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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*
22 April 2021

CIRCABC Link: *https://circabc.europa.eu/w/browse/22ee5476-2704-4439-9683-696b730c1e5e*

SUMMARY REPORT

A.01 Update on the establishment of an European Union Reference Laboratory for Food Additives.

Prior to the Standing Committee meeting of 26 February 2021, one Member State requested to add an a.o.b. point to the agenda on the establishment of an European Union Reference Laboratory (EURL) for Food Additives. Several Member States supported the idea and the Commission committed to study the feasibility of the setting of such an EURL, and report back at a next meeting. On 22 April, Member States were informed about the readiness by the Commission to launch the procedure and the necessary next steps. It should take around one year, if endorsed and financed, before an EURL on additives can be established. Several Member States thanked the Commission, while one Member State objected to this initiative, because of the current budgetary restrictions.

A.02 Presentation of the E-Submission Food Chain Platform following the entry into application of the 'Transparency Regulation' (Regulation (EU) 2019/1381).

After a brief introduction of the requirements arising from the 'Transparency Regulation' which affect applications and notifications, the E-Submission Food Chain Platform was presented by the Commission services to the members of the Standing Committee. The E-Submission Food Chain Platform allows the electronic submission of applications and notifications in the area of the food chain (except Plant Protection Products and MRLs). It facilitates the handling of applications in accordance with the provisions arising from the Transparency Regulation. The presentation and discussion concerned the fields in which the platform is used, the involvement of the Member States' competent authorities in the authorisation processes via the Platform, user access to the Platform and the handling of confidentiality and public disclosure via the Platform. The Commission services indicated that further training materials are available on the Commission's services website: **https://ec.europa.eu/food/safety/general_food_law/training-and-support_en** . During the discussion, one Member State expressed some concerns that the role and work of Member States and the Commission as risk managers are not adequately presented on the EFSA website, where the impression might be given that the procedure for authorisations ends with the scientific assessment. The Commission answered that it would clarify the matter and possibly ask for modifications.

A.03 Exchange of views on the alignment to the Official Control Regulation (Regulation EU) 2017/625) of the control provisions provided in Implementing Regulation (EU) 2016/6 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. (SANTE/ 12592/2021).

The Commission representative presented the outcome of the monitoring results 2019 and 2020 and provided an overview of possible changes following the application of the criteria for listing and delisting applied for previous reviews. He informed the Committee that, once the internal procedures will be finalised, it is foreseen to share the documents for comments in view of a possible vote at the next meeting of the Committee. Given that the alignment of the control provisions to the Official Control Regulation (EU) 2017/625 requires amendments throughout the text, it is foreseen for reasons of clarity to replace Implementing Regulation (EU) No 2016/6 by a new Regulation.

A.04 Exchange of views on the maximum levels for opium alkaloids in certain foods. (SANTE/12048/2021).

The draft Regulation establishes maximum levels for morphine equivalents in poppy seeds placed on the market for final consumers and bakery products containing poppy seeds and /or derived products thereof. The maximum level refers to the sum of morphine and codeine, whereby to the level of codeine a factor of 0.2 is applied. The maximum levels are foreseen to apply as from 1 July 2022. No comments were raised. The Commission representative informed that it is foreseen to present the draft Regulation for possible vote at the next meeting of the Committee.

A.05 Brexit - implementation of the withdrawal agreement – Q&A session.

On the request from a Member State, the Commission clarified that, in application of article 41 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (the Withdrawal Agreement), foods of non-animal origin subject to special import conditions (e.g. Regulation (EU) 2019/1793) which have been placed on the market in the UK or in the EU before the end of the transition period (*31 December 2020*), can continue to circulate on the EU Market. In accordance with article 42 of the Withdrawal Agreement, the operator must be able to provide the initial Common Health Entry Document (CHED) issued in Great Britain and documented evidence of this prior placing on the market (in the meaning of Art. 40 of the Withdrawal Agreement "*any supply of good for distribution, consumption or use on the market in the course of a commercial activity, whether in return for payment or free of charge*"). In such cases, there is no need for a new border control at a Border Control Post (BCP) or a new CHED. If this is not the case or no proof is given that the goods were placed on the market in the Union or the United Kingdom before the end of the transition period, the consignment is subjected to BCP control and provision of CHED at the first point of entry in the EU. For food of non-animal origin not subject to specific import conditions (*i.e. not subject to article 47 of the Official Control Regulation (EU) 2017/625*), it was clarified that Article 44(3) of that Regulation leaves the competent authorities the choice where to check the food (*of non-animal origin*). It may be at the BCP, at the point of release for free circulation or at the place of destination. Where controls are performed at the BCP, competent authorities of the

Member States may register these controls in the Trade Control and Expert System (TRACES), but this is not mandatory.

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 dried *Tenebrio molitor* larva as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council, and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising for the first time an insect, *Tenebrio molitor* larva, as a novel food in the EU. The measure authorises the placing on the EU market of dried *Tenebrio molitor* larva (*yellow mealworm*) to be consumed as such or as an ingredient in a number of foods. One delegation explained that it was not in favour of the draft Regulation as there is no protein deficiency in Europe that would make insect consumption necessary as food. The Netherlands, while being in favour of the measure, re-iterated its comments regarding the data protection granted for proprietary data as reflected in the statement made in the PAFF meeting on Feb the 26th.

Vote taken by written procedure: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising a change in the specifications of the novel food Lacto-N-neotetraose (microbial source) and amending Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation (EU) authorising a change in the specifications of the novel food 'Lacto-*N*-neotetraose (*microbial source*)' under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure amends the specifications of the novel food by adding two production strains of the bacterium *Escherischia coli* which, by their combined activity, produce the novel food. The production of Lacto-*N*-neotetraose by those two strains of E.coli results in minor changes in some of the secondary specification parameters of the novel food which also are included in the draft measure, as part of the proposed amendment of Regulation (EU) 2017/2470.

Vote taken by written procedure: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising a change of the conditions of use of galacto-oligosaccharide as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation (EU) authorising a change the conditions of use of the novel food 'galacto-oligosaccharide' under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure authorises an increase of the maximum use level of the novel food galacto-oligosaccharide in food supplements, excluding food supplements for infants and young children. Some Member States commented that two similar entries for food

supplements, that differ in terms of maximum levels, might lead to confusion and misinterpretation.

Vote taken by written procedure: Favourable opinion.

B.04 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 inclusion of 3-(1-((3,5-dimethylisoxazol-4-yl)methyl)-1H-pyrazol-4-yl)-1-(3-hydroxybenzyl)imidazolidine-2,4-dione in the Union list of flavouring substances.

The Commission presented the draft Commission Regulation (EU) authorising the above-mentioned substance to be included in the Union list of flavourings with reference Fl n 16.127, and the specifications and conditions of use as proposed, on the basis of the EFSA opinion.

Vote taken by written procedure: Favourable opinion.

B.05 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 inclusion of 4-amino-5-(3-(isopropylamino)-2,2-dimethyl-3oxopropoxy)-2-methylquinoline-3-carboxylic acid in the Union list of flavouring substances.

This point was withdrawn from the agenda as the relevant procedures could not be completed on time, which prevented a discussion and a vote. It will be added to the agenda of the next Committee meeting.

Vote Postponed

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Implementing Regulation (EU) [C(2021)1772] as regards transitional provisions for certain substances listed in Annex II to Decision 2002/657/EC.

The Commission presented to the Committee the draft proposal Commission Implementing Regulation amending Implementing Regulation (EU) [C(2021)1772] as regards transitional provisions for certain substances listed in Annex II to Decision 2002/657/EC. The adopted Regulation (EU) [C(2021)1772] on the performance of analytical methods for residues of pharmacologically active substances repeals Decision 2002/657/EC. Annex II to that Decision lays down minimum required performance limits (MRPLs) for certain prohibited substances. Regulation (EU) 2019/1871 on reference points for action (RPAs) for non-allowed pharmacologically active substances present in food of animal origin establishes RPAs for these prohibited substances, which become applicable as from 28 November 2022. Article 8 of that Regulation provides that, until that date, the MRPLs included in Annex II to Decision 2002/657/EC shall apply as RPAs for food of animal origin imported from third countries and for food of animal origin produced in the Union. A transition period for Regulation (EU) [C(2021)1772] had therefore to be made to provide that Annex II to Decision 2002/657/EC continues to apply until 27 November 2022.

Vote taken by written procedure: Favourable opinion.

M.01 Non-compliance of products in transit

Upon request from a delegation, the Commission representative confirmed that the conclusion reached at an earlier meeting of the Committee (meeting of 17 September 2018, point A.12) as regards the obligation of operators to notify to the competent authorities of commodities in transit and/or present in a free port zone for which an own control has shown a non-compliance (despite the possible presence of a health certificate) remains fully valid. This means that taking into account the relevant provisions in Regulation (EC) No 178/2002, the operators are obliged to notify to the competent authority and to the recipient of the lot, any finding of non-compliance of a lot in transit and/or present in a free port zone, in particular when these lots are traded further and there is the possibility that these lots will, at a later stage, be placed on the EU market.