

PPA Food Law and Consumer Committee Meeting

Chair: Catharine Hall

22 November 2023

Agenda

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|---|-------------|
| 1) Welcome and anti-trust statement | 14:00-14:05 |
| 2) EU packaging developments – Olivier Devaux (ESA) | 14:05-14:35 |
| 3) Minutes/action list | 14:35-14:45 |
| <ul style="list-style-type: none">• Minutes PPA FLC 5 July 2023 (FLC 279/23) | |
| 4) Committee matters | 14:45-15:05 |
| <ul style="list-style-type: none">• FDF Associations meeting• Committee priorities for 2024• PPA salt/sugar reduction monitoring programme | |
| 5) Updates and discussions: | |
| <ul style="list-style-type: none">• Nutrition & Health | 15:05-15:30 |
| <ul style="list-style-type: none"><ul style="list-style-type: none">• England and DA updates on HFSS promotional restrictions• UK-wide HFSS advertising restrictions• Consultations on enforcement and tertiary legislation NHC• FDTP Health workstream• Other Diet and Nutrition updates (incl. FDF DHC and NWG) | |

Agenda

- **Labelling and Composition** 15:30-15:55
 - The Target Border Operating Model (TOM/BTOM)
 - Windsor Framework and NIRMS
 - Allergen labelling
 - Other labelling, composition and regulation updates (incl. FDF FLL)
- **Food Safety** 15:55-16:20
 - Acrylamide
 - Glycoalkaloids
 - T2 and HT2
 - MOAH and MOSH
 - DON
 - CIPC
 - Other safety updates

Agenda

- **Sustainability** 16:20-16:35
 - Packaging update
- 6) Risk Matrix** 16:35-16:45
- 7) AOB** 16:45-16:55
- 8) Next meetings/Close** 16:55-17:00

EU Packaging Developments

Olivier Devaux

**Senior Public Affairs and Communications Manager
European Snacks Association (ESA)**

Packaging and Packaging Waste Regulation

UK PPA FLC meeting
22 November 2023

Packaging and Packaging Waste Regulation

> ENVI report

- End of October, the **ENVI Committee approved its report on the PPWR proposal**
- A victory for the rapporteur Frédérique Ries?
- **Very close vote on certain key amendments!**
- Opportunity for legislators and stakeholders to amend the text in plenary
- **Report to be voted in plenary session today!**

Packaging and Packaging Waste Regulation

> Positive elements of the ENVI report

▪ **Recyclability:**

- Deadlines for adopting delegated acts set (5 years gap between design for recycling and recycling at scale delegated acts)
- Definition of high-quality recycling is in place (closed loop) but it is not mandatory for packaging to achieve it
- EPR fees will be earmarked to the packaging type

▪ **Recycled content:**

- Calculated per format, per plat, per year
- Contact-sensitive RC target is set at 7,5% (2030) – versus 10% ; 25% (2040) – versus 50%



▪ **Prevention:**

- Bans of certain single-used plastic packaging take place from 31 December 2027 (and not from entry into force)

▪ **Waste management:**

- Obligation for Member States to ensure systems are in place for separate collection of packaging

Packaging and Packaging Waste Regulation

> Elements of concern from the ENVI report

▪ **Recycled content:**

- Postponing Commission's assessment for the need for derogation from the targets from 2028 to 2032. This means that the 2030 targets will not be reviewed before compliance. MEPs also completely remove the option of changing the targets when justified by availability of excessive prices.



▪ **Reuse:**

- For transport packaging used between economic operators and within the same Member States, no exemption of packaging in contact with food

▪ **Prevention:**

- Member States are allowed to take additional sustainability measures to achieve an ambitious reduction of packaging waste

Packaging and Packaging Waste Regulation

> Final negotiations in the European Parliament

- **Outcome difficult to predict!** More than 500 amendments going in all directions!
- **Reuse targets remain the main bone of contention.** European Parliament's Committee on Industry, Research and Energy (ITRE) to table amendments on reuse and prevention measures. Political groups to also take positions on reuse.
- **Remaining concerns over the reuse provisions for transport packaging** in B2B, including for flexible packaging in contact with food: **ESA and other trade associations called for an exemption for flexibles in contact with food. Supportive amendments tabled!**

Packaging and Packaging Waste Regulation

> State of play in the Council

- **Spanish presidency rushing to have a general approach signed-off by end 2023** (18 December?)
- **Latest draft includes for instance major changes on recyclability provisions.** More prescriptive to better “regulate” secondary legislation to be taken by the Commission on the recyclability criteria.
- **New reuse exemptions:** Operators will have to prove that there are “exceptional and unforeseen economic circumstances” which prevent it from achieving the obligation imposed on it
- **No exemptions for transport packaging flexibles in contact with food**

Matters arising - FLC 5 July 2023

Action	Status
Members to send any questions related to the Windsor Framework to the Secretariat.	Ongoing – to be discussed later
Secretariat to collate questions received on the Windsor Framework , submit them to Defra, and circulate responses to members.	Ongoing – to be discussed later
Secretariat to continue investigate interaction between GBSF x CQUIN x HFSS promotional restrictions in England .	Ongoing
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).	No feedback - completed
Secretariat to continue to contact members individually to discuss priorities for 2023 and 2024 .	Ongoing – to be discussed later
Members to inform Secretariat of any suggestions for improvement to daily Media Monitoring (MM) emails .	Ongoing – to be discussed later
Secretariat to review MM service based on feedback received and revise the MM guidance accordingly .	Ongoing – to be discussed later
Members to support CIPC data collection for the 2022/23 monitoring season by 31 July 2023 .	Completed
Members to contact the Secretariat if there is interested in hosting a factory visit for the OHID/DHSC team .	Ongoing
Members to submit 2022-23 salt data for crisps, savoury snacks, popcorn, nuts and potato products ; and sugar data for popcorn by <u>end of July.23</u>	Completed* (issued as provisional for some products)
Secretariat to circulate Retained EU Law (Revocation and Reform) Act 2023 Policy Note to members when available.	Completed

Matters arising - FLC 14 March 2023

Action	Status
Secretariat to respond to FSS consultation on Allergen Technical Guidance (reiterating same points as for FSA consultation).	Completed.
Members encouraged to submit any available data on nickel in potatoes (or nuts) .	Ongoing.
Secretariat to circulate EC targeted consultation on sulphites to members when available	Completed.
Members are invited to provide suggestions of external speakers for the November meeting .	Completed.

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

<ul style="list-style-type: none"> • 3-MCPD 	<ul style="list-style-type: none"> • Mycotoxins (aflatoxins, ochratoxin A, patulin, fusarium toxins, fumonisings, deoxynivalenol (DON) and zearalenone (ZEA))
<ul style="list-style-type: none"> • Acrylamide 	<ul style="list-style-type: none"> • Perfluoroalkyl substances (PFAS)
<ul style="list-style-type: none"> • Cadmium 	<ul style="list-style-type: none"> • Pesticides (CIPC)
<ul style="list-style-type: none"> • Nickel 	<ul style="list-style-type: none"> • MOSH/MOAH
<ul style="list-style-type: none"> • Dioxins 	<ul style="list-style-type: none"> • Tropane alkaloids
<ul style="list-style-type: none"> • Glycoalkaloids 	<ul style="list-style-type: none"> • UK import/EU export issues (e.g. composites, HRFNAO)
<ul style="list-style-type: none"> • Hydrocyanic acid (HNC) 	<ul style="list-style-type: none"> • Supply chain shortages (e.g. sunflower oil, lecithins, etc)/substitution issues

COMMITTEE MATTERS

Committee Matters

FDF ASSOCIATIONS ADVISORY GROUP MEETING

- Meeting 24 July:
 - EPR, inflation, UPF and the Windsor Framework
 - AAG structure – improvements needed
 - Sustainability update
- 2023 meetings:
 - 4 December – no agenda yet

PPA PRIORITIES FOR 2024

- PPA contacting members individually to discuss what we are doing well, and where we can improve
- What services do you find useful or do not use?
- Is there anything that we don't do that we should be doing?
- How much involvement is needed for each topic? Where can we leverage FDF's contact?

FDF priorities raised at AAG

- UPF
- EPR
- EU-UK Regulatory Divergence
- EU exports
- Pesticide MRLs
- Deforestation
- Energy costs
- Net Zero
- Mycotoxins, T2/HT2
- Windsor Framework
- Sustainability

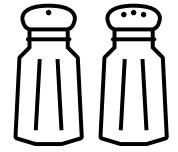













MEMBERS: Any feedback?

PPA draft priorities 2024

- **Priority area 1: Protecting the reputation of processed potato products and savoury snacks (Reputation)**
 - PPA lead: HFSS, salt/sodium, sugar (popcorn only), calories, portion size, NPM (product-specific).
 - FDF leverage: UPF, Obesity strategies, FDTP Health, food taxation, FOPNL.
- **Priority Area 2: Protect the UK market of processed potato products and savoury snacks (Licence to trade)**
 - PPA lead: Acrylamide, 3-MCPD and glycidyl esters, Glycoalkaloids, furans, T2/HT2, DON, PFAS, MOAH/MOSH, CIPC monitoring, PPPs, Additives, flavourings and processing aids, supply chain issues (product-specific).
 - FDF leverage: EU/UK and intra-UK regulatory divergence, Windsor Framework, TOM/BTOM, labelling, allergens, BFR, regulated products (e.g., authorisation of additives, flavourings, novel foods, GM/GE, health claims), furan.
- **Priority Area 3 Helping to set realistic goals for sustainable production of processed potato products and savoury snacks (Sustainability)**
 - PPA lead: Flexible packaging, pack fill (product-specific).
 - FDF leverage: FDTP Eco, food waste, Eco-labelling, EPR, Simpler Collections, palm oil.

Salt reduction



- Standard crisps (provisional): SWA down by 0.02g per 100g. 
- Extruded snacks: No change in SWA. 
- Pelleted snacks: SWA down by 0.11g per 100g. 
- Salt & Vinegar Products: No change in SWA. 
- Flavoured nuts: SWA down by 0.11g per 100 g. 
- Savoury Popcorn: SWA down by 0.23g per 100g. 
- Sweet Popcorn: SWA down by 0.05g per 100g. 
- Chips with coatings: No change in SWA. 
- Waffles, shapes and hash browns: SWA down by 0.05g per 100g. 
- Wedges, mash and others: SWA down by 0.04g per 100g. 
- All processed potato products (except dehydrated mash): No change in SWA. 

ALL CRISPS/SNACKS (except S&V) meet PHE's/OHID's 2024 reduction targets
PROCESSED POTATO PRODUCTS meet PHE's/OHID's 2024 targets

Salt data 2023 – Crisps (Provisional)

Product Category		FSA 2012 Targets	SNACMA April 2014 Status	SNACMA April 2015 Status	SNACMA April 2016 Status	PHE 2017 Targets	SNACMA April 2017 Status	SNACMA April 2018 Status	SNACMA April 2019 Status	SNACMA April 2020 Status	SNACMA April 2021 Status	SNACMA April 2022 Status	SNACMA April 2023 Status	PHE (OHID) 2024 Targets
Standard Crisps	Ave.	1.38	1.33	1.33	1.30	1.31	1.26	1.28	1.26	1.28	1.28	1.25	1.23	1.25
	Max	1.63	-	-	-	1.45	-	-	-	-	-	-	-	1.38
Extruded Snacks	Ave.	1.88	1.83	1.69	1.64	1.7	1.71	1.59	1.65	1.59	1.55	1.43 ^c	1.43	1.61
	Max	2.5	-	-	-	2.0	-	-	-	-	-	-	-	1.90
Pelleted Snacks	Ave.	2.25	2.10	2.10	2.11	2.13	2.10	2.05	2.06	2.12 ^a	2.14 ^b	2.01 ^c	1.90 ^c	2.03
	Max	No Max	-	-	-	2.88	-	-	-	-	-	-	-	2.73
Salt & Vinegar Products (all)	Ave.	2.13	1.98	1.98	1.97	1.88	1.98	2.03	1.94	1.99	1.90	1.83 ^c	1.83	1.78
	Max	3.0	-	-	-	2.5	-	-	-	-	-	-	-	2.25

^a This value had been incorrectly reported last year (previously 2.09)

^b Slight increase due to the removal of a product from the pelleted category in 2020-2021.

^c Large decrease due to reformulation and new reduced-salt products.

PHE (OHID) 2024 salt reduction targets:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/915406/2024_salt_reduction_targets_070920-FINAL-1.pdf



Salt data 2023 – Popcorn and Nuts (Final)

Product		SNACMA April 2020 Status	SNACMA April 2021 Status	SNACMA April 2022 Status	SNACMA April 2023 Status	PHE (OHID) 2024 Targets
Flavoured Nuts	Ave.	1.54	1.54	1.50	1.39^c	1.00
	Max.	-	-	-	-	1.20
Savoury Popcorn	Ave.	1.76	1.52	1.50	1.27^c	1.23
	Max.	-	-	-	-	1.44
Sweet Popcorn	Ave.	0.77	0.80 ^a	0.88 ^b	0.83^c	0.76
	Max.	-	-	-	-	1.00

^a Slight increase in SWA for sweet popcorn due to the introduction of new products and an overall increase in tonnage (16%).

^b Increase due to increase in sales tonnage of many products (approx. 14% on sweet).

^c Large decrease partly due to reformulation and new product but also decreases in tonnage.

PHE (OHID) 2024 salt reduction targets:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/915406/2024_salt_reduction_targets_070920-FINAL-1.pdf

Processed Potato Products 2023 – Salt (Final)

Product Category		FSA (DH) 2012 targets	SNACMA April 2013 Status	SNACMA April 2014 Status	SNACMA April 2015 Status	SNACMA April 2016 Status	PHE 2017 targets	SNACMA April 2017 Status	SNACMA April 2018 Status	SNACMA April 2020 Status	SNACMA April 2021 Status	SNACMA April 2022 Status ^c	SNACMA April 2023 Status	PHE (OHID) 2024 Targets
Chips with Coatings	Ave.	0.49	-	-	-	-	0.46	-	0.43	0.41	0.29	0.29	0.29	0.39
	Max	0.75	-	-	-	-	0.69	-	-	-	-	-	-	0.65
Waffles, Shapes & Hash Browns	Ave.	0.49	-	-	-	-	0.46	-	0.65	0.63	0.69 ^a	0.62	0.57 ^d	0.39
	Max	0.75	-	-	-	-	0.69	-	-	-	-	-	-	0.65
Wedges, Mash & Others	Ave.	0.49	-	-	-	-	0.46	-	0.57	0.41	0.47 ^b	0.40	0.36 ^d	0.39
	Max	0.75	-	-	-	-	0.69	-	-	-	-	-	-	0.65
Processed Potato Products (all*)	Ave.	0.49	-	-	-	-	0.46	-	0.47	0.43	0.33	0.33	0.33	0.39
	Max	0.75	-	-	-	-	0.69	-	-	-	-	-	-	0.65

* Except dehydrated instant mash.

^a This value is significantly different compared to the previous years due to an increase in sales for some products (due to lockdown - Covid-19).

^b This value is higher than last year due to the introduction of new products to category and an increase in sales (due to lockdown - Covid-19).

^c Decrease due to the inclusion of lower salt products.

^d Decrease due to salt reduction in some products, removal of some high salt products, but also largely due to decreased sales.

PHE (OHID) 2024 salt reduction targets:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/915406/2024_salt_reduction_targets_070920-FINAL-1.pdf



Sugar data 2023 – Popcorn (Final)

Year	PHE Sales Weighted average (g per 100g)	Target 5% reduction (g per 100g)	Target 20% reduction (g per 100g)	SNACMA Sales Weighted Average (g per 100g)	SNACMA Minimum (g per 100g)	SNACMA Max (g per 100g)
2017	60.6	57.5	48.4	38.0	15.9	64.0
2018-2019	60.6	57.5	48.4	34.8	1.0	64.3
2019-2020	60.6	57.5	48.4	36.6	1.0	64.0
2020-2021	60.6	57.5	48.4	35.1	1.0	64.0
2021-2022	60.6	57.5	48.4	33.8	1.1	64.0
2022-2023	60.6	57.5	48.4	30.4^a	1.0	64.0

^a Reduction mainly due to decreases in sales, but also some reformulation work.

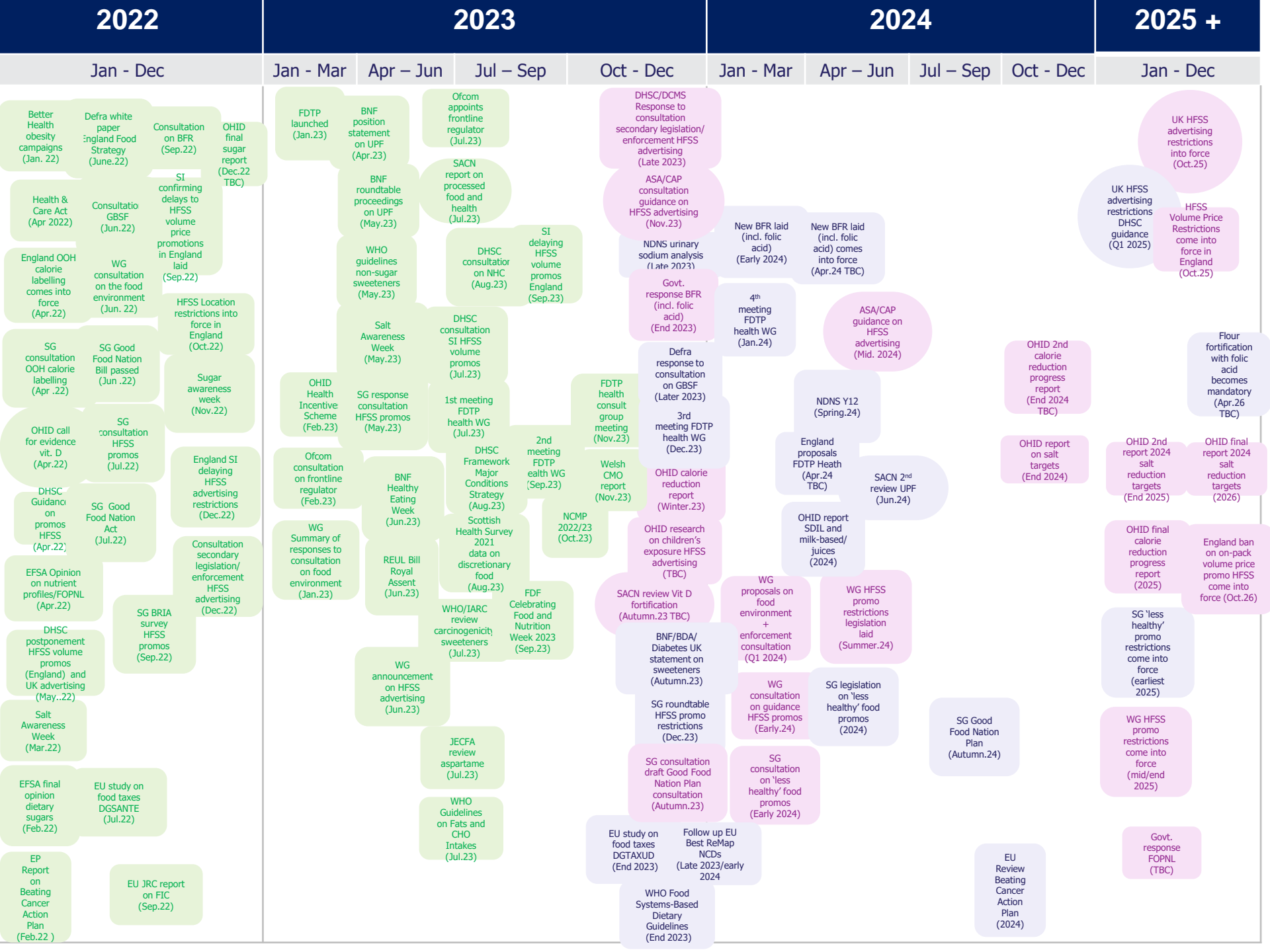
Total 18 products, of which:

- 99.0% of volume meet PHE SWA baseline
- 98.5% of volume meet PHE’s 5% reduction targets
- **61.4% of volume meet PHE’s 20% reduction targets**

PHE 2020 sugar reduction targets:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/604336/Sugar_reduction_achieving_the_20_.pdf

NUTRITION & HEALTH



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.18 Enforcement – Jul.20	Main – July.20 Enforcement – Feb.21	Jul.21 GUIDANCE: Sep.21	Apr.22
England volume/location promotional restrictions HFSS	Secondary legislation under FSA 1990	Main - Apr.19 Enforcement – Feb.21 Delay volume – Jul.23	Main – Dec.20 Enforcement – Jul.21 Delay volume – Sep.23	Dec.21 Delay volume – Sep.23 GUIDANCE: Apr.22	Location: Oct.22 Volume: Oct.25
UK-wide advertising restrictions LHF – 9pm watershed	Secondary legislation under new Health and Social Care Act	Main - Jun.19 Secondary/Enforcement – Dec.22	Main - Jun.21 Secondary/Enforcement – Late 2023 TBC	Health & Care Act: Apr. 22 Secondary leg.: TBC GUIDANCE: Q1 2025	Oct.25
UK-wide LHF advertising restrictions - online		Main – Dec.20 Secondary/Enforcement – Dec.22			
ASA/CAP guidance LHF advertising (UK-wide)	N/A	Nov.23 TBC	Q1 2024 TBC	Mid.24 TBC	Oct.25
FoP nutrition labelling	TBC	Jul-Oct.20	2025 TBC	TBC	TBC
WG Healthy food environment consultation	Secondary legislation under Food Safety Act 1990	Main - Jun.22 Secondary/Enforcement – Q1 2024 Guidance – Early 2024 TBC	Main – Jun.23 Secondary/Enforcement – Q2 2024 TBC Guidance – 2024 TBC	Summer 2024	Mid/End 2025
SG HFSS promo restrictions	Secondary legislation under Food Safety Act 1990	Main - July.22 2 nd – Early 2024	Main –May.23 2 nd – Q2 2024 TBC	2024 TBC	Earliest 2025

Promotional restrictions (England and DAs)

ENGLAND:

- [The Food \(Promotion and Placement\) \(England\) Regulations 2021](#) laid Dec.21 (FLC 506/21)
- [The Food \(Promotion and Placement\) \(England\) \(Amendment\) Regulations 2022](#) laid Sep.22 (FLC 446/22)
 - **Location/placement** restrictions **in force since 1 Oct. 2022**
- **NEW:** [The Food \(Promotion and Placement\) \(England\) \(Amendment\) Regulations 2023](#) (FLC 315/23)
 - Formalised delays to application of **volume price** promo restrictions from **1 Oct. 2025**
 - [Government Guidance](#) updated Sep.23

NEXT STEPS:

- Volume promo restrictions to come into force on **1 Oct. 2025**
- **NEW** Transition period for on-pack volume promos until **30 Sep. 2026** (confirmed in guidance)
 - Reco. on-pack promos are invalidated after Oct.25 in DHSC guidance
- **NEW:** FDF review of impact of HFSS location restrictions one year on



MEMBERS: Please send any feedback to PPA Secretariat

WALES:

- [WG consultation on healthy food environment](#) published 9 Jun.2022 (FLC 398/22)
- WG [summary of responses](#) published 31 Jan. 2023 (FLC 041/23)
- WG announcement on 27 Jun.2023 (FLC 234/23):
 - Volume-price promotions and placement promotions will be banned
 - Likely to include TPRs and meal deals
 - Categories to be aligned with England
 - Legislation to come into force

NEXT STEPS:

- **NEW:** WG proposals and consultation on enforcement Q1 2024
- **NEW:** WG targeted consultation on guidance exp. Q1 2024 (with trade associations)
- Guidance exp. early 2024 TBC
- Legislation exp. Summer 2024
- Implementation exp. mid/end of 2025

Promotional restrictions (Devolved)

SCOTLAND:

- [SG consultation](#) published July.22 (FLC 441/22) and [BRIA](#) in Sep.22 (FLC 425/22)
- SG summary of consultation responses published 30 May (FLC 202/23)
- Scottish Public Health Minister Jenni Minto confirmed:
 - Commitment to restrict HFSS promos in ‘certain locations’ and consider price reductions such as “multibuys and free refills”
 - Public Health (Restrictions of Promotion) Bill will not be taken forward
 - SG to consult on detail of proposals as secondary legislation
 - Restrictions will not come into force before 2025 the earliest

NEXT STEPS:

- **NEW:** SG roundtable on HFSS promotion restrictions **on 4 Dec.**
- **NEW:** SG to [consult](#) on detailed proposals **early 2024.**
- [Legislation](#) to be laid before Parliament in **2024** (subject to consultation outcome)
- [Legislation](#) to be **implemented 2025 the earliest**

NORTHERN IRELAND:

- Work on new Obesity Strategy [Whole Systems Approach](#) delayed due to NI Executive – will consider promotional restrictions of HFSS foods
- Work on vending and catering nutritional standards in council premises continue (based on 2019-2022 Obesity strategy [A Fitter Future for All](#) (FLC 039/23))

NEXT STEPS:

- Consultation on [Whole Systems Approach](#) strategy – No traction.
- Consultation on nutritional standards for catering and vending in council buildings – ongoing
 - 12 Mach 2024 – event to promote and facilitate healthier and sustainable vending

Advertising restrictions HFSS (UK-wide)

WHERE ARE WE?

- [Health and Care Act 2022](#) Royal Assent on 28 Apr. 2022 – amending [Communications Act 2003](#)
- [Legislation](#) delaying **implementation** until **1 Oct. 2025** laid on 20 Dec. 2022
- [Consultation](#) on **secondary legislation** closed 31 Mar. 2023 (PPA response FLC 113/23)
- [Ofcom consultation](#) to **appoint frontline regulator** closed 21 Apr. 2023 (FDF response FLC 144/23)
- **ASA/CAP pre-consultation on guidance** closed 5 May 2023 (PPA response on 5 May 2023)
- **NEW:** Ofcom appointed ASA as regulator on 10 July (FLC 261/23)

MAIN CONCERNS:

- Brand advertising exemption/definition of ‘identifiable product’
- Regulations vs. existing ASA rules (LHF vs. HFSS)
- Owned media exemption, incl. retailer websites (transactional content)
- Product categorisation – discrepancy against HFSS promotional restrictions

NEXT STEPS:

- **NEW:** ASA/CAP guidance consultation – imminently
- **NEW:** DHSC response to consultation on secondary legislation – exp. end of 2023
- **NEW:** ASA/CAP guidance publication mid. 2024
- DHSC category guidance – Feb.25 TBC
- Regulation exp. to come into force – **1 Oct. 2025** (under a new Government)

Nutrition and Health Claims Consultations

- England consultation on [proposed legislative reforms on NHC](#) (FLC 290/23)
 - Includes proposals to:
 - Establish a regime of improvement notices on breaches to the NHC Regulation
 - Revoke tertiary legislation rejecting certain health claims/modifying the list at UK level
 - PPA responded positively on 31 Oct. (FLC 383/23)
- WG consultation on introduction of [improvement notices for NHC in Wales](#) (FLC 338/23)
 - PPA responded positively on 13 Nov. (FLC 390/23)
- [The Food \(Scotland\) Act 2015 \(Compliance Notices\) Regulations 2023](#) came into force on 30 Jun. 2023 in Scotland for food law offences
- No similar amendments being pursued in NI – no Executive

FDTP Health WG

WHAT IS IT?

- A multi-year partnership between government, industry and civil society to improve the availability and consistency of data across the industry.
- Emphasis on large businesses, but SMEs are not precluded from reporting.

OBJECTIVES:

- Will assess and recommend a common approach for **voluntarily collecting data** against a set of metrics.
- Data will enable industry to compare healthiness of their portfolio against competitors and demonstrate progress on the healthiness of their sales
- Data will allow other stakeholders (e.g. investors, NGOs) to hold companies to account
- Expectation is that company-level nutrition information and sales data will be required.

WORK:

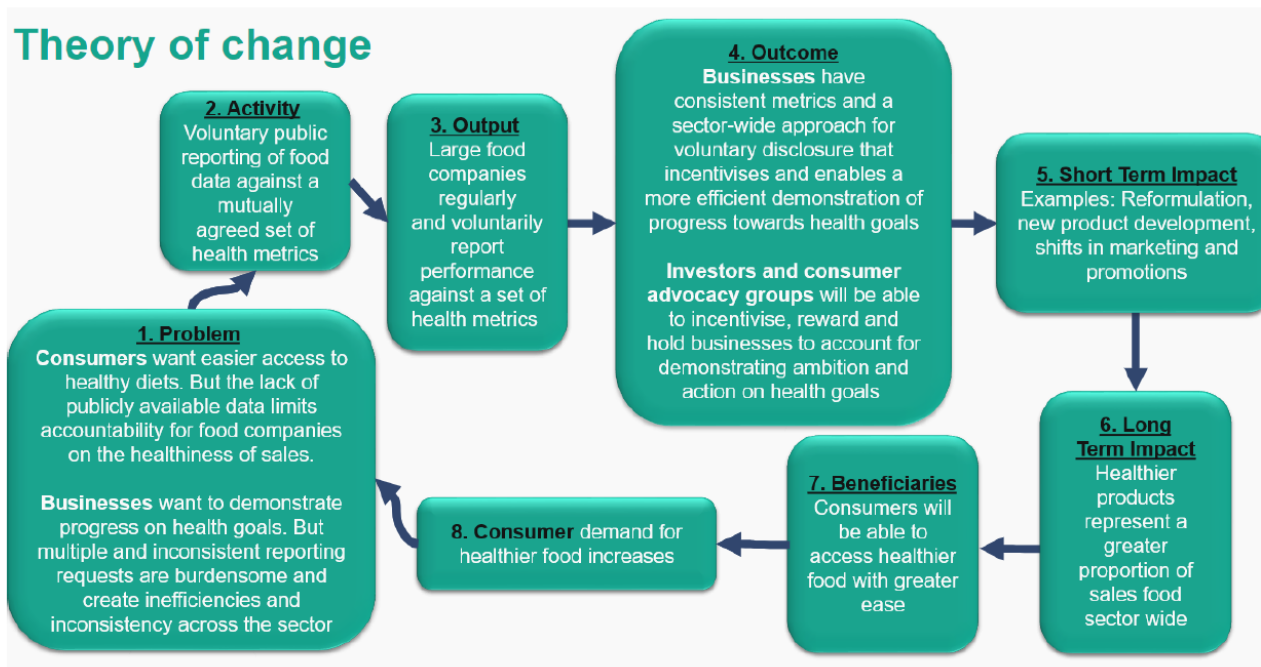
- Group consists of 15 industry members and will consider suitable metrics.
- 2023 Meetings: 21 July, 18 September and 1 December.
- Industry Consult Group met 9 November – PPA present.
- Metrics to be shared, tested, and enhanced over the coming months.

TIMESCALES:

- Recommendations **exp. Spring/Summer. 2024.**
- Consultation plans yet to be informed by Ministers – potentially after reco.
- New page on gov.uk: <https://www.gov.uk/government/groups/food-data-transparency-partnership>

WORKPLAN 2023/24

<p>HWG Meeting 1: Introductions (21st July)</p>	<p>HWG Meeting 2: Current data disclosure & early thinking on metrics (18th Sept)</p>	<p>HWG Meeting 3: Finalising agenda over the coming weeks (1st Dec)</p>	<p><i>Formal work plan review</i></p>	<p>HWG Meetings 2024:</p> <ul style="list-style-type: none"> • Prioritisation of metric options • Requirements for voluntary reporting & data governance • Implementation • Finalise recommendations
<p>NGO, investor and wider industry engagement throughout</p>				



FDTP Health WG

CONSIDERATIONS

- NGO reporting: ATNI, ShareAction, Food Foundation, Plating Up Progress, ShareAction resolutions, Tortoise.
- Industry reporting examples: incl. sugar and salt reduction, % HFSS, % 'healthy sales' (different definitions, incl. NPM, BNF criteria).
- Voluntary Government programmes: salt, sugar, calorie reformulation, FOPNL, portion size, %RI.
- Mandatory Government requirements: SDIL, HFSS Restrictions (location/placement), OOH calorie labelling.

DISCUSSIONS:

- Composite scores: e.g. % sales volume HFSS/non-HFSS products, % healthier sales on 2004/05 NPM, % change in portfolio/products classified as HFSS.
- Individual nutrients: e.g. % change volume sales from the total portfolio/products/menu items for calories, saturated fat, salt and/or sugar per 100g, or % change of total portfolio/products/menu items for negative/positive nutrients as SWA.
- Other: e.g. fruit and veg (% volume sales of fruit and veg across the total portfolio, % change of products/menu items in the proportion of fruit and veg SWA, or % change in marketing spend on fruit and vegetables).

NEXT STEPS:

- Consult group considerations to be shared with Health WG at December meeting

OTHER DIET & NUTRITION

- **UPF**
 - SACN Report on Processed foods and health published 11 July (FLC 262/23)
 - Uncertainties around the quality of the available evidence – needs to be treated with caution
 - Insufficient evidence for SACN to carry out a full assessment
 - SACN’s watching brief and re-considered at the next scheduled horizon scan in June 2024.
 - FDF strategy:
 - UPF Strategy Group - Threats and opportunities, stakeholder mapping and next steps.
 - Updated FDF UPF Policy Briefing and Food Processing Parliamentary Briefing document (FLC 340/23)
 - At present all UPF enquiries referred to Science Media Centre.
 - APPG - Food and Health Forum meeting 21 November with Chris van Tulleken
 - [EP reports](#) on NHC Regulation – [amendments](#) include reference to UPF.
 - BNF, BDA and Diabetes UK - shared position statement on low calorie sweeteners, exp. end 2023.
- **PARTY MANIFESTOS:**
 - Conservatives: No plans for further food-related health interventions
 - Industry not being vocal enough on reformulation achievements
 - Labour: No interventions likely to be announced pre-election – want to avoid ‘nanny state’ criticism or appear to push up prices
 - Keir Starmer agenda about prevention – policy list includes HFSS restrictions and implementing 9pm watershed

OTHER DIET & NUTRITION

- **FDF reformulation WG**

- Government asks: Health logo to recognise positive nutrients (e.g. Nordic keyhole), support towards safety of ingredient solutions to improve nutritional profile of products and financial support for reformulation (e.g. R&D tax credits, grants, capital allowances)
- FDF's strategy to amplify communication on reformulation including the complexity and costs associated with reformulation journey
- SME engagement: support for the Reformulation for Health programme, more consumer education on achieving a healthy balanced diet and how to positively communicate with consumers.

- **Food Taxes**

- Recent media attention – [Recipe for Change report](#), [London School of Hygiene & Tropical Medicine, EFRA report on Food Insecurity](#)
- [FDF position](#):
 - Further taxes will not drive reformulation
 - Further taxes are unlikely to reduce obesity
 - Further taxes will increase the price of food and hit income families the hardest
 - Government should support businesses in their reformulation journey

- **FDF workstreams:**

- Innovation for Healthier Diets – current engagement with politicians and officials, Celebrating Food and Nutrition Week, [Celebrating Food and Nutrition Report](#)
- Workplace Health – Members' efforts to promote wellbeing of workforce
- Whole Systems Approach (longer term) – Pilots at local level to support health of communities
- Consumer-facing campaign (longer term) – All-encompassing (not just food) national campaign to be run in conjunction with Government to promote healthy lifestyles 'Feel Good'.

OTHER DIET & NUTRITION

- **FSS [Report](#) on consumption of discretionary foods and drinks and other categories of dietary concern in adults (16+ years) 2021 (FLC 291/23)**
 - Discretionary foods and sugar-containing soft drinks: 260 kcal per day (15% energy, 17% fat, 18% saturates and 38% of free sugars)
 - 75+ greatest consumers of discretionary food but 16 – 35 for sugar containing soft drinks
 - Discretionary foods, sugar-containing soft drinks + additional foods (incl. roast potato + chips): 28% calories, 18% fat and saturates and 49% free sugars among adults.
 - *“discretionary and additional foods contribute substantially to intakes of calories and nutrients of public health concern.”*
 - *“...measures which support consumers to consume fewer products high in fat, salt and sugar (including discretionary foods and drinks) would contribute towards achieving our Scottish Dietary Goals.”*

	Food group	% consumers in sample	Average intake (g/d)	% Total energy	% Total fat	% Saturated fat	% Free sugars
TOTAL	Crisps & savoury snacks	33%	9	3	4	1	0
	Roast potatoes, chips and similar roasted potato products	33%	21	2	2	1	0
CONSUMERS	Crisps & savoury snacks	33%	27	8	11	3	1
	Roast potatoes, chips and similar roasted potato products	33%	63	7	7	4	0

FOOD LABELLING, COMPOSITION & REGULATION



Windsor Framework & NIRMS



WHAT IS IT?

- [Introduced on 27 February 2023](#)
- *“A comprehensive set of joint solutions aimed at addressing, in a definitive way, the practical challenges and everyday issues of all communities and businesses in NI in relation to operation of the [NI] Protocol, whilst protecting the integrity of both the EU and UK’s Internal Markets.” – [DAERA NIRMS guidance](#)*

WHERE ARE WE?

- [Regulation \(EU\) 2023/1231](#) published on 29 June
- Defra guidance issued (9 June (FLC 217/23), 28 July (FLC 281/23), 11 September (FLC 321/23))
 - [Defra collection on the Windsor Framework: further detail and publications](#)
- 11 August and 15 September: Letter of compliance (FLC 297/23 and FLC 328/23) – pragmatism in implementation and NIPHL
- [The Windsor Framework \(Enforcement etc.\) Regulations 2023](#) laid on 27 September.
- NIRMS and NIPHL live since 1 Oct. 2023, incl. box- and shelf-level ‘Not for EU’ labelling of all retail goods + product-level label for meat and fresh dairy

NEXT STEPS?

- Government committed to introducing GB-wide labelling **from 1 Oct. 2024**
- Consultation TBC – by end of 2023?
- Product-level labelling for dairy products (1 Oct. 2024) and remaining **SPS products from 1 Jul.2025**



Windsor Framework & NIRMS



Key dates for NOT FOR EU product-level labelling:

From 1 Oct. 2023: meat and fresh dairy

From 1 Oct. 2024: all other dairy products (e.g. UHT milk, butter)

From 1 Jul. 2025: all other composite products, fruit, vegetables, fish (unless exempt)

Seeds, **nuts, popcorn, crackers, crisps, frozen chips** (amongst others) are **exempted from product-level labelling, unless they are subject to official controls at BCP** (composites)

Note: POAO present in flavourings do not make the product composite

- Regulation (EU) 2023/1674 published on 1 September – further composite products exempted from EU official controls at Border Control Posts (FLC 310/23 and FLC 320/23) incl. **1904 10, 1904 20, 1904 90, 1905 90, 2005 20 20**, notably:
 - Certain prepared foods obtained from cereals, cereal products, certain prepared foods obtained from rice
 - Certain chips and crisps.
- Exempted products will not be required to have 'Not for EU' labelling at product-level from 1 July 2025
- Companies **must check their commodity codes** to ensure compliance

Defra update 17/11: When the EU adds products as exceptions to the Official Control Regulations, you are permitted to move those eligible products without needing to adhere to individual 'Not for EU' labelling requirements via the Northern Ireland Retail Movement Scheme (NIRMS).



Target Border Operating Model (TOM/BTOM)

WHAT IS IT?

- [Published](#) on 29 August (FLC 303/23, FLC 304/23, FLC 308/23 and FLC 323/23)
- Sets out new security and biosecurity border controls applicable to goods entering GB, including new controls on imports from the EU.
- UK-wide

KEY POINTS

- Establishes risk-based controls for different products (high-low risk)
- Composite products from the EU [qualify](#) as 'low' risk (subject to review in April 2024).
- Shelf-stable and sterilised composites from the rest of the world also [qualify](#) as 'low' (subject to [conditions](#))
- HRFNAO will continue to be governed according to provisions set out in existing regulations. Controls will mirror those on medium-risk animal imports.
- Seed and ware potatoes from the EU [qualify](#) as 'high' risk.
- Ware potatoes from Algeria, Bosnia & Herzegovina, Egypt, Israel, Libya, Morocco, Serbia, Tunisia and Turkey all [qualify](#) as 'high' risk. Ware potatoes from other third countries are not allowed.
- Some plant or plant products from the EU not mentioned in or excluded from the high or medium categories [are](#) 'low' risk (subject to review in April 2024).

NEXT STEPS

- 31 January 2024 – introduction of certification requirements for EU imports
- 30 April 2024 – Documentary and risk-based identity and physical checks on medium-risk products and HRFNAO
- 31 October 2024 – Safety and security declarations for EU imports come into force.
- Dec. 2023: Government response on fees at government-operated BCPs



Target Border Operating Model (TOM/BTOM)

Figure 2: Controls Applied

Risk category	Controls applied	Exemptions
High	<ul style="list-style-type: none"> • Pre-notification • Simplified health certificates • Documentary checks • In most cases 100% identity and physical checks 	<ul style="list-style-type: none"> • Some exemptions to the 100% checks planned for high health equines from low-risk countries
Medium* *Generally those goods which have required pre-notification since January 2022	<ul style="list-style-type: none"> • Pre-notification • Simplified health certificates • Documentary checks • Subject to risk-based identity and physical checks at the border (from 1%-30% depending on the product) 	<ul style="list-style-type: none"> • Trusted trader schemes will be piloted for medium-risk goods to access streamlined checks
Low* *Generally Article 73 goods which currently require pre-notification but are subject to low level checks	<ul style="list-style-type: none"> • Minimal routine border controls • No requirement for health certification or routine physical border checks • Provision of a pre-notification data set and commercial documentation required for animal products • Low-risk goods must enter via a port that has a Border Control Post designated for that type of commodity (From April 2024) 	

SOURCE: FDF





Target Border Operating Model (TOM/BTOM)

Risk Category	Plant / product	 Checks %			Indicative Checks % Under the current regime
		 Doc	 ID	 Physical	 Check rates ^{(across 5 risk categories)**}
High Risk	 Plants for planting – woody and/or for commercial production	100%	100%	100%	100%
	 Plants for planting – non-woody and for retail sale as outdoor plants	100%	30%	30%	100%
	 Plants for planting – non woody and for retail sale as indoor plants	100 %	5%	5%	100%
Medium Risk	 Plant products - identified risk linked to a trade	Generally: 5 (RoW*) and 3 (EU)	Generally: 5 (RoW*) and 3 (EU)	Generally: 5 (RoW*) and 3 (EU)	100 (reduced frequency for around 60 trades)
Low Risk	 All other regulated plant products	0	0	0	1







* In some circumstances some products with specific requirements will be subject to a higher rate of checks and specific set of processes.

** A more detailed breakdown of the frequencies of plant health import inspections under the current regime is set out in Annex E for reference



Target Border Operating Model (TOM/BTOM)

The table below sets out the controls and indicative checks for each risk category. For example there will be no routine checks on low risk goods.

Consignment Risk (Country risk x commodity risk)	Example Animal Products	Health Certificates	Pre-notification requirements	Indicative checks %			Indicative Checks % Under the current regime
				Doc 	ID 	Physical 	Check rates (across 5 risk categories)***
High Risk	 Live animals and commodities covered under safeguard measures	Export Health Certificate required	Full Pre-notification requirements	100%	100%*	100%*	100% Identify 100% Physical
Medium Risk	 Raw, chilled, frozen meat/meat products/ABP for use in animal feed; medium risk fishery products imported as products of animal origin	Export Health Certificate required	Full Pre-notification requirements	100%	1% - 30%**	1% - 30%**	100% Identity 15-30% Physical
Low Risk	 Processed, shelf-stable products such as certain composites and canned meat products, certain animal by products for technical use and certain fish products	No Export Health Certificate required	Pre notification data to allow traceability	0%	0%	0%	100% Identity 1-5% Physical

* Certain live animals (e.g. high health equines) may be subject to a reduced level of ID and physical checks dependent upon species but would still be classed as high risk

** Typically 1-30% with many products only requiring 1% identity and or physical checks. However, in some circumstances some products with specific requirements may require up to 100% on ID checks.

*** Risk categories won't be directly comparable, but gives indication of the different approaches taken

Summary of outstanding concerns



Issue	Description	Comment and next steps
Risk categorisation		
Commodity code look-up	Defra's commodity code look-up tool to check product risk categorisation is very limited. The list is incomplete and excludes some sectors (e.g. food additives). The list also only covers EU imports.	<ul style="list-style-type: none"> We have urged Defra to add all codes and treatment of RoW imports
April 2024 re-categorisation	Composite products have been classified as low risk pending a review in April 2024. It is unclear what the parameters of this review will be or the likelihood of products being moved from low to medium risk.	<ul style="list-style-type: none"> We have urged Defra to clarify
Border Control Posts (BCPs)		
BCP designation	It is unclear which BCPs will handle certain products. There is also a discrepancy between the BCP list on gov.uk and the draft TOM. Designation for Sevington and Bastion Point (crucial for short straits traffic) hasn't been announced. The process by which businesses are made aware of BCP designation changes isn't clear.	<ul style="list-style-type: none"> We await a decision on Sevington and Bastion Point to be announced in Oct 2023
Fees	We responded to Defra's consultation charges at government operated BCPs (Dover and Eurotunnel).	<ul style="list-style-type: none"> We await Defra's consultation response in Dec 2023
IPAFFS Fees	It is unclear if there will be a cost associated with IPAFFS notifications to support with inspection fees at BCPs.	<ul style="list-style-type: none"> We await Defra's consultation response
Other outstanding issues		
Trusted Trader Schemes	Medium-risk goods face 1-30% physical checks. The lack of clarity about the frequency of checks means businesses can't easily assess the potential benefit of joining the proposed SPS trusted trader scheme.	<ul style="list-style-type: none"> We have urged Defra to clarify
Digital EHCs	Plans for the phased introduction of digital EHCs on a country-by-country basis with EU Member States, with priority given to the biggest exporters. However, more details are needed on countries and the timeline.	<ul style="list-style-type: none"> We have urged Defra to commit to a clear timeline for implementation
Product samples	Product samples will continue to be treated in the same manner as commercial imports. Further clarity is needed for the treatment of different sample types (R&D vs organoleptic). We continue to press for a permissive risk-based sampling regime but we are interested in member views on how best to approach this (research samples/trade show samples/tasting samples etc). We are keen to hear of any examples of international best practice that could be the basis of a sample regime in the UK.	<ul style="list-style-type: none"> We continue to press for a permissive risk-based sample regime We have urged Defra to clarify treatment of different sample types
Low risk commercial document	Low risk goods will need to be accompanied by a document containing commercially available data alongside pre-notification. We have not been told what this certificate will require and await further guidance.	<ul style="list-style-type: none"> We have contacted Defra requesting that they publish this information as a matter of urgency

ALLERGEN LABELLING

- **Updated FSA Technical Guidance on Food Allergen Labelling**
 - [Published](#) 4 September (FLC 312/23)
 - Main changes related to PAL labelling:
 - PAL only to be used if risk of allergen cross-contamination is unavoidable and cannot be sufficiently controlled by segregation and cleaning.
 - 14 major allergens the PAL refers should be specified – e.g. “may contain peanuts” instead of “may contain nuts”.
 - Best practice advice on gluten containing cereals and nuts says specific cereal/nut need to be specified
 - Vegan ≠ Free-from: PAL statements should be used in combination with ‘vegan’ claim where a risk of cross-contamination has been identified.
 - PAL should not be used with a ‘free-from’ claim for the same allergen, except wheat/gluten
 - Best practice info on ‘No Gluten Containing Ingredient’ (NGCI) statements
- **UK allergen threshold discussions**
 - WHO/FAO reco - doses based on ED05 to inform PAL – [report 3](#) (FLC 195/23)
 - [COT assessment](#) of FAO/WHO report - not enough evidence that using ED05 will not significantly impact on public health
 - Gaps in [testing capabilities](#) highlighted to inform future direction
 - FSA will not necessarily discard the use of ED05, but more work is needed -testing, impact on consumers, labelling implications (cost)
 - Will progress the non-prepacked side of PAL but on prepacked it will depend on future work on thresholds.

ALLERGEN LABELLING

- **FSA online [Guidance](#) on Food Allergy and Intolerance**
 - Updated 26 October.
 - New sections on cross-contamination, PAL and labelling requirements.
 - Includes guidance on ‘vegan food and allergens’ – endorses FDF Guidance on Allergen-Free and Vegan claims
 - FBOs should use PAL alongside vegan claim to communicate risk of cross contamination with POAO allergens i.e. crustaceans, molluscs, fish, milk or egg.
 - Vegan Trademark from Vegan Society can be used on products with PAL for POAO, provided decision based on assessment of cross-contamination.
 - Potential breach of food law if consumers have adverse reactions due to unintended presence of POAO in food vegan claim without PAL
 - Consumer-focussed campaign exp. early 2024
- **FDF Guidance on Change Management of Allergen Information**
 - Also [published](#) on 4 September (FLC 312/23)
 - Considerations for FBOs when making changes that affect allergen labelling
 - Intentional (addition or removal of allergen) or unintentional (addition or removal of PAL)
- **Codex**
 - [Part 5 report](#) ‘Review and establish threshold levels for specific tree nuts (Brazil nut, Macadamia or Queensland nut, pine nut), soy, celery, lupin, mustard, buckwheat and oats published on 26 October (FLC 387/23)
 - RfDs established for soya and celery, and Risk Management Values for the specific tree nuts, mustard, lupin and buckwheat
 - RfD not required for oats – allergen risk due to cross contact with other grains.
 - Part 4 full report on allergen labelling exemptions exp. end of 2023.
 - To be discussed at CCFL48 in Oct.24

OTHER LABELLING, COMP. and REGS.

- **Plant-based/vegan**

- FSIFG opinion on dairy designations (FLC 245/22) – almost final draft
 - FSIFG to convene sub-group with BExG for discussion – still no date
- ISO standard: ISO WG 26 support for a 2-tier approach (concept A (no use of animal) and B1 (quantitative limit on use of animal products))
 - ‘Definitions and technical criteria for plant-based foods and plant-based food ingredients and for labelling and claims’
 - 5% limit for ingredients, as constituted – only for technological, fortification and non-characterising sensory purposes (not characterising is key)
 - Ingredients derived from slaughtered or dead animals will not be permitted
 - ISO standard exp. to be published Jun-Sep.24
- [CTSI](#) calls for a legal definition of ‘vegan’

- **UK guidance fresh/pure/natural and vegetarian/vegan**

- Defra considering (old guidance online or refresh)
- Unsure if there will be a consultation

- **Brexit labelling changes in GB (FLC 424/22)**

- UK labelling exemption (FBO name and address, origin and ID marks) ends 31 Dec. 2023
- Products with EU details placed on the market by 31 December 2023 can be sold through
- FSIFG working on guidance – discussions with Defra – exp. Nov.23

- **Geographic Indications – end of transition**

- UKGI logos must be used for products sold in GB from 1 Jan.2024.

OTHER LABELLING, COMP. and REGS.

- **Bread and Flour Regulations (FLC 502/22)**
 - Delayed - response exp. late Summer.23
 - COT risk assessing allergen impact of folic acid.
 - [COT discussions](#) - pragmatism for 3 months - present and not labelled.
 - Legislation Q2 2024 TBC - Implementation unlikely until at least end 2025.
- **Precision breeding (FLC 389/23) – closes 8 Jan.2024**
 - [FSA Consultation](#) ongoing – PPTC lead
 - Proposals for a new regulatory framework for PBOs in England, incl.:
 - 2-tier pre-market authorisation system
 - A public register of PBOs for food/feed
 - Enforcement – LAs – no additional criminal sanctions
 - Labelling not in scope – FSA and Defra not proposing
 - But businesses can communicate on a voluntary basis
 - No additional traceability requirements, other than General Food Law.
- **Environment labelling**
 - IGD to deliver reco to Defra by end of Nov.23
 - Reco expected to include labelling scheme, methods and data and governance
 - Defra to develop a ‘roadmap’ document by end 2023, incl. progress on FDTP
 - Defra: Eco-labelling early days – much more work to be done (incl. foods requiring refrigeration)
 - Consultation 2024 TBC

OTHER LABELLING, COMP. and REGS.

- **Recycling labelling**
 - All packaging materials (except flexibles) to be labelled 'recycle' or 'do not recycle' by Apr.26 (OPRL)
 - Flexible plastic films will need labelling by Apr.27
 - Draft Regulations exp. Spring.24
 - Defra working on guidance – exp. 2024
- **DBT call for evidence on Better Regulation (FLC 373/23)**
 - Closes 7 January 2024.
 - Stakeholder feedback to inform Smarter Regulation Programme
 - Focus on agility, proportionality and consistency of delivery across departments with regulatory function in the UK, GB , England or Wales
 - Questions not sector-specific but answers can be
 - Better Regulation Framework – exp. Summer.24



MEMBERS: Any comments. Feedback by 1 Dec.

- **FSA/FSS 'Our Food' report 2022**
 - Food Standards stable in 2022
 - Shortages of vets and food inspectors
 - Better information sharing and focus on food crime
 - Introduction of import controls on foods from the EU

OTHER LABELLING, COMP. and REGS.

- **EU FIC Review**
 - Commission work schedule – no reference to labelling
- **EU Date marking**
 - No updates
 - Wageningen University [study](#) on expiry dates on food waste behaviours
- **Proposal for EU Directive on Green Claims**
 - EU Green Claims proposals – discussions to resume early 2024
 - [FoodDrinkEurope paper on](#) Green claims Directive – Oct.23
 - [EIT Food study on eco-labels](#) – Oct.23
- **Draft Regulation on marketing standards**
 - EC adopted draft regulations (Regulations (EU) [2023/2429](#) and [2023/2430](#))
 - COO for most nuts, dried fruit and mixes – in accordance with Art.60 Reg (EU) 952/2013
 - Application exp. from 1 Jan. 2025 (Pending notification)
- **EFSA review smoke flavourings (FLC 394/23)**
 - 8 smoke flavourings reviewed – genotoxicity could not be ruled out.
 - 6 of which contain genotoxic substances.
 - Discussion with MSs on 20 November.

FOOD SAFETY

ACRYLAMIDE – Progress on EU ML and BML proposals

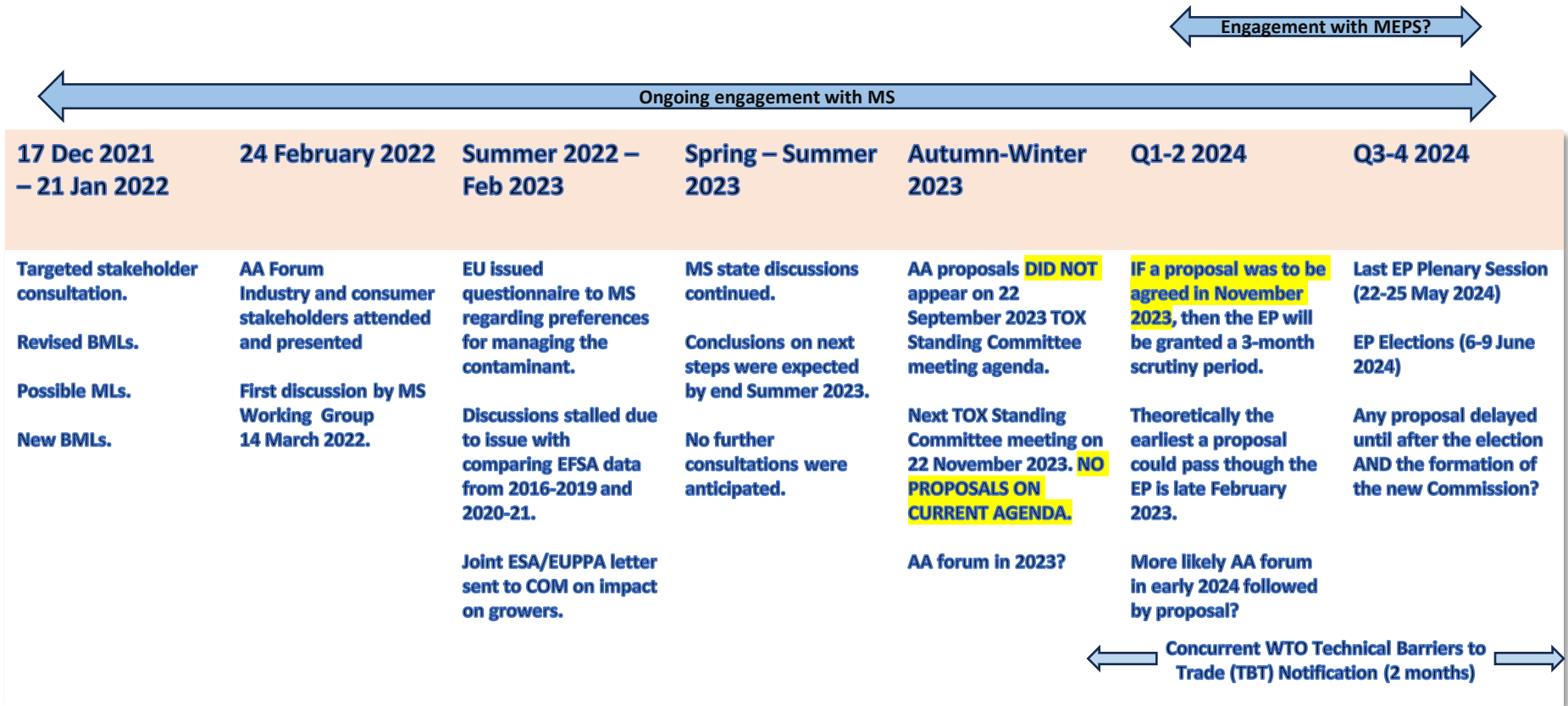
BACKGROUND

- Three workstreams were proposed in December 2021:
 - The review of the existing benchmark levels (BMLs).
 - The establishment of new BMLs for products not previously explicitly addressed.
 - The establishment of maximum levels (MLs) for some products.
- A further acrylamide forum was expected in Autumn 2023.
 - Commission was expected to update on proposals from Member State discussions.
 - No further consultation with industry is anticipated.
 - Finalisation of proposal was expected in 2nd Half of 2023.

CURRENT STATUS

- To date no further proposals have been seen, and the proposed Q3 acrylamide forum did not go ahead.
 - No acrylamide ML or BML discussion at TOX Standing Committee meeting on 22 September 2023.
 - Next TOX Standing Committee meeting is 22 November 2023.
 - **Currently no proposal on agenda: highly unlikely that a revised regulation will be published under the current European Parliament as there is insufficient time for the proposal to undergo scrutiny procedures.**
 - Possibility forum will still go ahead but will be pushed back until early 2024?
 - Scope for Commission to issue Recommendations (no EP scrutiny required).

ACRYLAMIDE – Tentative timeline for EU ML and BMLs



ACRYLAMIDE – Other developments (1)

REVISION FOODDRINKEUROPE ACRYLAMIDE TOOLBOX

- ESA has called for a revision of the Toolbox (last updated 2019).
- **PPA members are requested to provide feedback on tools of relevance.**

PROCESSING AIDS/ADDITIVES

- On agenda for TOX Standing Committee of 22 September 2023 for possible vote and approval.
 - *draft COMMISSION REGULATION (EU) .../... of XXX amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of the food additive sorbitan monostearate (E 491) in acrylamide reducing Baker's yeast*

CODEX

- India will prepare a paper on AA for discussion at next meeting of the Codex Committee on Contaminants in Foods (15-19 April 2024).

FSA Acrylamide and furan in retail foods survey (Published 9 October 2023)

- FSA claimed that all brand owners had been notified of their results (incorrect).
- Highest levels observed in vegetable crisps (of which carrot and parsnip components contained the highest levels), an extruded vegetable snack product, coffee, a sample of dried apricots and a sample of olives in brine.
- Findings were similar in both 2020 and 2021.
- Survey does not include potato crisps or oven chips, however vegetable fries/chips, jacket potatoes, potato based ready meals (for example, potato and cheese, casserole, potato, and meat), roasted nuts and roasted oilseeds were all sampled and tested.
- Potato snacks and vegetable crisps were also included in the furan sampling and testing.

ACRYLAMIDE – Other developments (2)

Germany: Ökotest published a review on crisps in October

LINK: https://www.oekotest.de/essen-trinken/Schadstoffe-in-Chips-Test-zeigt-Probleme-von-Kartoffelchips_14106_1.html

Covers Acrylamide, MOSH/MOAH, Glycidyl fatty acid esters, Glycoalkaloids and Pesticides (specifically 1,4-DMN and CIPC)

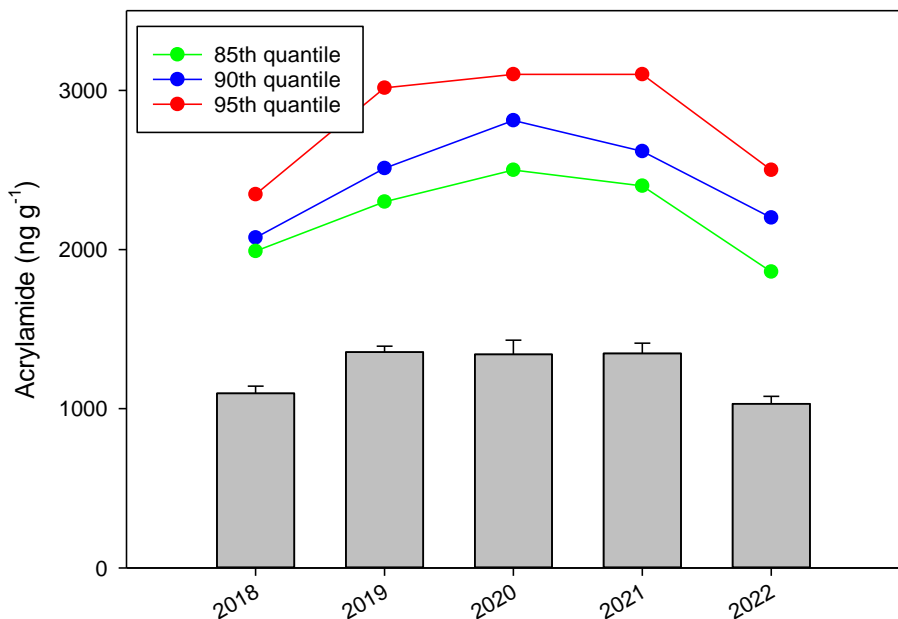
Switzerland: A Swiss Radio/TV report (SRF) on AA in fries was broadcast in September

LINK: <https://www.srf.ch/sendungen/kassensturz-espresso/tests/gesundheit/acrylamid-test-krebseregendes-nebenprodukt-beim-frittieren-von-pommes-frites#:~:text=Die%20Analyse%20eines%20akkreditierten%20Schweizer,und%20300%20%C2%B5g%2Fkg%20auf.>

The journalists sampled fries at 18 different locations, including McDonald's, Burger King or KFC, and restaurants/bars in zoos and museums. All 18 samples met the Benchmark Level of 500 µg/kg for French fries, but the broadcast called for tightening of levels – suggesting that the Federal Office for Food Safety and Veterinary Affairs (FSVO) will lower the value in Switzerland to 200 µg/kg.

ACRYLAMIDE – ESA vegetable crisps data 2022

Means, SEs, 85th, 90th and 95th quantiles



Year	Mean	SEM	Min	n	Q85	Q90	Q95	Max
2018	1096	45.22	55.00	263	1990	2075	2347	4220
2019	1355	38.46	40.00	547	2300	2510	3015	4779
2020	1341	90.28	98.00	121	2500	2811	3100	4601
2021	1347	64.73	64.00	212	2400	2617	3100	5100
2022	1030	46.39	54.00	287	1860	2200	2500	5000

2022: N=287. Mean of 1030 ppb with a standard error (SE) of ± 46.4 ppb, the lowest mean since ESA started collecting data on these products in 2018.

In all years mean AA was above 1000 ppb and the proposed 700 ppb benchmark level (2021 consultation).

The 90th quantile values were all above 2000 ppb, and the 95th quantile for 2019-2021 was above 3000 ppb.

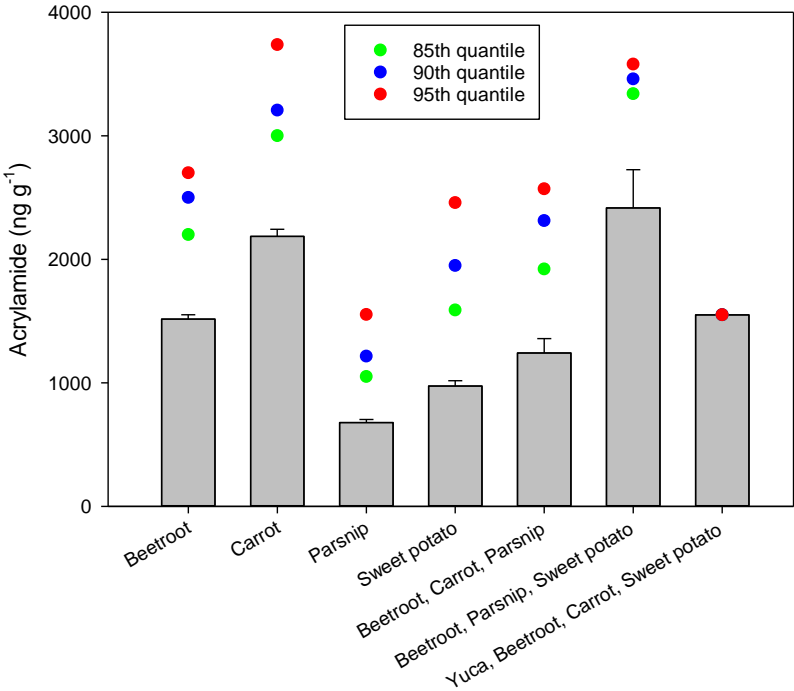
The max reported in each year was always greater than 4000 ppb.

Limited data (four countries) poses problems for meaningful analysis.

ACRYLAMIDE – ESA vegetable crisps data 2022

2022

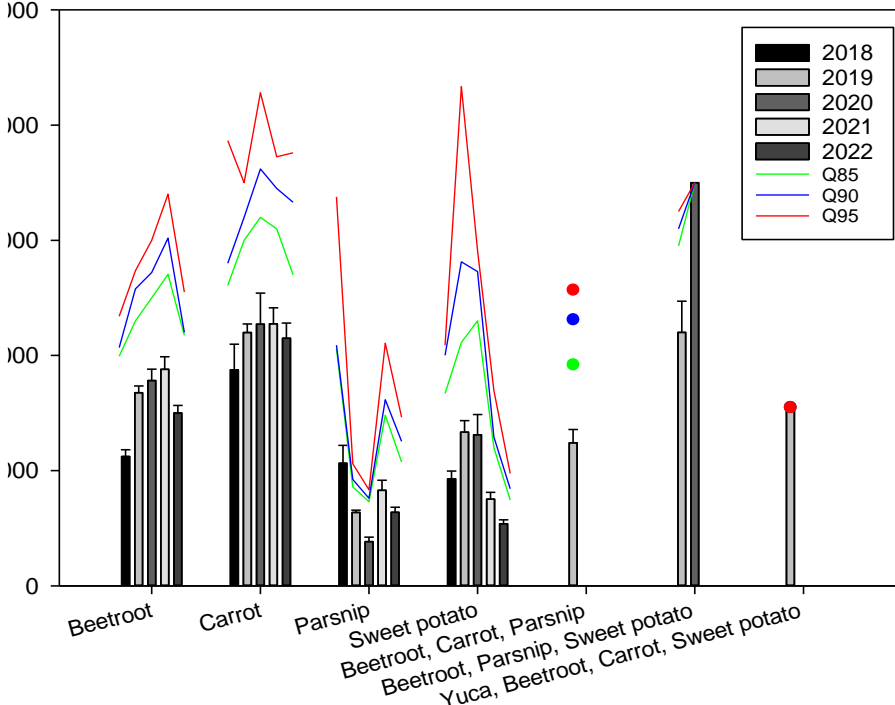
Means, SEs, 85th, 90th and 95th quantiles



Main Ingredient

2018-2022

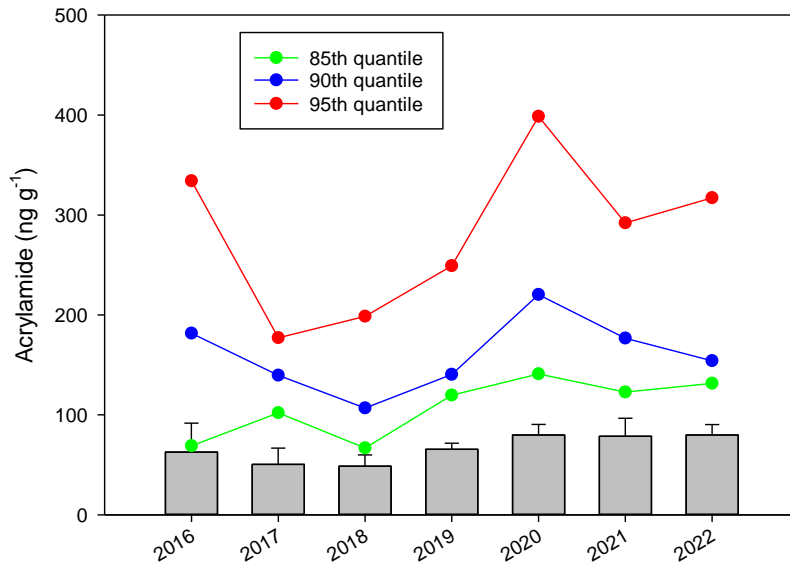
Means, SEs, 85th, 90th and 95th quantiles



Main Ingredient

ACRYLAMIDE – ESA nuts and seeds data 2022

Means, SEs, 85th, 90th and 95th quantiles



Year	Mean	SEM	Min	n	Q85	Q90	Q95	Max
2016	62.67	29.03	20.00	11	68.9	181.6	334.1	348.0
2017	50.50	16.12	20.00	10	102.0	139.5	177.0	177.0
2018	48.57	11.40	20.00	28	66.8	106.7	198.6	294.0
2019	65.50	6.15	20.00	144	119.6	140.3	249.2	387.0
2020	79.83	10.50	10.00	129	140.9	220.4	398.7	670.0
2021	78.48	18.07	10.00	68	122.7	176.6	292.0	1100.0
2022	79.87	10.35	10.00	152	131.4	154.0	317.2	810.0

2022: N=152.

The graph shows a small decreasing trend from 2016 to 2018 followed by an increasing trend from 2018 to 2020 and stability to 2022.

Despite the greater means in 2020-2022, the situation would appear to be relatively consistent for nuts and seeds over time, given the SEs.

There is considerable variation in the data, particularly when considering the position of the 95th quantile compared to the means.

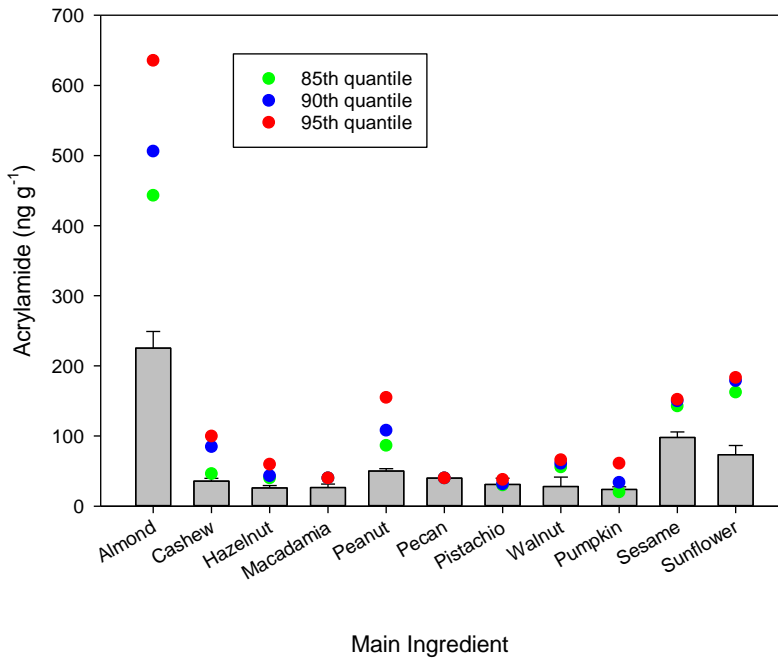
However, the 90th quantile follows the trend of the means particularly well.

There were only two observations greater than 750 ppb, these being the maximum seen in 2021, 1100 ppb, and the maximum seen in 2022, 810 ppb.

ACRYLAMIDE – ESA nuts and seeds data 2022

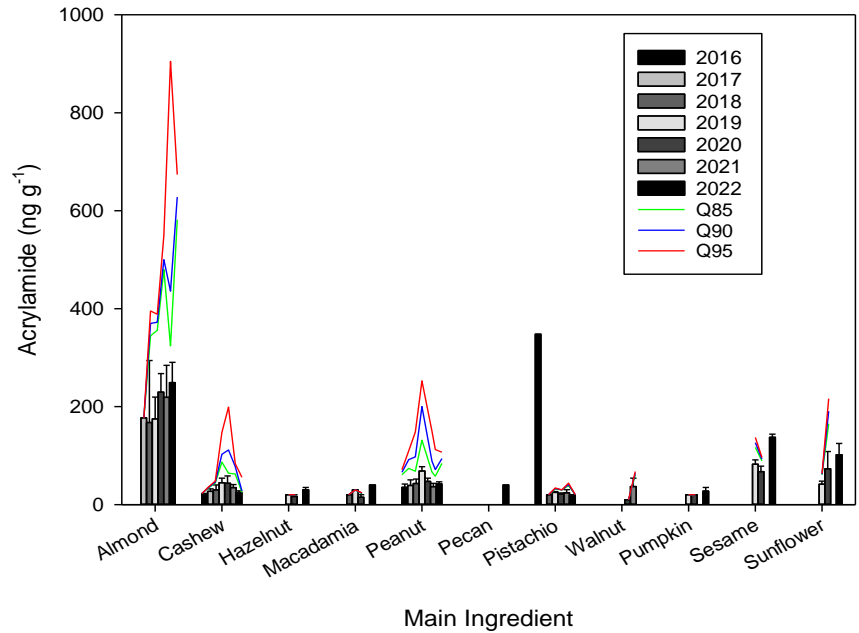
2022

Means, SEs, 85th, 90th and 95th quantiles



2016-2022

Means, SEs, Q85, Q90 and Q95



GLYCOALKALOIDS IN POTATOES AND POTATO-DERIVED PRODUCTS

Glycoalkaloids forum

- ESA, EUPPA, Europatat and Starch Europe have agreed to organise an online event dedicated to glycoalkaloids.
- Current plan is to hold this event in Q1 2024.
- Experts from various projects will be invited to attend and present on their current findings.
- Hope is to build consensus and also to challenge some of the conclusions from certain projects.
- Copa-Cogeca is the only PVC member which is not going to part of the initiative although they will still be invited to attend.
- Trade associations meeting on 15 November 2023 to discuss next steps.

MINERAL OILS RECAP

2020:

- February 2020: SCoPAFF MS emphasised the need for an EU-wide approach and acknowledged the challenges regarding the analytical methods. Based on the latest data shared with EFSA and the conclusions from the December workshop, action levels for MOAH in infant formula were proposed.
- May 2020: Foodwatch informed of mineral oil analysis ([link](#)) which detected saturated mineral oils (MOSH) in all 50 samples examined and also found aromatic mineral oils (MOAH) in 14 of the 50 samples. The analytical limit of quantification in the CVUA Münster method was 0,5 mg/kg MOAH (C10-C50).
- EFSA mandate for an update of the scientific opinion on mineral oil hydrocarbons in food by 31 December 2022.

2021:

- EFSA has already started the analysis of the currently available data and asked through the Discussion Group on Food Chemical Occurrence Data
- EFSA launched a call for occurrence data of mineral oil hydrocarbons with deadline 30 June 2021.
- German Benchmark values for mineral oil hydrocarbons (MOH) in foods have been updated in August 2021
- New Foodwatch report on mineral oils in food. Some MS have proceeded with recalls/withdrawals based on the Foodwatch findings

MINERAL OILS RECAP

2022:

- April 2022: Joint Statement of the MS regarding the presence of MOAH in food
- October 2022: Revision of the Joint Statement of the MS regarding the presence of MOAH in food

According to the Joint Statement revised:

“In order to ensure a uniform enforcement approach throughout the EU, the Member States agreed to withdraw and, if necessary, to recall products from the market, when the sum of the concentrations of MOAH in food are at or above the following maximum LOQs:

- 0.5 mg/kg for dry foods with a low fat/oil content ($\leq 4\%$ fat/oil)
- 1 mg/kg for foods with a higher fat/oil content ($> 4\%$ fat/oil, $\leq 50\%$ fat/oil)
- 2 mg/kg for fats/ oils or foods with $>50\%$ fat/oil

LATEST DEVELOPMENT

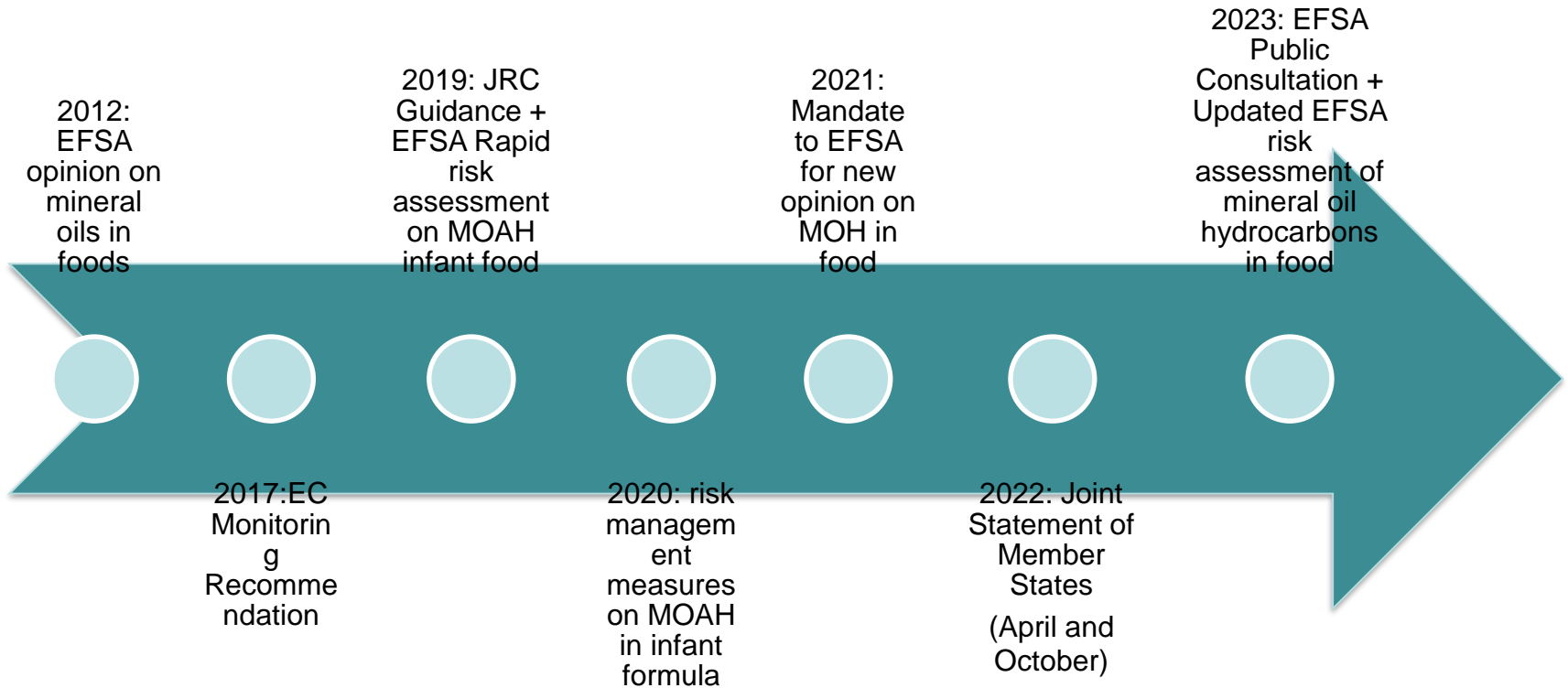
- In March 2023, EFSA launched a [public consultation](#) on its draft scientific opinion on the risk assessment of MOH in food – ESA responded via FoodDrinkEurope
- The [updated EFSA risk assessment of mineral oil hydrocarbons](#) in food has been published in the EFSA Journal on 13 September.

The CONT Panel concluded for MOAH that:

- New studies confirm the conclusions of the previous EFSA Opinion that the genotoxicity of MOH is associated with the presence of some MOAH with three or more aromatic rings.
- As concluded in the previous EFSA opinion, there is evidence that MOAH include non-genotoxic components acting as tumour promoters. No new evidence was available.
- Due to the lack of adequate oral toxicity studies, it was not possible to identify a reference point for the 1–2 ring MOAH. Therefore, a risk characterisation of this MOAH fraction could not be performed.
- The CONTAM Panel concluded that, in the absence of reliable toxicity data, the dietary exposure to 1–2 ring MOAH might raise a concern.
- Generation of further data for the refinement of the risk assessment was recommended.

From the opinion, the EC would still need to prepare a proposal for MS on where risk management measures would be needed. This could reasonably be expected to take place by end of 2023/ beginning of 2024.

MINERAL OILS TIMELINE



ESA REACTIVE STATEMENT AND Q&A ON MOH

ESA strongly recommends that a pro-active strategy on this issue is not needed at this stage and **may be counterproductive**. We suggest that the statement should only be used in reply to enquiries from media, regulatory authorities, and stakeholders. Please note that the Q&As are for background information only and should not be issued as part of any response statement.



European Snacks Association

ESA Reactive Statement on Mineral Oils Hydrocarbons (MOH)

Update: 20 September 2023

FOR REACTIVE PURPOSES ONLY

Savoury snack producers and the entire supply chain consider food safety and the quality of their products as the number one priority.

ESA members continuously invest in and apply systematic and rigorous practices to ensure that products put on the market meet the highest quality standards.

Savoury snack producers fully support and apply industry initiatives such as the FoodDrinkEurope [2018 toolbox](#) to help companies prevent the transfer of Mineral Oil Hydrocarbons (MOH) in food, and [Food Federation Germany's joint recommendation](#) with the food control authorities of the federal states in Germany on the use of "[benchmark values](#)" for contents of MOH. These initiatives represent many years of commitment and are the result of ongoing work to identify sources of MOH, implement preventive measures throughout the supply chain and to ultimately reduce the occurrence of MOH as low as technically feasible.

The European savoury snacks industry is committed to continuing its work with all stakeholders in the supply chain, national and European authorities to identify sources of MOH and implement preventive measures throughout the supply chain.

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esa@essnacks.eu www.essnacks.eu



European Snacks Association

ESA Q&A RESPONSE TO QUERIES ON MINERAL OIL HYDROCARBONS

Update: 20 September 2023

ESA strongly recommends that a pro-active strategy on this issue is not needed at this stage and may be counterproductive. We suggest that the following statement should be used in reply to enquiries from media, regulatory authorities, and stakeholders. Please note that the Q&As detailed below are for background information only and should not be issued as part of any response statement.

I. ESA Response statement

The health and safety of our consumers is the number one priority for the sector. We take a pro-active approach to food safety and invest significant resources to ensure our products are safe and meet the high-quality standards expected.

As a sector we keep a close eye on all new developments regarding mineral oil hydrocarbons (MOH) and continue to study the issue in detail. The savoury snacks industry is committed to continuing working with all stakeholders in the supply chain, national and European authorities to identify sources of MOH and implement preventive measures throughout the supply chain.

II. Definition of Mineral Oils

Mineral oil hydrocarbons (MOH) comprise a diverse group of mixtures of hydrocarbons containing thousands of chemical compounds of different structures and size, derived mainly from crude oil but also produced synthetically from coal, natural gas and biomass.

The chemical composition of most MOH mixtures is unknown and usually varies from batch to batch; specifications are often expressed in terms of viscosity, or 'thickness', as related to the applications of the products and not in terms of chemical composition. These highly complex mixtures have a wide variety of industrial and domestic uses. There are several possible sources of MOH in food: mainly food packaging materials, food additives, processing aids and environmental contaminants such as lubricants.

III. Terminology: what do MOSH and MOAH stand for?

The following terms are commonly used for mineral oil hydrocarbons (MOH= Mineral oil Hydrocarbons):

- MOSH: Mineral oil saturated hydrocarbons; paraffin-like, open-chained commonly branched hydrocarbons (e.g., alkanes) and naphthene-like cyclic hydrocarbons (cycloalkanes)
- MOAH: Mineral oil aromatic hydrocarbons; hydrocarbons mainly consisting of highly alkylated mono-and/or poly-aromatic rings

IV. Key facts on MOH at an EU Level

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T-2 & HT-2 – VOTED FAVOURABLY

1.9	T-2 and HT- 2 toxin	ML (µg/kg)	Remarks
1.9.1	Unprocessed cereal grains: - malting barley - barley other than malting barley - maize and durum wheat - oats with husk - other cereals	200 150 100 1250 50	Except rice. Except unprocessed maize grains for which it is evident e.g. through labelling or destination, that it is intended for use in a wet milling process only (starch production). The maximum level applies to unprocessed cereal grains placed on the market for first-stage processing
1.9.2	Cereals placed on the market for the final consumer - oats - barley, maize and durum wheat - other cereals	100 50 20	Except rice
1.9.3	Cereal milling products - oat milling products (including oat flakes and oat bran) - bran from other cereals and maize milling products - other cereal milling products	100 50 20	Except rice milling products
1.9.4	-breakfast cereals composed of at least 75 % of cereal bran, oat milling products, maize milling products and/or whole grains of oats, barley, maize and durum wheat and with less than 40 % oat milling products and whole grains of oats -breakfast cereals composed of at least 75 % of cereal bran, oat milling products, maize milling products and/or whole grains of oats, barley, maize and durum wheat and with at least 40 % oat milling products and whole grains of oats -Oat cakes	50 75 100	
1.9.5	Bakery wares, pasta, cereal snacks and breakfast cereals other than those referred to in 1.9.4	20	Except rice milling products. Pasta means pasta (dry) with a water content of approximately 12 %.
1.9.6	Processed cereal-based foods for infants and young children and baby food	10	Except rice products. The maximum level applies to the dry matter of the product as placed on the market

New ML
applicable as
from 1 July
2024

DEOXYNIVALENOL – VOTED FAVOURABLY

1.4	Deoxynivalenol	ML (µg/kg)	Remarks
1.4.1	Unprocessed cereal grains except products listed in 1.4.2 and 1.4.3	1000	Except unprocessed maize grains intended to be processed by wet milling and rice. The maximum level applies to unprocessed cereal grains placed on the market for first-stage processing
1.4.2	Unprocessed durum wheat grains and unprocessed maize grains	1500	Except unprocessed maize grains for which it is evident e.g. through labelling or destination, that it is intended for use in a wet milling process only (starch production). The maximum level applies to unprocessed durum wheat grains and unprocessed maize grains placed on the market for first-stage processing
1.4.3	Unprocessed oats with husk	1750	The maximum level applies to unprocessed oat grains with husk placed on the market for first-stage processing
1.4.4	Cereals placed on the market for the final consumer, maize for popping and popcorn	750	Except rice
1.4.5	Cereal milling products with the exception of products listed in 1.4.6	600	Except rice milling products
1.4.6	Maize milling products - maize milling products placed on the market for the final consumer - maize milling products not placed on the market for the final consumer - pre-cooked polenta ready to eat	750 1000 250	
1.4.7	Bakery wares, cereal snacks and breakfast cereals	400	Except rice products. Including small bakery wares.
1.4.8	Pasta	600	Pasta means pasta (dry) with a water content of approximately 12 %.
1.4.9	Processed cereal-based food for infants and young children and baby food	150	Except rice products. The maximum level applies to the dry matter of the product as placed on the market.
1.4.10	Dietary foods for special medical purposes intended for infants and young children	150	The maximum level applies in the case of milk, milk products and similar products to the products ready to use (placed on the market as such or reconstituted as instructed by the manufacturer) and in the case of products other than milk, milk products and similar products to the dry matter

New ML
applicable
as from 1
July 2024

EC REPLY to ESA - CLARIFICATION ON DISCUSSION ON DON LEVELS IN MAIZE

*“The maximum level for DON in unprocessed maize has been decreased from 1750 to 1500 µg/kg (15 % decrease)
The maximum level finely milled corn flour/maize flour not placed for the final consumer is now 1250 µg/kg **and is now lowered to 1000 µg/kg** (not increased) (20 % decrease)
The maximum level for the final products is indeed reduced from 500 µg/kg to 400 µg/kg (20 % decrease)
As you can see a decrease has been done at the different stages in the cereal chain. Taking into account the data available in the EFSA database these levels are achievable as they reflect the 95th percentile and higher of the data available in the EFSA database.*

In the current legislation we have for maize milling products the following categories:

- Maize flour of maize not placed on the market for the final consumer (at least 90 % measured by weight of the particles in the milling product have a size of $\leq 500 \mu\text{m}$. **1250 µg/kg***
- Other milling products of maize not placed on the market for the final consumer (less than 90 % measured by weight of the particles in the milling product have a size of $\leq 500 \mu\text{m}$. **750 µg/kg***
- Maize placed on the market for the final consumer and maize flour placed on the market for the final consumer : **750 µg/kg***

*As the distinction based on the particle size was found not practicable from an enforcement point of view. Also in the EFSA database the data were not reported as such. Therefore, one single level of 1000 µg/kg for maize milling products not placed on the market for the final consumer was established at **1000 µg/kg** (which is for the finely milled maize milling products a decrease from 1250 to 1000 µg/kg and which is for the less finely milled maize products an increase from 750 to 1000 µg/kg). For the maize milling products placed on the market for the final consumer the level has remained on **750 µg/kg.**”*

Chlorpropham (CIPC) – EU status

COMMISSION REGULATION (EU) 2023/377 of 15 February 2023 amending Annexes II, III, IV and V to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for benzalkonium chloride (BAC), chlorpropham, didecyldimethylammonium chloride (DDAC), flutriafol, metazachlor, nicotine, profenofos, quizalofop-P, sodium aluminium silicate, thiabendazole and triadimenol in or on certain products.

Standing Committee mtg 13-14 February:

- Latest Potato Value Chain (PVC) report (2021-2022 monitoring data) was reviewed.
- **Based on the new data, the existing tMRL could be lowered to either 0.25 mg/kg (97.5th percentile of the data population) or to 0.2 mg/kg (95th percentile).**
- Proposed to postpone the discussion until after 14 September 2023 (date of applicability of 0.35 mg/kg).
- **Discussion on revised CIPC tMRL has yet to be appear on a PAFF agenda and might not be discussed again in 2023.**
- Arvalis has presented a first draft of the data collection activity for 2022-23 season. This will be finalised and a draft shared via the PVC before submission to the Commission at the end of 2023.

Chlorpropham (CIPC) – UK status

- CRD has completed the review of the MRLs for chlorpropham (CIPC).
- HSE has proposed a **tMRL of 0.35 mg/kg**. Adopted on 10 October 2023 and the date of entry into force will be **10 April 2024**.
- HSE's draft Reasoned Opinion is available [here](#).
- HSE has proposed that the tMRL will be set for a period of 5 years. However, the validity of the tMRL must be reassessed every 12 months.
- To support this reassessment, additional information will need to be submitted:
 - Monitoring data for UK stores to show compliance with the tMRL of 0.35 mg/kg and inform on the success of cleaning measures and to support a reduction in the levels of chlorpropham in potatoes.
 - The monitoring data must cover residue levels of CIPC, determined in compliance with the residue definition for enforcement, in potatoes stored in both UK box and UK bulk stores that have been previously treated with chlorpropham.
 - The monitoring data must determine residues of CIPC, using validated methods of analysis (accredited laboratories)
 - HSE recommends that an annual sample strategy should cover at least 100 UK box stores and 25 UK bulk stores.

SUSTAINABILITY



Sustainability

Packaging update

- On the 26 July, DEFRA announced that there will be a years' delay in the implementation of EPR.
- Producers are still legally obligated to report their 2023 data under EPR (**by 1 Apr. 2024**), however the first year of reporting will have no financial implications, and **EPR payments will be issued in October 2025.**
- Illustrative base fees for the first year of EPR (expected in May.24) have yet to be published.
- EPR consultation closed on 9 October. Regulations exp. late 2024.
- On 21 October the Government released its plans for Simpler Recycling, previously referred to as Consistent Collections.
- DEFRA ran a consultation, which closed on the 20 November, on additional policies to Simpler Recycling in England.
- On 18 July HMRC published a consultation on the use of mass balance accounting to determine the amount of chemically recycled plastic in plastic packaging for the purposes of the Plastic Packaging Tax (PPT).
- No timescale for when any changes could come into effect were given in the consultation. **PPA supported the FDF position which underlined the critical importance of allowing a mass balance approach for calculating recycled content in chemically recycled plastic.**

Risk Matrix

Food Issues Risk Matrix (July 2023)

Risk Analysis	Current Issue Actions in hand Dynamic situation	Future Issue Plans in preparation	Managed issue Controlled/monitored Could reoccur Outstanding actions
Big Company Impact Cost Reputation Media	Acrylamide 3-MCPD/Glycidyl-Esters HFSS Advertising/Promotions restrictions Obesity - New Government strategy/Scotland/Wales/Northern Ireland Portion Size/Calories CIPC (MRL) monitoring BREXIT/Devolution-associated issues/Regulatory divergence Windsor Framework Packaging waste/Taxation/EPR Salt/Sodium reduction (2024 targets) Ultra-Processed Foods/Junk food cycle Loss of pesticide active substances	Pesticides MRLs Food taxation Collective loss of Fungicides FDTP Health workstream Nutrient profiling (Ofcom model review UK) FOPNL developments	
Moderate Impact Cost Material availability Working practice	Environment Act (implementation)/EU Farm to Fork Strategy Food waste Allergens (precautionary labels/vegan) Bread and Flour Regulations Review Glycoalkaloids Furan Retained EU Law Act – UK Contaminants (T-2, HT-2) UK Target Border Operating Model (TOM) Supply chain issues (raw materials shortages)	Contaminants (DON) Eco-labelling/FDTP Environment workstream Nutrient Profiling (EU F2F Strategy)	Pack Fill
Small Impact Cost Materials Change	Flavourings reviews GBSF/CQUIN/Hospital Food Review Tropane alkaloids Plant-based/vegan and vegetarian definitions Sugars (popcorn)	UK NPM Technical Guidance Update PFAS MOAH	Palm Oil (compound ingredients)

Decreasing impact on business ↓

New issue

Changed priority

Identified as a potential high-profile media issue

AOB

Dates of 2024 meetings

- **March (online)**
- **July (physical)**
- **October/November (online)**

PPA to send Doodle poll with proposed dates



QUESTION: Suggestion of guest speakers for next meeting?

Potential GUEST SPEAKERS:

- *FSA on allergens*
- *FSA on additives/flavouring/enzymes, etc. or contaminants*
- *FSA/Defra on the Retained EU Law Bill*
- *Defra on the FDTP*
- *Defra on TOM/BTOM*
- *Trading Standards*
- *BRC*
- *OHID on reformulation or policy*

ANNEX CONSULTATIONS

Consultations - ongoing

Consultation	Closing date	Comments/status
<u>HSE consultation on the GB approval of the new active substance Pydiflumetofen</u>	29/12/23	No PPA response expected.
<u>DBT call for evidence on Smarter Regulation and the regulatory landscape</u>	07/01/24	PPA response TBC
<u>HSE consultation on the proposed amendment to the approval of an active substance Flonicamid in GB</u>	02/01/24	PPA response TBC
<u>FSA consultation on proposals for a new framework in England for the regulation of precision bred organisms used for food and animal feed</u>	08/01/24	PPA response TBC
<u>SG consultation on the Marketing of Organic Heterogeneous Material</u>	21/01/24	PPA response TBC

Consultations - expected

Consultation	Exp.	Comments/status
ASA/CAP consultation on guidance on HFSS advertising restrictions	Nov.23	
SG consultations on restricting promotions of 'less healthy' foods – secondary legislation	Autumn.23	
SG consultation on the Good Food Nation Act	Autumn.23	
FSA consultations on regulated products	Autumn.23	Next batch due in the Autumn. Further batches to follow
Defra consultation on GB-wide 'not for EU' label	2023 TBC	
FSA consultations on the regulated products frameworks	Early 2024	
WG consultation on enforcement of food environment proposals	Q1 2024	Delayed
WG consultation on guidance on HFSS promotional restrictions	Q2 2024 TBC	Targeted consultation (trade associations) exp. early 2024
FDTP Eco WG proposals	2024 TBC	
FDTP Health WG proposals	Spring 2024 TBC	Unsure if there will be a consultation

Consultations - expected

Consultation	Exp.	Comments/status
NI consultation on catering and vending standards (A Fitter Future for All)	TBC	Under existing Obesity Strategy.
NI Obesity Strategy consultation	TBC	
PAL – full impact assessment, thresholds, additional testing requirements	2025	

Consultations - closed

Consultation	Closing date	Comments/status
Defra Gene editing (England)	17/03/21	Govt. response published 29/09/21 .
Defra changes recognition clauses (England) (BFR)	22/03/21	Govt. response published 29/07/21 .
Defra Draft Policy Statement on Environmental Principles	02/06/21	Environmental Act published 10/11/21 .
Extended Producer Responsibility (UK-wide)	04/06/21	PPA response. Government response published 26/03/22
Defra Introducing a Deposit Return Scheme (England)	04/06/21	No PPA response as not applicable. Govt. response published 20/01/23 .
Defra Consistency of household and business waste collections (England)	04/07/21	Government response published 25/10/23
CMA Draft guidance on environmental claims	16/07/21	Final guidelines published Sep.21
HMRC Plastic Packaging Tax: draft secondary legislation consultation	17/08/21	FDF response. Consultation response TBC
EA Review of the water industry national environment programme (WINEP)	16/09/21	Govt. response published 13/12/21 .
BEIS Reforming the framework for better regulation	01/10/21	Consultation response published 31/01/22 (through The Benefits of Brexit).

Consultations - closed

Consultation	Closing date	Comments/status
<u>FSS Food composition standards review</u>	12/10/21	PPA contribution through FDF.
<u>FSA Wales Proposed amendment of the Mutual Recognition clauses in certain domestic food legislation in Wales</u>	28/10/21	PPA contribution through FDF. <u>Summary of responses</u> published 15/12/21 .
<u>EA Review of Charges for Water Resources</u>	10/11/21	Govt. <u>response</u> published 09/03/22.
<u>SG Agricultural transition in Scotland</u>	17/11/21	No PPA sector-specific response. Govt. <u>response</u> published 26/08/22 .
<u>Northern Ireland Food Strategy Framework</u>	19/11/21	No PPA response. <u>Summary of responses</u> published 28/03/22 .
<u>Defra Consultation on 'A Plant Biosecurity Strategy for Great Britain'</u>	30/11/21	Govt. <u>response</u> published 05/04/22
<u>HMRC Technical consultation on Plastic Packaging Tax (General) Regulations 2021</u>	01/12/21	PPA response submitted. Consultation response TBC
<u>SG Local food for everyone – a discussion: consultation</u>	02/12/21	No PPA response. Govt. <u>response</u> published 13/07/22

Consultations - closed

Consultation	Closing date	Comments/status
Defra Call for evidence on Labelling for Animal Welfare	06/12/21	PPA contribution through FDF. Consultation response published 30/08/22. Review ongoing.
FSA NI Consultation on proposal to allow flour millers to place unfortified flour on the NI market, subject to it being destined for countries outside the UK, or used in products destined to be sold outside of the UK	06/12/21	PPA contribution through FDF. Summary of responses published 16/06/22 .
Targeted Stakeholder Commission consultation on monitoring recommendation of the presence of glycoalkaloids in potatoes and potato-derived products	09/12/21	ESA lead. PPA contribution through FDF. EC recommendation (2022/561) published 06/04/22 .
HSE Formulation Guidance for PPP Ecotoxicology risk assessments	13/12/21	No PPA response.
BEIS Call for evidence – Combined Heat and Power (CHP)	20/12/21	Summary of responses published 28/03/22 .
Defra Moving the abstraction and impounding licensing regime into the Environmental Permitting Regulations	22/12/21	No PPA response.
EFSA Consultation on draft scientific opinion on the development of harmonised FOPNL and the setting of nutrient profiles for restricting nutrition and health claims	09/01/22	EFSA opinion published 19/04/22 .

Consultations - closed

Consultation	Closing date	Comments/status
Defra Consultation to reform the Agriculture and Horticulture Development Board	10/01/22	No PPA response. Consultation response 08/03/22
Targeted Stakeholder Commission consultation on 3-MCPD esters and glycidyl fatty esters MLs in foods	17/01/22	ESA lead. PPA response through ESA. Ongoing work.
DAERA Environment Strategy Consultation	18/01/22	Summary of responses published 28/03/22 .
EC consultation on recycled plastic in food packaging	18/01/22	FDF response. Commission adoption 15/09/22 .
EC Targeted Stakeholder Commission consultation on dioxins and dioxin-like PCBs	21/01/22	ESA lead. Ongoing work.
EC Targeted Stakeholder Commission consultation on BMLs and MLs for acrylamide	21/01/22	ESA lead. Ongoing work.
FSA consultation on the review of retained Regulation 2016/6 on importing food from Japan following the Fukushima nuclear accident	11/02/22	Summary of responses published 21/04/22
Consultation on proposals to ban commonly littered single-use plastic items in England	12/02/22	No PPA response. Summary of responses and Government response published 14/01/23 .

Consultations - closed

Consultation	Closing date	Comments/status
Defra Call for evidence on commonly littered and problematic plastic items	12/02/22	Consultation response published 14/01/23
DAERA Independent strategic review of NI Agri-Food Sector	23/02/22	No PPA response. Consultation response TBC
EC consultation on revision of Reg. (EU) 1169/2011 on food information to consumers	07/03/22	Summary of responses published on 03/05/22.
EC consultation on facilitating healthier food choices – establishing nutrient profiles	07/03/22	Summary of responses published on 03/05/22.
Defra Implementing due diligence on forest risk commodities	11/03/22	Government response published June.22
FSA consultation on Precautionary Allergen Labelling (PAL)	14/03/22	Summary of responses published 06/06/22.
BEIS consultation on Draft Vertical Agreements Block Exemption Order	16/03/22	Govt. response published May.22
EC consultation on imports of agricultural and food products – applying EU health and environmental standards	16/03/22	Commission adoption 03/06/22
Defra consultation on ending the retail sale of peat in horticulture in England and Wales	18/03/22	No PPA response. Govt. response published 27/08/22

Consultations - closed

Consultation	Closing date	Comments/status
SG National litter and flytipping strategy consultation	31/03/22	No PPA response. Summary of responses published 28/07/22
EFRA Committee call for evidence on Common Frameworks	08/04/22	No PPA response.
Defra Introduction of mandatory digital waste tracking	15/04/22	No PPA response. Summary of responses published 15/12/22. Consultation outcome TBC
DIT UK-New Zealand FTA: Trade and Agriculture Commission call for evidence	22/04/22	No PPA response. Consultation response TBC
2030 Strategic Framework for International Climate and Nature Action	24/04/22	No PPA response. Summary of responses published 30/03/23
HMRC Call for Evidence: An independent customs regime	02/05/22	No PPA response. Summary of responses published 25/07/22
Defra Nature Recovery Green Paper	11/05/22	No PPA response. Consultation response TBC
OHID Vitamin D: call for evidence	15/05/22	No PPA response. Consultation response TBC (work on hold)
HM Treasury: Online sales tax: policy consultation	20/05/22	Consultation response published 09/02/23

Consultations - closed

Consultation	Closing date	Comments/status
Defra consultation on reforms to PRN and PERN system and operator approval	21/05/22	No PPA response. Govt. response published 28/10/22 .
Defra – Tenant Farmers to share their views	30/05/22	No PPA response.
Developing the UK Emissions Trading Scheme (UK ETS)	17/06/22	No PPA response. Govt. response published 31/08/22
DIT Trade with Switzerland	22/06/22	No PPA response. Govt. response published 15/05/23
Defra Environment Act 2021: environmental targets	27/06/22	No PPA response. Govt. response published 16/12/22 .
SG call for evidence on single-use food containers and other commonly littered single-use items	30/06/22	No PPA response. Consultation response TBC
SG Mandatory calorie labelling in the OOH sector in Scotland	01/07/22	No PPA response. Consultation response published 30/05/23 .
FSA/FSS: Amendments to Retained Regulation 2019/1793 on controls applied to imported food and feed not of animal origin	07/07/22	No PPA response. Summary of responses published 12/10/22 .

Consultations - closed

Consultation	Closing date	Comments/status
EC consultation on future legislative framework for Sustainable Food Systems	21/07/22	ESA response. Commission adoption exp. Q3 2023.
FSA consultation on transitional arrangements for edible insects in GB	10/08/22	No PPA response. Summary of responses published 03/10/22
FSA consultation on removal of the requirements to use the 'Do Not Eat' pictograph on active and intelligent food contact materials in GB	10/08/22	No PPA response. Summary of responses published 06/09/22
FSA consultation on proposed changes to national (England only) law in relation to EU Directives on animal feed, food contact materials and extraction solvents	10/08/22	No PPA response. Summary of responses published 06/09/22
EC consultation on food waste targets	16/08/22	EUPPA and ESA responses. Summary of responses published 19/09/22
Environmental Standards Scotland – draft strategic plan	17/08/22	No PPA response. Govt. response published 30/09/22.
FSA Enhanced Investigatory Powers for the Food Standards Agency (FSA)	18/08/22	No PPA response. Summary of responses published 17/11/22.

Consultations - closed

Consultation	Closing date	Comments/status
EC targeted consultation on the draft recast of Regulation (EC) 1881/2006 setting maximum levels for contaminants in food	19/08/22	No PPA response. Consultation response TBC
SG Delivering Scotland's circular economy: a consultation on proposals for a Circular Economy Bill	22/08/22	No PPA response. Responses published.
SG Delivering Scotland's circular economy: a Route Map to 2025 and beyond	22/08/22	No PPA response. Consultation response TBC
OPSS/BEIS Consultation on choice of measurement: markings and sales	26/08/22	PPA response submitted. Consultation response TBC
Defra/FSA/WG/SG consultation on extending the period (currently due to end 30 September 2022) during which some EU business address requirements and labelling terms are still permitted on the GB market to 31 December 2023 (no link)	30/08/22	PPA response submitted. Consultation response 07/09/22
WG Consultation on Healthy Food Environment (HWHW)	01/09/22	PPA response submitted. Summary of responses published 31/01/23. Oral statement from WG on 27/06/23 confirming WG decision.

Consultations - closed

Consultation	Closing date	Comments/status
FSA consultation on proposed changes to Welsh law in relation to EU Directives on animal feed, food contact materials and extraction solvents	01/09/22	No PPA response. Summary of responses published 18/01/23 .
EC targeted consultation on provisions on sampling and analysis for control on compliance with MLs for mycotoxins and plant toxins in food	02/09/22	ESA response TBC. Consultation response TBC
Defra Consultation on possible changes to public sector food and catering policy (GBSF)	04/09/22	No PPA response. Govt. response published on 28/07/23 .
Defra Consultation on Improved food waste reporting by large businesses in England	05/09/22	No PPA response. Consultation response published 28/07/23 .
UK Government consultation on the UK Single Trade Window	15/09/22	No PPA response. Consultation response TBC
OHID consultation on SACN draft report on feeding young children aged 1-5 years	16/09/22	No PPA response. Consultation response TBC
EC consultation on proposals for a new Regulation on the Sustainable Use of Plant Protection Products	21/09/22	EUPPA response. Consultation response TBC

Consultations - closed

Consultation	Closing date	Comments/status
<u>FSA/FSS call for evidence: Use of recycled plastic, originating from ocean-bound/cycle schemes and similar environmental collection, in food contact material products</u>	20/09/22	No PPA response. <u>Summary of responses</u> published 21/02/23 .
<u>SG consultation on restricting promotions of food and drink high in fat, sugar or salt</u>	23/09/22	PPA response submitted. Consultation <u>response</u> published 30/05/23 .
<u>Defra consultation on contractual practice on the UK Pig Sector</u>	07/10/22	No PPA response. <u>Summary of responses</u> published 06/04/23 .
<u>FSS consultation on The Food and Feed (Miscellaneous Amendments) (Scotland) Regulations 2022</u>	10/10/22	No PPA response. <u>Summary of responses</u> published 24/11/22 .
<u>Defra consultation on the Groceries Code Adjudicator: statutory review, 2019 to 2022</u>	11/10/22	No PPA response. Consultation response TBC
<u>SG BRIA survey restricting promotions of food and drink high in fat, sugar or salt</u>	21/11/22	No PPA response. Consultation <u>response</u> published 30/05/23 .
<u>SG consultation on proposals for a new Agricultural Bill</u>	21/11/22	No PPA response. Consultation response TBC
<u>Defra/DHSC/FSA/FSS consultation amending The Bread and Flour Regulations 1998 and The Bread and Flour (Northern Ireland) Regulations 1998</u>	23/11/22	PPA response submitted on 18/11/22 . Summary of responses and Government response exp. end of 2023 . Legislation exp. early 2024 .

Consultations - closed

Consultation	Closing date	Comments/status
<u>FSA/FSS consultations on applications for authorisation of miscellaneous regulated products: two novel foods, one food additive and one flavouring</u>	11/12/22	No PPA response. <u>Summary of responses</u> published 09/03/23.
<u>FSA consultation on proposed changes to the Food Law Code of Practice (England) in relation to a new food standards delivery model</u>	09/01/23	No PPA response. <u>Summary of responses</u> published 08/06/23 .
<u>FSA consultation on proposed changes to the Food Law Code of Practice (Northern Ireland) in relation to a new food standards delivery model</u>	09/01/23	No PPA response. <u>Summary of responses</u> published 08/06/23 .
<u>EC Consultation on the revision of EU rules on food contact materials</u>	11/01/23	No PPA response. Commission adoption Q2 2023.
<u>DHSC call for evidence on the Antimicrobial resistance national action plan</u>	20/01/23	No PPA response. <u>Govt. response</u> published 16/08/23 .
<u>Welsh Parliament consultation on general principles of the Food (Wales) Bill</u>	27/01/23	No PPA response. <u>Summary of responses</u> published.
<u>FSA consultation on applications for authorisation of miscellaneous regulated products: one novel food and one food additive</u>	06/02/23	No PPA response. Consultation response TBC.

Consultations - closed

Consultation	Closing date	Comments/status
<u>FSS consultation on the amendment to the specification of one additive (Rebaudioside M)</u>	06/02/23	No PPA response. <u>Summary of responses</u> published 10/03/23
<u>WG consultation on separate collection of waste materials for recycling: a code of practice for Wales</u>	15/02/23	No PPA response. <u>Summary of responses</u> published 10/03/23
<u>WG consultation on proposals for enforcing businesses, public and third sector recycling regulations in Wales</u>	15/02/23	No PPA response. <u>Summary of responses</u> published 27/04/23
<u>WG consultation on nutrient management: managing the application of livestock manures sustainably</u>	17/02/23	No PPA response. <u>Summary of responses</u> published 10/10/23 .
<u>WRE draft Regional Water Resources Plan for Eastern England</u>	20/02/23	No PPA response. Consultation response TBC
<u>GCA: 2023 Groceries Code Adjudicator (GCA) Survey</u>	26/02/23	No PPA response. <u>Survey results</u> published 15/06/23 .
<u>WG consultation: Just Transition to Net Zero Wales</u>	15/03/23	No PPA response. <u>Summary of responses</u> published 26/10/23 .
<u>DHSC/DCSM consultation on introducing further advertising restrictions on TV and online for HFSS products</u>	31/03/23	PPA response submitted on 29/03/23. Consultation response exp. Late 2023 .

Consultations - closed

Consultation	Closing date	Comments/status
CMA consultation on draft guidance on environmental sustainability agreements	11/04/23	No PPA response. Summary of responses and guidance published 12/10/23 .
Ofcom public consultation on the implementation of new statutory restrictions regulating the advertising of 'less healthy' food and drink	21/04/23	PPA contribution to FDF response. Consultation response exp. Nov.23
EFSA public consultation on the draft scientific opinion on the update of the risk assessment of mineral oil hydrocarbons (MOH) in food	30/04/23	ESA response TBC.
CAP pre-consultation on guidance on LHF advertising restrictions	05/05/23	This is an informal consultation (no link). PPA response sent on 05/05/23
EFRA Committee call for evidence on Resources and Waste provisional Common Framework	05/05/23	No PPA response.
DESNZ consultation on Climate Change Agreements: extension and future scheme (2023)	10/05/23	No PPA response. Consultation response TBC
Defra consultation on strengthening environmental civil sanctions	15/05/23	No PPA response. Govt. response published 12/07/23 .

Consultations - closed

Consultation	Closing date	Comments/status
<u>Cabinet Office consultation on the Draft Border Operation Model (BTOM/TOM)</u>	19/05/23	No PPA response. <u>TOM published</u> 29/08/23.
<u>FSA consultation on updates to Technical Guidance on Food Allergen Labelling (incl. PAL)</u>	22/05/23	PPA response sent on 22/05/23 . <u>Summary of responses</u> and <u>updated guidance</u> published 04/09/23 .
<u>HMRC consultation on Draft Regulations: The Plastic Packaging Tax (General) (Amendment) Regulations 2023</u>	22/05/23	No PPA response. Consultation response TBC
<u>MAC call for evidence on the Shortage Occupational List (SOL)</u>	26/05/23	No PPA response.
<u>WG consultation on proposals for enforcement of the Environmental Protection (Single-use Plastic Products) (Wales) Bill</u>	09/06/23	No PPA response. <u>Summary of responses</u> published 03/10/23 .
<u>HM Treasury/DESNZ consultation addressing carbon leakage risk to support decarbonisation</u>	22/06/23	No PPA response. Consultation response TBC
<u>Home Office consultation on Nitrous oxide: legitimate uses and appropriate controls</u>	27/06/23	No PPA response. Consultation <u>response</u> published 05/09/23 .
<u>FSA consultation on developing a modernised food hygiene delivery model in England</u>	30/06/23	No PPA response. <u>Summary of responses</u> published 19/10/23 .

Consultations - closed

Consultation	Closing date	Comments/status
FSA consultation on developing a modernised food hygiene delivery model in Wales	30/06/23	No PPA response. Summary of responses published 19/10/23 .
FSA consultation on developing a modernised food hygiene delivery model in Northern Ireland	30/06/23	No PPA response. Summary of responses published 19/10/23 .
Defra consultation on Charging arrangements at government-run border control points	09/07/23	No PPA response. Consultation response TBC
DBT open consultation Retained EU employment law reforms	17/07/23	No PPA response. Consultation response published 08/11/23 .
EFSA draft Scientific Opinion on PBDEs in food	20/07/23	No PPA response.
DHSC consultation on HFSS volume price promotional restrictions SI (Informal)	27/07/23	Amended SI exp. Sep.23.
FSA consultation on the additional proposal for enhanced investigatory powers for the FSA	06/08/23	No PPA response. Summary of responses published 07/09/23 .
EC targeted stakeholder consultation on the re-evaluation of the authorised food additives 'sulfur dioxide-sulfites (E220-228)	15/08/23	PPA response TBC.

Consultations - closed

Consultation	Closing date	Comments/status
<u>FSA consultation on amendments to Retained (EU) Regulation 2019/1793: Official controls applied to imported High Risk Food and Feed Not of Animal Origin</u>	28/08/23	No PPA response. Consultation response TBC
<u>FSS 2023 Review of Commission Implementing (EU) Regulation 2019/1793 on increased import controls of certain food and feed of non-animal origin</u>	28/08/23	No PPA response. Consultation response TBC
<u>FSS consultation on updates to FSS Technical Guidance on food allergen labelling and information requirements</u>	08/09/23	PPA response submitted (same response as for FSA consultation). Consultation response TBC
<u>FSA/FSS call for evidence on UK accession to CPTPP</u>	10/09/23	No PPA response. Consultation response TBC
<u>Defra consultation on Draft producer responsibility obligations (packaging and packaging waste) regulations</u>	09/10/23	No PPA response. Consultation response TBC
<u>HMRC consultation on Plastic Packaging Tax – chemical recycling and adoption of a mass balance approach</u>	10/10/23	No PPA response. Consultation response TBC
<u>DESNZ call for evidence: Enabling Industrial Electrification</u>	20/10/23	No PPA response. Consultation response TBC

Consultations - closed

Consultation	Closing date	Comments/status
<u>EFSA consultation on the assessment report on the active substance Fosthiazate</u>	23/10/23	No PPA response.
<u>FSA/FSS Call for data: T-2 and HT-2 toxins in food</u>	31/10/23	PPA response TBC. Consultation response TBC
<u>OHID consultation on nutrition and health claims on food: proposed legislative reforms</u>	31/10/23	PPA response submitted on 31/10/23. Consultation response TBC
<u>FSA consultation on the post implementation review of The Materials and Articles in Contact with Food (England) Regulations 2012</u>	09/11/23	No PPA response. Consultation response TBC
<u>FSA consultation on the post implementation review of the Plastic Kitchenware (Conditions on Imports from China) (England) Regulations 2011</u>	09/11/23	No PPA response. Consultation response TBC
<u>WG consultation on the introduction of improvement notices for nutrition and health claims</u>	15/11/23	PPA submitted response on 13/11/23. Consultation response TBC
<u>Defra consultation on Simpler recycling in England: additional policies</u>	20/11/23	No PPA response. Consultation response TBC