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DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

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SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 28 NOVEMBER 2014

(Section Toxicological Safety of the Food Chain)

CIRCABC Link: *https://circabc.europa.eu/w/browse/03e6d750-28b6-41b8-9397-75abdab4f950*

Chair: Michael Flueh

All the Member States were present.

A.01 New voting rules presentation.

The Commission presented the new qualified majority voting rules which are applicable since 1 November 2014.

A.02 Evaluation of the national residue monitoring plans related to residues of veterinary medicinal products in food of animal origin.

In accordance with the requirements of Council Directive 96/23/EC, the Commission (DG SANCO, Directorate F – the Food and Veterinary Office) has evaluated the 28 Member States' residue monitoring plans for animals and animal products. These plans have also been subject to review by the European Union Reference Laboratories.

The outcome of the FVO (and EURL) assessments were communicated to the Member States' competent authorities on 27 October 2014 and the Member States have had the opportunity to examine all of the plans and associated documentation – and the assessments thereof.

Globally there is a high degree of conformity of the plans with the Directive. In few cases, relatively minor non-conformities have been identified (for example, some substance groups are not covered in some commodities or the minimum number of samples to be taken for a given species is not met). The Member States in question have been requested to rectify these issues when elaborating the 2015 residue

monitoring plans. None of the issues identified are considered to be sufficiently serious to preclude the Commission from approving the 2014 plans.

As per the procedure described in Article 8(2) of Council Directive 96/23/EC, each Member State has ten working days following this meeting in which to provide comments on the plans. If no comments are received, the plans shall be deemed to be approved.

A.03 Technical report - EFSA's Data Warehouse Access Rules.

Following the presentation given at the meeting on 26 May 2014 and the comments received, the draft technical report was updated. The updated draft technical report on the access rules to EFSA's Data Warehouse (DWH) were presented.

The EFSA's Data Warehouse (DWH) will allow the publication, analysis and distribution, in different formats and at different level of granularity, of data collected by EFSA. These data include among others information on zoonoses, antimicrobial resistance, foodborne outbreaks, pesticide residues, chemical contaminants, food consumption and chemical hazards. In the EFSA's DWH, data will be accessible through specific Web Reporting Tools by means of tables, reports, graphs, maps and dashboards. According to the proposed DWH access rules EFSA's staff members and nominated European Commission's staff members have access to all data that are relevant to their duties at the lowest level of aggregation. Members of EFSA's scientific panels and working groups have a similar access to data, which are relevant to the specific mandate they are working with, but only until the mandate is completed. The data providers have always full access to their data. All stakeholders, including the general public, will have access to the data through pre-defined queries at the level of aggregation decided by EFSA in agreement with the relevant services of the European Commission, the Member States and the data providers. However, some data collections, such as the chemical hazard database and *ad hoc* data collections may apply more specific data access rules.

Following questions it was clarified that the data owner shall have the same rights as regards access as the data provider, in case the owner is different form the provider. It was also clarified that the document can only be shared with stakeholders once the document is finalised taking into account the comments from Member States. One delegation mentioned to have still a list of questions and other delegations indicated to further examine the updated draft technical report and might have comments at a later stage.

It was agreed that all outstanding questions are sent by email to EFSA before the end of the year.

The report addressing the comments sent before the end of the year, will be presented for endorsement at the next meeting of the section General Food Law of the Standing Committee, provisionally scheduled on 10 February 2015.

A.04 Common risk management measures as regards the presence of dioxins and PCBs in fish from the Baltic region.

Following the comments and additional information received from Poland on the proposed risk management measures, the terms of reference agreed at the Committee on 29 November 2013 were reconfirmed. Some delegations stressed the importance of these common risk management measures while other delegations questioned the legal status of these common risk management measures. It was agreed that the comments from Poland shall be discussed in detail at the next meeting of the Baltic working group (scheduled on 16 January 2015) in view of a re-submission of the updated risk management measures for agreement at the Committee meeting, provisionally scheduled on 11 February 2015. Furthermore it will be examined to which extent certain risk management measures can be legally established.

A.05 Follow-up to the Scientific Opinion from EFSA on the risks to public health related to the presence of perchlorate in food, in particular fruits and vegetables.

The European Food Safety Authority (EFSA) adopted on 30 September 2014 a scientific opinion on perchlorate in food, in particular fruits and vegetables [1] . Perchlorate is a contaminant released into the environment from both natural and anthropogenic sources. The use of natural fertilisers and perchlorate contaminated irrigation water may lead to substantial concentrations in leafy vegetables. Water disinfection with chlorinated substances that potentially degrade to perchlorate could be another potential source of contamination. The CONTAM Panel established a tolerable daily intake of 0.3 μg/kg body weight per day, based on the inhibition of thyroid iodine uptake in healthy adults. The CONTAM Panel noted that a single acute exposure to perchlorate at levels found in food and water is unlikely to cause adverse effects on human health, including the more vulnerable groups of the population, and concluded that the establishment of an acute reference dose for perchlorate is not warranted. Overall, the CONTAM Panel concluded that the chronic dietary exposure to perchlorate is of potential concern, in particular for the high consumers in the younger age groups of the population with mild to moderate iodine deficiency. Furthermore, it is possible that short-term exposure to perchlorate is of concern for breast-fed infants and small children with low iodine intake.

The opinion was presented by EFSA at the Expert meeting "Environmental and Industrial Contaminants" on 27 October 2014 and the outcome was discussed. At the Expert meeting it was discussed that following the outcome of the EFSA opinion the provisional enforcement levels require a review with the aim to set lower levels. It was considered premature at this stage to set maximum levels on perchlorate in food. It was also considered that more data are required on the presence of perchlorate in fruits and vegetables but also in other foods in particular milk and milk products, and that a specific Commission Recommendation recommending the monitoring of perchlorate in food is appropriate. It was also mentioned that there are still some problems with the recommended method of analysis which need to be addressed.

A delegation indicated to agree on the outcome of the discussions in the Expert Committee but highlighted the need to review the provisional enforcement levels on short notice and to stress the importance of source directed measures in particular as regards fertilizers to minimise the presence of perchlorate in foods.

The following conclusions as regards the further follow-up as regards perchlorate in food were agreed by the Committee:

- Submission to EFSA (Member States and stakeholders) of all available data as from September 2013 on the presence of perchlorate in food (and drinking water) before end of December 2014 (data not yet submitted to EFSA).

- EFSA to finalise a compilation of the data generated after 1 September 2013 (when already good practices have been put in place) in the course of January 2015.

- Based on these updated data, the provisional enforcement levels as agreed at the Standing Committee meeting on 16 July 2013 to be reconsidered (to be lowered) thereafter in February 2015 in view of setting provisional levels as low as reasonable achievable. Only data generated after 1 September 2013 will be considered for the review of the provisional enforcement levels.

- The current provisional enforcement levels continue to apply until their review (until February 2015). After February 2015 the revised (lower) enforcement levels will be applicable.

- A Commission Recommendation to be elaborated for endorsement at the meeting of the Committee in February 2015 recommending the monitoring of perchlorate in a wide range of foods (including drinking water) in 2015 (and 2016). The recommendation should also contain a specific reference to the importance of source directed measures in particular as regards fertilizers to minimise the presence of perchlorate in foods.

- In the course of 2016, the setting of maximum levels for perchlorate in food/certain foods to be considered based upon the outcome of the scientific opinion and monitoring data generated in execution of the Commission Recommendation (and other recent monitoring data, i.e. data generated after 1 September 2013).

[1] EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2014. Scientific Opinion on the risks to public health related to the presence of perchlorate in food, in particular fruits and vegetables. EFSA Journal 2014;12(10):3869, 106 pp. doi:10.2903/j.efsa.2014.3869 Available online: www.efsa.europa.eu/efsajournal

A.06 Feedback on issues discussed in the Expert groups on contaminants and endorsement of the conclusions reached at the Expert Committee level.

- acetaldehyde as processing contaminant in food

Acetaldehyde is included in the Union list of flavourings for use in and on foods [1] . Acetaldehyde is found in alcoholic beverages as a metabolite of ethanol. It is also present in dairy products such as yoghurt. Also many fruits like apples and vegetables like tomatoes contain measurable levels of acetaldehyde.

Following a question from the European Parliament to the Commission, the Committee confirmed that for the time being there is no need for a regulatory follow up as regards the presence of acetaldehyde as processing contaminant in food.

- ethylcarbamate

EFSA issued a scientific report "Evaluation of monitoring data on levels of ethyl carbamate in the years 2010-2012 [2] " on 28 March 2014.

The follow up of the outcome of the EFSA scientific report was discussed at several meetings of the Expert Committee "Industrial and Environmental Contaminants".

Currently Commission Recommendation 2010/133/EU of 2 March 2010 on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and on the monitoring of ethyl carbamate levels in these beverages [3] recommends to the Member States to:

- take the necessary measures to ensure that the Code of Practice on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits as described in the Annex to this Recommendation, is implemented by all operators involved in the production, packaging, transport, holding and storage of stone fruit spirits and stone fruit marc spirits.

- ensure that all the appropriate measures are taken to achieve levels of ethyl carbamate in stone fruit spirits and stone fruit marc spirits as low as possible with the aim to achieve the level of 1 mg/l as a target.

- monitor levels of ethyl carbamate in stone fruit spirits and stone fruit marc spirits during the years 2010, 2011 and 2012 in order to assess the effects of the Code of Practice set out in the Annex to this Recommendation.

The Committee confirmed the conclusions reached at the Expert Committee, i.e.:

- there is no need for the time being to set a maximum level for ethyl carbamate and

- it is appropriate to establish the Code of Practice by way of a Regulation in replacement of the current Commission Recommendation and

- a possible need to change in the target level shall be considered.

- beauvericin and enniatins in food

The EFSA Panel on Contaminants in the Food Chain (CONTAM) adopted on 17 July 2014 a Scientific Opinion on the risks to human and animal health related to the presence of beauvericin and enniatins in food and feed [4] .

Beauvericin and enniatins are mycotoxins produced by various *Fusarium* species. The CONTAM Panel concluded that acute exposure to beauvericin and enniatins do not indicate concern for human health. There might be a concern with respect to chronic exposure but no firm conclusion could be drawn, thus relevant *in vivo* toxicity data are needed to perform a human risk assessment. Animal exposure to beauvericin and enniatins was primarily from consuming cereal grains and cereal by-products. Using the LD50 values of beauvericin and fusafungine, adverse health effects from the acute exposure to beauvericin and the sum of enniatins for farm and companion animals were unlikely. The chronic exposure for poultry indicated that adverse health effects from beauvericin and enniatins were unlikely. For other considered animals, the lack of LOAELs/NOAELs precluded the estimation of chronic health risk from beauvericin and enniatins.

The EFSA opinion was presented to the Expert Committee "Agricultural Contaminants" on 8 October 2014 and the appropriate follow up was discussed.

The Committee endorsed the following conclusions reached at the Expert Committee as regards the follow-up to the EFSA opinion on beauvericin and enniatins:

- to include enniatins and beauvericin in one of the planned forthcoming multi-mycotoxin proficiency test (PT) including other Fusarium toxins, organised by the EURL on mycotoxins in feed and food. As regards beauvericin and enniatins, this PT should include at least following analytes: beauvericin, enniatin A, enniatin A1, enniatin B and enniatin B1. The Limit of Quantification should be in the range of 1 µg/kg;

- to discuss the outcome of this PT at the Expert Committee and to discuss which further follow-up is appropriate;

- to recommend Member States to continue to submit to EFSA the available occurrence data on beauvericin and enniatins in feed and food .

- tropane alkaloids in foods for infants and young children

EFSA has adopted on 27 September 2013 a scientific opinion on tropane alkaloids in food and feed [5] . A follow-up to the opinion was discussed and agreed at the Standing Committee on 1 July 2014 (point A.03).

However, it was pointed out that as regards foods for infants and young children further regulatory action is needed to protect the infants and young children from possible acute health risks due to the presence of tropane alkaloids in foods for infants and young children.

The issue has been discussed at several meetings of the Expert Committee "Agricultural Contaminants". It was acknowledged that data are limited and there are uncertainties in the assessment, but given the identified risk for health for young

children, the possibility of further regulatory measures for tropane alkaloids in processed cereal based food for infants and young children is considered to be important to protect the health of infants and young children.

Given the absence of a detailed commitment from the relevant stakeholder organisation to monitor the presence of tropane alkaloids in the ingredients they use for the production of processed cereal based foods for infants and young children and in the processed cereal based food for infants and young children.

The Committee agreed to a large extent on the approach as concluded at the Expert Committee on 17 November 2014, i.e.:

- to consider the establishment of a regulatory level for cereal based foods for infants and young children containing (derived products from) buckwheat, millet and/or sorghum based on the consumption of such foods and the ARfD established by EFSA;

- to establish by Recommendation guideline levels of tropane alkaloids in buckwheat, sorghum, millet and derived products thereof intended for use in cereal based foods for infants and young children. These guideline levels will take into account the available monitoring data and the use of these ingredients in the cereal based foods for infants and young children.

- Other issues for agreement and information

- aflatoxins in tiger nuts

There is no EU maximum level (ML) for the presence of aflatoxins in tiger nuts. After consideration of available information on occurrence and use of tiger nuts as food, the Committee agreed with the conclusion reached at the Expert Committee "Agricultural Contaminants" on 17 November 2014 that there was no need for the time being to establish an ML at EU level for aflatoxins in tiger nuts.

- fumonisins in maize

The Committee agreed with the conclusions reached at the Expert Committee "Agricultural Contaminants" on 17 November 2014 that there is no need to change at this moment the EU legislation as regards fumonisins in maize and derived products following the adoption by CODEX of the ML for fumonisins in raw maize grain (4000 µg/kg) and maize flour and maize meal (2000 µg/kg).

- presence of DON in maize harvest 2014

The Commission has received preliminary information from Euromaisiers mentioning possible elevated levels of deoxynivalenol (DON) and to a minor extent zearalenone and fumonisins on a large scale in maize produced in the EU. The Committee was also informed that in the section "Animal Nutrition" of the Committee a delegation mentioned that also elevated levels of zearalenone in the maize harvest 2014 were found.

[1] Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34).

[2] European Food Safety Authority, 2014; Evaluation of monitoring data on levels of ethyl carbamate in the years 2010-2012. EFSA supporting publication 2014:EN-578. 22 pp. Available online: www.efsa.europa.eu/publications

[3] OJ L 52, 3.3.2010, p. 53

[4] EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2014. Scientific Opinion on the risks to human and animal health related to the presence of beauvericin and enniatins in food and feed. EFSA Journal 2014;12(8):3802, 174 pp. doi:10.2903/j.efsa.2014.3802 Available online: www.efsa.europa.eu/efsajournal

[5] EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2013. Scientific Opinion on Tropane alkaloids in food and feed. EFSA Journal 2013;11(10):3386, 113 pp. doi:10.2903/j.efsa.2013.3386 Available online: http://www.efsa.europa.eu/en/efsajournal/doc/3386.pdf

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex I to Regulation (EC) No 1334/2008 of the European Parliament and of the Council as regards removal from the Union List of N-Ethyl (2E,6Z)-nonadienamide.

The substance N-Ethyl (2E,6Z)-nonadienamide is currently included in the Union list of flavourings and source materials subject to the submission of additional scientific data to be provided so EFSA could complete its previous evaluation. The persons responsible for placing this flavouring substance on the market have withdrawn the application. Therefore, that flavouring substance should be removed from the Union list.

The draft measure was notified to SPS.

Vote taken: favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annexes II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards the use of L-leucine as a carrier for sweeteners.

An application for authorisation of the use of L-leucine as a carrier (tableting aid) for table-top sweeteners in tablets was submitted by Germany where such use was authorised. L-leucine aids tableting by ensuring that the tablets do not remain stuck to the pressing tools.

The European Food Safety Authority evaluated the safety of amino acids and related substances when used as flavouring substances. In the evaluation it was concluded

that the human exposure to amino acids through food is in orders of magnitude higher than the anticipated levels of exposure from their use as flavouring substances and that nine of the substances, including L-leucine, were not of safety concern at their estimated levels of intake as flavouring substances.

In the application it was demonstrated that even a high consumption of sweetener tablets containing L-leucine at the level requested would not exceed 4 % of the intake quantity recommended for L-leucine. Therefore, it is appropriate to authorise the use of L-leucine as a carrier for table-top sweeteners in tablets and to lay down specifications in Regulation (EU) No 231/2012. E 641 should be assigned to L-leucine as an E-number.

Two issues were raised by one Member State as regards the draft Regulation. Firstly, the Member State was of the opinion that a reference to the health assessment made by the risk assessor of the Member State which submitted the application should be included in the draft for the sake of transparency. Secondly, the Member State requested that the draft Regulation contains a recital providing clarification under what conditions amino acids fall within the definition of a food additive.

In reply the Commission explained that the European Food Safety Authority is the independent scientific point of reference in risk assessment at the European level, therefore, the reference to the risk assessment body of one Member State in the draft Regulation might not be appropriate.
As regards the second point the Commission clarified that the status of amino acids is a broader issue exceeding the scope of the draft regulation under discussion. That issue was discussed at the meeting of the Working Party of Governmental Experts on Additives taking place on 3 November 2014 where a conclusion was made clarifying the status of amino acids under Regulation (EC) No 1333/2008 on food additives as follows:

"All amino acids and their salts are food additives when added to foods to perform a technological function. If they do not have a technological function, they do not fall in the definition of food additive (also glutamic acid, glycine, cysteine and cystine and there salts)."

Vote taken: favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the conditions of use and the use level for aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes.

The European Food Safety Authority considered that the tolerable weekly intake (TWI) for aluminium was generally exceeded for high consumers, especially children. The conditions of use and the use levels for aluminium-containing food additives including aluminium lakes were amended by Regulation (EU) No 380/2012 to ensure that the TWI was not exceeded.

The Commission received an application for the extension of use of aluminium lakes of cochineal, carminic acid, carmines (E 120) in dietary foods for special medical purposes. The extension of use was requested for foods which are not intended for infants and young children. While considering the applications a special attention was paid to a possible exposure to aluminium in order not to undermine Regulation (EU) No 380/2012. Aluminium lakes of cochineal, carminic acid, carmines are suitable to meet the technological need of liquid heat-treated dietary foods for special medical purposes.

Dietary foods for special medical purposes are defined by Commission Directive 1999/21/EC as a category of foods for particular nutritional uses specially processed or formulated and intended for the dietary management of patients and to be used under medical supervision.

Taking into account the consumption data for dietary foods for special medical purposes from the EFSA Comprehensive European Food Consumption Database and assuming that they would contain aluminium at the maximum level of 3 mg/kg, the exposure to aluminium from those foods remains well below the TWI - 1 mg/kg body weight/week for both adults and children. Therefore, considering that the exposure to aluminium from other dietary sources would be limited especially in case of the exclusive feeding it is not expected that the TWI would be exceeded for patients consuming dietary foods for special medical purposes.

Therefore, it is appropriate to extend the use of aluminium lakes of cochineal, carminic acid, carmines to dietary foods for special medical purposes.

Three Member States were against and one abstained since they were not convinced about the technological need and they expressed their concerns about the overall exposure to aluminium. Those Member States mentioned that foods for special medical purposes encompass a broad range of medical conditions which might include a possible higher accumulation of aluminium in certain patients.

Vote taken: favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of benzoic acid – benzoates (E 210 – 213) in cooked shrimps preserved in brine.

The Commission received a request to increase the maximum permitted level of benzoic acid – benzoates (E 210 -213) in cooked shrimps in brine.

Annex II to Regulation (EC) No 1333/2008 sets the maximum limit at 1000 mg/kg. This maximum permitted level in combination with Sorbic acid - sorbates (E 200 – 203) should be sufficient to inhibit the growth of Listeria monocytogenes at cooling temperatures between 5 and 8 °C. However, small changes in the preserving parameters can result in growth of bacteria. It has been demonstrated that in order to efficiently prevent the growth of Listeria monocytogenes, the optimal combination of

Benzoic acid - benzoates (E 210 – 213) and Sorbic acid - sorbates (E 200 – 203) is 1500 mg/kg and 500 mg/kg respectively.

In its report on trends and sources of zoonoses, zoonotic agents and food-borne outbreaks in 2012, EFSA reports 1642 humans cases of listeriosis cases in humans, a slight increase in comparison to 2011. A statistically significant increasing trend in the Union was observed over the period 2008-2012. A high fatality rate (17.8 %) was reported among the cases. Listeria monocytogenes was seldomly detected above the legal safety limit for ready-to-eat foods at point of retail. Samples exceeding this limit were most often found in fishery products.

The Commission report on Dietary Food Additive Intake in the European Union concluded that exposure to benzoic acid – benzoates could be up to 96 % of the ADI for young children and 84 % for adults based on the use at maximum permitted levels. At that time a maximum level in cooked shrimps of 2000 mg/kg was set for sorbic acid – sorbates in combination with benzoic acid – benzoates. This level was revised by Directive 2006/52/EC when this authorisation was extended to all cooked crustaceans and molluscs, however with a maximum of 1000 mg/kg for benzoic acid – benzoates. It is therefore expected that the increase of this level to 1500 mg/kg, only for cooked shrimps in brine, will not lead to additional exposure that would be of safety concern.
Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.

Vote taken: favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of silicon dioxide (E 551) in polyvinyl alcohol-polyethylene glycol-graft-co-polymer (E 1209).

Commission Regulation (EU) No 685/2014 authorizes the use of polyvinyl alcohol-polyethylene glycol-graft-co-polymer (PVA-PEG graft co-polymer) (E 1209) in food supplements in solid form.

In order to improve the flow properties of the polymer powder, silicon dioxide (E 551), is used in PVA-PEG graft co-polymer. The expected carry-over of silicon dioxide in the final food via the use of PVA-PEG graft co-polymer is 300-500 mg/kg. At this level silicon dioxide has no technological function in the food supplement.

The European Food Safety Authority evaluated the safety of PVA-PEG graft co-polymer when used as a food additive and concluded that its use in food supplements as film coating is of no safety concern for the proposed uses. The safety assessment also included the specified use of silicon dioxide in PVA-PEG graft co-polymer.

It is therefore appropriate to authorise the use of silicon dioxide in PVA-PEG graft co-polymer.

Vote taken: favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending and correcting Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain food additives.

The Union list of food additives was established based on food additives permitted for use in foods in accordance with Directive 94/35/EC on sweeteners, Directive 94/36/EC on colours and Directive 95/2/EC on food additives other than colours and sweeteners after reviewing their compliance with Articles 6, 7 and 8 of Regulation (EC) No 1333/2008. The Union list set out in Annex II to Regulation (EC) No 1333/2008 lists food additives on the basis of the categories of food to which those additives may be added.

Due to the complexity of the transfer of food additives to the new categorisation system provided in Annex II Regulation (EC) No 1333/2008, certain errors have been introduced and should be corrected. Also, clarifications are necessary as regards the use of food additives in certain food categories.

Therefore, the Union list of food additives should be corrected, clarified and completed in order to include all the uses permitted and complying with Articles 6, 7 and 8 of Regulation (EC) No 1333/2008.

Vote taken: favourable opinion.

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending 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 as regards specifications for Polyvinyl alcohol (E 1203).

The Commission received an application for the amendment of specifications concerning the food additive polyvinyl alcohol (E 1203).

The Institute for Health and Consumer Protection (IHCP) of the European Commission's Joint Research Centre carried out solubility studies of polyvinyl alcohol to update the solubility data of the existing Union specifications vis-à-vis its solubility in ethanol.

The European Food Safety Authority evaluated the results of those studies and considers that the modification of the specification on the solubility of polyvinyl alcohol in ethanol has no impact on the safety of polyvinyl alcohol as a food additive.

Taking into account the submitted application, the studies carried out by the IHCP and the evaluation made by the Authority, it is appropriate to amend the description of the solubility of the food additive polyvinyl alcohol (E 1203) in ethanol (? 99.8 %) to "practically insoluble or insoluble".

Therefore, Regulation (EU) No 231/2012 should be amended accordingly.

Vote taken: favourable opinion.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) laying down methods of sampling and analysis for the official control of the levels of erucic acid in foodstuffs repealing Commission Directive 80/891/EEC.

Commission Regulation (EU) No 696/2014 of 24 June [1] amended Commission Regulation (EC) No 1881/2006 [2] establishing sets maximum levels for erucic acid in vegetable oils and fats intended as such for human consumption, foods containing added vegetable oils and fats, infant formulae and follow-on formulae.

Commission Directive 80/891/EEC [3] establishes a method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and in foodstuffs containing added oils and fats. This method of analysis has become obsolete and needs to be replaced. It is not appropriate to establish a specific method of analysis but to establish performance criteria with which the method of analysis used for official control has to comply. Furthermore rules had to be laid down concerning the method of sampling.

This draft Commission Regulation lays down methods of sampling and performance criteria for the official control of the levels of erucic acid in foodstuffs.

[1] Commission Regulation (EU) No 696/2014 of 24 June 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of erucic acid in vegetable oils and fats and foods containing vegetable oils and fats (OJ L 184, 25.6.2014, p. 1).
[2] Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs OJ L 364, 20.12.2006, p. 5.
[3] Commission Directive 80/891/EEC of 25 July 1980 relating to the Community method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats (OJ L 254, 27.9.1980, p. 35).

Vote taken: favourable opinion.

B.09 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Regulation (EC) N° 1881/2006 as regards maximum level of non dioxin-like PCBs in spiny dogfish (Squalus acanthias).

Commission Regulation (EC) No 1881/2006 [1] sets maximum levels for dioxins, dioxin-like polychlorinated biphenyls (PCBs) and non dioxin-like PCBs in fish and fishery products.

Data were provided on the presence of non dioxin-like PCBs in wild caught spiny dogfish *(Squalus acanthias)*. From those data it can be observed that the current

maximum level for non dioxin-like PCBs of 75 ng/g wet weight is not achievable on many occasions following good fishery practices under normal catch and growing conditions. The provided data demonstrate that the current maximum level is not in line with the principle that maximum levels for contaminants are set at a level as low as reasonably achievable. It is therefore proposed to increase the current maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*), without endangering public health.

Two Member States mentioned not to agree on the proposed measure. One Member State was not in favour of increasing the maximum level for non dioxin-like PCBs and the other member State was also not in favour because of the proposed increase of the maximum level for non dioxin-like PCBs but also because spiny dogfish is an endangered fish species and an increase of the maximum level might lower the level of protection of spiny dogfish.

On this last point, the Commission representative indicated that the increase of the maximum level has no relation or influence on possible future measures taken to increase the level of protection of spiny dogfish but indicated that it was appropriate to delete the reference to sufficient supply of spiny dogfish on the EU market.

Statement of the German delegation (DE):

„Sitzung Ständiger Ausschuss für Pflanzen, Tiere, Lebensmittel und Futtermittel am 28. November 2014 in Brüssel
Protokollerklärung der Delegation der Bundesrepublik Deutschland zu TOP B 9:

Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Regulation (EC) No 1881/2006 as regards maximum level of non dioxin-like PCBs in spiny dogfish (Squalus acanthias)
Dokumente SANCO/11891/2014 act draft und SANCO/11891/2014 Annex 1 draft

Die deutsche Delegation dankt der Europäischen Kommission für die bislang unternommenen Anstrengungen zur Begrenzung des Gehalts von nicht dioxinähnlichen PCB in Lebensmitteln. Der vorliegende Vorschlag hat das Ziel, den EU-Höchstgehalt für nicht dioxinähnlichen PCB im Muskelfleisch und Verarbeitungsprodukten wie z.B. Schillerlocken der gefährdeten Tierart Dornhai (Squalus acanthias) aus wirtschaftlichen Gründen um etwa das Dreifache anzuheben. Die Delegation der Bundesrepublik Deutschland bedauert, den o.a. Vorschlag aus den nachfolgenden Gründen nicht mittragen zu können:

Absenken des umweltbezogenen Verbraucherschutzniveaus:
Ein toxikologischer Referenzwert für nicht dioxinähnliche PCB (ndl-PCB) kann gemäß EFSA-Opinion aus dem Jahr 2005 aufgrund fehlender spezifischer toxikologischer Daten nicht abgeleitet werden. Folglich kann die Feststellung im Erwägungsgrund 2, letzter Halbsatz, „without endangering public health" nicht nachvollzogen werden. Es wird zudem daran erinnert, dass die Ergebnisse aus toxikologischen Studien zu ndl-PCB, die von der EFSA bewertet wurden, bzw. die im Rahmen des Projekts „AHTON" (Assessing the health dangers of non-dioxin-like PCBs in food, 2010) generiert wurden, toxikologische Effekte der ndl-PCB aufzeigen: U.a. endokrine, neurotoxische und hepatotoxische Effekte. Eine Ableitung von

toxikologischen Referenzwerten basierend auf diesen Daten ist jedoch bisher nicht möglich. Dementsprechend sollte aus Sicht des gesundheitlichen Verbraucherschutzes die Belastung von Lebensmitteln mit ndl-PCB so weit wie möglich minimiert und jede zusätzliche Belastung vermieden werden.

Absenken des Schutzniveaus für die gefährdete Tierart „Dornhai“:
Der Dornhai erfüllt aus Sicht der EU die Listungskriterien zur Aufnahme in den Anhang II des „Washingtoner Artenschutzübereinkommen“ (Convention on International Trade in Endangered Species of Wild Fauna & Flora, CITES): „Durch Handel mit seinem Fleisch gefährdet. Arten, deren Erhaltungssituation zumeist noch eine geordnete wirtschaftliche Nutzung unter wissenschaftlicher Kontrolle zulässt“. Die EU-Mitgliedstaaten hatten daher auf deutsche Initiative bei den in den Jahren 2007 und 2010 stattgefundenen
Vertragsstaatenkonferenzen des Washingtoner Artenschutzübereinkommens beantragt, den Dornhai in Anhang II CITES zu listen. Leider wurde die erforderliche qualifizierte Mehrheit für die Annahme des Antrags beide Male verfehlt. Da der Dornhaibestand insbesondere im Nordostatlantik stark überfischt ist, wurden die Gesamtfangmengen (TAC) für die EU-Bestände jedoch im Jahr 2010 auf Null gesetzt; dies entspricht de facto einem Fangverbot für Dornhai in allen EU-Gewässern und durch alle EU-Schiffe. Dieser sog. Null-TAC gilt bis heute. Seit dem Jahr 2011 gibt es auch keine Beifangquote mehr; d.h. Beifänge von Dornhaien dürfen seit dem Jahr 2011 in den EU-Mitgliedstaaten nicht mehr angelandet werden. Dem o.a. Vorschlag der DG SANCO liegt u.a. die Absicht zu Grunde "to ensure that wild caught spiny dogfish (Squalus acanthias) can be further supplied to the Union market". Da der weltweite Handel mit Dornhai - und somit auch Importe in die EU - mangels CITES-Listung weiterhin grundsätzlich ungebremst erfolgt, obwohl eine nachhaltige Bewirtschaftung zur globalen Sicherung der Art vielfach nicht gewährleistet ist, kann die deutsche Delegation die Bestrebungen zur Erleichterung der Einfuhr von Dornhai in die EU auch aus Sicht des Artenschutzes nicht gutheißen.

Votum:
Ablehnung”

<u>Statement of the German delegation (Courtesy translation – EN)</u>

“Meeting Standing Committee on Plants, Animals, Food and Feed on 28 November 2014 in Brussels

Statement for the minutes by the delegation of the Federal Republic of Germany on agenda item B 9:

Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Regulation (EC) No 1881/2006 as regards maximum levels of non dioxin-like PCBs in spiny dogfish (Squalus acanthias)
Documents SANCO/11891/2014 draft act and SANCO/11891/2014 Annex 1 draft

The German delegation would like to thank the European Commission for the efforts made so far to limit the level of non dioxin-like PCBs in food.
The goal of the present proposal is to raise the EU maximum level of non dioxin-like PCBs in muscle meat of the endangered species spiny dogfish (Squalus acanthias)

and products thereof, such as Schillerlocken (smoked belly flaps), to three times the current level for economic reasons. The delegation of the Federal Republic of Germany regrets that it cannot support the above proposal for the following reasons:

Lowering of environment-related consumer protection standards:
According to an opinion issued by EFSA in 2005, it is not possible to derive a toxicological reference value for non dioxin-like PCBs (ndl PCBs) due to a lack of specific toxicological data. This is why the statement made in recital 2, last sentence, "without endangering public health" does not seem plausible. It should also be kept in mind that the findings of toxicological studies on ndl PCBs, assessed by EFSA or generated under the AHTON project (Assessing the health dangers of non dioxin-like PCBs in food, 2010), indicate that ndl PCBs do have toxicological effects, including endocrine, neurotoxic and hepatotoxic effects. However, it is not yet possible to derive toxicological reference values from this data. Therefore, to protect the health of consumers, the level of ndl PCBs in food should be minimised as far as possible and any additional exposure should be avoided.

Lowering the level of protection for the endangered species "spiny dogfish":
According to the EU the spiny dogfish fulfils the criteria for inclusion in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): "Affected by trade in their meat. Species whose conservation status usually permits strictly regulated commercial use subject to scientific control." This is why the EU member states, acting on a German initiative, had applied for the inclusion of the spiny dogfish in Appendix II of CITES at the meetings of the Conference of the Parties to the Convention in 2007 and 2010. Unfortunately the application failed to reach the required qualified majority on both occasions. As spiny dogfish stocks are heavily overfished, in particular in the North-East Atlantic, a total allowable catch (TAC) of zero was set for EU stocks in 2010, which is the equivalent to a de facto fishing ban for the spiny dogfish in all EU waters and by all EU boats. This TAC zero still applies today. The bycatch quota for the species was abolished in 2011, which means that landing spiny dogfish caught as by-catch in the EU member states has been banned since 2011. One of the intentions of the above proposal by DG SANCO is "to ensure that wild caught spiny dogfish (Squalus acanthias) can be further supplied to the Union market". Global trade of spiny dogfish, and consequently EU imports, continue to go unchecked as a result of the species not being included in the CITES Appendices. Sustainable management that would secure the global survival of the species is often not ensured. This is why, from a species conservation perspective, the German delegation cannot endorse any efforts to facilitate the import of spiny dogfish into the EU.

Proposal for action:
Rejection"

[1] Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

Vote taken: favourable opinion.

B.10 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) amending the Implementing Regulation (EU) N° 322/2014 as regards the entry document to be used for feed and food of animal origin.

Commission Implementing Regulation (EU) No 322/2014 [1] imposes special conditions on the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station to protect public and animal health in the Union.

Article 9 of Implementing Regulation (EU) No 322/2014 provides that for the purpose of prior notification the feed and food business operators or their representatives are to complete Part I of the common entry document (CED), referred to in Commission Regulation (EC) No 669/2009 [2] and transmit that document to the competent authority at the designated point of entry or border inspection post. The CED referred to in Regulation (EC) No 669/2009 is only applicable for feed and food of non-animal origin and not for feed and food of animal origin, including fishery products.

For feed and food of animal origin, including fishery products, and falling under the scope of Council Directive 97/78/EC [3] , Commission Regulation (EC) No 136/2004 [4] provides that the common veterinary entry document (CVED) set out in Annex III to that Regulation is to be used for the purpose of prior notification.

The proposed draft regulation amends Implementing Regulation (EU) No 322/2014 accordingly.

Some editorial comments were made and accepted.

[1] Commission Implementing Regulation (EU) No 322/2014 of 28 March 2014 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (OJ L 95, 29.3.2014, p. 1).

[2] Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

[3] Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

[4] Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.1.2004, p. 11).

Vote taken: favourable opinion.

B.11 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) laying down specific conditions applicable to the import of guar gum originating in or consigned from India due to contamination

risks by pentachlorophenol and dioxins, and repealing Commission Regulation (EU) N° 258/2010.

In July 2007, high levels of pentachlorophenol (PCP) and dioxins have been found in the Union in certain batches of guar gum originating in or consigned from India. Such contamination constitutes a threat to public health within the Union if no measures are taken to avoid the presence of pentachlorophenol and dioxins in guar gum. Therefore special conditions on the imports of guar gum originating in or consigned from India were established by Commission Decision 2008/352/EC [1] , later replaced by Commission Regulation (EU) No 258/2010 [2] , due to contamination risks by pentachlorophenol and dioxins.

The official control laboratory in India is still finding high levels of PCP in guar gum powder for export for use in food. As the legal status of PCP for industrial use remains unclear in India and as there is no evidence of the source of contamination, and no investigations on the source of contamination of non-compliant lots are undertaken, the potential for contaminated lots remains.

These findings indicate that the contamination of guar gum with PCP cannot be regarded as an isolated incident and that only the effective analysis by the approved laboratory has prevented contaminated product from being further exported to the Union.

As the source of contamination is not yet eliminated it is necessary to maintain special conditions for import. However, it is appropriate to bring the control measures at import in line with existing control measures at import applicable to certain food and feed of non-animal origin.

Given that such alignment entails several changes, it is proposed to repeal Regulation (EU) No 258/2010 and to replace it by this draft Implementing Regulation.

[1] Commission Decision 2008/352/EC of 29 April 2008 imposing special conditions governing guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins (OJ L 117, 1.5.2008, p. 42).

[2] Commission Regulation (EU) No 258/2010 of 25 March 2010 imposing special conditions on the imports of guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins and repealing Decision 2008/352/EC (OJ L 80, 26.3.2010, p. 28).

Vote taken: favourable opinion.

B.12 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) repealing Regulation (EC) N° 1135/2009 imposing special conditions governing the import of certain products originating in or consigned from China.

Following the findings of high levels of melamine in infant milk, other milk products, soya and soya products and of ammonium bicarbonate intended for food and feed in

China and at import into the EU, Commission Regulation (EC) No 1135/2009 [1] imposes special conditions governing the import of these products originating in or consigned from China. On the basis of that Regulation, the import of products containing milk, milk products, soya and soya products intended for the particular nutritional use of infants and young children originating in or consigned from China is prohibited. Furthermore, identity and physical checks, including sampling and analysis to control the presence of melamine, are carried out on approximately 20 % of consignments originating in or consigned from China of ammonium bicarbonate intended for food and feed and of feed and food containing milk, milk products, soya and soya products.

Since July 2009, only one non-compliant sample was reported by the competent authorities of the Member States. The findings in that sample, reported in 2011, slightly exceeded the maximum level of melamine in ammonium bicarbonate.

Therefore this draft Implementing Regulation repeals the special conditions governing the import of infant milk, other milk products, soya and soya products and of ammonium bicarbonate intended for food and feed originating in or consigned from China.

[1] Commission Regulation (EC) No 1135/2009 of 25 November 2009 imposing special conditions governing the import of certain products originating in or consigned from China, and repealing Commission Decision 2008/798/EC (OJ L 311, 26.11.2009, p. 3).

C.01 Exchange of views of the Committee on a draft Commission Implementing Regulation approving the pre-export checks carried out by the United States of America on almonds and derived products as regards the presence of aflatoxins.

Article 23 of Regulation (EC) No 882/2004 provides that specific pre-export checks that a third country carries out on feed and food immediately prior to export to the European Union with a view to verifying that the exported products satisfy Union requirements may be approved.

The United States of America have submitted to the Commission on 21 November 2012 an application for obtaining an approval of the pre-export checks performed by the competent authorities of the United States of America on the aflatoxin contamination in almonds intended for export to the Union. After a favourable audit performed by the Commission's FVO and assessing in detail the additional information provided by the United States of America, the Commission considers that the guarantees provided are satisfactory and justify the approval of the pre-export checks on almonds and derived products as the presence of aflatoxins.

It is therefore proposed by this draft Regulation to grant approval of pre-export checks carried out by the United States on almonds ensuring compliance with the maximum levels of aflatoxins laid down in Union law.

Such pre-export check approvals were already granted for checks carried out by the United States of America on peanuts and derived products ensuring compliance with

the EU maximum levels of aflatoxins by Commission Decision 2008/47/EC [1] and for pre-export checks carried out by Canada on wheat and derived products thereof ensuring compliance with the EU maximum levels of ochratoxin A by Commission Implementing Regulation (EU) No 844/2011 [2] .

It is appropriate to have all approvals of pre-export checks carried out by a certain third country as regards the presence of mycotoxins in food into one Regulation in view of simplifying legislation and to ensure an uniform approach. Therefore it is proposed to integrate the already granted pre-export check approvals into this Regulation and to repeal Commission Decision 2008/47/EC and Commission Implementing Regulation (EU) No 844/2011.

Some delegations indicated that some issues need to be clarified before finally agreeing on granting pre-export approval for the checks on aflatoxins in almonds from the US. The Commission representative requested the Member States to send the comments by email before the meeting of the Expert Committee Agricultural Contaminants scheduled on 15 January 2015 to the chair of that group.

Several delegations welcomed the integration of all approvals of pre-export checks into one Regulation. One delegation asked more clarifications as regards the controls to be performed. The Commission representative indicated to discuss this in detail at the before mentioned meeting of the Expert Committee.

[1] Commission Decision 2008/47/EC of 20 December 2007 approving the pre-export checks carried out by the United States of America on peanuts and derived products thereof as regards the presence of aflatoxins (OJ L 11, 15.1.2008, p. 12).

[2] Commission Implementing Regulation (EU) No 844/2011 of 23 August 2011 approving the pre-export checks carried out by Canada on wheat and wheat flour as regards the presence of ochratoxin A. (OJ L 218, 24.8.2011, p. 4).

C.02 Exchange of views of the Committee on a draft Commission Regulation amending Regulation (EC) N° 1881/2006 as regards the maximum level of PAH in Katsuobushi (dried bonito), certain canned smoked Baltic herring, food supplements, herbs and spices.

Katsuobushi is a traditional Japanese food product made from bonito. Its manufacturing process involves filleting, boiling and deboning followed by smoking/drying process over combusting woods. Recent evidence has been provided by the Japanese authorities demonstrating that, despite the application of good smoking practices to the extent possible, the lower levels for PAHs, applicable as from 1 September 2014, are not achievable. Therefore the draft Regulation proposes to provide that the maximum levels applicable before 1 September 2014, should continue to apply to *Katsuobushi*.

The product name "*Sprotid*" is a general traditional name in Estonia for a product which traditionally can contain both sprat (*Sprattus sprattus)* and Baltic herring (*Clupea harengus membras*) depending on the season and availability. Both fishes are of comparable size and are classified as small scale fish. The label of "*Sprotid"*

mentions if the product contains sprats or Baltic herring or a mixture, with the ratio of each fish species present. The smoking procedure for this small Baltic herring is the same as the one applied to sprats and consequently levels of PAHs in small Baltic herring are similar to those found in smoked sprat. Therefore the draft Regulation provides to establish the same maximum level for small Baltic herring as for smoked sprats and canned smoked sprats.

High levels of PAH have been found in some food supplements. The presence of high levels in certain food supplements have been linked to the presence of botanical ingredients. Also high levels of PAH have been found in herbs and certain spices as well in tea and herbal infusions. The source of the presence of high levels of PAH in these products have been identified to be bad drying practices and these high levels are avoidable by applying good practices. Therefore it is appropriate to establish a maximum level for PAH in these products which is achievable by applying good drying practices and which ensures a high level of human health protection.

Several Member States indicated that more discussion is needed as regards the proposed maximum levels for food supplements, herbs and spices, herbal infusions and tea. Also the possibility of setting a regulatory level for banana chips should be discussed.

The Commission representative indicated to have a detailed discussion on this at the next meeting of the Expert Committee "Environmental and Industrial Contaminants", scheduled on 8 January 2015.

C.03 Exchange of views of the Committee on a draft Commission Regulation amending Regulation (EC) N° 1881/2006 as regards the maximum level of OTA in Capsicum sp..

Commission Recommendations on the monitoring of certain contaminants have been adopted recently. Also several recommendation for monitoring the presence of certain contaminants have been discussed and agreed in the Standing Committee on the Food Chain and Animal Health and the Standing Committee on Plants, Food and Feed. All these occurrence data should be reported to EFSA. Furthermore Commission Regulation (EC) No 1152/2009 [1] has been replaced by Commission Implementing Regulation (EU) No 884/2014 [2] It is therefore proposed to update the relevant provisions in Regulation (EC) No 1881/2006.

Commission Regulation (EU) No 105/2010 [3] , amending Regulation (EC) No 1881/2006, established a lower maximum level for Ochratoxin A (OTA) in spices, which is supposed to be achievable by applying good practices. To enable the spices producing countries to put prevention measures in place and in order to avoid disruptions of trade to an unacceptable extent, that Regulation furthermore provided for a higher maximum level to be applied for a limited period of time. An assessment has been performed of the achievability of the lower levels for OTA by applying good practices in the different producing regions in the world. Although there is a significant improvement in the application of good practices in the different producing regions in the world, the projected lower maximum level for OTA is not achieavable in *Capsicum* species on a consistent basis, because of sometimes

unfavourable weather conditions during growth and harvest. It is therefore proposed to establish a maximum level of 20 µg/kg for OTA in *Capsicum* spp. which is achievable by applying good practices and which ensures a high level of human health protection.

Some of the delegations indicated that it was appropriate to discuss in more detail the proposed modifications as regards the reporting of monitoring in the next meeting of the Expert Committee "Agricultural Contaminants".

As regards the proposed maximum level for OTA a delegation indicated not to agree on the increase while several delegations indicated to be in favour of a higher level while not objecting the proposed level and other delegations indicated to support the proposed level.

[1] Commission Regulation (EC) No 1152/2009 of 27 November 2009 imposing special conditions governing the import of certain foodstuffs from certain third countries due to contamination risk by aflatoxins and repealing Decision 2006/504/EC (OJ L 313, 28.11.2009, p. 40).

[2] Commission Regulation (EC) No 1152/2009 of 13 August 2014 imposing special conditions governing the import of certain foodstuffs from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242, 14.8.2014, p. 4).

[3] OL 35, 6.2.2010, p. 7.