

**STANDING COMMITTEE ON THE
FOOD CHAIN AND ANIMAL HEALTH
SECTION ON TOXICOLOGICAL SAFETY**

MEETING OF 12 OCTOBER 2004

SUMMARY REPORT

All Member States were represented except Latvia and Malta.

1. Discussion and possible opinion on a proposal for a Regulation amending Regulation (EC) No 466/2001 as regards polycyclic aromatic hydrocarbons

The Committee voted in favour of the proposal. The maximum level listed for bivalve molluscs was revised to 10 ppb instead of 5 ppb to take account of the ALARA principles. Spain proposed that the category for oils and fats should exclude grades of oil where direct drying processes are not used. This was not taken up in the proposal. PAH have been found in such products and environmental contamination can also be a source.

2. Discussion and possible opinion on a proposal for a Directive laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a)pyrene in foodstuffs

The Committee voted in favour of the proposal. 12 months after publication was agreed to be necessary for Member States to transpose. The provisions for taking duplicate analyses were aligned with the wording in legislation on dioxins.

3. Presentation of a proposal for a Commission Recommendation on the further investigation into the levels of polycyclic aromatic hydrocarbons in certain foods

The Committee gave its support to the proposal without any reservations.

4. Discussion and possible opinion on a proposal for a Regulation amending Regulation (EC) No 466/2001 as regards heavy metals

The Committee voted in favour of the proposal.

5. Discussion and possible opinion on a proposal for a Directive amending Directive 2001/22/EC laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in certain foodstuffs

The Committee voted in favour of the proposal.

6. Discussion and possible opinion on a draft Commission Regulation amending Regulation (EC) 466/2001 as regards ochratoxin A.

Given the significant contribution of wine and roasted coffee together with soluble coffee to the OTA human exposure and the significant contribution of grape juice to the OTA exposure of children, the draft Regulation foresees to set following maximum levels in addition to the existing maximum levels of OTA to protect public health.

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|--|-------------|
| - roasted coffee beans and ground roasted coffee | 5.0 µg /kg |
| - soluble coffee | 10.0 µg /kg |
| - wine and other wine and/or grape must based beverages | 2.0 µg/kg |
| - grape juice and grape juice ingredients in other beverages | 2.0 µg /kg |

The Committee voted in favour of the proposal with a qualified majority. One Member State considered that the limits were not strict enough for coffee.

7. Discussion and possible opinion on a draft Commission Directive amending Directive 2002/26/EC as regards sampling methods and methods of analysis for the official control of the levels of ochratoxin A in certain foodstuffs

The Committee voted in favour with a qualified majority. on the proposed draft Commission Directive providing for provisions on sampling and criteria for methods of analysis for the official control of ochratoxin A in roasted coffee, wine and grape juice

8. Discussion and possible opinion on a draft Commission Decision imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran

In 2003 and 2004, a high frequency of non-compliance as regards the maximum levels of aflatoxins in pistachios originating in or consigned from Iran has been observed. Therefore in addition to the existing measures the following two new measures are proposed:

- limiting the validity of the health certificate to 4 months;
- requiring that all costs resulting from sampling, analysis, storage and all costs resulting from official measures taken as regards non compliant consignments are borne by the importers or food business operators concerned, as the measures applicable to the pistachios from Iran have a significant impact on the control resources of the Member States;
- additional points of entry for Slovenia.

The Committee voted in favour of the proposal with a qualified majority.

9. Discussion and possible opinion on the amendment on Council Directive 84/500/EEC as regards a declaration of compliance and performance criteria of the analytical method

The Committee voted in favour of the proposal with a qualified majority. Some Member States considered it a step forward but pressed for the introduction of stricter limits for lead and cadmium migration from these articles.

10. Discussion and possible opinion on a draft directive amending Directive 1999/2/EC on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation – Update of reference to Codex Guide.

Some provisions needed further clarification at the request of 2 Member States. The vote was postponed.

11. Exchange of views in view of the possible notification to WTO on provisions regarding *Fusarium*-toxins and associated sampling methods and methods of analysis for official control.

The Committee was informed that consultation within the Commission is still ongoing. The Committee accepted these measures to be notified to WTO for comments once the internal consultation procedure is finalised.

12. Discussion and agreement on a “Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins”.

The Committee welcomed the development of the Guide. It was agreed that this document would be kept under constant review and that the draft version would be made widely available by placing it on the website of DG SANCO for consultation with a call for eventual comments from interested parties. These comments would be considered by the Expert Group “Agricultural contaminants” before finalising the guidance document.

13. Exchange of views on acid sweets and drinks

The Committee was made aware of the communication from Germany regarding the detrimental effect on teeth from consumption of acid sweets and drinks. The problem of high acid content of certain sweets causing health injuries such as burns in the mouth was also raised.

The following was concluded on the matter:

- Regarding the effect of acid and sweet foodstuffs on the teeth, the Commission will reflect further whether there is a need to consult EFSA for sound scientific advice before any possible further action.
- A product that has injurious effects on health is to be considered unsafe and, therefore, does not fulfil the requirements of the Regulation (EC) 178/2002 on general principles and requirements of food law. Furthermore, the possibility of using food additives such as organic acids in confectionery at *quantum satis* does not mean that these can be used without restriction. *Quantum satis* means that no maximum level is specified, however, the additives shall be used in accordance with good manufacturing practices, at a level not higher than is necessary to achieve intended purpose and provided that they do not mislead the consumer. Furthermore, use of an additive should not present a hazard to the health of the

consumer in accordance with Directive 89/107/EEC on food additives. The Commission will inform the relevant stakeholder associations on this conclusion and invites the Member States to do the same with their respective manufacturers. The state of play on current requirement concerning labelling of fruits and vegetables treated after harvesting was presented. The relevant legislations are: Directive 90/642/EC on maximum limits for pesticide residues, Regulation (EC) 1799/2001 on citrus fruit marketing standards and Directive 2000/13/EC on the general principles for food labelling.

The item will be more extensively discussed at the meeting of the “General Food Law” section on 26/10/2004.

15. Arsenic in seaweed - presentation and discussion - information from the UK

The UK presented information on national advice given in response to findings of high levels of inorganic arsenic in seaweed. Several other Member States indicated that similar national advice had been given. Norway indicated that imports of hijiki had been voluntarily stopped. The Commission would consider whether further action might be necessary.

16. Presentation by the FVO of a desk study on food contact materials

The Member States agreed that the situation called for improvements.

17. Presentation of the draft report from the Commission on food irradiation for the year 2003.

The report was presented for final comments and contributions before 20/10/2004.

18. Any other business

- Sudan IV in palm oil: Following a recent increase in rapid alert notification concerning Sudan IV in palm oil, the UK proposed to forward the analytical method to the Commission for onward transmission to the other Member States.
- Ireland reported on findings of orthophenylphenol in baby foods, deriving from food packaging material. It was concluded that the lower limit should apply to the relevant category of foods whatever the source of the substance (0.01 mg/kg for pesticides in baby foods).