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**PPA Food Law and Consumer (FLC) Committee
Minutes of the meeting 5 July 2023,
UK Flour Millers, London (and teleconference)**

Participants		Guest speakers	
Catharine Hall	KP Snacks (Chair)	Andrew Taylor	CAP
Andrew Curtis	PPA (Secretariat)	Edward Gilbert	Defra
Vanessa Richardson	PPA (Secretariat)		
Gillian Black	Taylor's Snacks	Apologies	
Hannah Feiner	PepsiCo (online/partial)	Irena Obretenova	Valeo Foods
Shane Green	McCain	Charlotte Pick	McCain
Darren Hewish	Tayto Group	Soo Travis	Tayto Group
Maxine Stringer	Burts Snacks (online)		
Federica Tritschler	Lamb Weston (online)		
Meredith Williams	McCain		
Stuart Williams	PepsiCo (online)		

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. Members physically present signed a consent form.

2) Andrew Taylor (Committee of Advertising Practice - CAP)

Andrew Taylor (AT), Regulatory Policy Executive at CAP, gave an update on the work of CAP and the Advertising Standards Authority (ASA) on the upcoming advertising restrictions of 'less healthy food' (LHF) and, to a lesser extent, the interaction with the existing self-regulatory advertising controls of food and drink high in fat, sugar and salt (HFSS). See slides for details.

AT began by explaining that CAP is the 'policy arm' for the ASA, and then gave a summary of the upcoming LHF restrictions and preparation work done so far, including the guidance pre-consultation, and talked through next steps and the likely outlook of implementation of the restrictions. AT emphasised that the future legal restrictions will only apply to 'identifiable' LHF in specific media (i.e., Ofcom licenced TV and Ofcom regulated On Demand Programme Services (ODPS) as well as any online media where payment is involved) with certain exemptions for business-to-business communication, Small and Medium Enterprises (SMEs) and online audio-only media.

AT also explained that LHF is a sub-set of HFSS, encompassing only HFSS products belonging to specific categories to be established in secondary legislation (FLC 535/22), which were consulted on between Dec.22 and Mar.23.

With regards to the concept of 'identifiable' product, AT noted the differences between the current self-regulatory ASA regime (where brand advertising is in scope if the products within the range are mainly HFSS, i.e., more than 50%) and the future regulations which will be based on 'identifiable' LHF, which are

more focussed and product specific. AT said that the existing HFSS brand restrictions will not apply to the LHF policy.

With regards to the status of the future LHF restrictions, AT talked about the consultation of the UK Office of Communications (Ofcom) launched in February which proposed, amongst other things, to nominate the ASA as the frontline regulator, for which an outcome was still pending. **[POST MEETING NOTE: The outcome of the Ofcom consultation was published on 10 July, nominating the ASA as the frontline regulator (FLC 261/23)].** He also explained that the outcome of the Department of Health and Social Care (DHSC) consultation on secondary legislation which will confirm the LHF categories (FLC 535/22), was still pending.

In relation to guidance, AT explained that CAP is in the process of putting together a consultation which should be out by the end of the Summer, but only once the ASA has been nominated the frontline regulator. **[POST MEETING NOTE: It is now understood that the consultation will not be issued until at least early-mid. September due to ongoing discussions between Ofcom and ASA on the detail around ASA's nomination as the frontline regulator].** This will cover important parts of the implementation, such as technical aspects and interpretation. He then referred to the guidance pre-consultation, launched in April, which covered, amongst other aspects, the 'identifiable' test, and said they were using the responses to improve the guidance document before it goes out to consultation. He also explained that there are legal constraints as to how far the guidance can go, but assured members that it will elaborate from the legislation and provide more practical examples to support implementation. They hope to publish it by the end of Q1 2024 to enable plenty of time before implementation of the new rules in October 2025.

In terms of enforcement, AT explained that the ASA normally works on the basis of triage and complaints, and that they act as a filter after complaints are received, to ensure that there is an actual problem before contacting the advertiser. This will be particularly important to distinguish complaints on LHF from complaints on HFSS (based on the existing ASA regime), but CAP will be on-hand to provide advice to the ASA. He also mentioned that the ASA has a flexible and informal approach to enforcement and that, in most instances, they only require ads to be withdrawn without further sanctions. In the case of grey areas, they normally work with Ofcom to resolve uncertainties but as the future advertising restrictions are based on a new approach, some issues will not be resolved until they are unfolded as case law, so any decisions will have to be proportionate.

With regards to the interaction with the existing self-regulatory ASA restrictions, AT explained that HFSS restrictions may still apply where LHF restrictions do not and therefore businesses need to first determine their liability under the LHF regulations (tier 1), and then HFSS ASA restrictions (tier 2). He explained that more work will be required to fully explore this as the statutory guidance can only go into the legal complexities of the future LHF restrictions, and that CAP will look into developing secondary advice once the statutory guidance has been published.

The Secretariat opened the floor to questions. A member asked if the term LHF was being consistently used to refer to the restrictions, including by the Government. AT explained that the acronym was first used by ASA/CAP and Ofcom following conversations with Government where it was discussed that HFSS could not be broadly used to refer to two different sets of restrictions, so that seems to be the approach.

The Secretariat asked if AT could explain the relationship between CAP and the ASA. AT explained that the ASA is the independent regulator that has the final saying on matters related to the advertising Codes that are written by CAP, and that the existing system is funded by a self-regulatory levy. He then explained that CAP and the ASA work as one, but CAP is formed by members of the advertising industry, broadcasters, media owners.

The Chair highlighted that there are still many unanswered questions in relation to the online restrictions, such as own media, retailers' websites, what constitutes payment, etc, but aware that CAP could not answer questions on this as they had not yet been nominated the frontline regulator on the upcoming online restrictions. AT stated they are very much aware of these issues but clarified that the legislation refers to 'payment for an add to be placed', and not payment alone. In their understanding this means that both actions need to happen in order for an ad to be in scope of the future restrictions.

As there were no further questions, the Secretariat closed the session and thanked AT for his time. AT offered his support to the group and remains available to answer future questions.

3) Invited Guest Speaker: Edward Gilbert (Department for Environment, Food and Rural Affairs - Defra) – The Windsor Framework

The group welcomed Edward Gilbert (EG) from Defra, who joined to provide a short summary of the requirements under the Windsor Framework and to answer some questions on the upcoming changes.

EG introduced himself and provided a brief account of his previous work on the Northern Ireland (NI) negotiations ahead of the development of Windsor Framework (WF) but explained that since the WF was introduced he has been working on the business readiness team at Defra. He also pointed out that there may not be answers to all questions asked at that point due to the scale of the deal with the EU and the short timescales for introduction.

EG then provided an overview of developments on the WF so far, starting from the technical talks with the EU to solve the trade impasse between Great Britain (GB) and NI. He explained that the NI Protocol, which forms the basis for the discussions on the WF, was never fully implemented, as we have been operating on a series of grace periods.

EG explained that the new arrangements under the WF will be phased in from 1 October 2023, replacing many core aspects of the NI Protocol, but wanted to focus on the introduction of the Retail Movement Scheme (ReMoS) which represents the so-called 'green lane' arrangements. The core components of ReMoS are the reduction of documentation for products moved from GB to NI (which includes the introduction of general certificates replacing individual export health certificates) and the introduction of labelling requirements. EG said that further guidance (first part of guidance published in June – FLC 217/23) will be published by the end of July. It will cover general certificates and other details.

EG then talked about the new labelling requirements, which will be phased in from Oct.23. He explained that some products entering NI via ReMoS will need individual product-level labelling with 'not for EU' from 1 October 2023. These are mainly Products Of Animal Origin (POAO), including fresh meat and milk. Then from the 1 October 2024, certain dairy products will require labelling. And the last phase, which will start on 1 July 2025, will require other products, such as fruit and vegetables, fish and composite products to be individually labelled.

EG then talked about products that are exempt from product-level labelling requirements, which include crisps, nuts and frozen potato products. However, he pointed out that otherwise exempt products that are subject to official controls at Border Control Posts (BCPs) may require product-level labelling, such as toffee popcorn containing butter as an ingredient (other examples of products that may require product-level labelling from Jul.25 were cheese flavoured crisps (containing cheese as an ingredient), pork scratchings and prawn crackers), as that will depend on whether a vet is required to routinely check the product. He also confirmed that box-level labelling will be required for all products entering NI from Oct.23, as well as shelf-edge labelling at retail stage, but that this requirement will cease once (and if) products are individually labelled.

The Chair then asked a question as to whether general certificates will apply to all products entering NI via ReMoS, regardless of whether they are subject to official controls. EG confirmed that all products will be need a general certificate but added that it will take some time before the new system is fully embedded.

Another question was asked about whether an EU name and address can appear (in addition to a UK address) on a label of a product, or on a box, entering NI via ReMoS. EG said that there is nothing in the legislation that prevents the presence of an EU name and address for products that are labelled as 'not for EU', so possibly ok, but stated this is an issue of EU law and that the UK is trying to get to a better position on this.

EG then talked about transition period (30 days according to the legal text (FLC 237/23)), and product durability (date mark), for products with a long shelf life placed on the NI market when each of the new labelling phases comes into effect. He said that Defra is considering what pragmatic solutions can be put in place to help businesses to get through compliance in the first few weeks and months, especially considering the proximity of the implementation date and the Christmas period.

The Secretariat reiterated the importance of clear advice on labelling, as the uncertainty is creating friction between some retailers and manufacturers, due to differences in interpretation.

A member then asked a question about whether GB-wide labelling will eventually only apply to products that require a 'not for EU' product labelling entering NI through the green lane. EG explained that, subject to the consultation, GB-wide labelling is likely to apply to all products from Oct.24 (and not just those going into NI) to avoid segregation within the UK. He said that this will apply to products from England, Wales and Scotland only, and not to businesses in NI, as that would breach unfettered access for NI goods to the UK market. However, he agreed to revert to the group to confirm the scope of GB-wide labelling. **[POST MEETING NOTE:** EG later confirmed that only the products that need a 'not for EU' label from 1 October 2024 (so POAO, fresh dairy, other dairy products) would need to bear that label in England, Scotland and Wales and therefore this requirement would not override the July.25 deadline].

EG admitted that GB-wide labelling has been flagged as a huge issue by businesses, and therefore encouraged all to reply to the consultation on GB-wide labelling once that is published, to ensure that all angles are captured in the final regulation. He said that the UK Government has some discretion on the policy, hence the decision to consult on it. More information about the consultation will be published in August.

There were also questions raised about the labelling of cages, pallets, shrinkwrap, etc, some of which EG was unable to answer, but he stated that they are receiving a number of questions on this, and that they are planning a series of webinars throughout Aug-Sep to help businesses in the run up to the implementation of ReMoS. On pallets specifically, EG said that they cannot be labelled instead of cases, but fully enclosed cages can be labelled. He said he appreciated the online guidance could be clearer, but that they had had further discussions with the EU on this.

The Chair then asked a question about High-Risk Food and Feed Not of Animal Origin (HRFNAO) and whether these can be sent to NI via ReMoS, be included in the general certificate and only have case-level labelling. EG said that, as he understands it, HRFNAO will not require product-level labelling, but said he would confirm.

There were also questions about whether specific products would be in scope of product level labelling, and whether Defra planned to issue a list of commodity codes for the subsequent labelling phases (as done for phase 1 products). EG said he needed to confirm plans on this but said that businesses may need to make an informed judgement call on whether their products are likely to be in scope of product-level labelling.

A member asked if it is possible to continue using the red lane to avoid the need for labelling, and EG said that will be an option until GB-wide labelling kicks in.

The Secretariat encouraged members to send any questions on the WF to the PPA Secretariat, to be collated and submitted to Defra team. The Secretariat will then send the responses to all interested members. EG said that the Defra traders' team is also putting together a list of frequently asked questions which they hope to include in future guidance.

ACTION: Members to submit any questions related to the WF to the Secretariat.

ACTION: Secretariat to collate questions received on the Windsor Framework, submit them to Defra, and circulate responses to members.

To finalise, EG's key messages to members were that box labelling would be required for all products entering NI via ReMoS from Oct.23 and that it is unlikely that members will need apply product-level labelling until Jul.25, and would then only need to do so for some products (potentially including pork scratchings).

The Secretariat closed the session and thanked EG for his time, agreeing to submit any future questions to the Defra traders' team email address.

4) Review of minutes (14 March 2023) and any actions arising

The Committee confirmed that the minutes of the previous FLC meeting on 14 March were correct and proceeded to review the actions arising from the meeting. To note:

- **OHID contact:** Covered during the meeting. Becomes business as usual. Will be marked as completed.
- **FSIFG draft enforcement opinion on dairy terms:** Will be covered later during update. Becomes business as usual. Marked as completed.
- **Salt and sugar data (PPA 2022-23 call for data):** Issued on 16 May and asked members to send their data in by 16 June. Will cover as a separate agenda item.
- **General Buying Standards for Food and Catering Services (GBSF), CQUIN (Commissioning for Quality and Innovation) and HFSS promotional restrictions in England:** Still no update from NHS England.
ACTION: Secretariat to continue investigating interaction between GBSF x CQUIN x HFSS promotional restrictions in England.
- **Food labelling review:** No comments received from members. REUL Act will be covered later. Will be carried forward.
ACTION: Members to contact PPA with any recommendations of regulatory change (review) as part of the Retained EU Law Act work (e.g., food labelling, food safety, hygiene, compositional standards, nutrition labelling).
- **Issues Matrix Mar.23:** Proposed changes to the FLC Issues Matrix were circulated to members after the Mar.23 meeting for consultation (FLC 100/23). No objections were received and therefore the amended document was circulated to the FLC in Dec.22 (FLC 114/23). Completed.
- **FLC priorities document** – still ongoing work.
ACTION: Secretariat to continue to contact members individually to discuss priorities for 2023 and 2024.
- **MM feedback:** Requested input on MM service at the last meeting. Very little feedback received. Will carry forward to next meeting.
ACTION: Members to inform Secretariat of any suggestions for improvement to daily Media Monitoring emails.
ACTION: Secretariat to review MM service based on feedback received and revise the MM guidance accordingly.
- **FDf Associations meeting:** Covered as part of the meeting. Will become a standing meeting agenda item. Marked as completed.
- **Food Standards Agency (FSA) Strategic Study on the Future of the Food System:** Covered during the meeting. Marked as completed.
- **Report on work of the EUPPA (European Potato Processors' Association) Task Force on glycoalkaloids:** Completed on 24 March (FLC 107/23).
- **CIPC data collection:** Good response from members. Final deadline for participants is 31 July 2023.
ACTION: Members to support CIPC data collection for the 2022/23 monitoring season by 31 July 2023.
- **Bread and Flour Regulations (BFR) evidence on costs for re-labelling:** Completed. Thanks to all members who contributed.
- **FLC physical meeting:** Completed.

5) Committee matters

Two items were discussed as part of this agenda item – see slides for details:

- **The Food and Drink Federation (FDF) Associations Advisory Group Meeting**

The FDF Association Advisory Group is a requirement under the FDF's Terms and Conditions, and more recently, it provides a forum for knowledge and information exchange between the FDF and Trade Associations which are members of, or part of the FDF. They meet every few months. The FDF is currently considering the remit of the Group to make it more dynamic and effective within the FDF. The last meeting took place on the 17 April. The PPA Secretariat was unable to attend it but reported on the minutes circulated by the FDF. See slide for details. The key agenda item was a discussion about Associations' priorities. The FLC then discussed common priorities and agreed the following items are a priority: Ultra-Processed Foods (UPF) (which may need to be reconsidered in terms of approach by the FDF), the Windsor Framework, LHF/HFSS advertising and promotion restrictions, acrylamide, UK/EU regulatory divergence and regulatory divergence within the UK, the Internal Market Act, new genomic techniques (UK-wide and EU context). Members were encouraged to contact PPA if other priorities arise. The next meeting of the FDF Trade Associations meeting will take place on 24 July 2023.

ACTION: Secretariat to raise the following key issues at the next FDF Associations Meeting (in addition to other topics already raised incl. HFSS/LHF, UPF, Windsor Framework): Intra-UK Regulatory Divergence, Precision Breeding and Acrylamide.

- **The FSA Strategic Study on the Future of the Food System**

The aim of this study was to provide the FSA with an overview of emerging issues that could/are likely to impact the UK food system in the next 5 to 10 years to help them make strategic policy decisions and to mitigate any negative impacts. An update was provided at the last FSA Board meeting in June. See slides for details.

6) Updates

a) Nutrition and Health

The Secretariat gave an update on diet and health policy timings and highlighted some events which were not further discussed during the meeting, i.e.:

- SACN rapid review on vit D fortification - Due Summer 2023. Part of their objective is to look for new evidence, since 2016 report, that may impact the existing recommendations. Could potentially lead to mandatory fortification of food with vitamin D.
- FOPNL – Rumours that UK Government does not intend to publish a response to 2020 call for evidence until after the General Elections.
- Scottish Government Health Survey 2021 - Will include data on consumption of discretionary food. That was due in Spring 2023 this year but now delayed.

i) LHF/HFSS advertising restrictions (UK-wide)

The Secretariat provided a very brief update on next steps related to the upcoming LHF/HFSS advertising restrictions, as the item had already been covered by AT earlier in the meeting. See slides for details.

Please also note:

- Response to Ofcom consultation on nominating ASA as a frontline regulator: **[POST MEETING NOTE:** published on 10 July, nominating the ASA as the frontline regulator (FLC 261/23).
- DHSC/Department for Digital, Culture, Media & Sport (DCMS) response to consultation on secondary legislation on HFSS advertising restrictions: **[POST MEETING NOTE:** To date, the

consultation response is still pending. It is understood that DHSC is not prioritising a response to this consultation. The FDF believes this is unlikely to be published until early 2024].

- ASA/CAP guidance consultation: **[POST MEETING NOTE: Now expected early-mid. September]**.
- Secondary legislation: **[POST MEETING NOTE: Now expected 2024 TBC]**.
- ASA/CAP guidance: As per AT's presentation, this is expected towards the end of Q1 2024.
- DHSC guidance on product categories: Still expected Feb.25. FDF pushing DHSC to publish guidance sooner.
- Regulation on LHF advertising restrictions: Still expected to come into force on 1 October 2025.

ii) HFSS Promotion restrictions (England and Devolved Administrations (DAs))

The Chair provided an update on developments on HFSS promotion restrictions in the UK and devolved administrations. See slides for details.

For England, please note the following:

- Consultation on SI formalising delays to volume price promotions: **[POST MEETING NOTE: This has now been issued. FDF coordinating. Comments on draft SI welcome until 26 July (FLC 265/23)]**.
- On-pack volume promotions: **[POST MEETING NOTE: According to Explanatory Note on draft SI, a 12-month transition applies to 'on-pack' volume price promotion from when Regulation 5 comes into force (1 October 2025) (FLC 265/23)]**.

For NI, please note the following:

- FSA NI in early stages of planning an event on healthier and more sustainable vending which will bring together local vending operators and suppliers with potential public sector clients to showcase vending products that will meet new nutritional standards. FSA NI will contact PPA closer to the time to see if there is any interest within our membership.

iii) Other Diet & Nutrition updates

The Secretariat provided an overview of other key developments on diet and nutrition, including updates from the FDF Diet and Health Committee (DHC) and Nutrition Working Group (NWG) meetings. See slides for details. In addition:

- PPA meeting with OHID on 12 May (FLC 173/23):
 - Present: PPA Secretariat, Tazeem Bhatia (Chief Nutritionist and also Deputy Director of the Diet, Obesity and Health Behaviours Team), Gabrielle Owtram (Strategic Lead for the Dietary Health, Reformulation and Nutrient Profiling Team), Vicky Targett (Team Leader of the Reformulation Team) and Vicky Pyne and Zoe Hill (Reformulation Team).
 - Introductory call but also an opportunity to understand OHID's priorities and get updates on ongoing work.
 - Initial focus on the follow up report on the Soft Drinks Industry Levy (SDIL) which will inform them whether or not to include milk-based drinks and fruit juices
 - OHID interest in PPA's salt data collection – Secretariat to discuss with members possibility of sharing results with OHID once 2022/2023 exercise is completed.
 - Members were reminded to contact the Secretariat if they are interested in hosting a factory visit with OHID/DHSC
ACTION: Members to contact the Secretariat if there is interested in hosting a factory visit for the OHID/DHSC team.
- PPA call for data on salt and sugar (2022-2023): Data only received from 4 members (thank you to those who have already submitted data).

ACTION: Members to submit 2022-23 salt data for crisps, savoury snacks, popcorn, nuts and potato products, and sugar data for popcorn by end of July.23.

- UPF: **[POST MEETING NOTE:** The report of the Scientific Advisory Committee on Nutrition (SACN) was published on 11 July (FLC 262/23) concluding that, although the observed associations between consumption of UPF and adverse health effects are concerning, there is insufficient evidence for a full risk assessment, and more robust scientific studies are needed for a full risk assessment. SACN is expected to re-consider the topic at the next scheduled horizon scan in June 2024].
- Food Data Transparency Partnership (FDTP) Health Working Group (WG): **[POST MEETING NOTE:** The first meeting of the FDTP Health WG has taken place on 21 July].
- Sweeteners: **[POST MEETING NOTE:** The reports of the International Agency for Research on Cancer (IARC) and of the World Health Organization (WHO) and the Food and Agriculture Organization (FAO) Joint Expert Committee on Food Additives (JECFA) were published on 14 July (FLC 263/23). Aspartame has been classified as ‘possibly carcinogenic to humans (IARC Group 2B) based on limited evidence of carcinogenicity in humans. JECFA also reaffirmed its Acceptable Daily Intake (ADI) of 40 mg/kg body weight].

b) Food Labelling, Composition & Regulation

i) REUL Bill

The Chair provided a brief update on the REUL Bill which received Royal Assent on 29 June, becoming the Retained EU Law (Revocation and Reform) Act 2023. Please see slide for further details.

The Secretariat agreed to circulate the document’s policy note, once published.

ACTION: Secretariat to circulate Retained EU Law (Revocation and Reform) Act 2023 Policy Note to members when available.

[POST MEETING NOTE: Completed. The document’s Explanatory Notes have now been published and were circulated to the FLC Committee on 20 July (FLC 275/23)].

ii) FDTP Eco WG

The Chair updated the Committee on the latest developments on the FDTP Eco WG, which has progressed faster than the previously discussed Health WG. See slides for details.

iii) Other Labelling, Composition and Regulation updates

The Secretariat then provided a brief overview of other important labelling, compositional and regulation updates, including those from the FDF Food Law and Labelling Committee (FLL) meeting. See slides for details. In addition:

- BFR Review: **[POST MEETING NOTE:** To date, the Government response to the consultation on the review of the BFR has not been published. It is expected in the Summer 2023].
- The Food (Scotland) Act 2015 (Compliance Notices) Regulations 2023: Makes provision for the use of Compliance Notices as an alternative to criminal proceedings in relation to certain offences, like those related to food information, compositional standards, use of additives, flavourings, nutrition and health claims, GMO, food contact materials and others.
- Draft Border Target Operating Model (TOM): **[POST MEETING NOTE:** To date, the final version of the TOM has not been published].
- Consultation on Food Standards Scotland (FSS) Allergen Technical Guidance: Agreed with members to respond to FSS consultation with same input as for FSA consultation. Members agreed additional

statement “If an ingredient is used within a product, and that ingredient is supplied with any voluntary manufacturer information, such as a ‘may contain’ statement, this information can be included on final product labelling.” was not a concern

ACTION: Secretariat to respond to FSS consultation on Allergen Technical Guidance (reiterating same points as for FSA consultation).

[POST MEETING NOTE: Completed. PPA replied to FSS consultation on 14 July].

- FAO/WHO review on allergens: 4th report on allergen labelling exemptions is still pending. Date of launch unknown.
- CCFL47 (47th session of the Codex Committee on Food Labelling) meeting: Next meeting of the CCFL (CCFL48) is now scheduled for 8 October 2024.

[POST MEETING NOTE: It is now understood that the FSA will not support the Codex proposal for threshold levels for Precautionary Allergen Labelling (PAL) based on ED05 due to safety concerns].

- EU date marking proposals: **[POST MEETING NOTE:** To date, we are unaware of the publication of the EU proposals].

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) Updated EU Contaminants Regulation

- It was noted that the new EU regulation applies in NI, but will not apply in England, Scotland or Wales, where Regulation (EC) No. 1881/2006 (as implement in GB law) remains in force.

ii) Acrylamide

EU discussions:

- It was reported that 27,000 datapoints on potato crisps submitted to EFSA (by the European Snacks Association – ESA). For French fries, 4,000 datapoints were submitted by EUPPA.
- Latest ESA data suggests a potential issue with high levels of acrylamide in (roasted) almonds.
- EUPPA Goodfries.eu website updated to include airfryer cooking instructions.
- Some members are working with universities on acrylamide reduction.

UK discussions:

- FSA has attended a recent FDF Residues and contaminants committee meeting and confirmed that whilst acrylamide remains a priority, there were no further updates in terms of discussions on legal limits or on the publication of the FSA’s monitoring.

iii) 3-MCPD and glycidyl esters

- No further comments.

iv) Glycoalkaloids in potatoes and potato-derived products

- It was reported that EUPPA has been doing a lot of work on French fries varieties. ESA has been working with German trade association BDSI (responsible for confectionery and crisps). BDSI has its own laboratory (LCI).
- Concerns that the available testing methods available are not robust enough, and inappropriate sampling and control with laboratories could lead to high levels of glycoalkaloids forming (e.g., through exposure to light) and not accurately reflecting processing controls and condition.
- Trying to understand how to work with potatoes under normal processing conditions, possibly with an end goal of identifying processing factors that could be applied.
- Concerns were expressed about a Belgian project which has used tomatine as a substitute alkaloid to calculate levels of solanine and chaconine. LCI's view is that this is not a credible method.
- As a result of these concerns and discussions with LCI and ESA, EUPPA has decided not to submit its 400+ datapoints for this year.
- EUPPA also has concerns that the Myglinka project may not meet expectations, so EUPPA was working on developing other monitoring projects.
- Frans Verstraete, from the European Commission (EC) seems to think it is unlikely that Maximum Levels (MLs) will be established for potatoes at the current proposed Benchmark Level (certainly for the next few years).
- Potential to invite EUPPA to a future FLC meeting for an update.

v) Nickel

- Limited number of responses to EC targeted stakeholder consultation led to concerns. ESA's contribution was made through FoodDrinkEurope.
- 2 potential issues of note:
 - Potato group from Europe (Europatat), in association with EUPPA, Starch Europe and ESA had raised a potential issue of high nickel levels in potatoes in some EU Member States (MS) due to it being naturally present in the soil. However, data was required to back up this concern.
 - Data on nickel in nuts had been received by ESA from just one company, and these suggested that there may be issues for some nuts from certain origins in complying with the proposed MLs. Again, there may be a link with naturally occurring nickel in the soil.
- MS discussions will start again after the summer break, and if the sector does have more data this will need to be submitted to the EC quickly.

ACTION: Members encouraged to submit any available data on nickel in potatoes (or nuts).

d) Sustainability

i) Extended Producer Responsibility (EPR):

- **[POST MEETING NOTE: Defra has now confirmed that the government has decided to defer EPR for packaging fees for one year, from Oct.24 to Oct.25 (FLC 278/23)].**

ii) UK Plastic Packaging Tax (PPT):

- HMRC was due to issue a consultation on allowing a mass balance approach for calculating the recycled content in packaging made from chemically recycled plastic **[POST MEETING NOTE: The HMRC consultation was launched on 18 July, closing on 10 October (FLC 270/23)].**

7) AOB

- EU had issued its long-awaited soil proposals on 5 July. These will not be directly applicable the GB but may be applicable in NI.
[POST MEETING NOTE: Details about the proposal for a Directive on Soil Monitoring and Resilience ('Soil Monitoring Law') was shared with the FLC on 6 July (FLC 249/23)].
- The EC will issue a 12-week targeted stakeholder consultation on sulphites, based on an EFSA opinion that suggests that consumption of sulphites exceeds safe levels. At present, the EC stance is that, where no data is available, authorisation of use will be removed. Applies to some dried fruits and potentially some nuts and crisps.
ACTION: Secretariat to circulate EC targeted consultation on sulphites to members when available.
[POST MEETING NOTE: Completed. EC targeted stakeholder consultation on the follow-up to the re-evaluation of the authorised food additives 'sulfur dioxide-sulfites (E220-228)' sent to the FLC on 6 July (FLC 251/23)].

8) Risk matrix

The Risk Matrix was discussed during the meeting and the following changes were agreed:

- Changed 'Retained EU Law Bill' to 'Retained EU Law Act' and moved it 'future issue' x 'big impact' to 'current issue' x 'moderate impact'.
- Moved 'Ultra-Processed Foods/Junk Food Cycle' from 'current issue' x 'moderate impact' to 'current issue' x 'big impact'.
- Moved 'FOPNL developments' from 'current issue' x 'big impact' to 'future issue' x 'big impact'
- Moved 'Contaminants (T-2, HT-2)' from 'future issue' x 'moderate impact' to 'current issue' x 'moderate impact' ('Contaminants (DON)' remains under 'future issue' x 'moderate impact').
- Moved 'Nutrient Profiling (EU F2F Strategy)' from 'current issue' x 'moderate impact' to 'future issue' x 'moderate impact'
- Added 'UK Target Border Operating Model' as a new item under 'current issue' x 'moderate impact'.
- Removed 'Sat Fat (Public Perception/media attention)'.
- Removed 'Fluoride (EU)'.
- Removed 'Sunflower oil supply and substitutions (labelling)'.
- Added 'Supply chain issues (raw materials shortages)' as a new item under 'current issue' x 'moderate impact'.

[POST MEETING NOTE: The amended Issues Matrix was circulated to members on 6 July (FLC 253/23)].

9) Next meeting dates

The next FLC meetings will be held on:

- 22 November 2023 – online
- Suggested external speakers for future meetings included Nuria Moreno, from EUPPA, Olivier Devaux, from ESA, further speakers on the Windsor Framework or TOM, or the FSA on regulated products.
ACTION: Members are invited to provide suggestions of external speakers for the November meeting.

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)
Nickel	