

STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH

Section on Toxicological Safety

&

Section on General Food Law

Summary Record of the meeting of 14 February 2005

Chairpersons:

1. The agenda was adopted

2. Exchange of views and possible vote on a draft Commission Decision amending Commission Decision (EC) N° 1999/217 as regards the register of flavouring substances used in or on foodstuffs

The Register had been adopted in application of Regulation (EC) N° 2232/96. It needed to be amended to delete two substances following the unfavourable opinion of the EFSA; 28 confidential substances in part B of the register, for which the confidential period of 5 years had passed, were transferred to the open part A of the Register. Vote: **unanimity**.

3. Discussion on a working document containing provisions to amend legislation on nitrate in lettuce and spinach.

The Committee was informed that a draft working document was being drawn up regarding the possible revision of legislation setting maximum levels for nitrate in lettuce and spinach. This responded to recent national monitoring data and concerns about climatic factors affecting nitrate in lettuce and about widespread difficulties in complying with the maximum levels for nitrate in spinach.

4. Discussion on a draft Commission Regulation setting maximum levels for certain contaminants in foodstuffs as regards dioxins and dioxin-like PCBs in view of the possible notification to the WTO

According to Commission Regulation (EC) N° 466/2001 setting maximum levels for certain contaminants in foodstuffs, the Commission was to review the provisions as regards dioxins by 31 December 2004 in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set.

The current draft of the proposal set maximum levels for the sum of dioxins and dioxin-like PCBs expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs, as this was the most appropriate approach from a toxicological point of view. In order to ensure a smooth transition, the existing levels for dioxins would remain applicable for a transitional period, in addition to the newly set levels for the sum of dioxins and dioxin-like PCBs.

The current draft proposal also provided for a permanent solution to the derogation granted to Sweden and Finland to place on the market certain species of fish (salmon, herring, char, river lamprey, trout and roe of Vendace), which originated from the Baltic region, were intended for consumption in their territory and had dioxin levels exceeding the EU maximum levels. The possibility for a derogation had been granted to Estonia in the Accession Treaty. The derogation would be granted provided that Estonia demonstrated that a system was in place to ensure that consumers were fully informed of the dietary recommendations with regard to the restrictions on the consumption of fish from the Baltic region by identified vulnerable groups of the population in order to avoid potential health risks. Furthermore, it had to be demonstrated that human exposure to dioxins and dioxin-like PCBs in Estonia was not higher than the highest average level in any of the Member States.

At the meeting, Latvia and Lithuania stated that they also wished to request the possibility of such a derogation. The Commission representative saw no objections to accepting the possibility of such a derogation but stressed that the granting of the derogation would be considered when evidence was provided that the abovementioned conditions were fulfilled.

The Netherlands stated that the proposed maximum level for fish would not be achievable for eel and that a higher maximum level would therefore be appropriate. It said that it would provide the Commission with the necessary information. The Commission representative said that the Commission would examine the information and consider whether it was appropriate to amend the current proposal.

It was stressed that the proposed measures were still subject to internal consultation within the Commission. The Committee agreed to send these measures to the WTO for comments once the internal consultation procedure had been finalised and if no substantial changes to the proposed measures were necessary following this consultation.

5. Exchange of views on a draft Commission Recommendation on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs.

Commission Recommendation (EC) N° 2002/201 of 4 March 2002 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs established action levels in order to stimulate a pro-active approach to reducing the presence of dioxins and dioxin-like PCBs in food and feed. These action levels were a tool for competent authorities and operators to highlight those cases where it was appropriate to identify a source of contamination and to take measures to reduce or eliminate it.

Given that different sources of contamination existed for the presence in feed and food of dioxins and dioxin-like PCBs, separate action levels were proposed for dioxins and dioxin-like PCBs .

Directive (EC) N° 2002/32 of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed provides since 1 August 2003 for the possibility of setting action levels. The recommendation therefore no longer contains

any action levels for dioxins and dioxin-like PCBs in feed, as it is proposed that these action levels be transferred to the Annex of Directive (EC) N° 2002/32.

The target levels indicated the contamination levels to be achieved in feed and food in order to bring human exposure for the majority of the population of the Community ultimately down to the TWI for dioxins and dioxin-like PCBs set by the Scientific Committee for Food (SCF). Given that the determination of these target levels involved the consideration of many different factors, it was proposed that the setting of these target levels be postponed until 31 December 2007.

The Committee made no specific comments on this draft Recommendation.

6. Aflatoxins in paprika: request from the Hungarian authorities for increased control at EU level (letter dated 30/12/2004 from the Hungarian authorities).

The Hungarian delegation gave a detailed presentation of the case of aflatoxin contamination in paprika powder that had occurred in October – November 2004 in Hungary and that had been reported through the RASFF.

In random controls carried out by the Hungarian food control authorities in storage warehouses and paprika processing plants in the autumn of 2004, high levels of aflatoxins had been found in paprika. As it had not been possible to trace the contamination back to specific consignments given that different consignments of paprika powder had been mixed, all paprika products had been withdrawn from the market in Hungary.

In some cases, the contamination could be traced back to consignments originating from Brazil. In order to protect public health, the Hungarian delegation requested that the Commission propose an EC Decision imposing special conditions on the import of unprocessed paprika, semi-processed paprika and paprika powder originating in or consigned from Brazil.

The Commission representative recognised the seriousness of the contamination case and stated that efforts had to be made by operators and competent control authorities in order to prevent paprika contaminated with aflatoxin from entering the food chain. However, the Commission did not share the view that the available information provided evidence that paprika originating from Brazil was the main source of contaminated paprika on the EU market. Therefore restrictive measures as regards paprika products originating from Brazil did not seem to be justified. This view was shared by other delegations.

Commission Recommendation (EC) N° 2004/24 of 19 December 2003 concerning a co-ordinated programme for the official control of foodstuffs for 2004 recommended that the Member States take and analyse samples with the aim of assessing the bacteriological and toxicological safety (including analysis for aflatoxins) of spices (including paprika and paprika products). The Commission stated that the compilation of these control data combined with information on origin would be useful for verifying whether specific contamination patterns (product, origin) could be identified. Member States were therefore requested to submit these data with detailed information to the Commission as soon as possible.

In the meantime, Member States were recommended to reinforce the controls on the presence of aflatoxins in paprika and paprika products placed on the market.

The compiled control results of the co-ordinated control programme 2004 and the recent results obtained from the reinforced controls would be used for considering the need to take additional measures at EU level.

7. Update from the working group of experts on environmental and industrial contaminants in food

Meeting of 7-8 February

Cadmium in horse liver

- There was a discussion on whether a maximum level for cadmium in horse liver should be specified in Community legislation, given the high levels found by Italy in horse liver from Poland. Some Member States advise against eating horse liver because of the high levels of cadmium that accumulate (due to the natural metabolism in horses). However, cadmium levels in the liver of horses below 2 years of age apparently could be lower, in line with the maximum level presently set for cadmium in the liver of cattle, sheep, pigs and poultry. Further data and views were requested.

Furan

- EFSA had completed a report on possible safety problems due to the presence of furan in foods, such as foods in glass jars that have undergone heat-processing. The EFSA report underlined that more data were needed before a more conclusive risk assessment could be made. Further data were requested to assist the EFSA in the further assessment of the risk from furan in food.

Organotins

- The recent EFSA risk assessment on organotins in foods derived a Tolerable Daily Intake level and stressed that the public was generally not exposed to unsafe levels of organotins in its diet. However, levels of organotins could be high in fish and shellfish from harbours and busy shipping areas. These levels could lead to high levels of exposure, e.g. in local diets. Investigation into fishing provisions in such contaminated areas is necessary. Moreover, an integrated risk assessment on exposure to organotins from all sources, not only food, was necessary (for consideration by the Scientific Committee on Health and Environmental Risks) before the possible need for risk management measures could be determined.

Polycyclic Aromatic Hydrocarbons (PAH)

- Three new pieces of legislation had been adopted on 4 February 2005 (Regulation (EC) N° 208/2005 setting maximum levels, Directive 2005/10 laying down methods for sampling and analysis for official control and Recommendation (EC) N° 2005/108 on further investigations into PAH in food). The Commission was working with the EFSA to develop an approach for data collection for the further investigations on PAH.

Acrylamide Stakeholder Meeting, 14 January 2005

This meeting had aimed to take stock of practical progress made across the different stakeholder sectors over the previous 2-3 years since acrylamide in food had been brought to light. A series of presentations were given, including progress by the Commission, the HEATOX project, Joint Research Centre, European Food Safety Authority, Member States, ILSI Europe, different sectors of the food industry (production, processing, retail and catering) and consumer groups. Much information had been presented, helping to give all stakeholder groups a broader and clearer picture of the progress made, in particular to investigate and control the

presence of acrylamide in food. This would help future EU discussions that were due to be held after the Joint FAO/WHO Expert Committee on Food Additives (JECFA) had prepared its expected risk assessment on acrylamide (February 2005). The Acrylamide Information Base summarising research activities and initiatives on acrylamide had been updated on the Commission website (http://europa.eu.int/comm/food/food/chemicalsafety/contaminants/acrylamide_en.htm)

8. Update on issues related to mycotoxins

- Control of aflatoxins

The Committee was informed that the Commission services intended to send a questionnaire to the Member States requesting information on criteria used for the identification of products for the control of aflatoxins in addition to the Member States' obligations as regards aflatoxin controls resulting from the specific Commission safeguard Decisions. The information obtained from the questionnaire would then be discussed in the Expert Committee on "Agricultural contaminants".

- Guidance document on aflatoxin control

The Committee was informed that the draft guidance document for competent authorities for monitoring compliance with EU legislation on aflatoxins had been put on the website of the Directorate-General for Health and Consumer Protection for consultation, in accordance with the conclusions of the Committee at its meeting on 12 October 2004.

Several comments had been received and would be considered at the next meeting of the Expert Committee on "Agricultural Contaminants". A revised document would then be submitted to the Standing Committee for agreement, probably by written procedure.

- Provisions as regards *Fusarium* toxins

The Committee was informed that the draft measures on *Fusarium* toxins had been notified to the WTO on 23 December 2004 (G/SPS/EEC/ 253), with any comments to be made by 20 February 2005. The comments would be considered at the next meeting of the Expert Committee on "Agricultural contaminants".

- Any other business

No points were raised under this agenda item.

9. Exchange of views and possible opinion concerning the Draft Commission Decision of [...] authorising the placing on the market of isomaltulose as a novel food or novel food ingredient under Regulation (EC) N° 258/97 of the European Parliament and of the Council

Following the presentation of the draft Decision, certain Member States expressed the view that labelling statements should indicate that isomaltulose was absorbed at a different rate from other disaccharides and that the energy value of isomaltulose was 17 kJ/g (4 kcal/g). It was accepted that any statements regarding the rate of absorption of isomaltulose would constitute a claim and would be subject to the relevant Community legislation. Regarding the energy value of isomaltulose, the Committee agreed that it was the same as other carbohydrates and that any relevant

statement in the nutrition labelling should be in accordance with the energy value for carbohydrates in Directive 90/496/EEC on nutrition labelling of foodstuffs (17 kJ/g (4 kcal/g)) but that no specific labelling statement was necessary.

The following minor editorial amendments were made to the draft Decision: in the first line of recital 6 “accepted” was replaced by “considered”, and in the second line the word “that” was deleted; the order of recitals 7 and 8 was changed. The Committee unanimously delivered a favourable opinion on the draft proposal.

10. Exchange of views concerning the “Status of Food Supplements under Regulation (EC) N° 258/97 concerning novel foods and novel food ingredients”

The Member States and the Commission agreed on a common approach with respect to the authorisation of foods and food ingredients used as or in food supplements:

- (1) Food supplements, as defined by Directive (EC) N° 2002/46, that had been on the market before 15 May 1997 should not require authorisation under Regulation (EC) N° 258/97 but their use was governed by that Directive;
- (2) The use of foods and/or food ingredients in the EU exclusively as, or in, food supplements would not be considered to be significant human consumption within the meaning of Regulation (EC) N° 258/97. Therefore, other food uses, i.e. “non-food supplement” use, would require authorisation under the Regulation;
- (3) If novel foods and/or novel food ingredients authorised under Regulation (EC) N° 258/97 were to be used as, or in, food supplements, they had to fulfil the provisions of Directive (EC) N° 2002/46 before they could be placed on the market as food supplements.

The Member States were also asked to check whether there were food supplements on the market in their territory that did not comply with Directive (EC) N° 2002/46 and, if appropriate, to inform the Commission and the other Member States by 1 April 2005.

11. Any other business

The Commission informed the committee that its attention had been drawn to the fact that few spices on the market were labelled as having been irradiated. The use of ethylene oxide was the known alternative to irradiation in order to ensure microbiological safety of spices, but this use was prohibited in the EU by Directive (EC) N° 79/117. Therefore, as only few spices were labelled for irradiation, some food business operators had concluded that ethylene oxide was possibly being used. The Commission asked the Member States to carry out controls with respect to the potential use of ethylene oxide.

Competent Authorities under Article 9 of Directive (EC) N° 89/398

The Commission circulated at the meeting the details it had of the competent authorities in the Member States within the meaning of Article 9 of Council Directive (EC) N° 89/398 on the approximation of the laws of the Member States relating to foodstuffs intended for foods for particular nutritional uses. The Member States were asked to update the list and the 10 new Member States were asked to provide the relevant details to the Commission.

Competent Authorities under Article 4 (6) of Directive (EC) N° 2002/46

Article 4 (6) of Directive (EC) N° 2002/46 on food supplements provided for the possibility for Member States to allow derogations for the use of vitamins and minerals and their forms in food supplements. The UK stated that a list of the competent authorities in the Member States dealing with such derogations would facilitate the processes associated with the implementation of this provision. The Commission said that it could include such a list on the Commission website if Member States provided the relevant details. Member States were requested to forward details of the competent authority dealing with derogations under Article 4 (6) of Directive (EC) N° 2002/46.

Exchange of information on derogations provided under Article 4(6) of Directive (EC) N° 2002/46

The UK also requested that information on substances for which Member States had provided derogations under Article 4(6) of Directive (EC) N° 2002/46 on food supplements should be made available. It was agreed that the list of competent authorities dealing with derogations under Article 4(6) of Directive (EC) N° 2002/46 would provide the relevant contacts for the exchange of information between Member States. The UK requested that the Commission should provide a list of dossiers that had been submitted under Article 4(6) of Directive (EC) N° 2002/46. The Commission noted the request and would consider circulating a list after the deadline for submission of dossiers.

Draft International Standard ISO/DIS 22000

CZ had circulated a letter prior to the meeting drawing the Committee's attention to the development of an International Standards Organisation on food safety management systems. The Committee noted that this issue was not within its remit. The Commission would reply to CZ on this point.
