EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

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SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 27 MARCH 2017

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

CIRCABC Link: *https://circabc.europa.eu/w/browse/4da5feaf-3c9a-4913-b3f6-a0606999d475*

A.01 Exchange of views on possible changes to the special conditions imposed on the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station in the frame of the review of Commission Implementing Regulation (EU) 2016/6 of 5 January 2016.

The envisaged review is based on the occurrence data from 1st January 2015 until December 2016 on radioactivity in feed and food provided by the Japanese authorities.

The Japanese authorities have provided about 132.000 data on the presence of radioactivity in a wide range of foodstuffs (except beef) and about 527.000 data on beef from the 5th and the 6th growing season (January 2015 – December 2016) and mainly originating from the prefectures within the zone with restrictions.

Taking into account the analytical results provided, several alleviations to the current measures are proposed for discussion. A short exchange of views on the envisaged measures has taken place. Overall the Member States welcomed the proposed alleviations but indicated the need to examine the proposed alleviations in more detail. Furthermore the Member States were requesting an updated detailed report from the Japanese authorities as regards the situation of the nuclear reactor in the affected power plant in Fukushima (stability) and an assessment of the risks for possible future leaks of radioactivity (e.g. of contaminated cooling water) from the damaged reactor to the environment.

Member States were informed that it is foreseen to discuss the measures in more detail at a forthcoming meeting of the Expert Committee "Industrial and Environmental Contaminants".

A.02 Exchange of views on the envisaged provisions related to the presence of glycidyl esters in vegetable oils and fats, infant formula and follow-on formula.

The Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority (EFSA) adopted a scientific opinion on the risks for human health related to the presence of 3-and 2-monochloropropanediol (MCPD) and their fatty acid esters and glycidyl fatty acid esters in food.

EFSA has decided following the discussions and conclusions of the Scientific Committee at their meeting in February 2017, to re-open the 3-MCPD and their fatty acid esters assessment following a detailed analysis of the divergence in opinion between Joint FAO/WHO Expert Committee on Food Additives (JECFA) and EFSA on 3-MCPD and their fatty acid esters in view of the updated guidance of the EFSA Scientific Committee on the use of benchmark dose approach in risk assessment. Therefore it is appropriate to await the outcome of the re-opening of the 3-MCPD and their acid esters before taking appropriate regulatory measures.

Glycidyl fatty acid esters are food contaminants found at highest levels in refined vegetable oils. Glycidyl fatty acid esters are hydrolysed to the free glycidol in the gastrointestinal tract. The CONTAM Panel concluded that glycidol is a genotoxic and carcinogenic compound. In view of the genotoxic and carcinogenic potential of glycidol, a margin of exposure (MoE) approach was applied. Scenarios of exposure in infants receiving formula only resulted in a MoE of about 5500 to 2100. A MoE of 25,000 or higher was considered of low health concern.

It is therefore appropriate to establish a strict maximum level for the presence of glycidyl fatty acid esters in vegetable oils and fats placed on the market for the final consumer or use as an ingredient in food and in infant formula and follow-on formula, taking into account what is currently achievable by applying good practices. However there is a need to further reduce the presence of glycidyl fatty acid esters in infant formula and follow-on formula and therefore it is appropriate to establish stricter maximum levels applicable as from 1st January 2020, enabling food business operators to perform the necessary changes to the production to achieve this lower level. Also a method of analysis has still to be validated to ensure an effective enforcement of the stricter maximum levels foreseen to be applicable as from January 2020.

A short exchange of views on the envisaged measures has taken place. Member States were informed that it is foreseen to discuss the measures in more detail at a forthcoming meeting of the Expert Committee "Industrial and Environmental Contaminants".

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of L-ergothioneine as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

As there were some comments raised by few Member States, it was considered more appropriate to further discuss the issues raised before submitting the proposal for opinion of the Committee.

Vote postponed

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex 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 potassium polyaspartate.

In February 2015, the Commission received an application for the authorisation of potassium polyaspartate as a stabiliser in wine. The use of additives in wine should comply with Regulation (EC) No 1333/2008 and with the specific provisions laid down in the relevant Union legislation.

The European Food Safety Authority assessed the safety of potassium polyaspartate and concluded that there was no safety concern from the proposed use.

Potassium polyaspartate acts as a stabiliser against tartrate crystal precipitation. It enhances the keeping quality and stability of wine and its use does not have an impact on the sensory properties.

Therefore, it is appropriate to establish specifications and to include potassium polyaspartate in the Union list of food additives and to assign E 456 as E-number to that additive to enable its authorisation in wine in the specific provisions of the relevant Union legislation.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of use of silicon dioxide (E 551) in potassium nitrate (E252).

The Commission received an application for the authorisation of the use of silicon dioxide (E 551) as an anti-caking agent added to potassium nitrate (E 252).

When stored, potassium nitrate (E 252) shows a strong caking tendency which hinders its use in food processing. Therefore, an anti-caking agent is needed to ensure the flow and correct dosing of this additive. The applicant has demonstrated that the authorised anti-caking agents for potassium nitrate (E 252) are not efficient or may lead to undesired changes in the pH, disturbing food processing. Meanwhile silicon dioxide (E 551) is proven to be efficient and does not react with the food nor influence the further processing of the food.

The Scientific Committee for Food established a group ADI (Acceptable Daily Intake) level of ‘not specified’ for silicon dioxide (E 551) and certain silicates (i.e. sodium, potassium, calcium, and magnesium silicates) when used as anticaking agents. That implies that silicon dioxide (E 551) does not represent a hazard to health when used at the levels necessary to achieve the desired technological effect. The

additional exposure of the consumer to silicon dioxide (E 551) when used as an anticaking agent in potassium nitrate (E 252) would remain limited.

Therefore, it is appropriate to authorise the use of silicon dioxide (E 551) as an anti-caking agent in potassium nitrate (E 252).

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of potassium carbonate (E 501) on peeled, cut and shredded fruit and vegetables (E252).

The Commission received an application for the authorisation of the use of potassium carbonate (E 501) on peeled, cut and shredded fruit and vegetables.

During preparation of fresh cut fruit and vegetables, enzymatic activities may lead to a loss in quality of the products, such as browning and structural losses and to food waste. In order to avoid browning, ascorbic acid (E 300) can be used. However, ascorbic acid tends to break down cell tissue, leading to softening and discoloration of fruit and vegetables after a few days. The use of potassium carbonate (E 501) allows for a more efficient protection against browning as it functions as a stabilizer and acidity regulator and minimizes the damage to tissue caused by ascorbic acid.

The Scientific Committee for Food established a group ADI (Acceptable Daily Intake) level of 'not specified' for carbonates, implying that it does not represent a hazard to health when used at the levels necessary to achieve the desired technological effect.

Therefore, it is appropriate to authorise the use of potassium carbonate (E 501) as stabilizer and acidity regulator in the food category 04.1.2 'Peeled, cut and shredded fruit and vegetables' in Annex II to Regulation (EC) No 1333/2008 at *quantum satis*.

Austria and Sweden do not support this new use as they consider it is not appropriate and misleading to continue extending the shelf-life of fresh products with food additives.

Vote taken: Favourable opinion.

C.01 Exchange of views of the Committee on a draft Commission Regulation on the application of codes of good practice to reduce the presence of acrylamide in food.

The envisaged regulatory measures on the application of codes of good practice to reduce the presence of acrylamide in food were presented.
The measure provides for a mandatory application by all concerned food business operators of mitigation measures to reduce the presence acrylamide in food. These

mitigation measures contain clear obligations for the food business operators and are integrated as annex to the envisaged regulatory measure. The mitigation measures to be applied are proportionate to the size and the nature of establishment, with the clear objective to achieve a reduction by setting strict levels to be used as a benchmark. Benchmark levels reflect the level which can be achieved on a consistent basis by applying mitigation measures to reduce the presence of acrylamide as low as reasonably achievable. The benchmark levels to be used to measure the efficacy of the applied mitigation measures are set at a strict level taking into account the most recent occurrence data from the EFSA database.

Food business operators are obliged to monitor the effectiveness of the mitigation measures to reduce the presence of acrylamide by sampling and analysis of their production demonstrating that the levels of acrylamide achieve the set benchmark levels.

It was again confirmed that in a second phase to initiate the discussion on setting maximum levels for certain foods or food categories. This discussion shall be started immediately after the adoption of the envisaged regulatory measure obliging food business operators to apply mitigation measures. The setting of maximum levels is complementary to this measure. The Committee was informed that for legal reasons it is however not possible to make reference to this in the draft Regulation but this would be reflected in the report of the meeting when the envisaged regulatory measure is submitted for opinion.

Furthermore the Committee was informed that it would be appropriate to monitor the presence of acrylamide in foodstuffs not covered by the mitigation measures and/or benchmark levels and in which based on very few samples significant levels of acrylamide was found in order to be able to assess the extent of the presence of acrylamide in these foodstuffs.

As regards the timeline, the Commission confirmed that it is the intention of the Commission to submit the envisaged regulatory measure for opinion to the Committee before the summer break, after the expiry of the public consultation period on the envisaged measure via the Better Regulation Portal.

A short exchange of views on the envisaged measures has taken place. Member States were informed that it is foreseen to discuss the measures in more detail at forthcoming meetings of the Expert Committee "Industrial and Environmental Contaminants".

C.02 Exchange of views of the Committee on a draft Commission Implementing Regulation (EU) amending Implementing Regulation (EU) No 2015/949 as regards withdrawal of groundnuts (peanuts) from the United States of America from the list of approved pre-export checks as regards aflatoxins.

An increase of non-compliance as regards the presence of aflatoxins in groundnuts from the United States (US) has been observed since mid-2016. The US authorities were informed thereof and commitments were made to remediate the situation. However it can be observed that the situation has not improved on consistent basis. Therefore it can be concluded that the conditions leading to the approval of the pre-

export controls for peanuts from US as regards aflatoxins, provided by Regulation (EU) 949/2015 approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins are no longer fulfilled.

The draft Implementing Regulation provides for the removal of groundnuts from the US from the list of approved pre-export checks established by Regulation (EU) 949/2015. In the meantime, in accordance with Article 23, point 8 of Regulation (EC) No 882/2004 the reduced frequency provided for in Regulation (EU) 949/2015 does no longer apply.

In a second stage and in case the situation does not improve, it might be appropriate to consider to include peanuts from US in the Regulation (EU) 884/2014 for the control on aflatoxins to ensure a high level of human health protection.

A short exchange of views on the envisaged measure has taken place. No comments were made.

M.01 A.O.B.

No items raised.