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SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 20 FEBRUARY 2018

(Section *Novel Food and Toxicological Safety of the Food Chain*)

CIRCABC Link: *https://circabc.europa.eu/w/browse/7c323df3-9407-42b3-9711-065f6e866236*

A.01 Flavourings, category 'other flavourings' – Exchange of views on the follow-up of applications in the transition period of Regulation (EC) No 873/2012.

This was a follow-up to earlier discussions on the situation of the applications under transition period of Article 4 Regulation (EC) No 873/2012.

As regards the application for the product rum ether (Fl no. 21.001), a number of delegations expressed support to the approach using the exception foreseen in the recital number 7 of Regulation (EC) No 1334/2008 for specific traditional spirits, following the official requests by two Member States. There were a number of further considerations regarding the details of the different provisions which need to be further addressed. They concern the characterisation of the product and conditions of use.

A draft measure concerning this application could be submitted for vote at the earliest at the next meeting of the Committee on 17 April 2018.

As regards the application on the grill flavour concentrate (Fl no. 21.002), the Commission draft measure to extend the transition period for only this product received support by a significant number of delegations. This is justified by the fact that the evaluation is still on going, as EFSA has requested additional information and studies from the applicant. A number of elements in the text still need to be addressed. A number of Member States expressed the view that a similar approach could be used also for the two other applications in transition concerning the category 'other flavourings', while some other Member States expressed the view that the measure should be limited to Fl no. 21.002 only.

Here also the draft measure could be submitted for vote at the next meeting of the Committee on 17 April 2018, at the earliest.

A.02 Report on the implementation of national residue monitoring plans in the Member States in 2016 (Council Directive 96/23/EC).

1. EFSA Report for 2016 on the results from the monitoring of veterinary medicinal product residues and other substances in live animals and animal products (for endorsement)

2. EU report on follow-up actions taken as a consequence of non-compliant results in 2016 (for endorsement).

Both reports were endorsed by the Committee.

A.03 Approval of the 2017 Member States' plans for monitoring of residues in accordance with Directive 96/23/EC.

The Member States were informed on the approval of the 2017 Member States' plans for monitoring of residues in accordance with Directive 96/23/EC.

A.04 Update on contaminants from discussions in the Expert Committee (details to follow).

Update on the draft for MLs for mercury

A discussion paper and a new version of the draft for MLs for mercury were circulated as a preparation for further discussions in the Expert Committee Meeting on Industrial and Environmental Contaminants and as a basis for the discussions on the EU position on Codex MLs for fish at the Codex Committee on Contaminants in Food.

A compromise solution is proposed, which maintains the existing MLs for shark and swordfish, which includes provisions on consumption advice. It foresees for a new EFSA assessment on the MLs for shark and sword fish on the basis of new data, which would be gathered in the coming years on the occurrence of mercury in fish and on the effectiveness of consumption advice.

Member States were asked for their position on the general approach. Two Member States opposed to this approach.

Several Member States made comments in writing or in the meeting for certain adjustments of the text, mostly related to the consumption advice, the timelines for data collection, the reporting on the effectiveness of the consumption advice and the need for a transitional measure, and a recital on kitchen salt. These comments will be further discussed in the next Expert Committee Meeting on Industrial and Environmental Contaminants.

Norway commented on the MLs for certain specific fish species and will send further data and comments in writing to the Commission.

A.05 Draft Commission Recommendation on the monitoring of metals and iodine in seaweed, halophytes and products based on seaweed - SANTE/11663/2017 (for endorsement).

The Commission presented the draft Recommendation and explained its contents.

A Member State commented on recital 4 on 'increasingly significant concentration'. It was agreed to delete the word 'increasingly' from recital 4.

A Member State enquired on the sampling of food supplements. The Commission clarified that food supplements are not explicitly included in the draft Recommendation, but that monitoring results on food supplements containing seaweed can also be reported.

The draft Recommendation was endorsed by the Committee.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending the Annex to Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for certain sorbitan esters (E 491 Sorbitan monostearate, E 492 Sorbitan tristearate and E 495 Sorbitan monopalmitate).

This point was not discussed and is postponed to the next PAFF Committee meeting due to a delay in the inter service consultation.

Vote Postponed

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation authorising the placing on the market of an extract of three herbal roots (*Cynanchum wilfordii* Hemsley, *Phlomis umbrosa* Turcz. and *Angelica gigas* Nakai) as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission's representative presented the draft Commission Implementing Regulation authorising the placing on the market of an extract of three herbal roots as a novel food.

One Member State abstained as it did not agree with compulsory labelling on allergenicity.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising the placing on the market of *Ecklonia cava* phlorotannins as a novel food ingredient under Regulation (EU) No 2015/2283 of the European Parliament and of the Council.

The Commission's representative presented the draft Implementing Regulation authorising the placing on the market of *Ecklonia cava* phlorotannins as a novel food.

One Member State abstained as it did not agree with the proposed labelling for persons at risk of thyroid disease.

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food.

The Commission's representative presented the draft Implementing Regulation amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food revising the specific migration limits for a number of authorised substances and authorising a number of substances to be used in plastic materials intended to come into contact with foods.

Vote taken: Unanimity.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation on detailed rules on the maximum residue limit to be considered for control purposes for foodstuffs derived from animals which have been treated in the EU under Article 11 of Directive 2001/82/EC.

The Commission presented the draft and explained its contents.

A Member State requested that EMA would investigate, for which veterinary medicinal products (VMPs), the use on bees should be restricted for food safety reasons. The Commission explained that currently discussions are ongoing on the review of the column other provisions in table 1 of the annex to Regulation (EU) No 37/2010.

Another Member State indicated to understand the arguments why the application of the cascade MRLs should be restricted to EU uses, but considers that further discussions are needed on the enforcement of imported products with residues, for which no EU MRL is established.

A Member State requested assurances on the practical aspects related to the analysis of third country versus EU samples. The Commission referred to its written reply on this matter.

Three Member States indicated to support the draft, but asked to take note of their concerns regarding the application of cascade MRLs to honey. One of those Member States requested EU measures on increased sampling for honey, in order to avoid misuses of the cascade.

Three Member Sates opposed to the draft because honey was not excluded from the application of cascade MRLs. Two Member Sates also opposed to the application of cascade MRLs to molluscs and crustaceans.

The above concerns where raised on the basis of concerns for possible risks to human and animal health or to the environment.

Vote taken: Favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) on the procedural steps of the consultation process for determination of novel food status in accordance with Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods.

The draft Commission Regulation has been published on 19 July 2017 on the better regulation portal for a 4-week public consultation

(https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-3649134_en).

The period of public consultation ended on 16 August 2017.

In total, 5 comments were submitted, notably in the last days of the public consultation.

Of these 5 comments, 4 were received from business associations and one from an individual company.

More in detail, comments were received from :

- the following business associations : FDE (FoodDrinkEurope), Verband der Chemischen Industrie e.V., FSE (Food Supplements Europe) and EU Specialty Food Ingredients;

- the following consulting company : Schuttelaar & Partners.

The comments relate mainly to the following issues (not exhaustive) :

- the need to replace term "novel food status" with other possible terms;
- the need to further specify and shorten timeframe for verification of the validity and evaluation of a consultation request;
- the need to include provisions relating to confidentiality of information submitted in the context of the consultation request;
- the need to include provisions applying in situations where the other Member States would have divergent views from the recipient Member State and how the decision would be taken in such cases;
- the need to modify the titles of the sections in the Annex II.

The Commission's representative provided the following information :

The term "novel food status" is clearly set out by Regulation (EU) No 2015/2283 on novel foods and the scope is clearly defined in Article 2 of the draft Regulation.

As regards the timeframe, the draft Regulation specifies that the recipient Member State shall without delay verify the validity of a consultation request. Once the request is considered as valid, the draft Regulation establishes a period of 4 months for evaluating a valid consultation request. It is also foreseen that, in duly justified cases, the recipient Member State may extend that period by a maximum of four months.

Concerning the comments on lack of provisions on the protection of confidentiality in the draft Regulation, these comments have been taken on board and a new chapter on confidentiality has been included in the draft Regulation.

The draft Regulation does not foresee situations where the other Member States would have divergent views on novel food status from the recipient Member State and how the decision will be taken in such cases. There are other provisions in Regulation (EU) No 2015/2283 that address that issue.

The titles of the sections in the Annex II of the draft have been modified for the purpose of clarity.

The draft Implementing Regulation submitted for public consultation has been amended to take into account the comments made during this consultation period. The amended draft Implementing Regulation was submitted to the Committee for opinion.

One Member State voted against as it considered that there was a potential conflict with its national legislation regarding the confidentiality provisions and that the matter should be further discussed at a next working group on novel foods.

Two Member States abstained. One would want the Commission to take a central coordinating role in the consultation process. The other one indicated that the provisions on confidentiality should be further discussed at the working group on novel foods as it might have some issues.

The Netherlands made the following statement:

"The Netherlands acknowledge that article 4 of Regulation EU 2015/2283 provides for a central role for the MS to establish the status of a food as Novel Food or not. The fact that the MS conduct the assessment of such a request for the

establishment of the novel food status doesn't preclude an EU control of the procedure. Since the lack of such an EU direction impedes a harmonized procedure, The Netherlands abstain from voting".

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising an extension of use of L-ergothioneine as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission's representative presented the draft Commission Implementing Regulation authorising an extension of use of L-ergothioneine as a novel food.

No comments were made as regards the draft Regulation.

Vote taken: Unanimity.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising an extension of use of taxifolin-rich extract as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission's representative presented the draft Commission Implementing Regulation authorising an extension of use of taxifolin-rich extract as a novel food.

No comments were made as regards the draft Regulation.

Vote taken: Unanimity.