



International Coffee Organization
Organización Internacional del Café
Organização Internacional do Café
Organisation Internationale du Café

WP Board 1030/07

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Executive Board
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London, England

**Food safety legislation requirements in
consuming countries**

Background

1. The attached document contains a summary of responses from importing Members on food safety legislation requirements and measures in force in consuming countries. Annexes I and II respectively contain further detailed information provided by Japan and Switzerland and Annex III contains a list of ICO documents relating to food safety legislation requirements.
2. A representative of Codex Alimentarius has been invited to make a presentation to the Executive Board on issues relevant to coffee, such as questions related to contaminants which were discussed at the Codex Committee on Contaminants meeting in Beijing from 16 – 20 April 2007. It may be noted that the ICO submitted a contribution to the Codex discussion paper on Ochratoxin A (OTA) in coffee, which has been circulated to the Committee¹ and will be considered at this meeting.

Action

The Executive Board is requested to note this document.

¹ Codex document reference: CX/CF 07/1/18 Add. 1.

FOOD SAFETY LEGISLATION REQUIREMENTS IN CONSUMING COUNTRIES

1. EUROPEAN COMMUNITY

1.1 OTA

As notified in ICO document ED-2007/07, the EC has published Commission Regulation (EC) No. 1881/2006 of 19 December 2006, setting maximum levels for certain contaminants in foodstuffs. This Regulation entered into force on 1 March 2007. In the case of roasted coffee and soluble coffee, there are no changes to the maximum limits for OTA content of 5 ppb and 10 ppb respectively, and there are no limits on green coffee (see paragraphs 22 to 24 on page 7 and items 2.2.4, 2.2.5 and 2.2.11 on page 16 of the regulation). A copy of the Regulation can be downloaded from the following link:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_364/l_36420061220en00050024.pdf

Green coffee remains under review; and there is provision for annual reporting on the occurrence of OTA and prevention measures in Article 9 (2) of the regulation. Attention is also drawn to Article 3 (2) which prohibits mixing foodstuffs complying with the maximum levels set out in the Annex with foodstuffs exceeding these maximum limits. This does not affect green coffee for which there are no maximum limits, but would mean that it would not be permissible to mix equal volumes of, for example, roasted coffee containing levels of 7 ppb of OTA with roasted coffee containing 2 ppb to achieve a 4.5 ppb average.

1.2 Pesticides

The EC is in the process of consolidating and harmonizing Maximum Residue Levels (MRLs) of pesticides in or on food and feed of plant and animal origin. Commission Regulation No. 396/2005, amending Council Directive 91/414/EEC was published in the Official Journal of the European Union of 16 March 2005 (notified by ED-1984/06). The new legislation will apply to a number of commodities, including coffee. It has been adopted and will be implemented mid to end 2007.

Regulation: http://europa.eu.int/eur-lex/lex/RECH_naturel.do

Status of active substances and MRLs sorted by pesticide/crop/commodity and guidance on import tolerances etc.: http://ec.europa.eu/food/plant/protection/pesticides/index_en.htm

1.3 EU Customs Code and security of the EU supply chain

As notified in ICO document ED-2008/07, the EC has adopted Commission Regulation (EC) No. 1875/2006 of 18 December 2006 aimed at increased security for shipments entering or leaving the EU and providing greater facilitation for compliant operators. The Regulation was published in the Official Journal of the European Union (L360) on 19 December 2006.

The Regulation implements four measures for which the details of entry into force are given below:

- A risk management framework ensuring that customs control of goods crossing the EU borders will have **immediate effect**;
- An Authorized Economic Operator (AEO) Certificate will be granted to reliable economic operators: **from 1 January 2008**;
- Traders will have to supply customs authorities with advance information on goods brought into, or out of, the EC: **from 1 July 2009**;
- Customs authorities will be required to exchange information electronically on exports between the customs offices involved in the procedure (export control system): **by 30 June 2007**.

A copy of the Regulation can be downloaded from the following link:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_360/l_36020061219en00640125.pdf

Further information on the security aspects of the Customs Code can be downloaded from the following link:

http://ec.europa.eu/taxation_customs/customs/policy_issues/customs_security/index_en.htm

2. NORWAY

Communication received from the representative of Norway:

Reference is made to your letter of 27 November regarding Norwegian legislation affecting coffee. We have been informed by the Norwegian Food Safety Authority (www.mattilsynet.no) that our legislation is based on EU directives/regulations that have been implemented. We do not have additional regulations.

3. JAPAN

The regulation for Agricultural Chemical Residues in Foods is provided in Article 22 of the Food Sanitation Law, and it has been transferred to the Positive List System since 29 May 2006. The relevant details can be found on the website of the Ministry of Health, Labour and Welfare, at:

www.mhlw.go.jp/english/topics/foodsafety/positivelist060228/introduction.html

The summary of the regulation for Agricultural Chemical Residues in Foods is as follows:

(1) The Uniform Limit

The Uniform Limit has been established for agricultural chemicals without Maximum Residue Limits (MRLs). The Uniform Limit has been set at 0.01 ppm (see Appendix 1 of Annex I).

(2) The Individual Limit

When MRLs have been set individually for certain agricultural chemicals, the sale of foods that contain more residues than the MRLs is prohibited.

These MRLs are set according to:

- (i) Codex
- (ii) The Domestic Limit set by laws such as the Agricultural chemicals Regulation Law etc.
- (iii) Standards established by countries where MRLs are understood to have been set on the basis of toxicity study data equivalent in quality to those used in scientific evaluations by JMPR and JEFCA. The countries in question are Australia, Canada, New Zealand, the United States and those belonging to the EU.

In the case of coffee beans, individual MRLs have been set for 140 Agricultural Chemicals (see Appendix 2 of Annex I). In addition, there are 16 Agricultural Chemicals which must be undetectable in foods (see Appendix 3 of Annex I).

Substances that are exempt

When there is evidence that the residues of certain substances are not harmful to human health, these substances are not regulated. Currently 65 such substances have been designated.

Annex I contains copies of notification numbers 497 and 498 from the Ministry of Health, Labour and Welfare, a table of MRLs in coffee beans submitted by Japan and a positive list system for agro-chemical residues in food.

4. SWITZERLAND

Swiss legislation on coffee

With regard to the ICO fax of 27.11.2006 on “Legislation and food safety” our position is as follows:

Switzerland has no requirements in respect of bioterrorism relating to food legislation.

Requirements concerning pesticides can be found in Annex 1 of the DFI Regulation of 26 June 1995 on foreign substances and components in food (OSEC: RS 817.021.23, a copy of which is attached)². The maximum permitted values have not become stricter (more restrictive) in recent years.

Information on the importation of food can be found in our website:

www.bag.admin.ch/themen/ernaehrung/00467/00471/index.html?lang=fr.

According to Article 23 LDAI and Articles 49 to 55 of the Regulation on foodstuffs and everyday items (ODAI: RS 817.02), anyone importing foodstuffs must ensure that the goods conform to legal requirements (self-inspection). When released to consumers, food labelling should include all necessary information.

In principle, the provisions of specific decrees are applicable to food products: these include, in particular, provisions on non-alcoholic beverages (tea, herbal teas, coffee, juices, syrups, lemonade), on hygiene (OHyg: RS 817.024.1), on additives (OAdd: RS 817.022.31) and on foreign substances and components (OSEC: RS 817.021.23). Labelling is regulated in the first instance by Article 26 of the Regulation on foodstuffs and everyday items (ODAI: RS 817.02) as well as by the provisions of the Decree on food labelling and advertising (OEDAI: RS 817.022.21).

Foodstuffs specified in Article 4 ODAI, such as coffee, may be sold to consumers without the authorisation of the Federal Office of Public Health (OFSP) if all requirements applicable to these products have been met.

Coffee can be imported into Switzerland without a certificate.

The Annex contains definitions and requirements relating to coffee under the DFI Decree of 23 November 2005 on non-alcoholic beverages (including tea, herbal teas, coffee, syrups, lemonade)³.

² See page I of Annex II.

³ See page II-5 of Annex II.

There are no plans to change definitions and requirements relating to coffee in the near future.

Annex II contains extracts from Swiss legislation on coffee submitted by Switzerland.

5. UNITED STATES OF AMERICA

We draw your attention in particular to two major U.S. food safety mechanisms:

5.1 The United States Federal Food, Drug, and Cosmetics Act, as amended December 31, 2004 (21 U.S.C.§§ 321-399)

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfCFR/CFRSearch.cfm> or
<http://www.fda.gov/opacom/laws/fdcact/fdctoc.htm>

The specific sections of the Federal Food, Drug, and Cosmetics Act, which may contain pertinent information in the interest of the ICO membership, are §§ 321-399, with particular attention to sections 331, 336, 341-350d, 372-379e, and 381.

5.2 Title 21 of the Code of Federal Regulations

<http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm>

Title 21 is a codification of the general and permanent rules required of the U.S. Food and Drug Administration (USFDA). A revised Title 21 is administered once per year, typically on 1 April of each year. Parts 1, 7, 70-82, and 100-190 of Title 21 contain areas of interest for the ICO membership.

ICO Members may also be interested in the following additional sources, some of which contain information on possible compliance requirements for the importation of coffee and coffee-products into the United States.

5.3 The Bioterrorism Act of 2002

<http://www.cfsan.fda.gov/~dms/fsbtact.html> and
<http://www.fda.gov/oc/bioterrorism/bioact.html>

The USFDA is in the process of on-going implementation of the Federal Bioterrorism Act of 2002. The Act specifies action required of the USFDA to address the issues of establishment and maintenance of food shipment records into the United States and the detention of food shipments that are believed to potentially harm the health of humans or animals.

5.4 USFDA Food Imports Website

<http://www.cfsan.fda.gov/~lrd/imports.html>

This website highlights general information of interest regarding importing food into the United States.

5.5 Compliance Policy Guide

<http://www.cfsan.fda.gov/~pn/cpgpn6.html>
http://www.fda.gov/ora/compliance_ref/cpg/cpgfod/

Although this policy guide is for the purpose of informing United States domestic agencies in their compliance efforts for monitoring goods entering the United States, it may provide an additional level of information for ICO Members as they seek to ensure compliance with United States requirements for imported goods. For example, the following links are specific codes within the policy guide that are relevant to coffee and require compliance with certain requirements:

5.6 Green Coffee Beans – Adulteration with Insects; Mould

http://www.fda.gov/ora/compliance_ref/cpg/cpgfod/cpg510-500.html

5.7 Reconditioning of Imported, Insect Infested, Insect Damaged or Mouldy Coffee Beans

http://www.fda.gov/ora/compliance_ref/cpg/cpgfod/cpg560-300.html

5.8 Coffee and Cocoa Bean Sweeps

http://www.fda.gov/ora/compliance_ref/cpg/cpgfod/cpg560-350.html

5.9 General Information about Food Safety

<http://www.cfsan.fda.gov/list.html>

Links to topics of relevant interest on the general information website include:

<http://www.cfsan.fda.gov/~dms/guidance.html>

<http://www.cfsan.fda.gov/~dms/dalbook.html>

<http://vm.cfsan.fda.gov/~dms/mpm-3.html#V-1>

5.10 National Food Safety Programmes

<http://www.foodsafety.gov/~dms/fs-toc.html>

While this website is focused on domestic programmes regarding food safety, it may contain issues of a general interest to the ICO membership.

Provisional Translation
from Japanese Original

Ministry of Health, Labour and Welfare Notification No. 497

The Minister of Health, Labour and Welfare has established the level given below, based on the provision of Paragraph 3, Article 11 of the Food Sanitation Law, as the amount unlikely to cause damage to human health that the provision requires the Minister to set; it will take effect on May 29, 2006.

Notwithstanding this notification, food products that are manufactured or processed on or before May 28, 2006 may observe the existing regulations, instead of the regulations to be applied from the given date.

November 29, 2005

Jiro Kawasaki

Minister of Health, Labour and Welfare

The amount unlikely to cause damage to human health that the provision of Paragraph 3, Article 11 of the Food Sanitation Law requires the Minister to set is 0.01 ppm.

[HOME] Top page of MRLs Search
engine for MRLs

The Japan Food Chemical Research
Foundation

Table of MRLs in Foods

Food: Coffee beans

M/L

Agricultural Chemical	MRLs (ppm)	Note	Classification of MRL
ABAMECTIN	0.008		provisional
ACEQUINOCYL	0.02		provisional
ALDICARB	0.10		
ALDRIN and DIELDRIN	0.1		provisional
ASULAM	0.02		provisional
AZOXYSTROBIN	0.02		provisional
BENSULFURON-METHYL	0.02		provisional
BENSULIDE	0.03		provisional
BENTAZONE	0.02		provisional
BENZYLADENINE	0.02		provisional
BIFENAZATE	0.02		provisional
BILANAFOS (BIALAPHOS)	0.004		provisional
BIORESMETHRIN	0.1		
BRODIFACOUM	0.001		provisional
BROMIDE	60		provisional
Sec-BUTYLAMINE	0.1		provisional
CARBENDAZIM, THIOPHANATE, THIOPHANATE-METHYL and BENOMYL	0.1		provisional
CARBOFURAN	1		provisional
CARFENTRAZONE-ETHYL	0.1		provisional
CARPROPAMID	0.1		provisional
CHLORFLUAZURON	0.05		provisional
CHLOROTHALONIL	0.2		
CHLORPYRIFOS	0.05		provisional

CLODINAFOF-PROPARGYL	0.02		provisional
CLOFENTEZINE	0.02		provisional
CLOMAZONE	0.02		provisional
CLOTHIANIDIN	0.04		
COPPER NONYLPHENOLSULFONATE	0.04		provisional
COPPER TELEPHTHALATE	0.5		provisional
4-CPA	0.02		provisional
CUMYLURON	0.02		provisional
CYCLOPROTHRIN	0.02		provisional
CYCLOXYDIM	0.05		provisional
CYFLUTHRIN	0.02		provisional
CYMOXANIL	0.05		provisional
CYPERMETHRIN	0.05		
CYPROCONAZOLE	0.1		
CYROMAZINE	0.02		provisional
DBEDC	0.5		provisional
DELTAMETHRIN and TRALOMETHRIN	2.0		
DEMETON-S-METHYL	0.05		provisional
DIAFENTHIURON	0.02		provisional
DICHLORVOS and NALED	0.2		
DICLOMEZINE	0.02		provisional
DIFENZOQUAT	0.05		provisional
DIFLUBENZURON	0.05		provisional
DIFLUFENIGAN	0.002		provisional
DIFLUFENZOPYR	0.05		provisional
DIMETHIPIN	0.04		provisional
DIQUAT	0.05		provisional
DISULFOTON	0.2		provisional
DITHIOCARBAMATES	5		provisional
DIURON	0.02		provisional
2,2-DPA	0.05		provisional

ENDOSULFAN	0.1		provisional
ENDRIN	N.D.		provisional
ETHEPHON	0.1		provisional
ETHIPROLE	0.02		provisional
ETHOPROPHOS	0.005		provisional
ETHOXYQUIN	0.05		provisional
ETHYCHLOZATE	0.05		provisional
ETHYLENE DIBROMIDE (EDB)	N.D.		provisional
FENBUTATIN OXIDE	0.05		provisional
FENOXYCARB	0.05		provisional
FENPYROXIMATE	0.02		provisional
FENTIN	0.1		provisional
FIPRONIL	0.002		provisional
FLAZASULFURON	0.02		provisional
FLUAZIFOP	0.1		
FLUCYTHRINATE	0.05		
FLUFENOXURON	0.02		provisional
FLUOMETURON	0.02		provisional
FLUOROIMIDE	0.04		provisional
FOSETYL	0.5		provisional
FURAMETPYR	0.1		provisional
GLUFOSINATE	0.05		provisional
GLYPHOSATE	1.0		
HALOSULFURON METHYL	0.02		provisional
HEXACONAZOLE	0.05		
HEXAFLUMURON	0.02		provisional
HYDROGEN CYANIDE	1		provisional
HYDROGEN PHOSPHIDE	0.06		provisional
HYMEXAZOL	0.02		provisional
IMAZAQUIN	0.05		provisional
IMAZETHAPYR AMMONIUM	0.05		provisional
IMINOCTADINE	0.02		provisional

IPRODIONE	0.05		provisional
ISOURON	0.02		provisional
LINDANE	0.002		provisional
LINURON	0.02		provisional
LUFENURON	0.02		provisional
MALATHION	0.5		provisional
MALEIC HYDRAZIDE	0.2		provisional
METHIDATHION	1		provisional
MILBEMECTIN	0.02		provisional
MOLINATE	0.02		provisional
1-NAPHTHALENEACETIC ACID	0.1		provisional
NAPROPAMIDE	0.1		provisional
NITENPYRAM	0.03		provisional
NOVALURON	0.02		provisional
ORYZALIN	0.1		provisional
OXAMYL	0.10		
OXAZICLOMEFONE	0.02		provisional
OXYFLUORFEN	0.05		provisional
PARAQUAT	0.05		provisional
PENCYCURON	0.1		provisional
PERMETHRIN	0.05		
PHENOTHRIN	0.02		provisional
PHORATE	0.02		provisional
PHOXIM	0.02		provisional
PINDONE	0.001		provisional
PROBENAZOLE	0.03		provisional
PROCHLORAZ	0.2		
PROHEXADIONE-CALCIUM	0.02		provisional
PROPICONAZOLE	0.1		
PYRAZOLYNATE	0.02		provisional
PYRETHRINS	0.05		provisional
PYRIDALYL	0.02		provisional

PYRIPROXYFEN	0.1		provisional
SILAFLUOFEN	0.05		provisional
SULFENTRAZONE	0.05		provisional
SULFURYL FLUORIDE	1		provisional
TEBUFENOZIDE	0.05		provisional
TEBUTHIURON	0.02		provisional
TEFLUBENZURON	0.02		provisional
TEPRALOXYDIM	0.05		provisional
TERBUFOS	0.05		provisional
THIAMETHOXAM	0.04		provisional
THIODICARB and METHOMYL	1		provisional
TRIADIMEFON	0.05		provisional
TRIADIMENOL	0.1		provisional
TRIAZOPHOS	N.D.		
TRICHLAMIDE	0.1		provisional
TRICLOPYR	0.03		provisional
TRICYCLAZOLE	0.02		provisional
TRIFLUMIZOLE	0.05		provisional
TRIFLUMURON	0.02		provisional
TRINEXAPAC-ETHYL	0.02		provisional
VAMIDOTHION	0.02		provisional
WARFARIN	0.001		provisional



Last update: 2006/12/05

Positive List System – Not detected

[[Top of Positive List System](#)] [[MRLs List](#)]

Positive List System for Agricultural Chemical Residues in Foods

Substances used as ingredients of agricultural chemicals and other chemical substances that are stipulated to be "Not detected" in foods

1. 2, 4, 5-T
2. Azocyclotin and cyhexatin
3. Amitrol
4. Captafol
5. Carbadox
6. Coumaphos
7. Chloramphenicol
8. Chlorpromazine
9. Diethylstilbestrol
10. Dimetridazole
11. Daminozide
12. Malachite green
13. Nitrofurans
14. Prophan
15. Metronidazole
16. Ronidazole

Ministry of Health, Labour and Welfare Notification No. 498

The Minister of Health, Labour and Welfare has designated the substances given below, based on the provision of Paragraph 3, Article 11 of the Food Sanitation Law, as substances having no potential to cause damage to human health that the provision requires the Minister to specify; this designation will take effect on May 29, 2006.

November 29, 2005

Jiro Kawasaki

Minister of Health, Labour and Welfare

The substances having no potential to cause damage to human health that the provision requires the Minister to specify are as follows:

1. Zinc
2. Azadirachtin
3. Ascorbic acid
4. Astaxanthin
5. Asparagine
6. beta-apo-8'-carotene acid ethyl ester
7. Alanine
8. Allicin
9. Arginine
10. Ammonium
11. Sulfur
12. Inositol
13. Chlorine
14. Oleic acid
15. Potassium
16. Calcium
17. Calciferol
18. beta-Carotene
19. Citric acid
20. Glycine
21. Glutamine
22. Chlorella extracts
23. Silicon
24. Diatomaceous earth
25. Cinnamic aldehyde

~~Provisional Translation~~
from Japanese Original

26. Cobalamin
27. Choline
28. Shiitake mycelia extracts
29. Sodium bicarbonate
30. Tartaric acid
31. Serine
32. Selenium
33. Sorbic acid
34. Thiamine
35. Tyrosine
36. Iron
37. Copper
38. Paprika coloring
39. Tocopherol
40. Niacin
41. Neem oil
42. Lactic acid
43. Urea
44. Paraffin
45. Barium
46. Valine
47. Pantothenic acid
48. Biotin
49. Histidine
50. Hydroxypropyl starch
51. Pyridoxine
52. Propylene glycol
53. Magnesium
54. Machine oil
55. Marigold coloring
56. Mineral oil
57. Methionine
58. Menadione
59. Folic acid
60. Iodine
61. Riboflavin
62. Lecithin
63. Retinol
64. Leucine
65. Wax

**INFORMATION ON FOOD SAFETY LEGISLATION REQUIREMENTS
PROVIDED BY SWITZERLAND**

817.021.23

**DFI ORDER ON FOREIGN SUBSTANCES AND
CONSTITUENTS OF FOODSTUFFS¹**

(Order on foreign substances and constituents of foodstuffs – OSEC)

of 26 June 1995 (Updated 10 October 2006)

The Federal Interior Department (DFI),

considering articles 14, 16, para. 2, and 48, para.1, letter e of the Order of 23 November 2005 on foodstuffs and everyday items (ODAIIOUs)^{2,3}

rules that:

Art. 1 Principle

Foreign substances and constituents (substances) shall only be present in or on foodstuffs in quantities which are technically unavoidable and constituting no danger to health;

Art. 2 Maximum concentration, tolerance values and limit values

¹ Maximum concentration means the toxicologically significant concentration of a substance and by-products of its decomposure permitted in or on a specific foodstuff at the time of delivery to the consumer.

² Maximum concentration of a substance shall be expressed as a tolerance value or limit value.

³ Tolerance value means the maximum concentration beyond which the foodstuff is considered to be contaminated or in some other way intrinsically diminished.

⁴ Limit value means the maximum concentration beyond which the foodstuff is deemed unfit for human consumption.

RO 1995 2893

¹ Revised contents pursuant to part I of DFI Order of 27 March 2002, in force since 1 May 2002 (RO 2002 955).

² RS 817.02

³ Revised contents pursuant to part I of DFI Order of 23 November 2005, in force since 1 January 2006 (RO 2005 5749).

² If the lists in the annexes to the present Order no longer suit latest developments and state of knowledge, and urgent health protection measures are required, the agency may issue provisional guidelines to the Cantons' executive authorities until such time as the aforesaid lists are modified. These instructions shall be published in the official Swiss trade gazette.

Art. 6 Abrogation of current law

The following are abrogated:

- (a) The Order of 27 February 1986⁵ on foreign substances and constituents of foodstuffs.
- (b) The list of 1 July 1981⁶ of solvents whose use is authorized for the purpose of decaffeination of coffee.

Art. 7 Entry into force

The present Order comes into force on 1 July 1995.

⁵ [RO 1986 647, 1987 1288, 1988 1235, 1989 1197, 1990 1094, 1991 1878, 1994 2051 Art. 2].

⁶ [RO 1981 969]

817.021.23

Foodstuffs and various everyday items

Annex⁷
(Art. 2, para. 6)**1 List of maximum concentrations (tolerance values, limit values) for phytosanitary products, products for the protection of stored foodstuffs and plants growth regulators***Explanation*

1.1 Where there is no indication to the contrary in the list, maximum concentrations refer to the fresh or unprocessed food item.

In the case of dry foodstuffs where not specifically declared as such, maximum concentrations refer to the reconstituted foodstuffs.

Maximum concentrations apply to the parts of the product indicated below:

Citrus fruits, spices, cocoa seeds, coffee seeds and grain seeds	Whole product
--	---------------

Order on foreign substances and constituents**817.021.23**

1	2	3	4	5	6
Active substance	Sphere of application	Foodstuff	Tolerance value mg/kg	Limit value mg/kg	Notes
Methyl bromide	V	Coffee beans	0.01		At time of delivery to consumer
Ionic bromide	V	Coffee beans	50		
Cyproconazole	F	Coffee extract	0.1		
Phosphine	V	Coffee beans	0.01		

⁷ Revised contents pursuant to part II of DFI Order of 23 November 2005, in force since 1 January 2006 (RO 2002 5749). Updated pursuant to part I of OFSP Order of 29 September 2006 (RO 2006 4099).

**DFI ORDER ON PERMITTED FOOD ADDITIVES
(Order on Additives, OAdd)**

of 23 November 2005 (Updated, 27 December 2005)

The Federal Interior Department (DFI),

considering Arts. 15 and 80, para. 9, of the Order of 23 November 2005 on foodstuffs and everyday items (ODAIIOUs)¹,

rules that:

Art. 1 Principle

¹ The only items that may be used as additives are:

- (a) Substances listed in Annex 1;
- (b) Flavours, as described in Art. 2, para 1, letter q, ODAIOUs and Annex 3, part 24, of DFI Order of 23 November 2005 on the labelling and advertising of foodstuffs².

² The substances listed in Annex 2 are permitted without restriction in all foodstuffs.

³ The substances listed in Annex 3 are permitted:

- (a) Only in foodstuffs appearing in the relevant list (Annex 7), and
- (b) In general, in accordance with good manufacturing practice (GMP) or bearing in mind possible restrictions indicated in the relevant list.

⁴ Substances listed in Annex 4 are permitted:

- (a) Only in food powders and tablets appearing in the relevant list (Annex 7), and
- (b) In general, according to GMP or bearing in mind possible restrictions indicated in the relevant list.

⁵ Annex 7 (the relevant list) governs the use of all food additives, with the exception of those listed in Annex 2, and defines exceptions to the provisions of Annexes 3 and 4.

¹ RS 817.02

² RS 817.022.21

Additives**817.022.31**

Number	Foodstuff
32	Coffee, coffee substitutes
32.1	Coffee, coffee substitutes and extracts of both

Non-alcoholic beverages**817.022.111**

Part 11 **Coffee, coffee substitutes**
Section 1 **Green coffee**

Art. 54 Definition

Green coffee means the mature beans of the fruit of the coffee tree (*Coffea* genus), completely devoid of their husk and almost completely devoid of the silverskin.

Art. 55 Requirements

¹ In the case of green coffee the water content shall not exceed 13% of the coffee-based dry matter content and impurities (black beans, spoilt or damaged beans, husks or foreign bodies) not more than 5% of the coffee-based dry matter content.

² Mechanical smoothing and polishing of green coffee are permitted.

Section 2 **Roast coffee****Art. 56** Definition

Roast coffee means roast green coffee.

Art. 57 Requirements

¹ In the case of roast coffee charred beans shall not exceed 1% of the coffee-based dry matter content and water not more than 5% of said content.

² At least 22% of the hydrosoluble extract of the coffee-based dry matter shall be roast coffee.

Section 3 Decaffeinated coffee

Art. 58 Definition

Decaffeinated coffee (uncaffeinated coffee) means green or roast coffee whose caffeine content once roasted does not exceed 0.1% of the coffee-based dry matter.

Art. 59 Requirements

¹ Only substances that have been involuntarily removed during extraction may be added to the coffee. Added quantities shall not exceed those extracted.

² Water content shall not exceed:

- (a) In the case of decaffeinated green coffee, 13% of the coffee-based dry matter;
- (b) In the case of decaffeinated roast coffee, 5% of the coffee-based dry matter.

³ At least 22% of the coffee-based dry matter of the hydrosoluble extract shall be made up of decaffeinated coffee.

Section 4 Processed coffee

Art. 60 Definition

Processed coffee shall be distinguishable, either by means of analysis or in its physiological effects, from the coffee described in Arts. 54-57, in that substances other than caffeine have been removed from it, or its properties are substantially changed.

Art. 61 Requirements

¹ By analogy the provisions of Arts. 54-57 apply.

² By analogy the provisions of Arts. 58 and 59 apply to processed decaffeinated coffee.

Section 5 Coffee extract

Art. 62 Definition

Coffee extract (extract of soluble coffee, soluble coffee, instant coffee) is the more or less concentrated extract obtained exclusively through extraction by means of water from roast coffee.

Art. 63 Requirements

¹ Other than technically unavoidable other substances, coffee extract shall only contain the soluble aromatic constituents of coffee.

² Any process of hydrolysis involving the addition of an acid or a base is prohibited.

³ The coffee-based dry matter content shall be as follows:

- (a) In the case of coffee extract in solid form (powder, tablets, etc.): at least 95%;
- (b) In the case of coffee in paste form: 70-85%;
- (c) In the case of coffee extract in liquid form: 15-55%.

⁴ Coffee extract in solid form or paste may not contain constituents other than those obtained by means of extraction.

⁵ In the case of coffee extract in liquid form, roast or unroast sugar shall not make up more than 12% of the coffee-based dry matter.

⁶ In the case of extract of decaffeinated coffee, caffeine shall not make up more than 0.3% of the coffee-based dry matter.

⁷ By analogy Arts. 60 and 61 apply to extracts of processed coffee.

Section 6 Coffee substitutes, coffee modifiers

Art. 64 Definition

Coffee substitutes and coffee modifiers are powders obtained by means of roasting parts of appropriate vegetables containing starch or sugars, such as chicory, grains, fruit, malt, acorns, or by means of roasting sugars or molasses.

Art. 65 Requirements

The coffee-based dry matter content of coffee substitutes and modifiers shall be at least 95%.

Section 7 Chicory extract

Art. 66 Definition

Chicory extract (extract of soluble chicory, soluble chicory, instant chicory) is the extract obtained exclusively from roast chicory through extraction by means of water.

Art. 67 Requirements

¹ The coffee-based dry matter content of chicory shall be as follows:

- (a) In the case of extract of chicory in solid form (powder, tablets, etc.): at least 95%;
- (b) In the case of chicory extract in the form of paste: 70-85%;
- (c) In the case of chicory extract in liquid form: 25-55%.

² Chicory extract in liquid form or in the form of paste shall only contain components obtained by means of extraction.

³ Substances not obtained from chicory shall not make up more than 1% of the total coffee-based dry matter content.

⁴ The sugar content of chicory extract in liquid form shall not exceed 35% of the total coffee-based dry matter content.

⁵ Any process of hydrolysis involving the addition of an acid or a base is prohibited.

Section 8 Extracts of other coffee substitutes

Art. 68 Definition

Extracts of other coffee substitutes or of coffee modifiers like chicory or mixtures thereof, alone or with coffee, are more or less concentrated or dry, soluble products, obtained from raw materials through extraction by means of water.

Art. 69 Requirements

¹ The coffee-based dry matter content of extracts in solid form shall be at least 95%.

² Any process of hydrolysis involving the addition of an acid or a base is prohibited.

Section 9 Labelling

Art. 70 Specific origin

The word “concentrated” may be added to the origin in the case of:

- (a) Coffee extract in liquid form where the coffee-based dry matter content exceeds 25%.
- (b) Chicory extract in liquid form where the coffee-based dry matter content obtained from chicory exceeds 45%.

Art. 71 Additional indications

¹ In the case of coffee and chicory extracts, to the indications appearing in Art. 2 of OEDA¹¹ shall be added the following information:

- (a) In the case of the corresponding extracts: the word “decaffeinated” or “uncaffeinated”;
- (b) In the case of the extract in liquid form or paste: the minimum coffee-based or coffee substitute-based dry matter content, expressed as a percentage of the dry matter of the final product;
- (c) In the case of extracts in liquid form obtained from coffee and of extracts of chicory: the phrase “sugar roast” where the extract was obtained from the sugar roasted raw materials. Where other sugars have been used these shall be mentioned;

¹¹ RS 817.022.21

- (d) The words “sweetened”, “preserved in sugar” or “added sugar” where sugar has been added to the raw material following roasting; if other sugars have been used these shall be mentioned.

² In the case of coffee mixtures and coffee substitutes, as in the case of mixtures of coffee extracts and extracts of coffee substitutes, the coffee-based dry matter content of the mixture used shall appear as a percentage on packaging and advertising texts.

817.02

ORDER ON FOODSTUFFS AND EVERYDAY ITEMS (ODAIOS)

of 23 November 2005 (Updated 13 December 2005)

The Swiss Federal Council,

considering the Act of 9 October 1992 on foodstuffs (LDAI)¹,
 considering Art. 16, para. 2, and 17 of the Act of 21 March 2003 on genetic engineering (LGG)²,
 considering Art. 29 of the Act of 7 October 1983 on environmental protection (LPE)³,
 considering Art. 4 of the Federal Act of 19 March 1976 on security of technical facilities and equipment (LSIT)⁴,
 and pursuant to the Federal Act of 6 October 1995 on technical barriers to trade (LETC)⁵,

rules that:

Part 1 General provisions

Art 1 Purpose and sphere of application

¹ The present Order governs:

- (a) The manufacture, processing, treatment, storage, transport, labelling, advertising and delivery of foodstuffs and everyday items;
- (b) Hygiene conditions pertaining to the use of foodstuffs and everyday items;
- (c) Self and official checks on foodstuffs and everyday items, in respect, specifically, of the taking of samples, assessment criteria, and methods of analysis, their recording in the foodstuffs manual, and the requirements that apply to those responsible for the checking of foodstuffs;
- (d) The importation, transit and exportation of foodstuffs and everyday items;
- (e) The receipt of remuneration by federal and Cantonal authorities in respect of implementation of legislation on foodstuffs and everyday items.

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¹ RS 817.0

² RS 814.91

³ RS 814.01

⁴ RS 819.1

⁵ RS 946.51

Part 2 Foodstuffs
Section 1 Permitted foodstuffs

Art. 4 Specific foodstuffs

¹ The following categories of foodstuffs are permitted:

- q. Non-alcoholic beverages (particularly tea, infusions, coffee, juices, syrups, spirits, lemonade).

Foodstuffs and various everyday items

817.022.31

Foodstuff	Additive with E No.	Maximum quantity	Comments
32. Coffee, coffee substitutes			
32.1 Coffee, coffee substitutes and extracts thereof	901 Beeswax	BMP	As coating agent for coffee

ICO DOCUMENTS RELATING TO FOOD SAFETY/REGULATIONS

Issue	Description/Title	Document details	Date
Customs code and security	EU Customs Code and security of the EU supply chain	ED-2008/07	15/02/07
OTA	Revised EC Regulation on Ochratoxin A (OTA) and other contaminants	ED-2007/07	15/02/07
OTA	Good Hygiene Practices along the coffee chain	CD-Rom (training tool) Website: www.coffee-ota.org	September 2006
OTA	Enhancement of coffee quality through the prevention of mould formation – Final Technical Report	ICC-96-4 (Executive Summary) CD-Rom (full report)	25/08/06
OTA	Guidelines for the Prevention of Mould Formation in Coffee	ED-1988/06	13/04/06
OTA	Declaration on OTA by coffee producing countries within the ICO	EB-3909/06	13/02/06
OTA	Invitation to attend the final review meeting of the project to enhance coffee quality through the prevention of mould formation	ED-1968/05	17/08/05
OTA	EC Regulation on OTA	ED-1940/05	07/02/05
OTA	OTA risk management: Guidelines for green coffee buying	ED-1939/05	18/01/05
OTA	Declaration by Producing Members	ED-1896/03	19/09/03
OTA	Code of Practice - Enhancement of coffee quality through prevention of mould formation	PSCB-36/02	23/08/02
OTA	Update on OTA	ED-1827/02	05/04/02
Pesticides	EC Regulation on Maximum Residue Levels of pesticides	ED-1984/06	24/02/06
Pesticides	Important reminder – EC Regulation on Maximum Residue Levels of pesticides	ED-1982/06	14/02/06
Pesticides	Revised Japanese Food Sanitation Law – Communication from the Government of Japan	EB-3908/06	01/02/06
Pesticides	Revised Food Sanitation Law – Communication from the All Japan Coffee Association (AJCA)	PSCB-76/06	30/01/06
Pesticides	EC Regulation on Maximum Residue Levels of pesticides	ED-1970/05	07/09/05
Pesticides	Communication from the AJCA (on insecticides and other chemicals)	PSCB-38/02 Corr.	19/09/02
Bioterrorism	U.S. bioterrorism regulations – important reminder	ED-1921/04	14/06/04
Bioterrorism	Communications from the National Coffee Association of the USA, Inc. (NCA) regarding FDA bioterrorism regulations	ED-1900/03	13/10/03
Bioterrorism	Communication from the NCA announcing that it will serve as “U.S. Agent” for the purposes of the Bioterrorism Act	ED-1897/03	30/09/03
GM coffee	Genetically Modified Coffee Beans – Communication from the All Japan Coffee Association (AJCA)	PSCB-77/06	30/01/06

Issue	Other documents/ presentations	Details	Date
HACCP	European Coffee Federation Note on HACCP and EU legislation	PSCB-37/02	23/08/02
Pesticides	Action Plan for Pesticide Residues (ANACAFE, Guatemala)	Presentation to PSCB	January 2007
Pesticides	EC Regulation 396/2005 on MRLs of pesticides	Copy of presentation	September 2006
Pesticides	Methodology for testing the substances of pesticides, feed additives, or veterinary medicine components remaining in food	Paper circulated to the PSCB by the AJCA	May 2006
Pesticides	Illycaffee's policy on safety control of pesticides in raw coffee	Paper circulated to PSCB	January 2006
Bioterrorism	Food safety and Bioterrorism (National Coffee Association of the USA)	Presentations to PSCB/ Factsheets on the FDA new Food Bioterrorism Regulation/Copy of memorandum from the NCA law firm	January 2004/ May 2003
GM coffee	Presentation on current GM legislation by Dr. Anne Chetaille of GRET	Presentation to seminar on Genetically Modified coffee	May 2005