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Health and Food Safety Directorate General

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Standing Committee on Plants, Animals, Food and Feed
Section *Novel Food and Toxicological Safety of the Food Chain*
24 November 2022

CIRCABC Link: *https://circabc.europa.eu/ui/group/55b2edd3-069e-40fd-ad4a-8b163f54ff1f/library/2137103d-3426-4663-b599-0ac6d85d55f1?p=1&n=10&sort=modified_DESC*

SUMMARY REPORT

A.01 Discussion on the setting of regulatory levels for acrylamide in food and of maximum levels of glycidyl fatty acid esters and 3-MCPD fatty acid esters in certain compound foods. Follow-up to the discussion in the WG of Industrial and Environmental Contaminants of 21 February 2022

The approach for setting regulatory levels (*i.e. benchmark levels and maximum levels*) for acrylamide in food and maximum levels of glycidyl fatty acid esters and 3-MCPD fatty acid esters in certain compound foods was extensively discussed at the meeting of the WG of Industrial and Environmental Contaminants on 21 February. The outcome of these discussions was presented and no major comments were raised by the Committee. The discussions will therefore be continued on this basis within the Working Group.

A.02 Feedback on discussions in recent meetings of the Working Groups on contaminants

Maximum levels for deoxynivalenol and T-2 and HT-2 toxin

Technical discussions on the review of maximum levels for deoxynivalenol and the establishment of maximum levels of T-2 and HT-2 toxin were concluded with the exception of the maximum levels for T-2 and HT-2 toxin in oats and oat derived products for which further discussion is needed. The draft Regulations are foreseen to be submitted for opinion to the Committee at the next meeting and the date of application for the revised and new maximum levels is foreseen to be on 1 July 2024.

Maximum level for pyrrolizidine alkaloids in dried oregano.

Clarification was provided as regards the application of the maximum level for pyrrolizidine alkaloids in oregano. Dried oregano in the contaminants legislation includes all *Origanum* spp. L., except marjoram (*Origanum majorana* L.) and includes also Mexican oregano (*Lippia* sp. L.). The maximum level of 1000 µg/kg for pyrrolizidine alkaloids is applicable to all dried oregano, including Mexican oregano. The maximum level of 1000 µg/kg is also applicable to marjoram as marjoram is explicitly mentioned in the entry to which the maximum level of 1000 µg/kg applies.

Application of maximum level for opium alkaloids in poppy seeds

Clarification was provided in relation with the provision: "*The food business operator supplying the poppy seeds to the food business operator manufacturing the bakery products shall provide the necessary information to enable the manufacturer of the bakery products to place products on the market that comply with the maximum level.* ***This information shall include analytical data, where appropriate****.'*

Food poppy varieties have a maximum of 0.8 % morphine content in poppy straw (*crushed poppy capsules*). Consequently, the morphine content in the poppy seeds from these varieties in case they are grown and harvested according to good agricultural practices will be sufficiently low to allow for their use in bakery products. In these cases there is no absolute need for an analysis to ensure compliance. In these cases it may be sufficient to provide information on the poppy variety from which the poppy seeds have been produced. As for all varieties registered in the EU, the morphine content in the poppy straw has to be determined in accordance with Commission Directive 2003/90/EC of 6 October 2003 setting out implementing measures for the purposes of Article 7 of Council Directive 2002/53/EC as regards the characteristics to be covered as a minimum by the examination and the minimum conditions for examining certain varieties of agricultural plant species. In Annex II to that Directive, it is provided that, for poppy varieties to be registered/listed in the national catalogue, they have to comply with the UPOV test guideline TG/166/4 of 9.4.2014 and the determination of the morphine content in the poppy straw is one of the characteristics of the variety to be indicated. Information on the variety with known information on typical morphine content of that variety in the poppy straw is sufficient and there is no need for a specific analysis of the morphine content in the seeds/a certificate of analysis to ensure compliance of bakery products.

Comments from Third countries following notifications to the WTO.

The Committee was informed on the comments received from Third Countries in the context of WTO notification regarding the EU maximum levels for hydrocyanic acid and ochratoxin A and on the possible follow-up actions to address some of these comments.

WHO expert consultation on the review of the toxic equivalency factors (TEF) for dioxins and dioxin-like compounds.

The Committee was informed of the press release related to the outcome of the WHO expert consultation on updating the 2005 toxic equivalency factors for dioxin like compounds, including some polychlorinated biphenyls. Once the new TEF values are published, a comprehensive review of the maximum levels on dioxins and dioxin-like PCBs will be initiated, taking int account the new TEF values.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising the placing on the market of bovine milk osteopontin as a novel food and amending Commission Implementing Regulation (EU) 2017/2470

The Commission presented to the Committee the draft act authorising the placing on the market of Bovine milk osteopontin as a novel food. The measure, which is underpinned by a favourable EFSA opinion, authorises the novel food to be used in infant formula and follow-on formula as defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council and in milk-based drinks intended for

young children. Some Member States consider that the use of this ingredient of bovine origin would have no beneficial nutritional effect in infant formulae and follow-on formulae, and the suitability of such products for these special nutritional uses should be demonstrated by EFSA. It was clarified that this is an issue falling outside the scope of the novel food regulation, and there are no EU provisions that would allow the Commission to ask EFSA to carry out the suitability check, and it is up to the Member States to perform this analysis at national level, upon request by the operator.

Vote taken: Favourable opinion.

C.01 Exchange of views on a Commission Implementing Regulation laying down the methods of sampling and analysis for the control of mycotoxins in food and repealing Regulation (EC) No 401/2006

The changes agreed to the draft Commission Implementing Regulation at the latest working group meeting were presented and the additional comments raised were addressed. The draft Regulation is foreseen to be submitted for opinion to the Committee at its next meeting.

C.02 Exchange of views on a Commission Implementing Regulation laying down the methods of sampling and analysis for the control of plant toxins in food and repealing Regulation (EU) No 2015/705

The changes agreed to the draft Commission Implementing Regulation at the latest working group meeting were presented and the additional comments raised were addressed. The draft Regulation is foreseen to be submitted for opinion to the Committee at its next meeting.