

## Technical committee technical newsletter

### No 13 – July 2021

Welcome to technical committee newsletter number 13, written by the AVA technical committee specifically for technical managers in the industry. We hope you will find it interesting. We would appreciate any comments or suggestions for items to be covered in future newsletters.

This Newsletter and previous versions can all be found in the member's section of the AVA website in the Advice Hub section: [HERE](#)

#### Refurbishing and Remanufacture



Vending machines have to carry a mark to show that they conform to all relevant legislation. In Europe (including Northern Ireland) this is the CE mark and in GB it is the UKCA mark. Vending machines are usually refreshed every few years and occasionally parts are replaced when they fail. This

would not invalidate the original mark of conformity as long as the new parts are approved by the original machine manufacturer. When machines are refurbished with a major clean up and updating by a refurbishment company, whether it needs a new mark will depend on the changes that are made. Merely replacing parts with OEM or OEM-approved parts would not require a new mark but replacing parts by ones of equivalent specification from another manufacturer might. The critical question is whether the original manufacturer would support the CE mark if there were a problem. While parts from other sources may be equivalent in specification to the original this is not sufficient if the OEM would not support the CE mark. What is clear is that if the operating characteristics were changed, such as by the addition of a touch screen, then this would definitely be remanufacture and the remanufacturer would have to compile a technical file and apply their own mark. The AVA technical committee preparing more detailed guidance on this tricky subject which will be posted on the website.

To make matters more complicated, if the remanufacturer wanted to sell these machines on the continent, then they would either have to establish a subsidiary company in the EU which would issue the CE mark or enter a collaboration with an EU 3<sup>rd</sup> party who would act as the manufacturer for the purposes of the CE mark.

It is worth noting that if the refurbishment of a machine included the change of a chiller, then the energy consumption of this chiller would have to be measured according to EN 50597 so that the energy rating could be determined.

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## Legionella



Sites opening up are being targeted by companies suggesting that there may be an enhanced risk of legionella arising from stagnant water. This is indeed a risk for air conditioning systems and they will need treatment according to HSE guidelines. However, there is no risk from vending machines. You have to breathe in legionella bacteria in order to catch the disease and the drinking water inspectorate and the FSA have agreed that the risk

of catching legionella from a vending machine water dispenser, even if it is dispensing carbonated water, is infinitesimally small.

More detail on this can be found in Appendix III of the Food Standards Agency publication: *Food Industry Guide to Good Hygiene Practice: Vending & Dispensing* – which can be purchased: [HERE](#)

## Covid Vaccination



The government has decided that it will require people working in care homes to be vaccinated. While this may appear to have no impact on vending, they have decided to extend the proposal to include those visiting premises for professional purposes. Once the legislation has been introduced there will be a 16 week pause and then any professional visiting any CQC controlled care

premises for the purposes of work will need to be vaccinated. Specifically

- care home service providers will be required to **“allow entry to the premises only to those who can demonstrate evidence of having had a complete course of an authorised COVID-19 vaccine (or evidence that they are exempt from vaccination)”**. This requirement will only apply indoors.
- This broader scope will apply to **any professionals visiting a care home indoors**, such as healthcare workers, **tradespeople**, hairdressers and beauticians, and CQC inspectors.

The government has also announced its intention to launch a further consultation on the application of compulsory vaccination across the wider health and social care settings.

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## Waste Food



While sites have been shut down, food will have been going past its “best before” date. It is important to be aware that this is “best before” rather than “poisonous after”. While the “use by” date on chilled food must be adhered to for food safety, food with a “best before” date is quite safe to eat after the date and should not be thrown away. It can still be sold, although there may be a reaction if the price is not reduced. There is now

EU guidance on the issue, which will apply in Northern Ireland, which basically says that food with a “use-by” date should not be consumed after the date, but that retailers should do a risk assessment on ambient stable food and distribute it if it is safe to eat.

## The Impact of Extended Producer Responsibility and Plastics Tax on Packaging Prices



The price of packaging, including cups, is changing. You will be aware that from April next year there will be a tax of £200 a tonne on all plastic items that do not contain 30% recycled plastic. A plastic item is something where the majority of the weight of the item is made of plastic.

In addition, the new proposals on making producers of packaging responsible for all the costs of recovering and recycling the packaging mean

that costs to the producers are going to rise by around £2billion a year as from 2023. This cost is bound to be passed on so prices are going to go up. It is important to note that the costs will be charged to all those putting packaging on the UK market, no matter where they are based.

Importing will count the same as manufacturing in the UK. In addition, the level of charge faced by the manufacturer will depend on the ease of recycling the packaging. And just while we are at it, the government guidance on recycling considers composting to not be recycling so that it will be charged a higher tariff than other packaging and it will carry a “do not recycle” logo.

Under the current packaging waste regulations everyone with a turnover of greater than £2million and a use of more than 25 tonnes of packaging has to register and pay a levy. Under the new scheme only the producers and importers will be charged directly but every user will have to register and record their use of packaging. It would probably be best if companies started to work out now how they would do this. Packaging includes everything from the outer box in which a machine arrives to the wrapper around the Mars bar. At present the collection and recycling of

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paper cups is voluntary but under Extended Producer Responsibility this is to become mandatory. Through the AVA Environment Committee we will be providing advice and guidance on how this can be managed.

## Environmental Claims



The Competition and Markets Authority has woken up to the fact a lot of the claims made for the environmental friendliness of materials cannot be substantiated and has issued a draft guidance document on the criteria for making a claim. For a government document it is very clear and readable:

[https://assets.publishing.service.gov.uk/media/60a66a9cd3bf7f73893a8e1f/Draft\\_guidance\\_on\\_environmental\\_claims\\_on\\_goods\\_and\\_services-.pdf](https://assets.publishing.service.gov.uk/media/60a66a9cd3bf7f73893a8e1f/Draft_guidance_on_environmental_claims_on_goods_and_services-.pdf)

The document gives a number of examples of misleading claims of which this is example 3 from page 15

*“A disposable cup is marked as ‘compostable’. No further information is provided. The cup will not compost in a home compost bin. An industrial composter is required, so consumers can only compost the cup if their local authority collects food and compostable waste for industrial composting. The claim is likely to be misleading as it does not specify the circumstances under which the product is compostable and the action the consumer needs to take.”*

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