

British Frozen Food Federation



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Food Information Proposal

The EU's Food Information Proposal that should result in new updated comprehensive food labelling legislation is moving through the second reading stage of the EU's ordinary legislative (co-decision) procedure.

The Council (of the European Union) adopted its Common Position at first reading on 21 February 2011. The position of the Council was formally announced at the European Parliament plenary session of 10 March 2011, which started the clock for the time-limited second reading stage.

The European Parliament's ENVI Committee completed its second reading vote at its meeting held on 19 April. As expected, the Committee adopted a number of amendments to the Council Common Position.

The legislative process would normally see this ENVI second reading report going to the full Parliament for adoption (including the possibility of further amendments), to be completed within a three- or four-month time limit allowed for the second reading. Assuming that advantage is taken of the additional month that is available, Parliament's second reading is expected to be completed during the plenary sessions scheduled for 4-7 July.

However, there is also an 'informal' procedure that is available, which attempts to find a compromise agreement, acceptable to both Parliament and Council, and avoiding the need for a formal third reading conciliation procedure.

This informal process is now underway and representatives of the European Parliament, the Council and the Commission met in the first 'trialogue' session on 10 May. If a compromise agreement cannot be reached by this informal process, the legislative procedure will continue through the formal route, with the Parliamentary second reading leading to third reading conciliation.

ENVI Committee

There were two principal groups of amendments that were voted on by the ENVI Committee – amendments 1-107 from rapporteur Renate Sommer's draft report, and later amendments 108-402 from members of the Committee.

A further group of seven compromise or consolidated amendments was also tabled for the Committee, in an attempt to simplify the procedure.

[Compromise amendments are proposed jointly by all political groups; consolidated amendments by a number of groups, but not all].

Among the proposals adopted by the ENVI Committee (as amendments to the Council's Common Position), the following should be noted:

Country of Origin Labelling (Consolidated Amendment 4)

The ENVI Committee agreed that this should be mandatory for

- all meat and poultry;
- milk and dairy products;
- fresh fruit and vegetables;
- other single-ingredient products;
- meat, poultry and fish when used as an ingredient in processed foods.

For meat and poultry, the country or place of provenance may be given as a single place for animals only where the animals have been born, reared and slaughtered in the same country or place. In other cases information on each of the different places of birth, rearing and slaughter shall be given. [Subject to implementing rules]

The Commission is to report back 'within five years from the date of application of this Regulation', on the status of implementation of provisions concerning the mandatory indication of the country or place of provenance for products

[Five years from date of application is eight years from date of entry into force – which could mean by 2020]

Date of freezing (Compromise Amendment 3)

At first reading the Parliament has proposed that mandatory information for all frozen foods should include the date of freezing, but a different line was taken by the ENVI Committee at second reading. A compromise amendment was proposed jointly by all political groups, and was adopted. It proposes that the date of first freezing should be mandatory for unprocessed meat, poultry and fish.

A definition for 'unprocessed' is already provided in the text, which adopts the definitions of 'processing', 'unprocessed products' and 'processed products' from the hygiene regulations [points (m), (n) and (o) of Article 2(1) of Regulation (EC) No 852/2004].

(m) 'processing' means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes;

(n) 'unprocessed products' means foodstuffs that have not undergone processing, and includes products that have been divided, parted, severed, sliced, boned, minced, skinned, ground, cut, cleaned, trimmed, husked, milled, chilled, frozen, deep-frozen or thawed;

Foods sold defrosted

The Council Common Position includes a specific requirement for foods sold defrosted, but a number of amendments were considered by the ENVI Committee:

Council – "In the case of foods that have been frozen before sale and which are sold defrosted, the name

of the food shall be accompanied by the designation 'defrosted'."

There were several identical amendments from the ENVI Committee (370-373) proposing deletion of this specific Council text, which were adopted.

Amendment 366 was also adopted, repositioning 'defrosted' with the general listing of examples of 'physical condition' or 'specific treatment', where indication is required if 'omission of such information could mislead'.

"The name of the food shall include or be accompanied by particulars as to the physical condition of the food or the specific treatment which it has undergone (for example, powdered, refrozen, freeze-dried, deep-frozen, quick-frozen, defrosted, concentrated, smoked) in all cases where omission of such information could mislead the purchase."

Front of Pack Labelling

A consolidated amendment (6) that would have required compulsory front-of-pack labelling (for energy value, fat, saturates, sugar and salt) was rejected by a narrow majority.

An alternative consolidated amendment (7) was adopted that allows (but does not require) information on energy to be repeated in the bottom right-hand corner of the front of pack (in a font size of 3 mm and surrounded by a border), and the amounts of fats, saturates, sugars, and salt to be repeated together 'in a different field of vision'

Meat products from special slaughter

Amendment 353 was adopted, requiring additional labelling for meat and meat products derived from animals that have not been stunned prior to slaughter (i.e. have been ritually slaughtered), in the form 'Meat from slaughter without stunning'

This was adopted over an alternative amendment that specifically referred to the Halal method or the Shechita method.

Important Note: none of these detailed amendments

will necessarily appear in their present form in the final regulation.

The text that is finally adopted will be the result of a compromise between the Council and Parliament positions. That compromise may be achieved by the accelerated informal procedure at second reading or through a formal third reading conciliation procedure.

If a compromise proves to be impossible to achieve at third reading, the procedure will fail and the proposed legislation will be lost in its entirety. Existing legislation based on the Food Labelling Directive would continue unchanged.

It is very unusual for proposed legislation to fail in this way, but the much-needed updating of the EU's legislation on novel foods was recently lost when the third reading conciliation process failed to agree a compromise text.

The text of the Council Common Position text can be downloaded from <http://tinyurl.com/6kf8jes>, and the text of the Council document issued for the Coreper meeting in preparation for the second informal triologue meeting from <http://tinyurl.com/67z6bq4>.

Other documents relating to the legislative procedure can be found via the Council website at <http://tinyurl.com/5tzkfp>. The procedure file from the European Parliament's Legislative Observatory website is available from <http://tinyurl.com/5rmffga>

Timing

If a compromise agreement proves possible, the final food information regulation should be in place by the beginning of 2012. As a European regulation, it will apply directly in all member states. It is expected that most of the provisions of the Regulation will apply after a further period of three years. During this three-year period the new Regulation will co-exist with the present Food Labelling Directive (2000/13) and with the national legislation that implements the Directive in individual member states.

The Macdonald report : A Report on Better Regulation in Farming and Food Businesses

This report was presented to Agriculture and Food Minister, Jim Paice on 17th May by the Independent Farm Regulation Task Force and makes 200 recommendations to reduce the bureaucratic burdens of English farmers and food producers.

The Task force was set up in June 2010 and includes individuals with wide experience in farming and growing, retail, food processing, conservation, private and public sector management, and regulatory implementation and enforcement. The Task Force was asked to review regulations and their implementation and making recommendations on how best to achieve a risk-based system of enforcement whilst maintaining high

environmental, welfare and safety standards.

The Task Force chair is Richard Macdonald, former Director General of the National Farmers Union

Three of the 10 chapters are of particular note,

Chapter 2 – Changing the way we work: from bureaucracy to responsibility and partnership.

The starting point is a recommendation that problems are approached first from the principle of non-regulatory options. They further recommend that Trade Associations continue to develop voluntary initiatives and encourage their membership to take them up. The report also wants Trade Associations to strengthen their marketing of such

initiatives particularly amongst European Commission and Parliament policy makers. There is even the suggestion that Defra Officials are seconded to Associations for short periods. There are also recommendations for Defra:

- To trust business and that this should be matched by industry taking more responsibility and recognising that “the consequences of partnership include accepting punishment for breaches of trust” To demonstrate this the task force invites “key industry bodies to publish their own responses (to the report) demonstrating how they propose to take responsibility.”
- To establish a senior oversight panel to ensure that Defra adhere to the governments better regulation principles and that this panel includes 3 independents, one of which should be the chair.
- To engage with industry earlier i.e. before the consultation stage, to develop legislation and jointly draft implementing guidance.

Chapter 3 – Improving Inspections, including through earned recognition

In their vision the task force questions the need for any inspections that are not risk based and proportionate and cite the wasted resource used to routinely inspect regularly compliant or low risk businesses. The recommendation is to give official recognition of efforts to achieve good practise and rewarding it with less frequent inspection. The report wants to see this principle become central to Government regulatory policy making and implementation. It also wants to see regulators to review alignment between third party schemes (such as farm assurance schemes) and official inspections with a view to addressing duplication. The report suggests that the principle of earned recognition to reduce inspections could be applied to meat hygiene controls, import controls and inspections under gangmasters licensing.

Chapter 10 – TSEs, meat hygiene inspections and food processing

With business feedback that the current inspection structure is burdensome, costly and unnecessary with the food hygiene regulation firmly making the FBO responsible for producing safe food.

The main recommendations here include:

- Pressing the EU to change the meat hygiene inspection rules to allow compliant food business operators to benefit from “earned recognition”
- Using the earned recognition approach to reduce the inspection burden for egg and poultry producers.
- Allowing the use of Accredited third party inspection organisations with a recommendation that a joint working group be set up to look at this as soon as possible.
- That the government seek to remove the EU rules giving rise to the beef labelling scheme

- Encourage Defra and FSA to engage with current reviews on veterinary sampling
- Reducing unnecessary food chain paperwork by recognising information contained in farm assurance schemes and in contractual documents.
- That the FSA work with trade bodies, ports and designated laboratories to minimise import delays in products produced to internationally recognised standards.

One respondent to the consultation called for a review on what was then a forthcoming EU regulation preventing the practice of selling previously frozen poultry meat in chiller cabinets and whilst the realistic prospect of overturning this is remote the comment was made that “In line with our strategic recommendation relating to government- industry partnership in EU negotiations we encourage Defra to be more inclusive of comment received from the industry when preparing for negotiations”

The Government will now carefully consider the report’s recommendations, and will provide an initial public response and Parliamentary statement in autumn 2011, followed by an updated final response in New Year 2012.

Defra’s Regulatory Reform Brief

In receiving the report, Jim Paice also announced the publication of Defra’s Regulatory Reform Brief, which sets out the changes that the Department is making to encourage better regulation. This follows the government’s stated approach to consider non-regulatory alternatives first, keep the impact and cost to economy as low as possible, whilst maximizing opportunities for sustainable growth.

Specifically “Good regulation is proportionate to the scale of the issue it addresses; those enforcing it are accountable to those it affects; it is consistent with other regulation and wider government policy; it is targeted so that its impact is felt only where government intended; and the way it works is transparent.”

Among the initiatives Defra is committing to are:

- An undertaking to simplify measures as a result of policy reviews (including the current Farming and Waste)
- Take forward promising ideas arising from the government’s red tape review
- To consult during the summer 2011 on proposals to repeal unnecessary regulatory burdens
- To carry out systematic reviews of all key areas of Defra regulation on a rolling basis, identifying opportunities for reform by 2013.

Both the Macdonald report and Defra’s Regulatory reform brief can be found on the Defra website by following the link below: <http://tinyurl.com/6eu2maz>

FSA follows E coli guidance with Q&A Document

The Food Standards Agency has recently published a Q&A document in response to feedback and requests for clarification on its Guidance on the Control of Cross-Contamination with E. coli O157. The Food Standards Agency issued the original guidance in February this year to clarify the steps that businesses should take to control the risk of food becoming contaminated by E.coli O157 and what they should be doing to protect their customers. The guidance was also to assist local authority food safety officers when inspecting businesses in their area.

The guidance was developed in response to the foodborne E. coli O157 outbreaks in Scotland in 1996 and Wales in 2005 both of which led to deaths and long term health issues among those who contracted the illness. Both outbreaks were attributed to poor hygiene and handling practises.

The Q&A covers subjects such as:

- Enforcement
- Types of businesses and products to which the guidance applies
- Why the guidance took so long to be published
- The availability of summary guidance
- Justifications for the use of separate equipment
- Standards for detergent sanitisers
- Standards for commercial dishwashing

It is available at <http://tinyurl.com/64oqj4r>

The original guidance can be found on the FSA website at: <http://tinyurl.com/699zw5v>

Updated Guidance for Food and Feed Risk Assessment of GM Plants

The European Food Safety Authority (EFSA) has published updated guidance for the risk assessment of food and feed derived from genetically modified (GM) plants. The document expands on previous EFSA guidance and reflects the latest scientific developments in areas such as assessment of allergenicity and selection of the comparator plant against which the GM plant is compared. It also establishes a new statistical methodology to further strengthen the risk assessment of GM plants.

As with all EFSA guidance documents on genetically modified organisms (GMOs), the Authority engaged in consultation at different stages during its development with Member States and a broad range of stakeholders. The guidance outlines methods and approaches for data generation, collection and analysis that must be followed by those submitting applications to EFSA for GM plant risk assessment. These are explained in detail in relation to the different components of the risk assessment, including molecular characterisation, field trial design, compositional analysis, toxicological assessment, allergenicity and nutritional assessment. The guidance will also support the European Commission in preparing a legal framework for the risk assessment of genetically modified food and feed.

Riitta Maijala, EFSA's Director of Scientific Evaluation of Regulated Products, commented: "This important document is the result of several years work by the EFSA GMO Panel. It will ensure continued rigor in the application process, strengthen and promote consistency in data provided by applicants and, ultimately, contribute to an even higher level of consumer protection from potential risks associated with the use of GM food and feed."

The guidance was developed taking into account the experience gained by the GMO Panel during the evaluation of past applications as well as specific guidance on different aspects of GMO risk assessment such as assessment of possible allergenicity, statistical analysis and the selection of comparators. It does not cover the environmental risk assessment of GM plants that is addressed in a separate, stand-alone EFSA guidance document.

The cornerstone of GM plant risk assessment is a comparison between the GM plant and an appropriate conventional crop with a history of safe use (the 'comparator'). Such comparisons are usually performed using a so-called test of difference – which verifies whether the GM plant is different from its comparator. In the updated guidance, the GMO Panel establishes the use of two tests to perform the comparison: a test of difference and a complementary test of equivalence that verifies whether the characteristics of the GM plant fall within the range of natural variation found in conventional crops. The updated guidance also incorporates a new statistical methodology allowing for a reliable measurement of such natural variation.

The EFSA GMO Panel at a plenary meeting on 14 April 2011 adopted EFSA's guidance for risk assessment of food and feed from GM plants. During the same meeting, the Panel also adopted guidance on the selection of comparators, the principles of which are incorporated in EFSA's updated guidance on risk assessment of food and feed from GM plants. A previous draft of the updated guidance was published by EFSA in 2008.

For more information go to the EFSA website at:

<http://tinyurl.com/6cobcnm>

EFSA to Conduct Full Risk Assessment of Aspartame

Since its establishment, the European Food Safety Authority (EFSA) has provided advice to the European Commission on four occasions relating to the safety of the artificial sweetener aspartame. Each time, the Authority reconsidered the need to re-evaluate the work on aspartame previously conducted by the Scientific Committee on Food (SCF). Had any evidence been found that would have led EFSA's expert Panel to reconsider the safety of aspartame, a re-evaluation would have been immediately initiated.

In May 2011, EFSA has been asked by the Commission to bring forward the full re-evaluation of the safety of aspartame to be delivered in 2012. Previously planned for completion in 2020, the review of this individual sweetener is part of the systematic re-evaluation of all authorised food additives in the European Union.

EFSA has accepted the mandate for the aspartame re-evaluation, stipulating the need for a public call for new data as well as a thorough literature review. Additionally, the Authority will liaise closely with the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) on their nutritional risk/benefit assessment of sweeteners. Further information on the public call for new data will be published in the coming weeks on EFSA's

website.

Even though aspartame has been authorised for many years in many countries following thorough safety assessments, a degree of public concern about the safety of aspartame has continued. EFSA, together with its Advisory Forum made up of representatives of the risk assessment bodies in the EU Member States, is now working to address this public concern.

EFSA adopted an opinion in 2006 reconfirming the safety of aspartame. This work is not being undertaken because of new concerns about the current safety assessments.

Aspartame is a low-calorie, intense sweetener. It is a white, odourless powder, approximately 200 times sweeter than sugar.

Aspartame is used in a number of foodstuffs such as drinks, desserts, sweets, dairy, chewing gums, energy-reduces and weight control products and as a tabletop sweetener throughout the world. The sweetener has been authorised for many years in many countries following thorough safety assessments.

For more information about Aspartame and previous research studies: <http://tinyurl.com/5vs6ayt>

Reducing the Regulatory Burden on Business

Last year the Government pledged to give business more freedom from the bureaucratic burden of rules and regulations, allowing business to take greater responsibility and reducing the obstacles to growth. Nearly a year on we look at what has been achieved.

The Red Tape Challenge

The 7th April saw the launch of the government's Red Tape Challenge by the Rt Honourable Dr. Vince Cable MP, Secretary of State for Business, Innovation and Skills, strongly supported by the Prime Minister, David Cameron. The initiative concerns a new cabinet office website where businesses and members of the public can have their say about the 1000's of individual pieces of legislation which regulate industry and all of our lives. View the website on www.redtapechallenge.cabinetoffice.gov.uk

The campaign will operate with a number of themed areas, each of which will feature on the website for a fixed period. The first theme on retail ran for four weeks, with later themes featuring for just two weeks.

Once a theme has closed to the public, the Prime Minister has said in a letter to all Ministers that they will have three months to explain why a regulation is still required, or it will be scrapped. The new approach moves away from the current presumption that regulations should stay unless there is a good reason for them to go, changing to a position where they will be scrapped unless there is a

strong justification for them to stay.

The first five themes of the Red Tape challenge campaign will be:

- Retail (Pilot phase open for four weeks beginning April 7).
- Hospitality, food and drink (open for two weeks beginning May 5).
- Road transportation (open for two weeks beginning May 19).
- Fisheries, marine enterprises and inland waterways (open for two weeks beginning June 2nd).
- Manufacturing (open for two weeks beginning June 16).

Other sectors will follow including Healthy living and social care (23 June); Media and creative services (7 July); Utilities and energy (21 July), Rail and merchant shipping (4 August); and Mining and quarrying (18 August).

The campaign also has six cross cutting themes that affect all businesses and are open throughout the whole of the campaign. Departments will need to make comments on the cross cutting themes every four months to ensure that momentum is maintained on the campaign.

The six cross cutting themes are:

- Employment law.
- Pensions.

- Company law.
- Equalities.
- Health and Safety.
- Environment legislation.

In his letter to Ministers David Cameron states

“We need to tackle regulation with vigour both to free businesses to compete and create jobs, and give people greater freedom and personal responsibility. These things are about stopping unnecessary new regulations. But we also need to tackle the stock of existing regulation. Today, there are over 21,000 statutory rules and regulations in force, and I want us to bring that number – and the burden it represents – down”

“We will invite members of the public and interested parties to tell us which regulations:

- should simply be scrapped;
- have the right aim, but one which could be achieved without regulation;
- could be made simpler, better designed, or consolidated with other regulations
- could be implemented in a less burdensome way,
- are well-designed, good ones that should be kept. “

The challenge is due to run until April 2013 and will not include any legislative elements on Taxation or National Security.

In just the first week of its launch over 6000 comments were left on the website. An overwhelming number of these were from individual members of the public and they can be viewed on the site. Each of the campaign themes has a sector champion and Dr. Kevin Hawkins The retail sector champion welcomed the response but urged more retailers, suppliers, trade associations as well as consumers to get involved.

One In, One Out Rule

The Red Tape Challenge is just the latest in a number of

initiatives the government has introduced as part of its deregulation agenda. All new regulations now include a sunset clause which compels their review by policy makers after 5 years to determine their continued relevance. And the Autumn of 2010 saw the introduction of a “One In, One Out Rule” (OIOO).

Early April saw the first update on this particular initiative which focusses on proposed new regulation, rather than existing legislation, and is designed to make

“ Government Departments hesitate to regulate and more likely to consider non-regulatory ways of achieving their policy goals”

The policy means that no new UK legislation imposing additional cost burden on business can be introduced without identifying an existing regulation of similar value that can be removed. The Reducing Regulation Committee enforces the new rule which now forms part of any impact assessment for scrutiny by the Regulatory Policy Committee (RPC).

The Statement Report, which can be accessed <http://tinyurl.com/62rrtp6>, summarises that while government departments initially proposed 157 new domestic regulations for enactment between January and June 2011, this number was reduced to 46 after Departments had been challenged to defend particular regulatory decisions. Of these remaining 46 regulations, only 11 impose a net cost on business and civil society organisations. The expected annual net cost of the 11 new regulations, which is £65 million, is far outweighed by reduction in burden elsewhere of £3,272 billion. The vast majority of burden reduction arises from changes in private pensions uprating (requiring private sector occupational pension schemes to increase pension benefits in line with the consumer prices index rather than the retail prices index). With the exception of three regulations the figures have been validated by the RPC.

The summary table below is taken from the statement.

Statement of New Regulation for January to June 2011⁹	
'INs'	8
'INs' awaiting RPC confirmation	3
Zero Net Cost to Business	26
'OUTs'	9
Total Net Cost to Business Per Year ('INs')¹⁰	£0.065 billion¹¹
Total Net Cost Reduction to Business Per Year ('OUTs')	-£3.272 billion¹²
Total Net Effect On Business Per Year	- £3.207 billion

source: HM Government “One-in,One-out:Statement of New Regulation. April 2011..

An “IN” is a measure imposing a direct economic net cost on business due to business having to comply with the new regulation.

An “OUT” is a measure with a direct net benefit to business as a result of removing or recasting a regulation.

Among the measures included are those covering Specified Quantities for non Pre-packaged Goods, deregulating specified sizes in which such products as bread may be sold; the Carbon Reduction Commitment

(CRC) Energy Efficiency Scheme amendment order; the Sea Fisheries, England – Amendment of the Sea Fishing (Enforcement of Community Measures) (Penalty Notices) Order 2008.; and Enforcement of the Marine Licensing System

The report concludes that the one-in, one-out rule has had the desired affect though the statement does not include any regulatory measures that:

- Relate to the implementation of any EU legislation
- Are implementing international agreements

- Are fiscal measures eg relating to Taxation
- Are civil emergency regulations
- Are issued under royal proclamation
- Are limited in life to less than 12 months
- Relate to charges by public bodies for cost recovery purposes.

There is no doubt that the majority of legislation imposed on UK businesses originates from the EU so the impact of the initiative is somewhat limited. It remains to be seen whether the effort on the part of the Prime Minister to try and get the EU to take the same one-in, one-out approach will be successful.

In an attempt to mitigate the effects the Government has undertaken to end the “gold plating” of EU directives through the introduction the direct transcription of EU law into domestic law – so called “copy-out”.

Sunset Clauses

Another aspect of the government’s ‘new approach’ to regulation is the requirement for new domestic legislation that imposes a regulatory burden on businesses or civil society organisations to include a review clause and a sunset clause. This is intended to help ensure that the effect of regulation is reviewed on a regular basis, and that regulation is removed where it is no longer needed, where it is ineffective, or where it imposes disproportionate burdens.

The inclusion of a sunset clause in a new regulation means that the regulation will expire automatically on a certain date unless positive action is taken to renew it. Sunset clauses should ordinarily take effect seven years after commencement unless some other time period is appropriate in a particular case.

Following a written Ministerial Statement to Parliament, the government has published guidance prepared by the Better Regulation Executive to assist Departments in implementing the commitment to introduce sunset clauses in new regulations

The Ministerial Statement is available in Hansard (Volume 525 No 137), available to download from <http://tinyurl.com/5vlv46c>. The Guidance can be downloaded from <http://tinyurl.com/6j878hd> . More information is available from the BIS website: <http://tinyurl.com/5vt46jg>

Transposition guidance

The Government has also published a guide for Government policy-makers and lawyers on how to effectively transpose EU Directives into UK law in accordance with its guiding principles for EU legislation

Transposition guidance: how to implement European directives effectively can be downloaded from <http://tinyurl.com/6ctns75>

Competitiveness Council discusses reducing Red Tape for SMEs

On 30 and 31 May, the Competitiveness Council discussed a number of initiatives aimed at reducing red tape in order to make life easier for small and medium-sized enterprises (SMEs). The watchwords were simplification, smart regulation, smooth procedures and assistance.

The Council reviewed the Small Business Act (SBA), which, since its launch two years ago, concluding that it has made a significant contribution to improving the business environment for SMEs. In future, efforts will mainly be focused on cutting bureaucracy, facilitating access to finance, supporting businesses' access to new markets and stimulating entrepreneurship.

Ministers assessed progress on creating a new type of company - the European Private Company, or SPE (from the Latin Societas Privata Europaea) - with the intention of addressing the problems faced by SMEs seeking to operate across borders. Setting up branches in other member states is currently a costly and time-consuming affair as each member state has its own specific rules on forming companies. The European Private Company will provide for a flexible company law regime across the EU, reducing the compliance costs connected with establishing and running SMEs.

Also on the agenda was the simplification of reporting rules for microenterprises. Ministers reached political

agreement on a new directive which will allow member states to exempt very small enterprises (i.e. with less than 10 employees) from the requirement to publish annual accounts. Points still to be agreed include the turnover and balance-sheet thresholds to be used to define microenterprises.

In the area of research, the Council reviewed the Eurostars Joint Programme, which supports successful SMEs by co financing market-oriented research projects run by them. The programme is founded on large-scale European cooperation between member states in applied research and innovation in any technological or industrial field.

The EU's 23 million SMEs are the backbone of its economy, are primarily responsible for creating wealth and economic growth, and are the engine behind innovation. More than 99% of all European businesses in the European Union are SMEs. They employ more than 90 million people, or 67% of the private sector workforce. Nine out of ten SMEs are microenterprises, with fewer than 10 employees.

More information is available from <http://tinyurl.com/6974goc>

Consumers' views on the use of nanotechnology in food and food packaging

The FSA has published a report of consumers' views on the use of nanotechnology in food and food packaging. The focus group research, which asked participants about their views on nanotechnology in late 2010 and early 2011, was carried out as part of the FSA's programme of work on nanotechnology.

The FSA says that the main findings of the research are that:

- Participants' reactions to nanotechnology and food reflected a variety of concerns. These included whether this was a necessary development, whose interests would be served by it and whether the benefits outweighed the perceived risks.
- Acceptance around the use of nanotechnology was conditional. For instance, participants were more positive about the use of nanotechnology to reduce the salt or fat content of foods without adversely affecting the taste or texture of food. However, participants were negative towards the use of nanotechnology for what they perceived to be 'trivial' purposes, such as using nanotechnology to develop new flavours and textures.
- Participants were relatively more open to the use of nanotechnology in food packaging, and readily identified the potential benefits of extended shelf life and waste reduction. However, participants questioned whether consumers would receive the benefits of nanotechnology or whether these developments would be of most benefit to the food industry.
- The current way of regulating nanotechnologies in

foods, the European Novel Foods Regulation, provided participants with a degree of confidence that the framework in place ensured the safety of nanotechnology in foods. However, questions were raised about the ability to predict long-term health effects of nanotechnology in food, and whether wider social and environmental implications would be taken into account.

- To provide further confidence in the use of nanotechnology in foods, participants wanted transparency about the developments, including more information to be provided to them. A register of foods that use nanotechnology established by a body independent from industry and Government was received positively. The introduction of an 'n' label for nanotech foods was also proposed, although it was recognised by participants that consumers might not use or understand this information without complementary education and awareness rising.

The Food Standards Agency is working with interested parties to gather intelligence on the use of nanotechnologies in food, and is also developing a UK register of foods that use nanotechnology. The Agency's Nanotechnologies and Food Discussion Group are overseeing this work.

Full details are available from the FSA website at

<http://tinyurl.com/655data>

or the report may be downloaded directly from

<http://tinyurl.com/5wk5529>

EFSA Guidance on Nanomaterial Risk Assessment

Also on Nanomaterials, in early May the European Food Safety Authority (EFSA) published a guidance document for the risk assessment of engineered nanomaterial (ENM) applications in food and feed. The guidance is the work of the Authority's Scientific Committee and is the first of its kind to give practical guidance for addressing potential risks arising from applications of nanoscience and nanotechnologies in the food and feed chain. The guidance covers risk assessments for food and feed applications including food additives, enzymes, flavourings, food contact materials, novel foods, feed

additives and pesticides. It was prepared in response to a request from the European Commission and complements existing guidance documents for substances and products submitted for risk assessment in view of their possible authorisation in food and feed.

Further information on the EFSA guidance can be found at: <http://tinyurl.com/6pxw8gn>

Update on FSA Science and Evidence Strategy

The Food Standards Agency has published its updated Strategy to 2015: Safer food for the nation.

The strategy sets out six outcomes that the FSA will work towards to ensure that food is safe and that consumers

can continue to have trust and confidence in the food they buy and eat. These outcomes reflect the work of the Agency at all stages of the food supply – from when food enters the UK to when retailers and caterers sell it.

The strategy was first published, in December 2009, this is the first time since then that it has been updated. It has been revised to reflect recent changes to the remit of the FSA, new information on allergens and, following the merger with the Meat Hygiene Service, a more extensive enforcement role for the FSA. As a result the FSA has adopted a new core principle: **‘Enforcing food law fairly’ – “To demonstrate that we will take strong yet proportionate action when we carry out enforcement”**

The six core principles guiding FSA outcomes are:

- Foods produced or sold in the UK are safe to eat
- Imported food is safe to eat
- Food producers and caterers give priority to consumer interests in relation to food
- Consumers have the information and understanding they need to make informed choices about where and what they eat
- Regulation is effective, risk-based and proportionate, is clear about the responsibilities of food business operators, and protects consumers and their interests from fraud and other risks
- Enforcement is effective, consistent, risk-based and proportionate and is focused on improving public health

The strategy explains how the FSA works with

Government, businesses and enforcement delivery partners to ensure food safety and standards are applied and enforced consistently throughout the UK, and that national and local priorities and circumstances are reflected in the FSA’s work.

To support the delivery of the updated strategy, the FSA has also published its updated Science and Evidence Strategy 2010–2015, which sets out how science and evidence will be used to meet the objective of delivering safer food for the nation.

The Agency's Science and Evidence Strategy 2010–15 describes the priorities for the evidence needed and the activities that will be carried out to ensure that science and evidence is used effectively. The Science and Evidence Strategy supports the delivery of the Agency's strategic objectives, tests progress and provides a basis for work beyond 2015. Both the Strategy and the Science and Evidence Strategy can be found at the link below:

<http://tinyurl.com/y94w8xg>

Also available on the FSA website through the link below is the **Forward Evidence and Science Plan for 2011 / 2012**. This gives details of the topic areas where the Agency expects to carry out new science and evidence activities. Including requests for feedback on research proposals.

<http://tinyurl.com/6fe9dsp>

Food Law Practice Guidance – Updated guidance on QFF

The Food Standards Agency has published updated Practice Guidance for its Food Law Code of Practice, taking account of developments in enforcement since the previous version was published in 2006. There are separate updated guidance documents for England and for each of Northern Ireland, Scotland and Wales.

The FSA first published its Food Law Code of Practice for local authorities (issued under Section 40 of the 1990 Food Safety Act) in 2004, together with associated Practice Guidance. The Code of Practice updated, consolidated and replaced 20 previous separate individual Codes of Practice, and clearly separated material that properly belongs in a statutory code of practice, from other material that should be found in the more general ‘practice guidance’ document.

The main changes in the updated Practice Guidance document are:

Entire document	Updating of legislative references / Updating of terminology
2.5.3	Additional paragraphs added on the role of primary authorities.
2.5.9	Revised Incident Report Form
3.4.4	Updated listing of powers for seizure and detention
3.7	Revision of guidance on quick frozen food
3.10	Revision of guidance on bottled water
3.11.1	Update of contact details

4.1	New section on interventions / New section on intervention types / New section on Alternative Enforcement Strategies / New section on newly registered establishments
4.5	New section of the interpretation of the Code of Practice Annex 5 for food standards
Annex 2	Updating of web links –
Annex 6	Revision of registration form for live bivalve molluscs
Annex 5	Revision of guidance on wide game and small quantities
Annex 7	Question and Answer 16 removed
Annex 8.9	Revision of guidance on phosphatase testing
Annex 13.4	Revision of Question and Answer 5
Annex 14	Revision of guidance on imported food

Of particular note for members of the Federation is the revision of the guidance on quick frozen food (section 3.7) – more below

The Practice Guidance has been revised following consultation with Local Government Regulation, which took place late last year. The Agency says it will undertake a process of continuous review of the Practice Guidance, allowing it to function as a centre point for the publication of new Agency guidance for the enforcement community.

Details are available from the FSA website at <http://tinyurl.com/3gpjnjh>, or download the updated practice guidance directly:

- **Food Law Practice Guidance (England)**
<http://tinyurl.com/ltfd8>
- **Food Law Practice Guidance (Northern Ireland)**
<http://tinyurl.com/6bnh3oq>
- **Food Law Practice Guidance (Scotland)**
<http://tinyurl.com/6b5s7nu>
- **Food Law Practice Guidance (Wales)**
<http://tinyurl.com/6cnu9xu>

The Code of Practice documents for each of England, Wales, Scotland and Northern Ireland can be accessed from <http://tinyurl.com/5sqxxmt>

Guidance on Quick Frozen Foods

Before the FSA published the Food Law Code of Practice / Practice Guidance documents for local authorities, there were 20 individual Codes of Practice, each dealing with a specific topic. These included **Code No 12 – Quick-Frozen Foodstuffs Division of Enforcement Responsibilities; Enforcement of Temperature Monitoring and Temperature Measurement**

The content of this specific code was transferred to the new Code of Practice and Practice Guidance as appropriate, but both the Code of Practice and the Practice Guidance need periodic revision to keep up with changes in legislation.

A revised version of the Code of Practice (**for England**) was issued in mid-2008, fully reflected the changes introduced with the Quick-frozen Foodstuffs (England) Regulations 2007 (SI 2007 No 191), which came into force on 1 March 2007. Unfortunately, the Practice Guidance

document was not revised to reflect these changes and it has retained numerous incorrect references to the old legislation from 1990.

The effect of this new update is to bring the Practice Guidance into line with the Code of Practice, taking proper account of the 2007 Regulations.

The effect of the 2007 regulations was to:

- revoke the Quick-frozen Foodstuffs Regulations 1990 (as they apply to England)
- carry forward, and consolidate, existing requirements for quick frozen foodstuffs from Council Directive 89/108/EEC and Commission Directive 92/2/EEC
- provide for the enforcement etc for the new European Regulation 37/2005 (of 12 January 2005) 'on the monitoring of temperatures in the means of transport, warehousing and storage of quickfrozen foodstuffs intended for human consumption'

European Regulation 37/2005

- replaced and repealed Commission Directive 92/1/EEC on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption, and
- introduced new legal requirements from 1 January 2006 for temperature monitoring equipment, requiring compliance with three European Standards - EN 12830:1999, EN 13485:2001, and EN 13486:2002.

Similar considerations apply to Scotland, Wales, and Northern Ireland.

Phasing Out of Conventional Battery Cages

From 1 January 2012 Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens requires conventional "battery" cages to be replaced with larger cages providing a more enriched environment. The Directive adopted in 1999 distinguishes three types of rearing systems for laying hens:

- Enriched cages where laying hens have at least 750 cm² of cage area per hen
- Non-enriched cage systems where hens have at least 550 cm² of cage area per hen. From 1 January 2003 onwards such cages may not be built anymore or utilised for the first time. By January 2012 at the latest this system must be prohibited
- Non-cage systems with nests (at least one for 7 hens), adequate perches and where the stocking density does not exceed 9 laying hens per m² usable area.

The UK has consistently called for the ban to be implemented in 2012 with strict enforcement by the EU. At a stakeholder meeting convened by the European Commission to discuss the state of play on the implementation of Council Directive 1999/74/EC, the

implementation of the ban and the feasibility of the implementation timetable was confirmed. This follows a recent British-led action to prevent an attempt by some EU Member States to delay the ban on 'battery cages' for laying hens.

Since 2003 only installation of enriched cages are allowed, with a minimum of 750cm square per bird along with a nest, perching space at 15cm/bird and a scratching area. In each cage feeding troughs must be at least 12cm/bird and at least two nipple drinkers or two cups must be within easy reach of each hen (where nipple drinkers are provided).

There have been suggestions that up to one third of hens currently housed in conventional battery cages will remain in these conditions when the deadline passes, resulting in a surplus of "illegal" eggs on the market.

For more information on the EC legislation visit: <http://tinyurl.com/yodct2>. There is also some useful information on the Defra Website: <http://tinyurl.com/6knbxjv>

FSA Scotland Commissions Hygiene Research in Fish and Shellfish

The Food Standards Agency in Scotland is commissioning five pieces of research that will help gather evidence to improve the hygiene standards for and shellfish consumed in Scotland.

The areas of research are to:

- Review the processes in place throughout the processing chain that are designed to control the formation of histamine in at-risk fish species
- Investigate the prevalence of parasitic nematodes in commercially-farmed marine fish in Scotland and to review current farming practices
- Carry out a survey of biotoxins in Scottish whole king scallops to assess whether current controls are effective in protecting public health

- Develop specific methods to detect and monitor toxin-producing phytoplankton species and determine their seasonal abundance
- Assess the impacts of heavy rainfall and other environmental impacts on E. coli levels in shellfish

More details are available from:

<http://tinyurl.com/6abcjd7>

Information on completed FSA funded shellfish research projects can be found at: <http://tinyurl.com/666rclw>

FSA Publishes Local Authority Audits

The FSA has published four audit reports from its programme examining the imported food and feed controls arrangements at local authorities.

The reports are for audits at:

- Bristol City Council
- Portsmouth Port Health Authority
- Manchester City Council
- Uttlesford District Council

These authorities are responsible for imported food and feed controls at Bristol and Portsmouth ports, and

Manchester and Stanstead airports respectively.

This programme of focused audits has been specifically developed to address two of the outcomes of the Food Standard Agency's Strategy for 2010–2015 – that imported food is safe to eat, and that regulation is effective, risk-based and proportionate. The strategic priority is to ensure risk-based, targeted checks at ports and local authority monitoring of imports throughout the food chain.

The reports can be found at <http://tinyurl.com/6abzkb6>

Commissions Management of Import Checks

The European Court of Auditors has published an audit report on:

- "The Commission's Management of the System of Veterinary checks for meat imports following the 2004 Hygiene Legislation Reforms"
[Special Report No 14, 2010 by the European Court of Auditors]

The full report is available from <http://tinyurl.com/6ehffxb>

The audit examined the Commission's supervision of the EU system of veterinary checks at border inspection posts (BIPs) under the framework of the 2004 "hygiene package"

The audit examined: whether the changes initiated had been completed; whether information systems were performing effectively; that national systems for veterinary checks were working completely; and whether

management and evaluation of the system functioning by the Commission was satisfactory. The audit mechanism was through:

- Examination of relevant DG SANCO activities, particularly the Food and Veterinary Office (FVO)
- Visit to the responsible authorities and BIPs in France, the Netherlands, Spain and Romania.
- Participation in FVO audits in Lithuania, the UK and Greece.
- Interviews with representatives of relevant stakeholders

Some of the Key findings and responses from the Commission include:

- The information system TRACES (trade control and expert system) a traceability system for veterinary checks key in the dissemination of non compliance

information at BIPs was not fully utilised with the failure potentially resulting in incomplete data or delay in notification of information. The Commission acknowledges that there have been difficulties and that action has been taken to encourage its proper use.

- A recommendation that the Commission provide further guidelines and performance indicators for implementation and measurement of achievement. The Commission have said that they would consider the feasibility of doing this.
- The audit recommended a more risk-assessment based approach be used by the FVO in its audit planning. The Commission responds by saying that they have previously assessed more quantitative models and found them to be "cumbersome" and not providing a better result than the current qualitative approach (which they will continue to use).
- Shortcomings found on FVO inspections remained outstanding, even after repeated inspections and for periods greater than 2 years. The Commission responded with information that in the period

between 2004 and 2009, 86% of recommendations made by the FVO were followed up, 10% were in progress and that 4% had still not been started. Furthermore SANCO were continuously following up on issues.

The auditors also comment that there is a need for simplification of the legislation given that there are 50 separate legislative and regulatory instruments, in addition to veterinary agreements, governing meat and meat product imports. The Commission concur and acknowledge that work has already started on simplifying import legislation and that they also plan a review with the aim of simplification and introducing uniformity in this area.

Council Conclusions

The Report and Commission response has been considered by the EU's Working Party on Financial Agricultural Questions, with a view to finalising a statement by the Council of Ministers.

The draft Council conclusions can be downloaded from <http://tinyurl.com/6a4mowc>

Healthy Start Scheme Vouchers Extended to include Frozen Fruit and Vegetables

Following lengthy discussions with the Department of Health they have now advised the BFFF of changes to the Healthy Start scheme, which will now include frozen food food.

From 6 April 2011, pregnant women and families getting Healthy Start vouchers will be allowed to spend them on plain frozen fruit and vegetables. This means that those on the scheme can choose to spend vouchers on products like frozen peas or carrots as well as fresh fruit and

vegetables and milk. They will not be allowed to spend them on frozen products containing added fat (oil), salt, sugar or other ingredients (e.g. oven chips, or seasoned stir fry mixes).

To find out more visit the NHS website: <http://tinyurl.com/yetqzvn>

WRAP Report on the Water Footprint of UK Household Waste

The Water and Carbon Footprint of Household Food Waste in the UK report, published jointly by WRAP and WWF, follows earlier reports from WRAP in 2008 and 2009 which identified that UK households throw away 8.3 million tonnes of food and drink waste every year, more than 60% of which (5.3 million tonnes) was assessed as being 'avoidable'.

The new report identifies for the first time the water footprint of that 5.3 million tonnes of avoidable food waste, reporting that the water consumed amounts to 5.2 billion cubic metres.

Liz Goodwin, Chief Executive at WRAP comments that the "figures are quite staggering, the water footprint for wasted food – 280 litres per person, per day – is nearly twice the average daily household water use of the UK, 150 litres per person per day"

The water usage is the sum of the domestic water used (direct) and all the water used along the supply chain in the production and distribution of the food (indirect). The report also identifies the countries of origin of wasted food in the context of the lack of water availability in those regions.

Dr David Tickner, Head of Freshwater Programmes at WWF-UK, said: "The world is facing a water resources crunch as population growth, shifting consumption patterns and climate change take effect. Many communities are already struggling to make hydrological ends meet, with the poorest people and ecosystems suffering as a result."

The report also highlights that wasted food represents 3% of the UK's domestic greenhouse gas emissions (14 million

tonnes of CO2 equivalent), with further emissions arising abroad (6 million tonnes of CO2 equivalent). In total, these greenhouse gas emissions are equated to those created by 7 million cars each year.

WRAP have also recently published a project report on household waste relating to bread and bakery items. Of

the avoidable food waste each year, bakery is the fourth largest category with 680,000 tonnes per year.

To read the full reports visit the WRAP Website on <http://tinyurl.com/3juzhfm>

Department of Health Public Health Responsibility Deal

The Public Health Responsibility Deal, launched on 15 March 2011 by the Department of Health, has been widely reported as an initiative to harness the contribution that businesses can make to deliver the public health priorities set by the government, through the influence businesses can exert on Food, Physical Activity, Alcohol and Health at work. Network groups have been established for each of these categories.

The three parts to the Responsibility Deal are:

- Five core commitments and supporting pledges that all Responsibility Deal Partners must sign up to;
- 19 Collective Pledges under the four network categories. All Partners must sign up to at least one of these pledges, and there is a further opportunity to develop individual pledges
- Five Supporting Pledges which underpin the Collective and Individual Pledges. They define the operating principles and processes of the Deal

Partners' register with the Department of Health and in registering agree to take demonstrable action against the pledges that have been signed up to, and to report progress. The network groups have not yet published detailed reporting requirements.

The work of the network groups is ongoing and a second phase of work is already planned for 2011-12.

The Food network is currently drafting a new pledge to

encourage people to increase their consumption of Fruit and Vegetables through proposed activity in three areas: the provision of incentives and information; making fruit and vegetables more accessible and making it easier to achieve 5 a day.

Also planned is a calorie reduction programme with supporting work on promotion and marketing of food and saturated fat reduction.

Phase 3 activity for 2012-13 may include further salt and saturated fat reduction; front of pack labelling (depending on the outcome of the EU food information proposal); and promotion of food to children.

Background information on the deal, details of how to register as a Partner along with the registry of signed up partners and their pledges are available at: <http://tinyurl.com/34vwyx8>

The BFFF itself has made a commitment to and is signing up to the responsibility deal. Initially we have signed up to the Physical Activities Guidelines collective pledge under the Activity Network category. In this we commit to contribute to the communication and promotion of the Chief Medical Officers' revised physical and activity guidelines. Expect to see articles about this in upcoming Bulletins. As the scheme develops and there is more clarity around expectations and reporting requirements the BFFF may extend this current commitment.

FSA Research into Mixed Dioxins

The Food Standards Agency has published the outcome of a two-year investigation into the presence of mixed halogenated dioxins and biphenyls in food.

Burning any material produces a range of chemicals that could be harmful to health; these include chlorinated dioxins, mixed halogenated dioxins and biphenyls. A lot of research has been done to find out more about chlorinated dioxins, but little is known about mixed halogenated dioxins and biphenyls, which is why the Agency decided to look at them. The work was carried out by the Food and Environmental Research Agency and is one of the very first studies of its kind anywhere in the world. The work forms part of the Agency's programme of investigations into emerging risks.

There are thousands of different mixed halogenated dioxins that may be formed, which has made analysis very difficult and, although they have been reported in air and soil near sites burning electronic waste, it has not previously been known at what level they may be present in food.

This latest research developed methods that are able to detect mixed halogenated dioxins and biphenyls in food. Very low levels of these chemicals were found in a wide range of food samples and are not a risk to health.

The UK Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) has reviewed the results and concluded that they do not indicate a concern for health. The COT opinion is also

published today.

The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) is an independent scientific committee that provides advice to the Food Standards Agency, the Department of Health and other Government Departments and Agencies on

matters concerning the toxicity of chemicals.

The research report can be found at <http://tinyurl.com/6zj99e3>

The COT Review can be found at <http://tinyurl.com/6hmqcde>

Mineral Oil Migration Risks of Recycled Packaging

A discussion was held recently at the Federal Institute for Risk Assessment (BfR) in Berlin within the framework of the ninth BfR Forum on Consumer Protection. It was entitled "How to package food safely - health risks of recycled materials?" concerning food packaging made of recycled materials, their benefits in terms of sustainable management and their health risks for consumers last week. Cardboard packaging made of recycled paper has come under discussion in the last few months after residues of mineral oil were detected in the packaged food.

"A final health assessment of these residues is currently still difficult, because this concerns complex mixtures", said BfR President Professor Dr. Dr. Andreas Hensel. Furthermore, there are currently only a few laboratories, which have appropriate analytical equipment for their detection.

The participants in the BfR forum agreed that it is urgently necessary to find solutions for a reduction of migrations of mineral oil from cardboard packaging made of recycled paper into foods.

Food packages are governed by requirements under food law. No undesired substances may migrate from the packaging into the food so that neither the quality of the food nor the health of consumers is impaired. In order to save resources and prevent waste, food packages are partly made of recycled materials. Whilst the recycling of plastics is comparatively well-regulated, unknown compounds appear time and again in the field of carton packages made of recycled paper.

The most recent case involves mineral residues in cardboard packages for foods. They originate from the

printing inks of newspapers used for the production of the recycling cardboard. According to analyses by a Swiss laboratory, residues migrate in relevant quantities into the foods in the cartons. This concerns dry foods with a large surface such as rice, semolina, corn flakes and noodles. A final assessment of the residues is not yet possible because of the highly complex mixtures involved, and the current data situation is not yet sufficient for all of them. However, for certain parts of the mixtures there is data from animal tests. This suggests that residues are deposited in the liver and lymph nodes and could damage these organs. For another part of these mixtures, the aromatics fraction, there is, however, still a lack of fundamental data and, more particularly, studies on whether they can cause cancer in animals when taken up in food. According to BfR, the migration of mineral oils into foods should, therefore, be minimised. As a possibility, the BfR Forum discussed the use of liner bags, for example made of aluminium coated plastics, in carton packages, which could act as a barrier to the migration of mineral oils. Appropriate plastic materials are known. Another possible solution could be impervious paper coatings. The waiver of mineral oil containing printing inks in newspaper printing was likewise discussed. This would have the additional advantage that a migration of mineral oils via the skin into the body when reading a newspaper could be prevented. The use of fresh fibres for the production of cardboard packages for foods was assessed as a possible solution under consumer protection aspects but from an ecological perspective this alternative was criticised.

Further information can be found on the BfR website at the following link: <http://tinyurl.com/644ejdz>

Food Standards Training Manual – Scotland

The Food Standards Agency in Scotland (FSAS) has published a Food Standards Training Manual for the enforcement community that is intended to act as a reference document for the wide range of food standards legislation in force in Scotland and provide details of associated codes of practice and relevant guidance

It is not the intention that the manual will provide a detailed account of each piece of legislation but it is hoped that it will go some way to assisting authorised officers to become more familiar with food standards

legislation and associated guidance. It is also intended to give authorised officers an insight into some of the practical applications of food standards enforcement and to identify other sources of useful information.

It provides a useful reference document on a wide range of legislation including the Food Safety Act 1990, The General Food Regulations 2004 and the Food Labelling Regulations 1996 along with associated codes of practice. References and links to EU legislation are included along with information including: the principles of enforcement;

enforcement powers of detention and seizure and guidance on food sampling.

Although aimed at the enforcement community, this Manual appears to be a comprehensive reference document for food legislation and associated guidance that will be of interest and value to a much wider audience, and not only in Scotland. Although issued in Scotland and therefore including specific references to Scottish law, it will be of value elsewhere in the UK,

where there are parallel national regulations. References to EU legislation will of course remain the same.

The manual can be found at <http://tinyurl.com/5tdh9s9>

A similar Food Standards Training Manual was in fact first issued by the FSA in Northern Ireland in 2007 to help local authority enforcement staff keep up to date in the challenging area of food standards. The Northern Ireland manual is now in its third successful year.

CIAA Launches Industry Guidelines on Flavourings

The CIAA launched its guidelines on Regulation (EC) No 1334/2008 on Flavourings and Certain Food Ingredients with Flavouring Properties for Use in and on Foods on 8th March. They aim to provide an interpretation of the new regulation which came into effect from 20 January 2011 for food manufacturers.

The guidelines explain the requirements for labelling and the changes from the repealed 1988 Directive 38/388/EC.

One change particularly highlighted is that in the new regulation there is no distinction between "nature identical" flavouring substances and artificial flavouring substances as there was in the old directive.

The new regulation amends Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC which provides for:

- a Community list of flavourings and source materials approved for use in and on foods, set out in Annex I ('the 'Community list');
- conditions of use of flavourings and food ingredients with flavouring properties in and on foods;
- rules on the labelling of flavourings.

The Regulation provides that only flavourings or food ingredients with flavouring properties which meet the following conditions may be used in or on foods:

- (a) they do not, on the basis of the scientific evidence available, pose a safety risk to the health of the consumer; and
- (b) their use does not mislead the consumer.

The Regulation contains maximum levels for undesirable substances in food. The conditions for the use of the term

"natural" in describing flavourings are made stricter. The use of flavourings must not mislead the consumer, particularly as regards the nature, freshness, quality of ingredients used, the naturalness of a product or of the production process, or the nutritional quality of the product.

When a flavouring already included in the Community list is produced from a different source falling within the scope of Regulation (EC) No 1829/2003, it will not require a new authorisation under this Regulation, as long as the new source is covered by an authorisation in accordance with Regulation (EC) No 1829/2003 and the flavouring complies with the specifications established under this Regulation.

The text also makes reference to natural flavouring substances and smoke flavouring(s) produced from food(s) or food category or source(s) (e.g. smoke flavouring produced from beech).

It should be noted that the Regulation forms part of the package of proposals on 'food improvement agents'. This package of proposals refers to food additives, food enzymes and flavourings. It contributes to the Commission's simplification programme and also provides for harmonisation not only in their respective fields but also promotes consistency between the three related areas. An additional fourth act within the package will establish a single common authorisation procedure for the evaluation and approval of these substances.

For the full guidelines: <http://tinyurl.com/3lkww5b>, and for the full regulation (EC) No 1334/2008: <http://tinyurl.com/aamdsp>

Climate Change Agreements to continue

The current Climate Change Agreement scheme is due to expire in March 2013, and it has been unclear for some time whether (and if so, in what form) the arrangement would be extended beyond that date.

Climate Change Agreements were first introduced in 2001 alongside the Climate Change Levy (which is effectively a

tax on certain forms of energy supplied to the non-domestic sector, intended to encourage the efficient use of energy).

Under Climate Change Agreements, eligible energy intensive businesses have benefitted from an 80% reduction in the Climate Change Levy, if they meet energy

efficiency targets. The discount from the full climate change levy for industries participating in climate change agreements has however recently reduced from 80 to 65 per cent (effective April 2011)

In the recent Budget statement the government has now made clear its intention that the CCA scheme will be extended to 2023 and the 54 participating sectors will continue to be eligible for the scheme. **A Department of Energy and Climate Change (DECC) consultation on options to simplify the scheme will be published by summer 2011.**

The Government has also announced that legislation will be introduced in the Finance Bill 2012 to restore the discount from the full climate change levy to the original 80 per cent level, from 1 April 2013, but only for electricity supplies.

More details are available in 'Climate Change Levy: Reform of Climate Change Agreements', an HMRC Tax Information and Impact Note, reference tiin625, which is available from <http://tinyurl.com/5snxhts>

International Food Risk Communication Centre

International food safety authorities have set up a new organization with the aim of creating a collective international resource providing communication materials about food risks along the supply chain.

The organization, the International Center of Excellence in Food Risk Communication (ICEFRC), includes global food and health organizations, government agencies, academic institutions, and non-profit communication experts. The founding partners include four US-based organizations - the International Food Information Council Foundation, the Joint Institute for Food Safety and Applied Nutrition, the National Center for Food Protection and Defense, and the United States Department of Agriculture - as well as Health Canada, and Food Standards Australia New Zealand.

"In order to have effective food risk communication, stakeholders should share knowledge and understanding about potential risk in a manner that helps individuals make well-informed decisions," the organization said on its website. "It is a practice that is relevant to situations encountered every day, such as weight management or washing your hands, as well as rare situations, such as intentional contamination of the food supply."

The ICEFRC said its main goals are making enabling informed decisions about food safety, nutrition, and health by improving food risk communication; bringing together credible and influential authorities to increase their reach and effectiveness; and "contributing to the international body of knowledge on food risk communication".

The Washington D.C.-based International Food Information Council (IFIC), a non-profit organization that has the stated aim of providing science-based information on health, nutrition and food safety, said it will work closely with other founding international partners as the primary facilitator of the center, and will manage its website. Other partner organizations include the World Health Organisation (WHO) and the Food and Agriculture Organisation of the United Nations (FAO).

Current news topics on the site include food safety information on the German E. coli outbreak and keeping the international food supply safe following recent tsunami related events in Japan.

The website can be accessed at: <http://tinyurl.com/5vj6467>

EFSA Publishes 4th set of Opinions for "Article 13" Claims

The European Commission has welcomed the publication of the European Food Safety Authority's (EFSA) fourth set of opinions covering more than 440 health claims on food products (also known as "Article 13 claims").

This follows the publication of the first three series of opinions published on 1 October 2009, 25 February 2010 and 19 October 2010. The four sets of opinions cover more than 2,100 health claims of the approximately 4,600 submitted for scientific opinion.

In total, the Member States submitted to the Commission more than 44,000 health claims. The Commission consolidated these into a list of approximately 4,600. Due to the large number of health claims received and the delay in submissions by stakeholders to Member States,

the deadline of 31 January 2010, stipulated in the Health Claims Regulation, for the adoption of a list of permitted health claims could not be met.

In line with the review of the approach announced on 27 September 2010 (IP/10/1176), EFSA is expected to finalise by the end of June 2011 its assessment of all claims on substances, other than the so-called "botanicals". The Commission will then immediately follow up in order to establish in one step the list of permitted health claims for all substances other than "botanicals".

"General function" claims under Article 13.1 of the EC Regulation on nutrition and health claims refer to the role of a nutrient or substance in growth, development and

body functions; psychological and behavioural functions; slimming and weight control, satiety or reduction of available energy from the diet. These claims do not include those related to child development or health or disease risk reduction .

EFSA's scientific evaluation helps to ensure that claims made on food labelling and advertising regarding nutrition and health are meaningful and accurate, and can thereby help consumers in making healthy diet choices.

As of April 2011, EFSA had published 263 opinions providing scientific advice on more than 2,150 "general function" health claims. These were drawn from a list of 4,637 claims submitted to EFSA by the European Commission between July 2008 and March 2010 when EFSA received the latest 452 claims for evaluation.

The updated final list of 4,637 claims was the result of a consolidation process carried out by the Commission, after examining over 44,000 claims supplied by the Member States. The complete list was published on the

EFSA website in the form of an Access database in May 2010.

EFSA expects to complete the evaluation of the general function health claims prioritised by the Commission by the end of June 2011. (for more information, go to <http://tinyurl.com/yctnltq>)

More information, including that on the authorisation process, can be found at <http://tinyurl.com/2vjyq5d>

For background information on EFSA advice on the Community list of permitted health claims, see <http://tinyurl.com/65ek84l>

For the Regulation (EC) No 1925/2006 of the European Parliament and of the Council of 20 December 2006 on nutritional and health claims made on foods, see <http://tinyurl.com/6bjouos>

For Guidance on implementation: <http://tinyurl.com/ysxp6n>

Nutrition and health claims

The European Commission's Working Group on nutrition and health claims continues to meet regularly, focussing mainly on the health claims that will be allowed (or disallowed) under the EU's Nutrition and Health Claims Regulation (EC) No 1924/2006

A number of changes to the nutrition claims that are detailed in the Annex to the Regulation are also under consideration. These include both new claims and changes to existing claims.

Proposed changes to existing claims include changing the limit for 'reduced' / 'increased' claims to 25% from the existing level of 30%. This will bring the EU back into line with Codex definitions.

The table below shows the latest detailed proposal from the Commission, which: takes into account comments on earlier drafts, and introduces new conditions of use for the 'reduced' claim when referring to saturated fat or sugars. The Commission also foresees an 18-month transition period when (if) the new claims are authorised.

["Foods placed on the market or labelled prior to ... which do not comply with the requirements of this Regulation may be marketed until the stocks of the foods are exhausted"]

A draft regulation is likely to go to Standing Committee in July.

A copy of the regulation (which includes the Annex of currently permitted nutrition claims and the conditions applying to them) can be downloaded from <http://tinyurl.com/6bjouos>

This includes the additional claims that were authorised for use during 2010:

- Source of Omega-3 Fatty Acids
- High Omega-3 Fatty Acids
- High Monounsaturated Fat
- High Polyunsaturated Fat
- High Unsaturated Fat

Current rules	Proposals for discussion
<p>ENERGY- REDUCED</p> <p>A claim that a food is energy-reduced, and any claim likely to have the same meaning for the consumer, may only be made where the energy value is reduced by at least 30 %, with an indication of the characteristic(s) which make(s) the food reduced in its total energy value.</p>	<p>ENERGY- REDUCED</p> <p>A claim that a food is energy-reduced, and any claim likely to have the same meaning for the consumer, may only be made where the energy value is reduced by at least 25 %, with an indication of the characteristic(s) which make(s) the food reduced in its total energy value.</p>
<p>INCREASED (NAME OF THE NUTRIENT)</p> <p>A claim stating that the content in one or more nutrients, other than vitamins and minerals, has been increased, and any claim likely to have the same meaning for the consumer, may only be made where the product meets the conditions for the claim "source of" and the increase in content is at least 30% compared to a similar product.</p>	<p>INCREASED (NAME OF THE NUTRIENT)</p> <p>A claim stating that the content in one or more nutrients, other than vitamins and minerals, has been increased, and any claim likely to have the same meaning for the consumer, may only be made where the product meets the conditions for the claim "source of" and the increase in content is at least 25 % compared to a similar product.</p>

<p>REDUCED [NAME OF THE NUTRIENT]</p> <p>A claim stating that the content in one or more nutrients has been reduced, and any claim likely to have the same meaning for the consumer, may only be made where the reduction in content is at least 30 % compared to a similar product, except for micronutrients, where a 10 % difference in the reference values as set in Directive 90/496/EEC shall be acceptable, and for sodium, or the equivalent value for salt, where a 25 % difference shall be acceptable.</p>	<p>REDUCED [NAME OF THE NUTRIENT]</p> <p>A claim stating that the content in one or more nutrients has been reduced, and any claim likely to have the same meaning for the consumer, may only be made where the reduction in content is at least 25 % compared to a similar product, except for micronutrients, where a 10 % difference in the reference values as set in Directive 90/496/EEC shall be acceptable, and for sodium, or the equivalent value for salt, where a 25 % difference shall be acceptable.</p> <p>The claim "reduced saturated fat", and any claim likely to have the same meaning for the consumer, may only be made</p> <ul style="list-style-type: none"> – if the sum of saturated fatty acids and of trans fatty acids in the product bearing the claim is at least 25% less than the sum of saturated fatty acids and of trans fatty acids in the original product prior to the reduction; and – if the content in trans fatty acids in the product bearing the claim is equal to or less than in the original product. <p>The claim "reduced sugars", and any claim likely to have the same meaning for the consumer, may only be made</p> <ul style="list-style-type: none"> – if the amount of energy of the product bearing the claim is equal to or less than the amount of energy in the original product. <p>Reformulated products where the reduction in content is at least 15 % for energy, fat, saturated fat, salt/sodium or sugars may bear the claim "now contains X % less [energy, fat, saturated fat, sodium/salt and/or sugars]" or any claim likely to have the same meaning for the consumer. This claim shall be followed by a statement indicating the content of the nutrient or energy for which the claim is made, prior to reformulation, expressed per 100 g or 100 ml. A claim may be used for a maximum of one year following the placing on the market of the reformulated product. Products that have been placed on the market and labelled before the end of this period may continue to be sold until stocks exhausted.</p> <p>The claim "now contains X % less of saturated fat", and any claim likely to have the same meaning for the consumer, may only be made</p> <ul style="list-style-type: none"> – if the sum of saturated fatty acids and of trans fatty acids in the product bearing the claim is at least 15% less than the sum of saturated fatty acids and of trans fatty acids in the original product prior to the reduction; and – if the content in trans fatty acids in the product bearing the claim is equal to or less than in the original product. <p>The claim "now contains X % less of sugars", and any claim likely to have the same meaning for the consumer, may only be made</p> <ul style="list-style-type: none"> – if the amount of energy of the product bearing the claim is equal to or less than the amount of energy in the original product.
<p>WITH NO ADDED SUGARS</p> <p>A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties. If sugars are naturally present in the food, the following indication should also appear on the label: 'CONTAINS NATURALLY OCCURRING SUGARS'.</p>	<p>WITH NO ADDED SUGARS</p> <p>A claim stating that sugars have not been added to a food, and any claim likely to have the same meaning for the consumer, may only be made where the product does not contain any added mono- or disaccharides or any other food used for its sweetening properties except sweeteners as defined by Regulation (EC) No 1333/2008. If sugars are naturally present in the food at a concentration higher than 0,5g/100g or 100ml, the following indication shall also appear on the label, in close proximity to, on the same side and with the same prominence as the claim: 'CONTAINS NATURALLY OCCURRING SUGARS'.</p>
<p>Not in the current Annex</p>	<p>NO ADDED SODIUM/ SALT</p> <p>A claim stating that sodium/salt has not been added to a food and any claim likely to have the same meaning to the consumer may only be made where the product does not contain any added sodium/salt or any other ingredient containing added sodium/salt and the product contains no more than 0,12 g sodium, or the equivalent value for salt, per 100g or 100ml.</p>

Research into country of origin labelling

On 26th May Campden BRI published a report reviewing national country of origin labeling. The research was commissioned by Defra to provide a benchmark following the publication in November 2010 of new voluntary guidance principles on origin labelling. The principles were agreed between Defra and a number of industry groups, including the Food and Drink Federation and the British

Retail Consortium and they apply to meat, processed meat products and milk, fresh cream, cheese and butter. They are designed to ensure that the term "British" can only be used for meat born and reared in the UK and dairy products are labelled with the country of origin of the milk.

The survey looked at labels on over 500 meat and dairy

products purchased from the major retailers and a number of independent shops and was carefully designed to reflect the variety in the market and the relative market share of different groups.

All butter in the survey was labelled with either the origin of the milk or the place where it was manufactured, or both, while 77 per cent of cheese showed the origin of the milk or the place it was manufactured.

For liquid milk, 86 per cent of products sampled had some form of origin labelling, with half of all milk showing the origin of the milk, while just over a third showed where it was manufactured.

However with fresh cream, a third of products showed no origin statement, and only one sample in six showed where the milk came from, with half showing where it was manufactured.

All retailers' own-label liquid milk included a statement about where the milk came from, while 59 per cent of branded milk met the same standards.

For bacon, sausages and other lightly processed meat

products, 82 per cent had some form of origin labelling, with 67 per cent providing information on the origin of the meat ingredient, and 15 per cent only listing where the product was manufactured. Nearly one in five didn't include any origin statement.

More complicated meat products, such as pies and ready meals, showed that 76 per cent included some form of origin statement.

Defra expects to see further improvements in meeting the voluntary principles as stocks of old packaging and labelling, manufactured before November, are used up. Defra also confirm that it is currently their intent to repeat the evaluation in a years time.

For the Defra news announcement

<http://tinyurl.com/43m6aer>

For the report: National Country of Origin Labelling Evaluation (Commissioned by DEFRA; Campden Technology Limited, Information and Legislation Department)

<http://tinyurl.com/623z4dw>

BRC Global Standard for Food Safety Issue 6

The BRC has recently consulted with interested parties on a draft version of Issue 6 of the BRC Global Standard for Food Safety.

The BRC says that the main focus of the rewrite has been on the development of ideas to extend the reach of the standard, provide options to differentiate the performance of sites and encourage a consistency of audit. The review of the requirements has focused on clarification and simplification rather than wholesale changes.

The following areas are specifically highlighted:

- Increasing Focus on Good Manufacturing Practice (GMP)
- Refreshing the requirements
- Unannounced audits- Increasing accessibility and reward
- Encouraging `Food Safety- The new Enrolment process

It is expected that the new standard will be published in July, with full application from January 2012.

Sustainable Development Commission Report

In its final report the Sustainable Development Commission (SDC) reviews the progress made towards sustainable food policy achieved over its lifetime, spanning 2000 to 2011. It comments on the considerable challenges ahead which "are likely to require us to produce more food from less land and to eat differently, specifically to eat more plant-based food, less meat and dairy and to waste dramatically less." The review also urges government to "re-energise the process of integrated policy thinking" which it believes stalled after the 2010 election.

There is a recognition that awareness and results in some areas have been achieved but that too little progress has been made to bring about systemic change on sustainability across the food system. The government is

urged to provide strong leadership on the subject and to dramatically increase the rate and scale of change needed.

Amongst the many recommendations the report makes are:

- That the Government accept full responsibility for Food 2030 as its first step in an integrated and sustainable food policy and, led by Defra create a delivery plan by September 2011.
- The creation of an expert advisory body on sustainable food.
- That Defra and the administrations in Wales, Scotland and N. Ireland are charged with finding ways to produce food by more sustainable means, in particular through horticulture and lowering the

greenhouse gas impact of meat and dairy production.

- Work with member states to evolve the EU Common Agriculture Policy into a new Common Sustainable Food Policy.
- Produce mandatory health and sustainability standards for all publically procured food.
- To define a sustainable diet, in an initiative to be led by DOH and Defra.
- That Defra's waste strategy should prioritise foodwaste, including moving towards zero foodwaste to landfill by 2015.
- That there should be an emphasis in education on practical cooking skills, growing food and how marketing affects food choices.
- To consider how to take fair-trade beyond its current

niche.

To see the full report (Looking Back, Looking Forward: Sustainability and UK Food Policy 2000-2011) visit: <http://tinyurl.com/4xs2qxx>

The Sustainable Development Commission was set up in 2000 to be the Government's independent watchdog on sustainable development, reporting to the Prime Minister, the First Ministers of Scotland and Wales and the First Minister and Deputy First Minister of Northern Ireland. As part of a substantial package of changes to 'arm's length bodies', Defra announced in July 2010 that it was withdrawing funding from the SDC at the end of the financial year.

Dioxin contamination incident in Germany

The EU's Food and Veterinary Office has completed a 'Mission' regarding the recent German dioxin contamination incident and a copy of their report is now available

- Final report of a mission carried out in Germany from 26 to 28 January 2011 in order to review the measures taken in response to a recent contamination of feed with dioxins DG(SANCO) 2011-6219 - MR FINAL – download from <http://tinyurl.com/657cakz>

Executive Summary

This report describes the outcome of a fact-finding mission carried out by the Food and Veterinary Office in Germany from 26 to 28 January 2011.

The overall objective of the mission was to review the measures taken by the German authorities in response to a recent contamination of feed and food with dioxins. In terms of scope, the mission concentrated on gathering information concerning the origin of the contamination and the risk management measures taken by the German authorities in response. The mission was also organised with a view to informing any decision on possible follow-up actions at European Union level aimed at avoiding

similar incidents in the future.

The report provides information about the contamination and the scale of the incident (including how it evolved as events unfolded and additional data became available) as well as about the risk management measures implemented along the different stages of the feed and food chain. These stages include: manufacturers of compound feed, in particular as regards the collection of information on the distribution of compound feed; farms, in particular as regards the process for their blocking and unblocking; and food of animal origin, in particular as regards the measures to ensure that it was not placed on the market. The report focuses on Niedersachsen, the federal State (Land) that has been most heavily affected by the contamination.

The mission team holds the view that the German authorities took effective risk management measures in order to tackle the consequences of the contamination, notably in preventing the placing on the market of contaminated food. These measures involved significant resources and were implemented in a timely manner under pressure and changing circumstances.

Future issues and arrangements for Local Government Regulation (LACORS)

Local Government Regulation (previously LACORS) has issued a statement regarding its future activity as part of the Local Government Group, following the severe cutback in funding.

Local Government Regulation will cease to exist as a separate body, with the integration of the LGA, LG Regulation, LG Improvement & Development, LG Employers and LG Leadership into a single Group.

Councils will have more influence over LG Group priorities,

with strong coordinated political direction of the Group. The new organisation will come into effect from 1 June 2011.

It will no longer be possible for the new Group to provide a number of specialist services. In particular, the regular LG Regulation emails and website items to heads of service, managers and practitioners containing advice/guidance, update information, signposting etc has ceased, with effect from mid April.

During the transition to the new organisation LG

Regulation will explore how to ensure continued access to the legacy materials currently on its website.

Full details are available from the LG Regulation website at <http://tinyurl.com/6j7nlmc>

A draft Business Plan for 2011-12 for the Local Government Group is also available to download from <http://tinyurl.com/6kohluo>

FSA Annual Report of Incidents 2010

The FSA has published its '**Annual Report of Incidents 2010**'. The report includes case studies of some of the 1,505 incidents handled during 2010 which the FSA say contributed to their strategic objective of safer food for the nation.

The report also outlines future challenges, such as working to ensure food at the 2012 London Olympics and Paralympics venues is safe to eat.

In 2010, there were nearly 300 more incidents than in 2009. The incidents included food fraud investigations and the subsequent seizures of illicit alcohol, some of which contained high levels of potentially harmful methanol, a Salmonella Bareilly outbreak associated with bean sprouts, and amnesic shellfish poisoning in whole King Scallops. More information about the action taken to protect consumers is given in the report.

The report gives a breakdown of incidents by category, with the major categories being: environmental contamination (23% of incidents), microbiological (18%), natural chemical contamination (15%) and on-farm incidents (8%). Action taken by the Agency in 2010 included the issuing of 70 product recall and withdrawal notifications, of which 34 were Allergy Alerts.

The report also catalogues how the FSA have attempted to improve their ways of working by: refined the food alert system; carrying out incident reviews and exercises;

and providing local authority training workshops to improve incident handling and partnership working.

The Agency uses the following definition of an incident: **'Any event where, based on the information available, there are concerns about actual or suspected threats to the safety or quality of food that could require intervention to protect consumers' interests.'**

Incidents fall broadly into two categories:

- Incidents involving contamination of food or animal feed in the processing, distribution, retail and catering chains. These incidents may result in action to withdraw the food from sale and, in certain circumstances, to recall the food from consumers, alerting the public not to consume potentially contaminated food.
- Environmental pollution incidents, for example fires, chemical/oil spills and radiation leaks, that may involve voluntary or statutory action (such as orders made under the Food and Environment Protection Act 1985).

To view the FSA press release and find out more about how to report, respond to and prevent a food incident go to: <http://tinyurl.com/3tfbfa3>

Find the full report at: <http://tinyurl.com/68gszw2>

Government publishes draft bill on Groceries Code Adjudicator

The Government announced in August 2010 it would be taking the necessary steps to establish an independent Groceries Code Adjudicator (GCA) to monitor and enforce the Groceries Supply Code of Practice (GSCOP). The need for an independent body to ensure that the code is adhered to was one of a number of recommendations made by the Competition Commission as a result of its investigation into the groceries market in 2007/8. As the first step the Government has published a draft Bill and invited parliament to undertake pre-legislative scrutiny. The Business, Innovation and Skills Select Committee has announced its intention to conduct the pre-legislative scrutiny on the Bill. The Committee has asked for written evidence in connection with the inquiry to be sent to the Committee by Wednesday 15 June 2011.

In its final report in April 2008 the Competition Commission (CC) found that on occasions the actions of grocery retailers could raise concerns when in the hope of gaining competitive advantage, retailers transferred excessive risks or unexpected costs to their suppliers.

As a result, the Competition Commission made the Groceries (Supply Chain Practices) Market Investigation Order 2009, which came into force on 4th February 2010, currently monitored by the Office of Fair trading. The Order requires large retailers (with a groceries turnover in excess of £1 billion per year) to incorporate the Groceries Supply Code of Practice ("the Code") into agreements for the supply of groceries for resale in the United Kingdom and to supply a written copy of the agreement and certain other information to the supplier. This means that if a large retailer breaches the Code it will be in breach of its contract with the relevant supplier, who may then have contractual remedies against the retailer such as a claim for damages.

Following public consultation, the Government announced its intention to establish the GCA with statutory powers to enforce the Code. In its policy for a groceries code adjudicator published on 24 May the government details how and where the adjudicator is to be established, its role, duties and functions, and how it is

to be funded. Funding will come via a levy on the supermarkets to which the code applies.

The sole purpose of the Adjudicator will be to oversee and enforce the Code as set out in the draft legislation. This will be achieved through functions to provide arbitration, investigation, enforcement and advice and guidance.

Agriculture and Food Minister Jim Paice said:

“We want to see a food industry where farmers and food producers are getting a fair deal, and consumers can buy the high-quality, British food they want at a price they can afford. This Bill will give teeth to the Code of Practice, will mean that bad practice can be stamped out and that suppliers can raise legitimate disputes confidentially, and without the fear that they’ll be penalised for speaking up through lost

business.”

As part of the Government’s commitment to increase transparency and accountability of Parliament to the public, the draft Groceries Code Adjudicator Bill is written in a way that helps wider understanding.

For the Draft Adjudicators Bill: <http://tinyurl.com/3wlpke3>

For a full copy of the paper “The Governments Policy on the Grocery Codes Adjudicator”:

<http://tinyurl.com/6zea65j>

Further information and accompanying documents can be viewed on the BIS website at <http://tinyurl.com/3485pef>

Government Business Plans updated

The Government has published updated business plans for each government department with full details of changes made to the plans since they were first published in November 2010.

The 2011 business plans reflect an updated assessment of when the Government will implement its commitments set out in the Programme for Government.

They also now include actions on growth and social mobility, and some minor presentation changes, including incorporating milestones into the main section of the business plans.

Department Business plans set out in detail the work of the Government, and include data such as financial information, Structural Reform Plans and department priorities.

Departmental business plans were first published in November 2010 setting out in detail the work of Government for the next four years. The plans were said to mark the start of a major change in the way government works by increasing accountability directly to the public.

Full details are available from the Cabinet Office website at <http://tinyurl.com/44d73sr>. Individual Business Plans can be accessed from this link, or via Departmental websites. Departments will continue to provide monthly progress updates on their structural reform plans, which are part of the business plans, available on the No10 website

A summary document outlining amendments to all the Departmental Structural Reform Plans is available to download from <http://tinyurl.com/6yqh4yn>.

Trade in Animals and Related Products Regulations 2011

The Trade in Animals and Related Products Regulations 2011 (SI 2011 No 1197) have been introduced and came into force on 25 May. **The Regulations apply in England**, and cover imports from third countries, and trade within the European Union, for animals and animal products:

The new Regulations amalgamate and simplify the current three Statutory Instruments which cover the veterinary checks regime on intra Union trade in live animals and animal products, and imports conditions for live animals and animal products from third countries, into one Statutory Instrument.

Rules and procedures for importers do not change.

The new Regulations revoke and replace:

- **The Products of Animal Origin (Third Country Imports) (England) Regulations 2006**
The Regulations implement Council Directive 97/78/EC (laying down the principles governing the organisation of veterinary checks on products

entering the Community from third countries). Regulations implementing this Directive were first introduced in 2002 and have been updated regularly since, primarily to include Union legislation amending Union import requirements

- **The Animals and Animal Products (Import and Export) (England) Regulations 2006**
These Regulations control intra Union trade of live animals and products, (semen, ova and embryos) and imports from third countries of live animals
- **The Products of Animals (Import and Export) Regulations 1996**
These Regulations implement Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the single market. The Regulations make provision for the designation of official veterinary surgeons to implement them, and provide for enforcement by the local authority

The new Regulations provide Enforcement Authorities with the means of enforcing EU legislation, and make use of ambulatory references to allow for any future amendments of the EU legislation

An ambulatory reference is a relatively new provision in UK legislation that allows future amendments to specified European legislation to take effect in national law without having to be specifically implemented or enforced via new domestic regulations.

Thus Regulation 2.(2) reads:

“All references in Schedule 1 to European Union instruments are references to those instruments as amended from time to time.”

Copies of the Trade in Animals and Related Products Regulations 2011 (SI 2011 No 1197) can be downloaded from <http://tinyurl.com/6jxrkgm>, and the associated Explanatory Memorandum can be accessed via <http://tinyurl.com/6czpafg>

BIS Publishes Plans for Consumer Powered Growth

The Department for Business, Innovation and Skills (BIS) and the Cabinet Office’s Behavioural Insight Team (BIT) have published new plans which will make more information available to consumers to help them make more informed purchasing choices.

The new approach is published in **Better Choices, Better Deals: Consumers Powering Growth**. It is described as a consumer empowerment strategy designed to support the **Plan for Growth** set out in the recent budget. Edward Davey, Minister for Employment Relations, Consumer and Postal Affairs comments that:

“This is an important new initiative that will radically change how consumers relate to business. By giving you more power in your relationship with businesses you will be better placed to get the deal you want, and that deal may put a bit of money back in your pocket.”

Part of the initiative will be a project called **mydata**, which will assess how to give people their personal data in a format that is safe to pass onto third parties, such as price comparison sites. If an application or website can pick out the one perfect deal based on your user information, this will help to make consumer choices simpler.

The report is split into four sections of which chapter 4 “A new role for Business and Government” is possibly of greatest interest. This chapter includes:

- Extending the Responsibility Deal into new areas the first of which will be to seek reductions in Carbon Emissions
- Buiding on “Every Business Commits” a corporate social responsibility approach launched by the Prime Minister in December
- Improving professional standards in customer service with the use of the £50M Growth and Innovation fund. This seeks to support industry led initiatives on professional standards and occupational licensing.
- Shifting the style of regulation and consumer protection where industry and self regulating bodies make much more information available on things like complaints, alternative purchase options, customer satisfaction data.

To download a copy of the full document go to:

<http://tinyurl.com/6gf8u6y>

For access to the PM’s speech launching every business commits go to: <http://tinyurl.com/6jumzb4>

FSA advice on the status of mesquite in relation to European legislation on novel foods

In March of this year, the Food Standards Agency issued a note to certain stakeholders clarifying the status of mesquite in relation to European legislation on novel foods.

Mesquite (*Prosopis pallida*) is a leguminous plant that is primarily found in South America. The FSA said that it had been made aware of the sale of mesquite via a number of outlets in the UK, in the form of a meal made from the pods of the mesquite plant. Following discussion with its counterparts across the EU, the FSA came to the view that mesquite meal is regulated under Council Regulation (EC) 258/97 on novel foods and food ingredients.

Under Regulation (EC) 258/97, novel foods and food ingredients may only be marketed if they have been evaluated and authorised under the procedures defined in the regulation. A novel food or ingredient is defined as

one that was not consumed to a significant degree in the European Community before 15 May 1997.

The FSA said that it was not aware of any evidence for a history of consumption of mesquite anywhere in the EU and was therefore minded to view it to be a novel food, which cannot be sold legally until it has been formally authorised. As such, any companies who wish to market mesquite in the EU will need to apply for an authorisation under Regulation (EC) 258/97. Such an authorisation would require the submission of a dossier to one of the 27 EU Member States, demonstrating that mesquite (a) does not present a risk to the consumer; (b) does not mislead the consumer; and (c) is not nutritionally disadvantageous compared with other foods that it might replace in the diet. Restrictions also apply to the use of mesquite flour / meal as an ingredient in other foods.

Importantly, the FSA noted that there are no immediate concerns over the safety of mesquite. Copies of the stakeholder letter can be accessed at the following link (although not it seems from the FSA website): <http://tinyurl.com/635lpcm>

Mesquite had previously been the subject of two notifications from Finland under the EU's Rapid Alert system (RASFF), being identified as an unauthorised novel food

Week 2009/20: <http://tinyurl.com/6esu2c2>

Notification 2010.1707: <http://tinyurl.com/65hlre4>

The European Commission (DG SANCO) provides a considerable volume of information about foods and food ingredients that has been collected since the Novel Food Regulation entered into force. This is in three parts:

- (i) 'Full authorisations' includes details of pending applications; of foods and ingredients that were authorised pursuant to the Regulation; and of foods and ingredients where no authorisation under the Regulation was granted (refused, withdrawn, deemed 'out of scope')

(ii) Authorisation according to the simplified procedure

(iii) A list of products where Member States and the Commission exchanged information whether products are subject to the Novel Food Regulation – the "**Novel Food catalogue**"

The Commission cautions that the Novel Food Catalogue does not represent as an exhaustive list.

"It contains a list of products of plant and animal origin as well as other substances which have been discussed in relation to their status only within the meaning of the Novel Food Regulation.

"The "Novel Food Catalogue" may provide exclusively orientation whether or not a product would require authorisation under the Novel Food Regulation. But in some Member States the placing on the market of this product as a food or food ingredient may be restricted by specific legislation."

(Full details available from <http://tinyurl.com/6bt8t38>)

IUU – Flag State Warning from the Commission

The Marine Management Organisation has issued an important message below regarding IUU measures that may be taken in respect of Panama, Belize and Sri Lanka.

Note to Operators

At the Fisheries Control Expert Working Group on the 7th June 2011 the European Commission told Member States' representatives to convey the following message to all Member State IUU regulated "operators" and associated regulators.

Subject to the detailed rules in the regulations we take the term "operators" to include: importers, owners, beneficial owners of vessels, nationals and Member State legal or natural persons.

There will be a Zero tolerance of all IUU activity whether it involves Member States' vessels and operators or third country vessels. All flag states must take control of their fishing vessels including reefers. The EC IUU team have conducted several "audit" visits of flag states' fisheries control systems; the EC IUU team follow these up with what are known as "dialogue" visits to check on progress.

Three particular flag states currently approved for exports to the EU are subject to "dialogue" visits where a

significant level of commitment to improvement is, or may be, required. These post audit "dialogue" visits are in three phases of completion:

They are: Panama (complete - but Panama's reaction unclear), Belize (this week) and Sri Lanka (by September 2011).

After a "dialogue" visit which identifies persistent unresolved flag state shortcomings the Commission made it absolutely clear there is a risk that those states are subject to IUU regulation measures which may adversely affect imports of catches taken by those countries' vessels.

Any queries on these matters should be addressed to the Defra IUU policy team (Keith Porter or Julie Fitton) or directed through your national or European trade federations.

Keith.Porter@defra.gsi.gov.uk
Julie.Fitton@defra.gsi.gov.uk

The message was issued by Alistair McDonnell, International Fisheries Trade & Enforcement, at the Marine Management Organisation

Members of the British Frozen Food Federation requiring further information about any item in this newsletter should contact Ian Farley, Technical and Legislative Manager or Su Dakin, Technical Manager

Tel: 01400 283090 / 283094 (dir)

Fax: 01400 283098

E-mail: ianfarley@bfff.co.uk

Mobile: 07714 671840

sudakin@bfff.co.uk

07834 318348

**British Frozen Food Federation
Warwick House
Long Bennington Business Park
Long Bennington
Newark NG23 5JR**

ACT NOW! F GAS REGULATION

All Interim Personnel and Company Certificates expire on 4 July 2011



Required now: From 4 July 2011 all interim Personnel and Company Certificates are no longer valid. It will be a legal requirement in Great Britain for all personnel to hold a full Personnel Certificate issued by a designated Certification Body if they install, maintain or service stationary refrigeration, air-conditioning or heat pump (RAC) equipment that contains or is designed to contain fluorinated greenhouse gases (F gases)¹ or if they perform F gas recovery or leak checking work. **Also by 4 July 2011** it is also a legal requirement for all businesses that install, maintain or service such systems to hold a full Company Certificate issued by a designated Certification Body.

It will be an offence to continue working with an interim Personnel or interim Company Certificate after 4 July 2011. If you or your business does not currently hold one of the full Personnel Certificates listed below or a full Company Certificate by 4 July 2011 you should apply for one urgently.

Who is affected?

- **Personnel** who undertake any of the following activities on stationary RAC systems that contain or are designed to contain F gases: leak checking, installation, maintenance, servicing or recovery.
- **Organisations** that directly employ engineers to install, maintain or service stationary RAC systems that contain or are designed to contain F gases. This includes maintenance contractors and installers, including sole traders, and RAC end users and facility managers that employ their own qualified staff to carry out these activities.

How do I comply?

Personnel Certification

After 4 July 2011 personnel wishing to undertake leak checking, installation, servicing and maintenance and or recovery on stationary RAC systems containing or designed to contain F gases need to hold a full qualification.

There are 4 different levels of certification which allow personnel to carry out different activities. The main ones are:

Category I certificate holders may carry out all of the following activities for any size of RAC systems containing F gases - leakage checking, refrigerant recovery, installation, maintenance and servicing. There are two Category I qualifications which are:

- 2079-11 City and Guilds Level 2 Award in F Gas and ODS Regulations: Category I
- Construction Industry Training Board (CITB) J11 Category I – leak checking, recovery, installation, service and maintenance of equipment

Category II certificate holders may carry out refrigerant recovery, installation, maintenance and servicing, in relation to RAC systems containing less than 3 kg of F gases (or less than 6 kg for systems that are hermetically sealed). Category II certificate holders may also carry out leak checks on any plant provided that it does not entail breaking into the refrigeration circuit containing F gases. There are two Category II qualifications which are:

- 2079-12 City and Guilds Level 2 Award in F Gas and ODS Regulations: Category II
- Construction Industry Training Board (CITB) J12 Category II – installation, service and maintenance of equipment with a charge of less than 3kg, (6kg if hermetically sealed) and leakage checking

Alternatively personnel may hold a full European qualification recognised under mutual recognition provisions.

¹ Common F gas refrigerants are HFCs such as R134a, R404A, R407C, R410A; a full list of F gases can be found at www.defra.gov.uk/fgas. Users of F gases are affected by the EC F gas Regulation as these refrigerants have a very high global warming potential that is up to 4,000 higher than CO₂.

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How do I comply?

Company Certification

To obtain a full Company Certificate you need to prove that:

- You employ personnel holding a full F gas Personnel Certificate issued by a Personnel Certification Body in a sufficient number to cover the expected volume and type of activities (or have an equivalent European qualification); and
- The necessary tools and procedures are available to the personnel engaged in activities for which certification is required.

Certificates are valid for 3 years from the date of issue and can be obtained from one of the 4 bodies listed below.

Training exemption

Trainees are exempt for up to 2 years, but they must work under the supervision of a person with an appropriate valid qualification and must be enrolled on a relevant training course.

Non-compliance: powers of enforcing authorities

Personnel who do not hold a full Personnel Certificate by 4 July 2011 and organisations who do not hold a full Company Certificate by 4 July 2011 will be committing a criminal offence. Personnel and organisations are urged to apply for their certificate as soon as possible to ensure they are certified by the 4 July 2011 deadline.

Your Local Authority or the Environment Agency will be the regulator for the F gas Regulations. A regulator has a range of options at its disposal to protect the environment and will use the option or options it believes will best ensure compliance with these Regulations, including prosecution.

Certification bodies and further information

Personnel Certification

The City and Guilds of London Institute and the Construction Industry Training Board are the designated personnel certification bodies.

City and Guilds:

Tel: 020 7294 2800

Enter your postcode to find courses available in your area. Website: www.cityandguilds.com/24432.html?search_term=2079

Construction Skills (CITB):

Tel: 0844 844 0046

Details of their courses are given at the following link. Website: www.cskills.org/uploads/gcspu041d-bes-refrigeration_tcm17-25247.pdf

Company Certification

Defra has designated four bodies that can issue a Company Certificate - Refcom, Quidos, Bureau Veritas and Stroma. To apply for a Company Certificate contact one of them:

Refcom: Website: www.refcom.org.uk, Tel: 01768 860409 Email: info@refcom.org.uk

Quidos: Website: www.fgasregister.com, Tel: 01225 318400 Email: fgas@quidos.co.uk

Bureau Veritas: Website: www.bureauveritas.co.uk/fgas, Tel: 020 7661 0726 Email: fgas.mail@uk.bureauveritas.com

Stroma: Website: www.stroma.com/cps/fgas, Tel: 0845 621 11 11 Email: fgas@stroma.com

For general queries related to the EC F Gas and Ozone Regulations contact:

F-Gas Support: Website: www.defra.gov.uk/fgas, Helpline: 0161 874 3663 Email: fgas-support@enviros.com

Improving Cold storage Equipment in Europe (ICE-E)

In Europe there are 60-70 million cubic meters of cold storage for food. In 2002 the IIR estimated that cold stores use between 30 and 50 kWhm⁻² year⁻¹. Surveys carried out by partners in ICE-E have shown that energy consumption can dramatically exceed this figure, often by at least double. These surveys have also demonstrated that energy savings of 30-40% are achievable by optimising usage of the stores, repairing current equipment and by retrofitting of energy efficient equipment. However, cold store operators are often reluctant to install new equipment without sufficient information on savings that can be achieved. The main aim of ICE-E is therefore to overcome these reservations to the uptake of new technologies within the cold storage sector. Through a combination of knowledge based information packages, mathematical models and education programmes the team will enable cold store operators to make informed decisions on equipment and to select and identify cost efficient paybacks to their businesses. In addition the team will develop a benchmark/labelling system for cold store operators so that they can compare performance against others users within the sector.

In addition to technical barriers to the uptake of new technology there are also non technical barriers preventing uptake of new technologies. Proven technologies are often not taken up due to wider social, political, economic and organisational contextual issues. To overcome these issues the team need to create change and awareness of the issues and a sense of agency that can initiate relevant change.

The overall aim of the ICE-E project is to reduce energy consumption and greenhouse gas emissions from the European food cold storage sector through application of energy efficient equipment choices in line with European policy. Longer term the project will enable savings to be continued after completion of the 24 month project through an energy labelling scheme, tools to enable end users and technicians to identify energy savings and educational packages to train current and future cold store operators and technicians.

How to be involved:



ICE-E partners:

LSBU (London South Bank University), UK
 KHLim, vzw Katholieke Hogeschool Limburg, Belgium
 Danish Teknologisk Institut, Denmark
 Cold Chain Experts, Netherlands

Carbon Data Resources Ltd, UK
 VUPP, Czech Republic
 U Padova, Italy
 TUS, Bulgaria