g. BFR)

UK – future

Food labelling
Food hygiene
Official controls
Contaminants
GMOs
Novel foods
Comp. stds.
FCMs
Veterinary drugs
Microbiological criteria
Fortification
FoP nutrition labelling
NHC
Organic
GIs
Weights and measures
Marketing standards
Hospital food review
Food taxation
Sustainability
Environment
Food waste
Nutrient profiles
FOPNL

* Some National controls based on EU framework

Food Issues Risk Matrix (November 2020)

Risk Analysis	Current Issue Actions in hand Dynamic situation	Future Issue Plans in preparation	Managed issue Controlled/monitored Could reoccur Outstanding actions
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Decreasing impact on business</p> <p>Big Company Impact Cost Reputation Media</p>	<p>Acrylamide MCPD/Glycidol-Esters Advertising/Marketing to children/ Promotions/Total online advertising ban Obesity - New Government strategy/Scotland/Wales Portion Size/Calories/PHE 5-10% reduction CIPC and 1,4DMN authorisation BREXIT/Devolution-associated issues/Common Frameworks Packaging waste/taxation/pack fill/EPR Food waste Salt/Sodium reduction (2024 targets) FOP developments Loss of pesticide active substances</p>	<p>Pesticides MRLs Furan Food taxation Collective loss of Fungicides</p>	
<p>Moderate Impact Cost Material availability Working practice</p>	<p>Agriculture Bill/Environment Bill/EU Farm to Fork Strategy Primary Ingredient origin labelling Allergens (precautionary labels/vegan) Folic acid/other fortificants (due to Brexit) Nutrition Profiling (including Ofcom and EU Nutrient Profiles in F2F Strategy) Ultra-Processed Foods Glycoalkaloids</p>	<p>Sat Fat (Public Perception/media attention) School food standards (England and Scotland) National Food Strategy Cadmium (only nuts and oil seeds) Official controls/FSA Funding model Glutamates (possible amends to max permitted levels) Contaminants (T-2, HT-2 and DON)</p>	<p>SACN saturated fat review/related future reformulation programme</p>
<p>Small Impact Cost Materials Change</p>	<p>Flavourings reviews GBSF consultation/CQUIN/Hospital Food Review Tropane alkaloids Plant based/vegan and vegetarian definitions Chlorates</p>	<p>Sugars (popcorn)</p>	<p>Palm Oil (compound ingredients) Trans fats</p>

New issue

Changed priority

Identified as a potential high-profile media issue

Dates of 2021 meetings

- **23 June 2021**
- **1 December 2021**