



EUROPEAN COMMISSION

Health and Food Safety Directorate General

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**Standing Committee on Plants, Animals, Food and Feed**  
**Section *General Food Law***  
**06 May 2021**

**CIRCABC Link:** <https://circabc.europa.eu/w/browse/60fd6ac5-2ed9-470a-a138-98f284abf2f1>

**SUMMARY REPORT**

**A.01 Information point on import-export issues between the EU and UK(GB).**

No item raised

**B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision concerning a draft order notified by Romania as regards information on the freshness of fish.**

On 18 November 2019 the Romanian authorities notified to the Commission a national draft order regarding the requirement for economic operators to ensure that consumers are informed about the freshness of fish (TRIS Notification 2019/0567/RO). Following a request for clarification from the Commission, the Romanian authorities clarified by letter of 25 June 2020 the scope of application of the draft order, as well as the information that would be required to be provided to consumers, and reiterated the justifications for its adoption.

The draft order provides that economic operators have to display immediately next to the wild or farmed, non-prepacked, whole, fresh fish, one of the following four indications:

- (a) this fish was caught 0-2 days ago,
- (b) this fish was caught 2-3 days ago,
- (c) this fish was caught 3-4 days ago,
- (d) this fish was caught more than 5 days ago.

The RO authorities explained that the measure is justified because consumers would be better informed about the freshness of fish and about the fact that the fish marketed to them do not affect their lives or health. Moreover, the RO authorities argued that inspections have revealed that fish that are not in fact fresh are marketed in the fresh fish range, thereby endangering the health of consumers.

On 22 September 2020, the Commission delivered a negative opinion on the draft order, pursuant to Article 45(3) of Regulation (EU) No 1169/2011. The Commission notified the negative opinion to the Romanian authorities on 23 September 2020. The draft

Commission Implementing Decision is a follow up to the Commission's Negative Opinion as provided in Article 45(4) of the Regulation (EU) No 1169/2011.

The Commission presented the draft Implementing Decision and explained that the information required by the draft order, even though expressed differently, is tantamount to providing information on the date of catch or the date of harvest.

However, the provision of information on the date of catch or the date of harvest is harmonised at EU level as a voluntary indication according to Regulation 1379/2013 on the common organisation of the markets in fishery and aquaculture. Moreover, the justifications provided by the RO authorities, namely the protection of health and the provision of information to consumers constitute objectives served by Regulation 1379/2013. Finally, the EU legislation provides the means to the competent national authorities to protect human health and safety, and to ensure that consumers are not misled about the characteristics of fishery products placed on the market in their territories. Therefore, the national measure cannot be justified on those grounds.

Based on the above, the Commission expressed the opinion that the Romanian authorities should be requested not to adopt the notified order.

The Commission informed the delegations of its intention to obtain the vote on this draft Implementing Decision by written procedure

**Vote taken by written procedure:** favourable opinion

#### **M.01 Regulation No (EU) 1925/2006 with regard to monacolin K and green tea catechins.**

Prior to the meeting, France requested details on the timetable for the modification of annex III to Regulation No (EU) 1925/2006 with regard to monacolin K and green tea catechins.

As regards monacolins from fermented red rice, the Commission informed the committee that the Feedback consultation (four weeks) had been launched on the '[Have your say](#)' portal and would finish on 17/06/2021. In addition, the WTO-SPS (Sanitary and Phytosanitary measures) consultation was ongoing and would be completed on 25/07/2021. The draft measure was expected to be added to the PAFF meeting in October 2021 and foreseen for adoption in the 1st quarter of 2022.

As regards green tea catechins the Commission informed the Committee that an Interservice Consultation of the Commission Services on the draft measure would be launched shortly.

France also asked if the Commission intends to convene an expert working group to discuss the consequences of the alignment of the definition of pesticide residues contained in the regulations applicable to infant formulas, follow on formulas and Foods for Special Medical Purposes with the definition contained in the pesticides regulation.

The Commission explained that the acts are now with the Council and the Parliament for 2 months, until 16 June and that a discussion will take place internally with the colleagues in charge of the pesticides legislation.

**M.02 European Food Safety Authority opinion on Titanium dioxide TiO<sub>2</sub> – E171.**

Luxembourg requested a feedback on the way the Commission will handle the new European Food Safety Authority opinion on Titanium dioxide TiO<sub>2</sub> – E171.

The Commission informed that a dedicated Working Group on Food Additives will take place on Tuesday 18/05 to present the opinion on titanium dioxide and discuss the risk management measures to be taken as a follow-up

**M.03 Transitional period in Commission Regulation (EU) 2021/468 concerning the products containing hydroxyanthracene derivates.**

During the meeting, Spain and Sweden raised the question about the impact of no transitional period in Commission Regulation (EU) 2021/468 concerning the products containing hydroxyanthracene derivates and the high pressure from food business operators regarding the products already on the market.

The Commission confirmed that there is no transitional period in particular, considering that according to the EFSA's scientific opinion the HADs derivatives added in Part A of the Annex III of the Regulation (EC) No 1925/2006 have been shown to be genotoxic and carcinogenic.