

**CODEX COMMITTEE ON CONTAMINANTS IN FOOD
17th Session**

Panama City, 15-19 April 2024

European Union comments on

Agenda Item 8:

Sampling plans for total aflatoxins and ochratoxin A in certain spices

(CX/CF 24/17/8)

***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 discussion paper CX/CF 24/17/08 on sampling plans for total aflatoxins and ochratoxin A in certain spices.

As regards the points raised for discussion (§§ 5-7 of CX/CF 24/17/8):

- As regards the particle size: large particle size spices refer to spices such as nutmeg with a particle size similar or larger than peanuts and treenuts. Powdered spices are spices placed on the market as powder. The small particle size spices refer to all other spices that cannot be classified as large particle size spices or powdered spices.
- As regards the decision rule: the heterogeneity of aflatoxin contamination in batches of large particle size spices is similar to the heterogeneity of aflatoxin contamination in peanuts and treenuts. The proposed decision rule is in line with the decision rule for ready-to-eat treenuts provided for in the Codex sampling plans for aflatoxin contamination in ready-to-eat treenuts and treenuts for further processing: almonds, hazelnuts, pistachios and shelled Brazil nuts (CXS 193-1995).
- As regards the comment that the high value of the spices needs to be taking into account for defining appropriate sample weights, the EU wishes to stress that the sample taken must be representative for the sampled lot/batch, thereby ensuring to minimize the consumer's risk while not resulting in an unacceptable level of exporter's/producer's risk.

The EU is largely supportive of the sampling plan as presented in Appendix I but has following comments:

As regards part A: Spices with large particle size

- it is the understanding of the EU that the reason for putting in table 1 two options for aggregate sample weight in square brackets relates to the discussion point mentioned in § 5 (d) of the document CX/CF 24/17/8.

The provisions under table 1 reflect the option of an aggregate sample weight of 20 kg and therefore it is proposed to remove the following inconsistency under that option: the weight of the incremental sample mentioned in the footnote (*) should be 200 g instead of 100 g;

- it is the understanding of the EU that the reason for putting in table 2 certain aggregate weight samples between square brackets relates to the discussion point mentioned in § 5 (d) of the document CX/CF 24/17/8.

As regards part B: Spices with small particle size

- it should be specified that the incremental sample size is 100 g.

As regards part C: Powdered spices

- the proposed sampling plan reflects the sampling plan for powdered spices as established in the EU by Commission Regulation (EU) 2023/2782¹

However, the results from recent research performed by a working group coordinated by the German Federal Institute for Risk Assessment (BfR) provide evidence that the sampling method for the control of plant toxins (also applicable for the control of mycotoxins) in dried herbs, herbal infusions (dried product), teas (dried product) and powdered spices as laid down in Implementing Regulation (EU) 2023/2782 does not guarantee obtaining a sample that is representative for the sampled lot. It was therefore necessary to amend the sampling method by increasing the required weight of the incremental sample from 40 g to 80 g and the weight of the aggregate sample from 2 to 4 kg. These changes have been recently established in EU legislation by Commission Regulation 2024/885 of 20 March 2024². The EU is therefore of the position that the incremental sample weight should be 80 g (instead of 40 g) and in the column “Aggregate sample weight (kg) in tables 5 and 6, the sample weight should be doubled (x 2).

¹ Commission Implementing Regulation (EU) 2023/2782 of 14 December 2023 laying down the methods of sampling and analysis for the control of the levels of mycotoxins in food and repealing Regulation (EC) No 401/2006, OJ L 2023/2782, 15.12.2023, ELI: http://data.europa.eu/eli/reg_impl/2023/2782/oj

² Commission Implementing Regulation (EU) 2024/885 of 20 March 2024 amending Implementing Regulation (EU) 2023/2782 laying down the methods of sampling and analysis for the control of the levels of mycotoxins in food as regards the method of sampling for dried herbs, herbal infusions (dried product), teas (dried product) and powdered spices OJ L, 2024/885, 21.3.2024, ELI: http://data.europa.eu/eli/reg_impl/2024/885/oj