



INTERNATIONAL COFFEE ORGANIZATION
ORGANIZACIÓN INTERNACIONAL DEL CAFÉ
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ
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**Article 36 of the
International Coffee Agreement 2001
Mixtures and substitutes**

REPORT BY THE EXECUTIVE DIRECTOR

Background

1. Article 36 of the International Coffee Agreement 2001 provides that Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for commercial resale as coffee and that Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95% green coffee as the basic raw material.
2. In April 2010 the Executive Director requested all Members of the Organization to inform him by 1 June 2010 of measures taken in their countries to comply with the provisions of this Article and any difficulties encountered in enforcing such measures, together with the reasons for such difficulties and proposed ways of overcoming them (see document ED-2087/10). A summary of the replies¹ received to date is attached as an Annex.
3. Members who have not yet replied are requested to do so as soon as possible.

Action

The Council is requested to consider this report.

¹ *Originals are available for consultation from the Secretariat.*

Member	Action taken to enforce Article 36 of the ICA 2001
Brazil	Regulation 16, published in the Official Gazette on 25 May 2010, sets out quality standards of roasted and ground coffee sold to consumers, whether produced in Brazil or imported. It will take effect from 1 February 2011 and be legally binding. It establishes maximum limits of 1% and 5% on impurities and moisture content respectively, in addition to rules on labelling and a classification for sensory characteristics such as taste and aroma. Products will need to score at least four out of ten in a global cup quality scale.
Colombia	Article 1 of Law 126 of 1931 prohibits the sale of products under the name of coffee which are not composed of pure coffee.
Costa Rica	A voluntary technical standard is currently under development. The draft standard establishes requirements and definitions for roasted coffee beans, pure roasted and ground coffee, roasted and ground 'torrefacto' coffee (minimum 90% coffee with added sugar), and flavoured non-soluble roasted and ground coffee.
Ecuador	<p>Products sold under the name of coffee containing less than the equivalent of 95% green coffee as the basic raw material are reported to the National Institute of Hygiene and Tropical Medicine, which is responsible for issuing, suspending, cancelling or re-issuing health registration certificate required under the provision of the General Health Law.</p> <p>Article 137 of the General Health Law provides that any food products processed and / or manufactured either within the national territory or abroad are subject to health registration for the purposes of importing, exporting, marketing, dispensing or retailing. Other relevant provisions include Articles 138, 140, 141, 142, 143 and 146 (g).</p>
EU – Bulgaria	Imports of 'roasted chicory and other roasted coffee substitutes and extracts, essences and concentrates thereof', CN code 210130 for 2007, 2008 and 2009 were 34, 21 and 40 tons respectively. There is no domestic production and re-exports are negligible. Consumption of substitutes of coffee is considered equal to imports.
EU – France	Denomination of raw, roasted, ground and decaffeinated coffee is defined under Ordinance No. 91-340 of 3 April 1991. Products have to be strictly labelled to distinguish substitutes, extracts or mixtures. Ordinance 2001-977 of 26 October transposes Directive 1999/4/EC of the European Parliament and the Council of 22 February 1999, concerning the denomination of coffee extracts and chicory extracts.
EU – Germany	No changes since the previous communication (see ICC-96-6). The German Ordinance relating to coffee, coffee extracts and chicory extracts has been implemented since 15 November 2001. The provisions of Directive 1999/4/EC of the European Parliament and the Council of 22 February 1999 have also been implemented in German law.

EU – Latvia	No national regulations prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of 95% green coffee as the basic raw material.
Indonesia	No specific policy on mixtures and substitutes. Regulation 41/M-DAG/PER/9/2009 does not cover mixed/processed coffee products. No mixed/processed coffee is sold on the market as ‘coffee’. Coffee-related regulations are in line with Article 36 of the ICA 2001.
Mexico	<p>Regulation NMX-F-173-S-1982 is voluntary and has been in force since 1982. It sets out specifications for roasted coffee and roasted coffee blended with sugar. Relevant provisions include points 4 and 8.</p> <p>Regulation NOM-051-SCFI/SSA1-2010 requires pre-packaged food and drink products with more than one ingredient to state this on the label. Pure coffee is exempt as it comprises a single ingredient. In the case of coffee blended with sugar, it can be described as ‘coffee’ if it contains up to 10% sugar, or ‘blended coffee’ if it contains between 11-30% sugar.</p>
Rwanda	There is no sale and advertisement of products under the name of coffee which contain less than the equivalent of 95% green coffee as a basic raw material.

NB: Previous submissions from the following Members: Burundi, Costa Rica, Germany, Honduras and Japan on this matter are contained in document ICC-96-6. In 2008, no additional information was reported by Members.