

# FDF Regulatory Updates Webinar

2 July 2024

**Aim:** To provide members with an overview of some of the key recent and upcoming changes in food safety and consumer protection policy.

**Questions:** Please submit any queries into the **question box** for the Q&A at the end of the webinar

## Today's topics & speakers

- Precision breeding
- Smoke flavourings, Regulated products reform
- Contaminants: T2&HT2, Deoxynivalenol(DON), Acrylamide, Mineral oils, Bisphenol A
- Agri-food labelling, Flour fortification
- FDF guidance: Food allergen prevention & Food authenticity

**Helen Gillen** Regulatory Manager

**Olayemi Fashesin-Souza** Regulatory Manager

**Indika Pathirathna** Snr Sector Regulatory Executive

**Anna Zarasvand** Regulatory Affairs Executive

**Aadam Hossain** Snr Sector Regulatory Executive

**Sonia Lourenco** Snr Sector Regulatory Executive

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## Regulatory toolkit

### GB/EU Regulatory Developments Trackers

The FDF Regulatory Committees have developed trackers to provide an overview that are significant to the FDF membership:

[Food Law and Labelling \(FLL\) Tracker](#) - last updated :

FLL Lead: *Alex Turtle*

[Food Contact Materials \(FCM\) Tracker](#) - last updated :

FCM Lead: *Yara Boubou*

[Food Ingredients \(FIG\) Tracker](#) - last updated :

FIG Lead: *Yara Boubou*

[Residues and Contaminants \(RAC\) Tracker](#) - last updated :

RAC Lead: *Olayemi Fashesin-Souza*

[Food Microbiology \(MIC\) Tracker](#) - last updated :

MIC Lead: *Anna Zarasvand*

## FDF Regulatory Toolkit (inc. Divergence Trackers)



fdf food & drink federation membership about food & drink

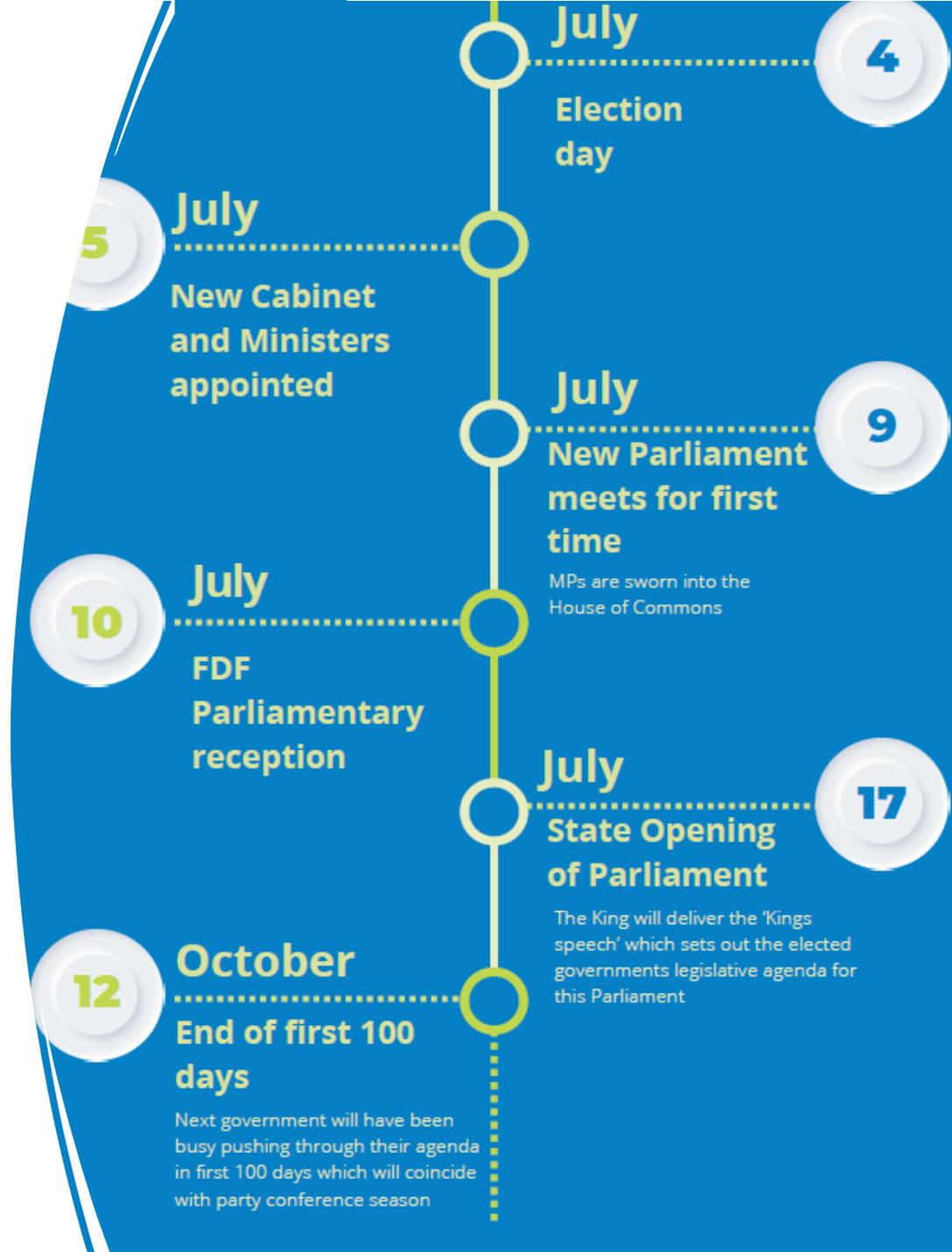
### Food Ingredients (FIG) Regulatory Tracker: UK/GB vs EU/NI

Topic Area	Aspect	Market	Regulator	Current status	Link	Policy developments
Additive (Colour)	Titanium dioxide (E171)	GB	FSA, FSS	Safety risk assessment by COT/COM ongoing		FSA risk assessment has been delayed further. COM was unable to concl
		EU	EC	EU ban of titanium dioxide as a food additive	<a href="#">Link</a>	
		NI	FSA	Implemented the EU ban		
Additive (Acidity regulators)	Sodium & potassium carbonates (E500 & E501)	GB	FSA, FSS	Application to mirror this EU use will be needed in GB		Not known if GB application has been submitted
		EU	EC	Authorised use of E500 & E501 in unprocessed molluscs and crustaceans'	<a href="#">Link</a>	
		NI	EC / FSA	Aligned with the EU		
Additive (Emulsifier)	Oat lecithin (E322a)	GB	FSA, FSS	Application to mirror this EU use will be needed in GB		Not known if GB application has been submitted
		EU	EC	Authorised use of oat lecithin in Cocoa and Chocolate products (as covered by Directive 2000/36/EC)	<a href="#">Link</a>	
		NI	EC / FSA	Aligned with the EU		
Additive (Preservative)	Glycolipids (E246)	GB	FSA, FSS	Application to mirror this EU use will be needed in GB		Understood that a GB application has been submitted (tbc)
		EU	EC	Authorised use of glycolipids as a preservative in beverages	<a href="#">Link</a>	
		NI	EC / FSA	Aligned with the EU		

# Future UK policy

- FSA Board 19 June 2024 (papers available 5 July)
- Pre-election period of sensitivity
- New Government = Period of reprioritisation
- FDF focus = Calls for a joined-up approach to food policy

More information: [FDF Manifesto](#)



# Precision Bred Organisms (PBO)

## New Framework for Regulation



- Precision Breeding Act: March 2023 (England only)
- FSA [consultation](#): Dec 2023 – Jan 2024
- March 2024: FSA proposed a 2-tier regulatory approach & [agreed by FSA board](#):
  - **Tier 1** - PBOs where the safety risks are understood and are not of concern
  - **Tier 2** - PBOs with traits where the risks are not fully understood will be subject to a tailored risk assessment
  - Enforcement regime to ensure compliance

[FDF supported  
FSA's proposal](#)

Expected (dates tbc):

- FSA/Defra working on draft secondary legislation
- FSA technical guidance for regulatory compliance
- FSA enforcement guidance for England, Wales & NI
- Preparations to receive applications from early 2025 (waiting for Statutory Instrument (SI) to be laid)

More information: [Genetic Technologies](#)

- **Mid-2023:** FSA Board calls for radical changes
- **April 2024:** FSA public consultation on two initial reform proposals:
  - 1) Remove 10-year renewals for feed additives, GM food/feed and smoke flavourings
  - 2) Allow regulated product authorisations to come into effect on publication in an official register, following ministerial decision
- **5 June 2024:** FDF consultation response: supportive of both proposals



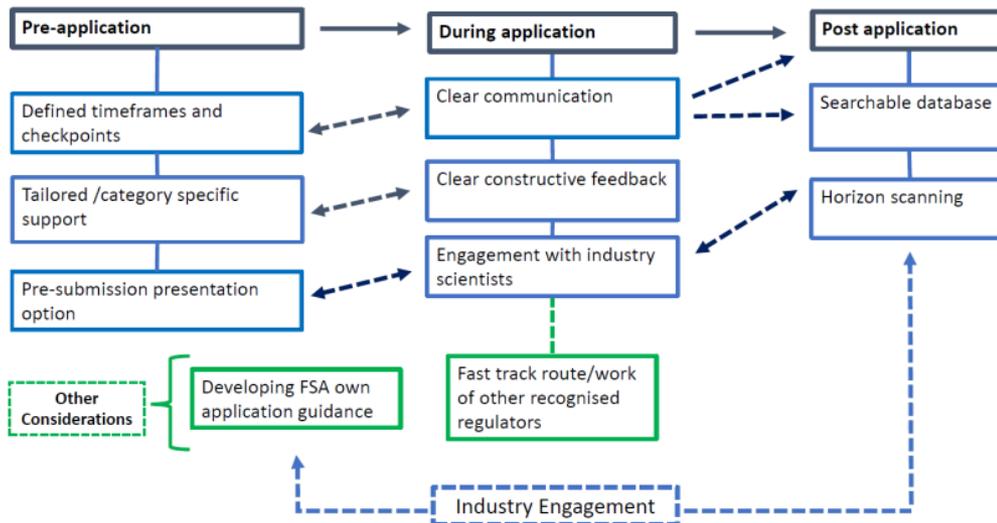
- extraction solvents
- flavourings
- food contact materials
- food additives
- food enzymes
- genetically modified organisms
- novel foods
- smoke flavourings

# Further Regulated Products reform

## FDF asks on wider reform:

- 1) Improve the efficiency, transparency and responsiveness of the current authorisation process
- 2) Protect the agility and reputation of the UK supply chain
- 3) Facilitate and promote innovation in the UK food and drink industry
- 4) Maintain high standards of food safety and quality
- 5) Utilise this opportunity to create a modern system building on the inherited EU system.

### FDF key asks of the regulated products authorisation reform



**Next step:**  
Outcome of recent (closed session) FSA Board meeting discussions expected 5 July 2024

More information:  
[Food Ingredients Committee](#)

## EU

- **April 2024:** Decision to [withdraw authorisation of 8 smoke flavourings](#)
- Ban intended from **July 2024**
- Phased transitional measures for foods containing smoke flavourings:
  - 1 July 2029: Food categories (Dairy products and analogue), (meat), (processed fish and fishery products including crustaceans and molluscs), (Fish roe) including sub-categories
  - 1 July 2026: Other food categories
- Future comparative assessment between traditional smoking & smoke flavourings

## GB

- FSA extends authorisation **until July 2024**
- FSA risk assessment ongoing
- Genotoxicity studies unlikely to conclude before the end of 2024

## EU proposal

- Amendment to Annex I (criteria 1.2b) of Regulation (EC) No 2073/2005 on *Listeria monocytogenes* (Lm) in ready to eat (RTE) foods
- Listeria not detected in 25g should **apply to all situations where those foods placed on the market during their shelf-life** & for which the producing FBO has not been able to demonstrate, that the level of Listeria will not exceed the limit of 100 cfu/g throughout the product shelf-life
- Expected to apply from 1 January 2026 – **if unchanged**

Latest FSA intelligence and food incident signals:  
[FDF Incident Prevention and Management Toolkit](#)

**FDF position** – current legislation effective when enforced & not supportive

## Concerns

- Challenge testing diverts financial resources
- Products are produced in one MS and distributed in another
- Reformulation

**Upcoming**  
FDF Microbiology ([MIC](#))  
Committee meeting:  
16 July 2024 [RSVP](#)

## EU & Northern Ireland

- New maximum levels (MLs) - [Regulation \(EU\) 2024/1038](#)
- **1 July 2024:** Entered into force
- Covers: unprocessed cereal grains, milled products & processed products
- **26 June:** [Regulation \(EU\) 2024/1756](#) amends text for oat bakery wares category from 90% to 75%
- **16 July 2024:** Enters into force

## GB

- Pragmatic approach
- Exposure assessment & review findings based on 2023 data call
- Next step: Discussions at FSA & Committee on Toxicity (COT)

Recommended:  
Continuous data collection  
& submissions to EFSA

# Deoxynivalenol (DON) toxins

## EU & Northern Ireland

- [Adjustments](#) to previous MLs - [Regulation \(EU\) 2024/1022](#)
- **1 July 2024** Entered into force
- MLs for: Unprocessed grains (cereal, wheat, maize) milled products (cereal, maize), polenta (RTE), bakery wares, pasta, baby food, special food
- No MLs for modified forms of DON = insufficient information

## GB

- [Assimilated Regulation \(EU\) 1881/2006](#) applies
- Pragmatic approach
- Medium priority for FSA risk assessment

What should specific food sectors watch out for?

## EU

- **Plan:** To set new MLs and review benchmark levels (BMLs)
- Challenges and difficulties
- **Summer 2024:** New Stakeholder Forum expected
- **Late 2024:** Draft proposal on new MLs and BMLs expected

[FDF](#)  
[Acrylamide](#)  
[Toolkit](#)

## GB

- May 2024: [FSA heard from industry](#) via FDF
- Mitigation generally successful
- **Summer 2024 (tbc):** FSA planning a data call
- Both quantitative & qualitative data needed

Ongoing vigilance and adaptation in risk management practices needed

More information: [Residues and Contaminants](#)

## EU

Currently discussing:

- Maximum levels (MLs) for Mineral Oils Aromatic Hydrocarbons ([MOAH](#)) in food
- ML are dependent on fat content
- Monitoring recommendation for mineral oils in food
- **EU final draft Regulation expected**
- **New Regulation in force – date TBC**

## GB

- Currently no position yet
- FSA support National Reference Laboratory (NRL) with the testing equipment at FERA to develop a methodology
- Practical approach expected

### Concerns:

- Analytical challenges
- Other implications



- UK-wide consultation launched on 12 Mar & closed on 7 May 2024
- Sought views on proposals to improve agri-food labelling in the UK:
  - 1). **country of origin** (mandatory for 'minimally processed' meats; positioning; out-of-home & national flag use)
  - 2). **production method** (animal welfare) (mandatory 5-tier logo for pork, chicken and eggs - both domestic and imported)



- Announced by Minister at Oxford Farming Conference in Jan 2024
- Defra now considering all submissions before deciding on next steps (tbc - subject to new government agreement)
- Scope - Initially apply to unprocessed products (e.g. raw chicken, pork) & certain 'minimally processed' products (such as bacon, ham)

**FDF response [FLL-021-24](#)** - We do not support these mandatory proposals and question the need for such a regulatory approach and policymakers' over-reliance on food labelling to evoke consumer behaviour and market changes



# Flour fortification

- **Jan:** UK Government response [published](#): mandatory addition of folic acid in non-wholemeal wheat flour (250 µg/100g flour)
- **Mar:** [Defra meeting](#) with trade associations placing onus on industry to develop implementation plan ([updated proposal](#): aligned date for when UK millers would action the addition – subject to Defra clarity, industry agreement & FSA risk statement)
- **Summer/Autumn?:** Statutory Instruments (S.I) amending the BFRs expected to be laid in parliament (tbc - subject to new government agreement)
- **1 Oct 2024 (tbc):** Expected to enter into force, followed by 2-year transition period to 1 Oct 2026

**BFR = Bread  
and Flour  
Regulations  
1998**

Members encouraged to talk to their Local/Primary Authorities to agree company-specific implementation plans with timings (and possible under-declaration easements as allowed)

More information: [Food Law & Labelling Committee](#)

**EU:** [BPA consultation](#) launched on 9 Feb 2024 & closed on 8 March 2024

- Removes BPA from the list of authorised substances for use in the manufacturing of FCMs & addresses the use of other bisphenols
- Transitional period of 18 months & derogations for specific products

**Ban will apply to:**

- Use of BPA in packaging (e.g. coating used on metal cans)
- Use of BPA in consumer articles (e.g. reusable plastic drink bottles, water distribution coolers or other kitchenware)

**Next steps:** Ban will be formally adopted following a scrutiny period & will enter into force at the end of 2024

**GB:** FSA risk assessment ongoing



- Simple 5 step guide
- Help food and drink manufacturers of all sizes manage their supply chain authenticity risks & prevent food fraud
- Raise awareness of the anonymous UK food crime reporting hotlines
- Launch: [July 2024](#)



## How to report a food crime:

- **In England, Wales & NI:** [online](#) or freephone 0800 028 1180
- **In Scotland:** [online](#) or freephone 0800 028 7926

**STEP 1: MAP YOUR SUPPLY CHAIN**

**STEP 2: IDENTIFY RISKS**

**STEP 3: ASSESS & PRIORITISE YOUR FINDINGS**

**STEP 4: CREATE & IMPLEMENT AN ACTION PLAN**

**STEP 5: TRACK, REVIEW & COMMUNICATE**

# Questions?

**Please submit any questions  
via the questions box**