

CODEX COMMITTEE ON CONTAMINANTS IN FOOD
16th Session

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EU comments on

Agenda Item 9

Maximum Levels for total aflatoxins and ochratoxin A in nutmeg, dried chilli and paprika, ginger, pepper and turmeric and associated sampling plan (at Step 4)

(CL 2023/24-CF and CX/CF 23/16/9)

European Union Competence

European Union Vote

The European Union (EU) welcomes and appreciates the work done by India as chair of the Electronic Working Group to prepare the document CX/CF 23/16/10 related to maximum levels for total aflatoxins and ochratoxin A in nutmeg, dried chilli and paprika, ginger, pepper and turmeric and associated sampling plans.

The EU wishes to make the following comments:

Proposed corrections/ requests for explanation

- on § 20: it is mentioned that 64.2 % of the data for total aflatoxins and 70.8 % of the data for ochratoxin A was from EURO region. It is correct that these occurrence data have been submitted by the EU for the European region related to samples of lots imported into the EU or placed on the EU market. These occurrence data are for a significant part from spices from different important spice producing countries in the world, outside the EU and are therefore not to be classified as originating from the European region.
- On table 4b, it is observed that the expected percentage rejection is for
 - pepper chilli, dried whole and for paprika higher for a hypothetical ML of ≥ 5 $\mu\text{g}/\text{kg}$ higher than for lower hypothetical MLs (ND and 0.01-4.99 $\mu\text{g}/\text{kg}$)
 - pepper chilli, dried powder/crushed/ground higher for a hypothetical ML of 0.01-4.99 $\mu\text{g}/\text{kg}$ than for a lower hypothetical ML (ND)
 - ginger root, powder/crushed/ground higher for a hypothetical ML of 0.01-4.99 $\mu\text{g}/\text{kg}$ than for a lower hypothetical ML (ND)
 - nutmeg powder/crushed/ground higher for a hypothetical ML of ≥ 5 , ≥ 10 , ≥ 15 , ≥ 20 and ≥ 30 than for a lower hypothetical ML (0.01-4.99 $\mu\text{g}/\text{kg}$)

It would be appropriate to provide an explanation why in these cases higher hypothetical MLs resulted in higher rejection rates.

- On table 6: the entry nr 9 for Finland has to be deleted as Finland is part of the EU. It is to be noted that Norway (entry nr 21) as part of the European Economic Area (EEA) has the same legislation on contaminants, including mycotoxins, as the EU.

As regards the proposed maximum levels (Appendix I, part I maximum levels)

Total aflatoxins

- the EU cannot agree on the proposed maximum level of 20 µg/kg for total aflatoxins in dried chilli pepper and nutmeg.
- The EU proposes to better describe “dried chilli pepper” and proposes following description of the food: “*Capsicum spp.* (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne or paprika)”
- The EU notes that no Codex maximum levels are proposed for total aflatoxins in ginger, black and white pepper and turmeric and the EU has no objection to this but does not agree that it is “redundant” to fix any MLs for aflatoxin total for these spices.

Ochratoxin A

- The EU agrees with the proposed maximum level of 20 µg/kg for ochratoxin A in dried chilli pepper.
- The EU proposes to better describe “dried chilli pepper” and proposes following description of the food: “*Capsicum spp.* (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne or paprika)”
- The EU cannot agree with the proposed maximum level of 20 µg/kg for ochratoxin A in nutmeg. For nutmeg a hypothetical maximum level of ochratoxin A lower than 20 µg/kg, e.g. 15 µg/kg, do not increase significantly the rejection rate. Given the health concern related to the presence of ochratoxin A in food, a maximum level of 15 µg/kg for nutmeg is proposed.
- The EU notes that no Codex maximum levels are proposed for ochratoxin A in ginger, black and white pepper and turmeric and the EU has no objection to this but does not agree that it is “redundant” to fix any MLs for ochratoxin A for these spices.

As regards the proposed sampling plan (Appendix I, part II Sampling plan)

The EU agrees with the sampling plan for spices for the control of the presence of total aflatoxins and ochratoxin A as proposed in Appendix I part II of CX/CF 23/16/9.

The EU has only one minor comment as regards the note to Table 1 “(*) *the number of incremental samples of 100 g to be taken depends on the weight of the lot, with a minimum of 10 and a maximum of 100*”. The 100 g needs to be replaced by 200 g to reach an aggregate sample weight of 20 kg in case 100 incremental samples are taken. Therefore, the note to Table 1 should read “(*) *the number of incremental samples of 200 g to be taken depends on the weight of the lot, with a minimum of 10 and a maximum of 100*”.