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**PPA Food Law and Consumer (FLC) Committee  
Minutes of the meeting 30 November 2022,  
Teleconference**

<u>Participants</u>		<u>Guest speakers</u>	
Catharine Hall	KP Snacks (Chair)	Cheryl McNulty	Scottish Government
Andrew Curtis	PPA (Secretariat)	Silvia Tombesi	European Snacks Association
Vanessa Richardson	PPA (Secretariat)		
Gillian Black	Taylor's Snacks	<u>Apologies</u>	
Shane Green	McCain	Emma Aldridge	Pipers Crisps/PepsiCo
Darren Hewish	Tayto	James Blackband	Warp Snacks
Jyoty Modha	PepsiCo	Federica Tritschler	Lamb Weston

**1) Welcome and anti-trust guidance**

Members were asked to note the PPA anti-trust statement as practiced in meetings and to reply to the email previously sent accordingly.

**2) Invited Guest Speaker: Cheryl McNulty (Scottish Government)**

Cheryl McNulty (CMN), Public Health (Restrictions of Promotions) Bill Team Leader at the Scottish Government (SG), provided an update on the recent consultation on Restricting Promotions on food and drink high in fat, sugar and salt (HFSS) (FLC 409/22 and 441/22) and the Good Food Nation (Scotland) Act 2022:

- **Good Food Nation (Scotland) Act 2022:** CMN explained that the Act sits outside her area of work but provided an update on behalf of her colleagues. She explained that the Good Food Nation Plan is going to be the overarching strategy that all food-related policies in Scotland should abide to. The Public Health Bill and the policies that underpin that would be listed within the Plan, with detail of how they contribute to the delivery of the Good Food Nation Plan. The SG expects to publish the draft Good Food Nation Plan in the Summer of 2023 for consultation thereafter, with the final version expected in the Autumn 2024.
- **Scottish Food Commission:** The Good Food Nation Bill establishes plans to establish a Food Commission, who will oversee the delivery of the Good Food Nation Plan. It will be responsible for making recommendations, scrutinising proposals, advising Scottish Ministers, local authorities, health boards, as well as looking at progress of deliverables. It will be a non-departmental public body, with a separate legal status, and will be directly accountable to Ministers. It is expected it will be set up at the same time as the Good Food Nation Plan, in Autumn 2024.
- **Public Health (Restrictions of Promotions) Bill:** The 2022-23 SG Programme for Government (ending June 2023 – FLC 425/22) set out intention to bring forward a bill to restrict promotions of HFSS food and drink. CMN informed that whilst obesity is a devolved matter, at the moment Scottish Ministers do not have powers to regulate on restrictions on promotions, and therefore the Public Health Bill will be the first step. As a result, it is likely that implementation of HFSS promotional restrictions in Scotland will only happen from 2025, at the very earliest, as secondary legislation (and further consultation) will be required. CMN then talked about the recent consultation on the Bill, which closed in September 2022. 110 responses were received (72 from organisations and 38 from individuals). The SG is currently assessing the

responses and are aiming to publish the result of the consultation, alongside the policy statement early 2023. CMN provided a reminder of the main points of the consultation, and specifically addressed the references to the 2018 Nutrient Profiling Model (NPM), which the SG proposed to potentially use to for identifying products in scope of the future restrictions (if passed in time). CMN said that the SG recognises this has been a matter of concern to many and that they will aim for consistency [cross-UK] whenever it is in Scotland's best interest, as they appreciate the negative impact of divergence.

The Secretariat opened the floor for questions and there was some debate about the learnings from the implementation of the policy in England, which CMN recognised as helpful to identify the positives and the negatives for implementation in Scotland. The group talked about the Department of Health and Social Care (DHSC) delays in finalising the guidance and addressing important questions from trade associations, including PPA's and Food and Drink Federation's (FDF). The Chair and Secretariat highlighted the importance of having Government guidance published well in advance of policy implementation and PPA offered support in the development of the SG guidance. The Secretariat recommended that the SG sets up a working group with other trade associations and interested organisations to facilitate collaborative discussions.

There was also some debate about the inclusion of temporary price reductions (TPRs), meal deals and island bin displays in SG's plans. CMN said that the proposals were based on evidence from previous consultations and said she could look further into the evidence if required. She also said that they were still analysing responses and no decisions had yet been made.

The Secretariat also asked a question about learnings from the minimum alcohol pricing in Scotland which, according to some recent reports, did not lead to a reduction in consumption, and whether these learnings could be transposed to the implementation of HFSS promotional restrictions. CMN said she was meeting with colleagues responsible for the policy and would also investigate it.

***ACTION:*** Members to contact PPA if they are interested in receiving further information on the evidence to support the inclusion of TPRs and meal deals in Scotland.

The Secretariat also asked a question about the interplay between the upcoming HFSS advertising restrictions and promotional restrictions, particularly with regards to online promotions and the potential for divergence on promotions. CMN said she did not have an answer to that, but said they are still discussing with lawyers.

CMN thanked members for a good discussion and noted our offer to help on the development of guidance on HFSS promotional restrictions.

### **3) Invited Guest Speaker: Silvia Tombesi (European Snacks Association - ESA) – EU FIC review update**

Silvia Tombesi (ST), Regulatory and Scientific Affairs Manager at the European Snacks association (ESA) gave an update on the status of the ongoing review of certain elements of the Regulation on Food Information to Consumers (FIC – Regulation (EU) 1169/2011), namely Front of Pack Nutrition Labelling (FOPNL), Country of Origin Labelling (COOL), date marking and nutrient profiles. ST also provided an update on green claims.

ST presented a timeline on ongoing EU labelling developments, highlighting that most initiatives had been delayed from their original timescales due to the Covid-19 pandemic and the war in Ukraine, noting that proposals are now expected:

- FIC review: Early 2023
- Green claims: Q1 2023

ST then gave a recap of the impact assessment (IA), which has now been finalised by the European Commission (EC) but is expected to be published at the same time as the FIC proposals. The EC is expected to share the proposals with the Council of Europe and the European Parliament (EP) in the first place (exp. January 2023), which will then be subject to scrutiny.

In relation to the specific elements, ST noted the following:

- FOPNL:
  - EC expected to propose a mandatory scheme
  - Proposed scheme unlikely to replicate Nutri-Score (TBC) – may look like Nutri-Score, but with a different algorithm
  - If an interpretative FOPNL scheme is proposed, the same NPM will be used for FOPNL and for restricting nutrition and health claims
- Nutrient profiles:
  - Likely co-decision procedure will apply
  - NPM will be developed by the EC services (not the European Food Safety Authority, EFSA)
- Digital labelling will not be part of the proposal
- COOL:
  - All options still on the table, i.e., no decision as to what thresholds will apply, geographical level, information to be displayed (e.g., place of harvest, rearing, milling)
  - Scope expected to be limited to the food categories mentioned in the inception IA, incl. fresh potatoes sold as such (N.B. EP and Council could still expand the scope)
  - EC made clear that, by extending mandatory COOL at EU level, provisions allowing Member States (MSs) to introduce national derogations will be deleted from the FIC
- Date Marking:
  - The results of the consumer research on date marking will be published soon

#### 4) Review of minutes (21 July 2022) and any actions arising

The Committee confirmed that the minutes of the previous FLC meeting on 21 July were correct and proceeded to review the actions arising from the meeting. To note:

- **National Food Strategies, Regulatory Divergence and Flour Fortification** – Removed items from action list as ongoing matters already covered in Issues Matrix
- **Slack** – No further comments from members. Slack is an online communications tool and document management system (PPA circulars). Will remove item and add reminder to members who are interested in using system, e.g., in newsletter.  
***ACTION:** Members interested in using Slack to contact Secretariat.*
- **Office for Health Improvement and Disparities (OHID) contact:**  
***ACTION:** PPA to reach out to new contacts within OHID's diet improvement team and explore solutions for National Diet and Nutrition Survey (NDNS) data extraction.*
- **Better Health App and Good Choice badge:** No interest reported from members so will mark as complete.
- **FSIFG draft enforcement opinion on dairy terms:** No progress.  
***ACTION:** PPA to continue to monitor activity.*
- **Salt and sugar data (PPA annual survey):** Secretariat issued 2021-22 monitoring report last week (FLC 510/22) showing very positive results, especially for crisps and chips. Some results are provisional as not all members have yet submitted data.  
***ACTION:** Members who have not yet submitted data to please provide 2021-22 data as soon as possible.*
- **General Buying Standards for Food and Catering Services (GBSF), CQUIN (Commissioning for Quality and Innovation) and HFSS promotional restrictions in England:** FDF working on it and will update further. Also, suggestion to invite an external speaker to talk about it at a future FLC meeting.  
***ACTION:** Secretariat to invite a contact (poss. the British Retail Consortium (BRC)) to speak at a future FLC meeting about the practical application of HFSS promotional restrictions in England v. CQUIN compliance v. GBSF compliance in hospitals*  
***ACTION:** Secretariat to share with members new NHS England National Standards for Healthcare Food and Drink [POST MEETING NOTE: Completed on 02/12 (FLC 519/22)].*

- **Food labelling review:** No comments from members. Will carry over due to opportunities brought by the Retained EU Law Bill.
- **ACTION:** Members to contact PPA with any food labelling issues they would like to be addressed as part of a future food labelling review
- **Invite guest speaker from FSA contaminants team:** No contacts available for this meeting. Should explore a list of future guest speakers for 2023 meetings  
**ACTION:** Members to suggest guest speakers for future FLC meetings (suggestions incl. FSA on allergens, additives or contaminants, FSA/Defra on the Retained EU Law Bill, Nesta, Defra on the Food Data Transparency Partnership (FDTP), Trading Standards, BRC, OHID Better Health team, ESA on EU packaging developments)
- **FLC priorities document** – still ongoing work.  
**ACTION:** Secretariat to contact members individually to discuss priorities for 2023.

## 5) Committee matters

The Secretariat noted that the FLC Terms of Reference (ToR) document were due to be reviewed in 2022. The document had been sent to members (FLC 495/22), but no comments were received. The Secretariat and Chair made the following suggestions:

- Meeting frequency: change from 4 to 3 meetings per year, with the option of holding *ad hoc* meetings as required.
- Chair appointment term: to be extended from 2 to 3 years.

The Secretariat then agreed to revise the document and circulate it to members for further comments.

**ACTION:** Secretariat to circulate FLC ToR with suggested amendments

**[POST MEETING NOTE:** Completed on 12/12 (FLC 533/22). ToR endorsed by Board in December 2022 and final version circulated to members on 22/12 (FLC 550/22)].

The Secretariat then reminded members that the same circular also proposed to re-appoint Catharine Hall (CH) as FLC Chair. The Secretariat received responses from some members, all endorsing CH's re-appointment. No objections were raised at the meeting and therefore the Committee agree to re-appoint CH as FLC Chair for the next term.

**ACTION:** Secretariat to formally notify the Board about FLC endorsement of the Chair's re-appointment and ToR. **[POST MEETING NOTE:** Completed on 13/12 (Board 034/22). The Chair's re-appointment was endorsed by the Board in Dec/22 and confirmation was sent to members on 22/12 (FLC 550/22)].

The Chair then opened a discussion about meeting format and frequency (as above), noting an earlier survey done with members on whether there was an interest in resuming physical meetings (FLC 177/22), where some members expressed an interest in a hybrid meeting option (online and physical).

The Chair talked about the challenges of running hybrid meetings in terms of organisation, set up costs and attendance, but proposed that the Committee aimed at holding one physical meeting per year (and two online), if there is commitment from members to aim to attend the physical meeting, especially if it is held at a central location (i.e., other than at the FDF offices in London). There was a brief discussion afterwards and members were generally supportive of the approach of one physical and two online meetings per year.

## 6) Updates

### a) Nutrition and Health

The Secretariat gave an update on diet and health policy timings. Due to the political landscape in the UK on the second half of 2022 and international events such as the continuing war in Ukraine, many proposals were derailed or delayed. The Secretariat highlighted some events which were not further discussed during the meeting.

- OHID final sugar monitoring report (2020 targets) - expected before the end of 2022 **[POST MEETING NOTE: The OHID report was published on 01/12 (FLC 518/22)].**
- OHID first calorie monitoring report (2024 targets) - expected before the end of 2022 **[POST MEETING NOTE: To date, the report still has not been issued].**
- OHID first salt monitoring report (2024 targets) – de-prioritised. Now expected in 2023
- Northern Ireland obesity strategy – expected early 2023

#### i) HFSS Promotional restrictions (England)

The Secretariat provided an update on developments on HFSS promotional restrictions since the December meeting. See slides for details.

There was a brief discussion on the implementation of the restrictions, with some members saying that the rules do not seem to be consistently applied across different retailers/regions, although no members reported any issues (apart from a spike on the number of queries received from retailers about NPM calculation, etc).

#### ii) Promotional restrictions (Devolved)

The Secretariat provided a brief update on the developments in the devolved nations, focussing mainly on Wales (as plans in Scotland were discussed earlier during the SG's presentation). See slides for details.

The Secretariat stated that it is expected that Wales will publish its summary of responses on the recent consultation on Healthy Food Environments in December and the proposals and further consultation on enforcement early in 2023. The Secretariat also highlighted that Wales should be able to move much faster than Scotland as they do not need primary legislation to implement their restrictions, as they can use primary powers from the Food Safety Act 1990. They expect to implement HFSS promotional restrictions in October 2023.

**[POST MEETING NOTE: The summary of responses from the Welsh consultation is still outstanding].**

The Secretariat also commented that, following the SG's presentation, the timescales for Scotland are even longer now (2025 the earliest).

#### iii) HFSS advertising restrictions (UK-wide)

The Secretariat provided an update on the upcoming HFSS advertising restrictions. See slides for details.

The Secretariat noted that the Statutory Instrument (SI) that would formalise the delay to implementation of the restrictions, which was announced in May, still hadn't been laid, but that the DHSC had confirmed that there was potential for the restrictions to be further delayed until the next General Elections.

**[POST MEETING NOTE: On 09/12 the UK Government laid the SI confirming that the implementation of advertising restrictions had been delayed until 1 October 2025 (FLC 547/22) and also launched a consultation on the proposed secondary legislation, closing on 31 March 2023 (FLC 535/22). Members were**

invited to submit initial comments to PPA by 13 January 2023. As a result of the consultation being launched, Ofcom is expected to consult on appointing the frontline regulator imminently].

#### iv) FDF DHC and NWG updates

The Secretariat provided an overview of key points discussed during FDF Diet and Health Committee (DHC) and Nutrition Working Group (NWG) meetings. See slides for details. In addition:

- **Follow up from Government roundtable ‘promoting healthy lives and economic recovery’:** Key priorities (‘systems approach’, amplification of communication on reformulation, innovation and portion control and workforce health improvement) were discussed with DHSC and they were particularly interested in seeing data on reformulation and also about the ‘systems approach’
- **Nesta:** Organisation still highly influential as close links with Government. They will publish a report on their research on reformulation in Jan.23, which will focus on calorie reduction. The report will cover crisps. It is understood that the report will make several recommendations to the Government, including the development of a database to gather data on reformulation efforts (close link with FDTP), Government incentives for reformulation (e.g., tax rebates)  
**ACTION:** Secretariat to reach out to Nesta to request early sight of report.
- **UPF: [POST MEETING NOTE:** PPA circulated a note on 09/12 (FLC 528/22) on FDF’s work proposals on Ultra-Processed Foods (UPFs). Members were encouraged to reply to PPA by 5 January 2023 on whether they agree with FDF’s plans and also to inform future PPA activity in this area].

#### b) Labelling & Composition

##### i) Sunflower oil - Ukraine

The Secretariat gave brief update on sunflower oil shortages, focussing on the latest developments in September and October. There have been no further reports from members on issues, and no further communication or focus on this within the FSA. See slides for details.

There was a brief discussion with members. Some members still reported inconsistencies in the approach taken by different local authorities/customers, but no concerns were raised and therefore the Committee agreed to deprioritise this topic.

##### ii) Food Data Transparency Partnership (FDTP)

The Secretariat opened the topic and highlighted that the FDTP remains a priority for the current Government but explained that plans on it have been delayed (original kick off meeting with stakeholders was due in Oct.22). The FDF continues to push back on this work, requesting it to be paused until the economic climate has settled in the UK, to enable the industry to focus on this work and not on other pressing priorities. See slides for details.

**[POST MEETING NOTE:** The first meeting of the Design Partnership Group is now expected in January 2023.]

##### iii) Bread and Flour Regulations

The Secretariat updated the group on developments on the review of the Bread and Flour Regulations (BFR) and the recent consultation (FLC 420/22 and 508/22), which closed on 23 November. See slides for details.

The Secretariat highlighted the proposals on labelling as a concern. The proposal is that the industry is expected to re-label products as soon as folic acid is introduced to the product, and that the proposed 24-month transition period is solely to allow folic acid to be introduced. Therefore, PPA requested that labels

are allowed to be adjusted either before folic acid is introduced, or after, as well pragmatic enforcement. We have also requested the same labelling approach to be allowed for the use of unfortified flour when businesses make use of the derogation that is expected to allow the use of unfortified flour when it is present in the final product at <10%. Finally, PPA also requested again a derogation for heat-treated flours, on the grounds that these flours are extensively processed as an ingredient, and then processed again during product manufacture (e.g., snacks), thus impacting the bioavailability of the nutrients in the finished product, as well as the fact that these flours are functional and should not be used to produce staple products (e.g., bread), so would not be a significant contributor to the diet.

The Secretariat also mentioned the review of the UK Committee on Toxicity (COT) which concluded that there is no concern on the proposed increases on the levels of calcium, iron and thiamin, as they are unlikely to exceed guidance levels, but that the increase in niacin would result in exceeding guidance levels for all age groups, especially the 19-64s. This paper is likely to have an impact policy direction.

#### **iv) Retained EU Law Bill**

The Chair then provided an update on the Retained EU Law Bill, which was announced under the Truss Government, but is still progressing through Parliament, despite the challenging timescales. It is unclear as to whether the current Government will adhere to the initially proposed timescales, and what criteria will be used to determine which pieces of legislation will be extended (until 23 June 2026) and which will be sunset by the end of 2023. See slides for details.

This is a huge undertaking for Government departments and will have an impact on other Government priorities.

The Secretariat explained the Bill would be discussed at the next FSA Board meeting and that a paper was available on the FSA website.

**ACTION:** Secretariat to circulate FSA paper on the Retained EU Law Bill.

**[POST MEETING NOTE:** Completed on 02/12 (FLC 517/22)].

The Chair emphasised this will be a key topic for the Committee in 2023 and the Secretariat will prioritise it. The Chair also said that the FDF is pushing Government bodies to provide their lists of legislation to be impacted by the review.

#### **v) Brexit-related labelling**

The Secretariat gave a brief update on other Brexit-related labelling developments, including the extension to the period during which some EU labelling terms are still permitted on the GB market until 31 December 2023, the consultation on imperial versus metric units and some recent developments on Northern Ireland.

See slides for details.

#### **vi) Flavourings and smoke flavourings**

Earlier in November, the Secretariat attended an event organised by the UK Flavour Association and, as requested by a member, provided an update on the status of the ongoing approval of flavourings and smoke flavourings in GB, now that the FSA has taken on the role of risk assessment and management in England and Wales (and Food Standards Scotland (FSS) in Scotland, with the work conducted under the UK Food and Feed Safety and Hygiene Common Framework (CF)). See slides for details.

The Secretariat explained that the UK Flavour Association is keeping track of the developments at EU level and submitting the same applications to the FSA for approval in GB, to ensure both lists remain aligned.

**[POST MEETING NOTE:** The FSA announcement on smoke flavourings is now expected in February 2023].

## vii) UK Consultations on Food Law Codes of Practice

The Secretariat then covered the ongoing consultations on the updates to the Food Law Codes of Practice in England and Northern Ireland, which propose to make changes to the food standard delivery model for better use of local authority resources. See slides for more details.

The Chair then invited members to notify the Secretariat if they would like PPA to respond.

**ACTION:** *inform Secretariat if they would like PPA to respond to the FSA consultation on the revision of the Food Law Code of Practice in England by 07 December 2022*

**[POST MEETING NOTE:** The consultation is now closed. No comments from members were received. PPA has not replied to this consultation].

## viii) FDF FLL updates

The Chair provided an overview of key points discussed during the November FDF Food Law and Labelling Committee (FLL) meeting. See slides for details. In addition:

- **FSS – Lynn Robertson (Senior Policy Advisor):** Positive comments about work being carried out under the UK CFs with other devolved administrations, incl. the work on the BFR review and the removal of mutual recognition provisions (with EU). Lynn also explained that the scope of the Food Compositional standards and labelling provisional CF is primarily food labelling pursuant to the FIC Regulation, as well as COOL, and that compositional standards are discussed, but are in scope of the CF, and if consensus cannot be reached it cannot be taken forward as part of the formal escalation process. On FOPNL, Lynn said that the discussions will extend into 2023 and are leaning towards a mandatory scheme, although the consultation response is still pending. Lynn also talked about the FDTP, and that FSS is engaging with the UK Government, and expressed concern over the unintended consequences of the Retained EU Food Law Bill and the SG opposition. She also covered the UK Internal Market Act and Scotland's concerns around movement of goods within the UK, such as gene edited materials, given the different views held in England and Scotland.
- **Plant-based:** ISO working group – still no consensus on whether any animal products will be permitted in a product described as 'plant-based'. FDF discussion on how 'plant-based' would differ from 'vegan' if the ISO standard determined that no animal product is allowed in a plant-based product.
- **FDF Divergence tracker:** Available online for FDF members.

## c) Food Safety

The Secretariat gave an update on recent developments in the area of contaminants and pesticides relevant to members. See slides for details.

Please also note the following:

### i) Acrylamide

- FSA (internally) updated list of priorities but that has not been circulated. Acrylamide is listed as the second priority, after T-2/HT-2.
- FSA likely to make changes to GB acrylamide controls but unsure what these will be at present. However, the FSA appears to be aware of the difficulties to establish controls due to lack of homogeneity within raw materials and production volumes.
- UK Acrylamide and furan survey: expected by end of 2022. **[POST MEETING NOTE:** At the time of writing, the survey still hasn't been published].
- At an EU level, the Commission had previously issued a stakeholder consultation on a proposal to reduce existing Benchmark Levels (BMLs) for a number of products (including crisps from 750 to 700 µg/kg (no changes proposed for the BML for French fries). It had also proposed to introduce BMLs for some food categories which had not previously been listed in the Regulation (but which

had been mentioned in the most recent Monitoring Recommendation). Lastly, there were some proposals for introducing Maximum Levels (MLs) including for crisps and French fries.

- A questionnaire had been issued to MS over the summer period on the proposals, and on how they should be handled (bearing in mind issues and responses from industry to the stakeholder consultation). EU MS had held discussions on this questionnaire on both 21 and 24 November 2022.
- FoodDrinkEurope (FDE) was due to hold a meeting on 5 December 2022 to debrief on MS discussions.

**[POST MEETING NOTE:** Notes circulated to PPA members on 9 December (FLC 527/22). Notes from the meeting on 21 and 24 November were also circulated to members on 16 December 2022 (FLC 539/22)].

- It was reported that ESA will present at a 2-day conference mid-December, and will re-emphasise industry concerns about seasonality, unfeasibility of a positive release system and the challenges of meeting MLs all year round.
- The next EU stakeholder forum was expected to be held in the second half of January or in February 2023 – information on next steps expected to be given by the Commission at the event. It is possible that a formal proposal will be presented shortly after the event. It was thought unlikely that a long transition period will be given for compliance with the new levels.

#### ii) 3-MCPD esters

- EU discussions: As with acrylamide, a questionnaire had been issued to MS over the summer period on proposals for MLs for finished products. EU MS had held discussions on this questionnaire on both 21 and 24 November 2023.

**[POST MEETING NOTE:** Notes from the meeting on 21 and 24 November circulated to members on 16 December 2022 (FLC 539/22)].

- UK level: no information was available as to where the FSA is in relation to 3-MCPD.

#### iii) Glycoalkaloids

- Noted that this was potentially an issue for processed potato products as water is removed, thus increasing the concentration within the finished product – and elevated levels could potentially be detected even if peel is removed (esp. chaconine).
- EUPPA (the EU Potato Processors' Association) has focussed on potato varieties that were key to the sector and that presented the biggest risk (Innovator)
- For crisps, based upon the EUPPA work to date, the processing factor is likely to be close to 3 or even higher due to the low moisture content.
- It was noted that Belgian work in this area was due to be published soon. It may flag high levels in processed potato products. If only published in French, it may fly under the media radar in the UK.

#### iv) Furans

- Noted that some potentially high levels of 2-methyl furan were detected as part of the monitoring carried out by ESA, more so for crackers, salted sticks and pellets, but it was noted this a very broad group and the values were based on a limited number of samples.
- Regulation in this area is expected.
- The Secretariat has invited members to provide data on furans for a better understanding of the marketplace in the UK.

#### v) Chlorpropham (CIPC)

- UK discussions: **[POST MEETING NOTE:** To date, there have been no further updates on CIPC]. Further updates expected in 2023.
- EU discussions: **[POST MEETING NOTE:** Following the data collection by the Potato Value Chain (PVC), several updates on this have been circulated to members, including the final PVC/Arvalis report (FLC 548/22), which has now been submitted to the EC]. Further updates expected in 2023.

## d) Sustainability

### i) Extended Producer Responsibility (EPR):

- The Secretariat gave a brief update on the latest developments on EPR, highlighting key issues related to the costs to be incurred by businesses and responsibility for administration of the scheme, especially over the potential for local authorities to exploit it if it falls into public hands.
- PPA is lobbying, alongside BRC, FDF and the Industry Council for Packaging & the Environment (INCPEN) to have a private sector scheme administrator to reduce the potential cost impact on the food industry and ensure that the system remains competitive with similar schemes in competitor countries.
- The Secretariat also advised members to read through the guidance and attend the Defra-run webinars on EPR if they had not done so already.

### ii) EU developments on packaging:

- **[POST MEETING NOTE:** The EC published its proposal for a new EU Packaging and Packaging Waste Regulation (PPWR) on 30 November].
- The Secretariat suggested to invite ESA to a future meeting to provide an update on the future EU packaging requirements.

## 7) AOB

There were no AOBs raised.

## 8) Risk matrix

Due to time constraints, the Secretariat suggested to revise the Risk Matrix after the meeting to be circulated to members for further input.

**ACTION:** Secretariat to review and circulate Issues Matrix

**[POST MEETING NOTE:** Completed on 13/12 (FLC 536/22). No further amendments were received and therefore the Dec.22 Issues Matrix was issued to members on 20/12 (FLC 546/22)].

The following changes were made:

- '1,4 DMN authorisation' from 'current issue' x 'big impact' removed and replaced with 'CIPC tMRL monitoring'
- Separated 'food waste' from 'packaging waste/taxation/EPR'
- Moved 'food waste' from 'current issue' x 'big impact' to 'current issue' x 'moderate impact'
- Moved 'Sunflower oil supply and substitutions (labelling)' from 'current issue' x 'big impact' to 'managed issue' x 'big impact'
- Moved 'UK NPM Technical Guidance Update' from 'current issues' x 'moderate impact' to 'future issue' x 'small impact' due to Government reassurances that 2018 NPM model will not be applied retrospectively to legislation (promotion and advertising restrictions of HFSS foods in England)
- Removed 'National Food Strategy' from 'current issue' x 'moderate impact' as we will start tracking different workstreams separately as they emerge (e.g., FDTP)
- Added 'Retained EU Law Bill – UK' as a new issue under 'future issue' x 'big impact'.
- Added 'PFAS' under 'future issue' x 'small impact'
- Added 'MOAH' under 'future issue' x 'small impact'

**9) Next meeting dates**

**ACTION:** Secretariat to send out a Doodle poll to agree dates for 2023 FLC meetings (incl. 1 physical meeting in the Summer)

**[POST MEETING NOTE:** Completed on 12/12 (FLC 532/22). Secretariat awaiting members' input].

**ADDENDUM:**

On an ongoing basis, members are invited to submit to the Secretariat any product data held on:

3-MCPD	Mycotoxins (aflatoxins, ochratoxin A, patulin, fusarium toxins, fumonisings, deoxynivalenol (DON) and zearalenone (ZEA))
Acrylamide	Perfluoroalkyl substances (PFAS)
Cadmium	Pesticides (CIPC)
Dioxins	Tropane alkaloids
Glycoalkaloids	UK import/EU export issues (e.g., composites, HRFNAO)
Hydrocyanic acid (HCN)	Sunflower oil shortages/substitutions/issues (e.g., sunflower oil, lecithins, etc)