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 14 APRIL 2015

(Section Toxicological Safety of the Food Chain)

CIRCABC Link: *https://circabc.europa.eu/w/browse/cca4f444-f786-42d4-a218-877e7704b3d8*

A.01 Exchange of views and concluding discussion on possible ways forward as regards the Fusarium toxin contamination situation in the European maize harvest 2014. Possible endorsement of a statement.

The weather conditions that preceded and accompanied the 2014 maize crop have been characterized by an unprecedented warm winter followed by an exceptionally wet spring and abundant rain in summer.

The level of Fusarium toxins (deoxynivalenol, fumonisins and zearalenone) found in the raw maize crop is significantly high and very often above the maximum regulatory limits prescribed for mycotoxins presence in raw materials and food products. The occurrence of mycotoxins is extended to a large part of the European territory.

Maize millers use maize varieties that have particular and essential quality characteristics. For these reasons, milling maize varieties are produced under supply chain contracts to respond to the needs of the maize milling industries. The reduced availability of milling maize in the EU related to exceeding regulatory limits for mycotoxins causes a supply problem.

Therefore a request for a temporary derogation was introduced by a major EU stakeholder organisation.

At previous meetings divergent views have been expressed as regards this request for derogation. Therefore at this meeting several partial options were considered for agreement such as derogation for deoxynivalenol only (deoxynivalenol being the major problem), derogation for unprocessed maize and maize ingredients and only in a very limited number of maize-based final foods for the consumer, derogation for unprocessed maize and maize ingredients only and finally for unprocessed maize grains only.

While a majority of delegations could support a derogation for unprocessed maize only, the stakeholder organisation requesting the temporary derogation had already indicated that this option was not providing an alleviation for their concerns and that any option should at least also provide for a derogation for at least certain final maize based foods. However as there were too many Member States which could not support a temporary derogation covering maize based final foods for the consumer, it was concluded that this request for temporary derogation could not be granted.

The Commission indicated that there is a need to find a sustainable solution to such problems. At the occasion of EXPO Milan 2015, the Commission is organising a conference "Climate change and mycotoxins in feed and food: a challenge for feed and food supply and safety" on 5 June 2015 in the EU pavilion for representatives of competent authorities and European stakeholder organisations.

A.02 Common risk management measures as regards the presence of dioxins and PCBs in fish from the Baltic region. Exchange of views and possible endorsement of the outcome of the discussion at the working group of 16/01/2015.

The Committee confirmed the conclusions of the working group "Fish from the Baltic Sea" as regards :

- the establishment of a common database of all occurrence data on dioxins, dioxin-like PCBs and non-dioxin-like PCBs in fish from the Baltic, with for certain fish species (herring, salmon, (sea)trout and sprat) indication insofar available of the age, size, weight and the geographical origin (ICES zone). The Committee was informed that a Commission Recommendation on the monitoring of presence of dioxins and PCBs in fish from the Baltic region is in preparation.

- the level of contamination of the different fish species, from a certain age/size and from a certain geographical region (ICES zone) from the Baltic region, and in particular as regards their compliance with the maximum level established in Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs.

- the common risk management measures to ensure that fish placed on the market in the EU complies with the provisions established by Commission Regulation (EC) No 1881/2006.

An exchange of views has taken place as regards the legal format for these common risk management measures. While certain Member States were in favour to establish these risk management measures in a legal binding form (e.g. Regulation) other Member States preferred it to keep it as a guidance document. The representative from the Commission services indicated to reflect on the different options and to present a proposition at the occasion of the endorsement of the abovementioned Recommendation on monitoring.

A.03 Exchange of views and possible endorsement of a draft Commission Recommendation on the monitoring of the presence of tropane alkaloids in food.

The Scientific Panel on Contaminants in the Food Chain ('CONTAM') of the European Food Safety Authority (EFSA) adopted an opinion on tropane alkaloids in food and feed[1]. The most studied tropane alkaloids are (-)-hyoscyamine and (-)-scopolamine. Atropine is the racemic mixture of (-)-hyoscyamine and (+)-hyoscyamine of which only the (-)-hyoscyamine enantiomer exhibits anticholinergic activity.

The presence of tropane alkaloids in genus *Datura* is well known. *Datura stramonium* is widely distributed in temperate and tropical regions and for this reason seeds of *Datura stramonium* have been found as impurities in linseed, soybean, sorghum, millet, sunflower and buckwheat and products thereof. The *Datura stramonium* seeds cannot be easily removed from sorghum, millet and buckwheat by sorting and cleaning.

More occurrence data are needed on the presence of tropane alkaloids in food. There is also a need to understand the agricultural conditions under which tropane alkaloids occur in agricultural commodities.

Therefore the draft Commission Recommendation recommends the monitoring of the presence of tropane alkaloids in food.

The Committee endorsed the draft Recommendation.

[1] 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

A.04 Exchange of views and possible endorsement of a draft Commission Recommendation on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits, repealing Recommendation 2010/133/EU.

Commission Recommendation 2010/133/EU [1] provides for a Code of Practice on the prevention and reduction of ethyl carbamate contamination in stone fruit spirits and stone fruit marc spirits and recommends the Member States to take the necessary measures to ensure that this Code is implemented by all concerned food business operators. Furthermore it has to be ensured that all the appropriate measures were 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. It is furthermore recommended to monitor the 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.

These monitoring results are reported in the EFSA technical report "Evaluation of monitoring data on levels of ethyl carbamate in the years 2010-2012 [2] ", adopted on

28 March 2014. The report provides an overview of ethyl carbamate levels in 'Spirits made from stone fruits' and 'Spirits made from fruits other than stone fruits' across the three sampling years 2010-2012. Overall, in the 2010-2012 ethyl carbamate dataset more than 80 % of the analytical results in 'Spirits made from stone fruits' and more than 95 % of the analytical results in 'Spirits made from fruits other than stone fruits' were below the target value of 1 mg/L.

Following discussions in the Expert Committee "Industrial and Environmental contaminants" it was found appropriate to maintain the Code of Practice, with the target level for ethyl carbamate of 1 mg/l but to update the Code with experiences gained and to align it on certain aspects with the Codex Code of Practice on ethyl carbamate contamination in stone fruit distillates, adopted in 2011 (CAC/RCP 70-2011). On the other hand it was not found necessary to keep the specific recommendation on monitoring.

These modifications result in many (minor) changes to the Recommendation, it is appropriate to replace the Commission Recommendation 2010/133/EU by a new Commission recommendation to maintain the readability.

The Committee endorsed the draft Commission Recommendation as presented.

[1] 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 in these beverages (OJ L 52, 3.3.2010, p. 53)

[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 on: http://www.efsa.europa.eu/en/supporting/doc/578e.pdf

B.01 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 riboflavins (E 101) and carotenes (E 160a) in dried potato granules and flakes.

The Commission received a request for the use of certain colours in dried potato granules and flakes.

Colour of dehydrated potato powder is affected in particular by a range of different colour shades of raw potatoes and, oxidative reactions that occur during processing and when other ingredients are added. Currently only curcumin (E 100) is authorised for use in dried potato granules and flakes to restore a visually acceptable appearance of the final product intended for consumption. Riboflavins (E 101) and carotenes (E 160a) are suitable alternatives to curcumin capable of fulfilling the same technological effect.

In September 2013 the European Food Safety Authority (EFSA) issued an opinion re-evaluating the safety of riboflavins as food additives. The Authority concluded that riboflavins are unlikely to be of a safety concern at the currently authorised uses and use levels as food additives. The category 04.2.6 'Processed potato products' was already included in the exposure assessment. Therefore, the

extension of use of riboflavins (E 101) to dried potato granules and flakes should not have an impact on the conclusions of the safety re-evaluation.
In February 2012, the Authority issued an opinion re-evaluating the safety of carotenes as food additives and concluded that the use of (synthetic) beta-carotene and mixed beta-carotenes obtained from palm fruit oil, carrots and algae as a food colour is not of a safety concern, provided the intake from this use as a food additive and as a food supplement is not more than the amount likely to be ingested from the regular consumption of the foods in which they occur naturally (5-10 mg/day). The use of carotenes in processed potato products was already taken into account. Therefore, the extension of use of carotenes (E 160a) to dried potato granules and flakes should not have an impact on the conclusions of the safety re-evaluation.
Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.

Vote taken: unanimous in favour.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Commission Regulation (EC) No 282/2008 of 27 March 2008 on recycled plastic materials and articles intended to come into contact with foods.

One delegation could not support the measure as they are of the opinion that the delegation of the power to the Commission and the choice between delegated or implementing act is the prerogative of the European Parliament and the Council, although they have understanding for the reasons behind this Regulation.

Vote taken: favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) imposing special conditions governing the import of certain feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 322/2014.

The measures were shortly presented. Some comments were made as regards the proposed measures and some delegations indicated that the proposed measures needed further internal consultations before being able to express a position. One delegation indicated not to support the measure as based on the findings a farther going alleviation or even a repeal of the measures could be proposed. However other delegations stressed the need to maintain measures as from the monitoring carried out by the Japanese authorities it can be observed that certain feed and food from certain regions close to Fukushima nuclear plant is still found contaminated with significant levels of caesium.
The draft Commission Implementing Regulation was not submitted for opinion as the internal Commission consultation procedure was not yet finalised.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) approving the pre-export checks carried out on certain food by certain third countries as regards the presence of certain mycotoxins.

Article 23 of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules[1] provides that pre-export checks that a third country carries out on feed and food prior to export to the EU may be approved.

The United States of America have submitted an application for obtaining an approval of the pre-export checks on the aflatoxin contamination in almonds intended for export to the Union. After a favourable audit performed by the FVO and assessing the additional information provided, the pre-export checks on almonds as regards the presence of aflatoxins are approved by this Regulation.

Furthermore, it is appropriate to have all approvals of pre-export checks as regards the presence of mycotoxins in food into one Regulation in view of simplifying legislation and to ensure an uniform approach.

An exchange of views took place. It was requested to provide a recital explicitly indicating that the low control frequency established in Annex to this Regulation should be followed by Member States importing many consignments of the foodstuffs concerned but that Member States importing only a limited number of consignments of the foodstuffs concerned should ensure a low frequency of controls, without being able to comply with the established frequency of controls.

[1] OJ L 165, 30.4.2004.

Vote taken: unanimous in favour.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EC) No 1881/2006 as regards the setting of maximum levels for ergot sclerotia in cereal grains.

The Scientific Panel on Contaminants in the Food Chain (‘CONTAM’) of the European Food Safety Authority ('EFSA') adopted an opinion on ergot alkaloids in food and feed[1] . The CONTAM Panel established a group acute reference dose of 1 µg/kg body weight ('b.w.') and a group tolerable daily intake of 0.6 µg/kg b.w.

The presence of ergot alkaloids in cereal grains is to a certain extent related to the presence of ergot sclerotia in cereal grains. This relationship is not absolute, as ergot alkaloids can also be present in the dust from ergot sclerotia adsorbed to the cereal grains. It is therefore important to set maximum levels for ergot sclerotia as a first step while gathering further data on the presence of ergot alkaloids in cereals and cereal products. However it is acknowledged that compliance with the maximum level for ergot sclerotia does not necessarily guarantee the safety of food as regards the presence of ergot alkaloids.

The stage of marketing at which the maximum levels for ergot sclerotia are applicable is specified as cleaning and sorting operations can reduce the presence of ergot sclerotia and it is appropriate to apply the maximum levels for ergot sclerotia on cereal grains at the same stages of marketing as those for Fusarium mycotoxins.

It is important to gather data on the presence of ergot alkaloids in cereals and cereal products in order to establish the relationship between the presence of ergot alkaloids and the presence of ergot sclerotia. The findings on ergot alkaloids should be reported by 30 September 2016 in order to allow the setting appropriate and achievable maximum levels of ergot alkaloids, providing a high level of human health protection by 12 July 2017.

Furthermore an update of the monitoring and reporting as provided for in Article 9 of Regulation (EC) N0 1881/2006 is proposed.

A discussion took place. Some comments were made as regards the proposed measures and taken into account. One delegation indicated not to support the draft Regulation as according to that delegation the setting of maximum levels for ergot sclerotia is not health protective (as not the sclerotia itself are toxic but the ergot alkaloids) and they also do not agree to the stage of marketing at which the maximum level applies.

The draft Commission Implementing Regulation was submitted for opinion and the Committee expressed a favourable opinion by qualified majority.
The following declaration was provided :

„Protokollerklärung der Delegation der Bundesrepublik Deutschland zu
TOP B.05
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
ergot sclerotia in certain unprocessed cereals, monitoring and reporting
Dokument SANTE/0002/2015

Die deutsche Delegation dankt der Europäischen Kommission für die bislang unternommenen Anstrengungen zur Minimierung von Mutterkorn und Ergotalkaloiden in Lebensmitteln. Der vorliegende Vorschlag hat das Ziel, einen EU-Höchstgehalt für den Mutterkorngehalt in unverarbeitetem Getreide festzulegen. Die Delegation der Bundesrepublik Deutschland bedauert, den o.a. Vorschlag aus den nachfolgenden Gründen nicht mittragen zu können:

Gesundheitlicher Verbraucherschutz nicht gewährleistet

Zulässige Höchstgehalte sind so festzulegen, dass sie den Schutz der Bevölkerung gewährleisten. Der vorgeschlagene konkrete Höchstgehalt für Sklerotien in Getreide für den menschlichen Verzehr ist nicht geeignet, um akute gesundheitliche Risiken auszuschließen. Gemäß der Einschätzung des BfR ist ein Höchstgehalt von 500 mg/kg (entspricht 0,05 %) nicht geeignet, um den gesundheitlichen Verbraucherschutz in Deutschland zu gewährleisten. Der hier gewählte Ansatz, lediglich das Vorhandensein

von Mutterkorn zu reglementieren, kann vor dem Hintergrund, dass keine direkten Zusammenhänge zwischen Mutterkorn und den darin enthaltenen Ergotalkaloiden abgeleitet werden können, nicht unterstützt werden. Trotz Reglementierung des Mutterkorns können gesundheitsschädliche Toxine in Form von Stäuben, die durch Abrieb und Bruch des Mutterkorns entstehen, im Getreide verbleiben. Nur eine Reglementierung der im Mutterkorn enthaltenen Ergotalkaloide ist geeignet, um den Schutz der Verbraucherinnen und Verbraucher zu gewährleisten.

Rohgetreide wird nicht geregelt

Die Regelung bezieht sich nicht auf das Rohgetreide, sondern der vorgeschlagene Höchstgehalt soll wie bei anderen Mykotoxinen (Fusarientoxine) nach der Reinigung anzuwenden sein. Laut Änderungsvorschlag zur Fußnote 18 soll im Rahmen der Reinigung auch das bisher nicht vorgesehene Scheuern und Polieren (so genanntes Scouring) möglich sein. Im Fall der Sklerotien würde dies zur Folge haben, dass nach Abschluss der Reinigungsmaßnahmen 500 mg Mutterkorn pro kg Getreide noch zulässig wären und nach dem Vermahlen vollständig ins Lebensmittel gelangen. Gerade die Sortierung und Reinigung der Getreidepartien soll eine möglichst umfassende Minimierung der Mutterkörner im Getreide bezwecken, um am Ende des Prozesses möglichst keine Mutterkörner zu vermahlen und somit Verbraucherinnen und Verbraucher vor akuten gesundheitlichen Risiken zu schützen. Bereits seit mehreren Jahren wird in Deutschland der Wert von 0,05 % Mutterkorn vom Landhandel und den Mühlen als Kriterium für die Annahme von Rohgetreide (direkt vom Feld vor der Reinigung) zu Grunde gelegt. Eine Verschlechterung des Schutzniveaus wie durch die hier vorgeschlagene Regelung zu erwarten ist, kann gerade mit Blick auf die akuten Risiken nicht akzeptiert werden.

Darüber hinaus steht diese Regelung einer guten Praxis in der Landwirtschaft bezüglich des
Mutterkorngehaltes entgegen. Mit der hier vorgeschlagenen Verfahrensweise werden Lebensmittelunternehmer wie Landwirte und Mühlen aus ihrer Verantwortung und Sorgfaltspflicht für ein sicheres Produkt entlassen, indem Erzeugnisse (wie beispielsweise Rohgetreide) mit mehr als 0,05 % Mutterkorn verkehrsfähig werden. Die Verantwortung wird auf die nachgeordnete Kette verlagert. Bäcker kaufen verkehrsfähiges Getreide ein, und würden ggf. dennoch daraus bezüglich Ergotalkaloiden unsichere Produkte (Mehl, Brot, Backwaren) herstellen,für die sie die Verantwortung zu tragen hätten.

Weiterhin wird die mit der Regelung verbundene Ungleichbehandlung von Lebensmitteln und
Futtermitteln nicht unterstützt: Im Futtermittelrecht gilt der Mutterkorngehalt auch für die Futtermittelausgangserzeugnisse (= pflanzliches Erzeugnis im natürlichen Zustand), dort wird der Mutterkorngehalt also bereits im Getreide-Rohprodukt begrenzt und bei einer Überschreitung darf das Futtermittel nicht in den Verkehr gebracht werden. Bei Lebensmitteln soll es dagegen keine Begrenzung für das Rohprodukt geben. Das heißt, hier könnte ein Rohprodukt, das als Futtermittel nicht verkehrsfähig ist, in ein Lebensmittel umgewandelt werden. Das wäre eine Ungleichbehandlung, das LM wird damit von der Sicherheit her schlechter gestellt.

Votum:

Ablehnung“

Courtesy translation provided by the German delegation

“Statement for the Minutes submitted by the delegation of the Federal Republic of Germany on agenda item B.05
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
ergot sclerotia in certain unprocessed cereals, monitoring and reporting
Document SANTE/0002/2015

The German delegation wishes to thank the European Commission for the efforts undertaken so far to minimise ergot and ergot alkaloids in foodstuffs. The present proposal is aimed at setting a maximum EU level for the content of ergot sclerotia in unprocessed cereals. The delegation of the Federal Republic of Germany regrets that it cannot support the abovementioned proposal for the reasons set out below:

Consumer health protection is not ensured

Maximum permitted levels should be set in such a way that they ensure the protection of the population. The proposed concrete maximum level for sclerotia in cereals for human consumption is not capable of ruling out acute health risks.According to the assessment of BfR (Federal Institute for Risk Assessment), a maximum level of 500 mg/kg (corresponds to 0.05 %) is not suitable to ensure consumer health protection in Germany. In view of the fact that no direct connections between ergot sclerotia and the ergot alkaloids it contains can be derived, we cannot endorse the approach chosen here of merely regulating the presence of sclerotia. In spite of the regulation of sclerotia, health-damaging toxins in form of dusts caused by abrasion and breakage of sclerotia can persist in the cereals. Only a regulation of the ergot alkaloids contained in sclerotia would be suitable to ensure the protection of consumers.

Raw cereals are not regulated

The regime does not refer to raw cereals, but the maximum level proposed is to be applied, as is the case with other mycotoxins (fusarium toxins), after cleansing. According to the proposal for amendment on footnote 18, scrubbing and polishing, so-called scouring, that have so far not been envisaged, should also be possible within the cleaning process. In the case of sclerotia, this would result in 500 mg sclerotia per kg of cereals still being admissible after the completion of cleansing measures. They would fully migrate to foodstuffs after grinding. The sorting and cleansing of cereal lots, in particular, is aimed at minimising ergot sclerotia in cereals to the maximum extent possible in order to prevent the grinding of sclerotia at the end of the process, if possible, thereby protecting consumers from acute health risks. For several years already, agricultural trade and mills in Germany have used the level of 0.05 % sclerotia as a criterion for the acceptance of raw cereals (directly from the field before cleansing). We cannot accept a deterioration of the level of protection, as can be expected as a result of the regime proposed here, especially with a view to the acute risks.

In addition, this regime is inconsistent with good farming practice with regard to the content of ergot sclerotia. The approach suggested here would allow food operators such as farmers and mills to evade their responsibility and duty of care for a safe product by making products (such as e.g. raw cereals) with a level of over 0.05% ergot marketable. The responsibility would then fall to the downstream chain. Bakers buy marketable cereals and would, as the case may be, nevertheless produce goods therefrom, that are unsafe in terms of ergot alkaloids (flour, bread, bakers' wares), for which they would bear the responsibility.

We also do not support the unequal treatment of food and feed that is associated with the regime: Under feed legislation, the ergot sclerotia content also applies to feed materials (product of vegetable origin in its natural state), thus limiting the ergot level in the raw cereal product already. Where the level is exceeded, the feedingstuff may not be placed on the market. There is to be no limitation for the raw product in the case of foodstuffs, in contrast. This means that a raw product that is not marketable as a feedingstuff might be transformed into a foodstuff. This would constitute an unequal treatment, placing foodstuffs in a less favourable position in terms of safety.

Opinion:
Rejection"

[1] EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on Ergot alkaloids in food and feed. EFSA Journal 2012;10(7):2798. [158 pp.] doi:10.2903/j.efsa.2012.2798. Available online: www.efsa.europa.eu/efsajournal

Vote taken: favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EC) No 1881/2006 as regards the establishment of a maximum level for tropane alkaloids in certain foods for infants and young children.

The European Food Safety Authority (EFSA) Panel on Contaminants in the Food Chain (CONTAM) adopted a scientific opinion on tropane alkaloids in food and feed[1] .

The CONTAM Panel established a group ARfD of 0.016 µg/kg body weight (b.w.) expressed as the sum of (-)-hyoscyamine and (-)-scopolamine, assuming equivalent potency. The CONTAM Panel concluded that, based on the limited information available, the dietary exposure of toddlers could exceed significantly the group ARfD.

Therefore in the draft Regulation a maximum level of 5 µg/kg for the sum of (-)-hyoscyamine and (-)-scopolamine in cereal-based foods for infants and young children containing millet, sorghum, maize, buckwheat or their derived products is proposed.

As the *Datura* seeds, containing tropane alkaloids, cannot be easily removed from sorghum, millet and buckwheat by sorting and cleaning most findings of tropane alkaloids are related to cereal based foods containing sorghum, millet or buckwheat;

However, there was recently a Rapid Alert System for Food and Feed (RASFF) notification related to a high level of tropane alkaloids in organic polenta cornmeal and therefore it is appropriate to include maize.

The Commission representative informed the Committee that the EFSA Comprehensive Food Consumption database has been updated since the adoption of the scientific opinion with new consumption surveys specifically targeting infants, toddlers and other young children. Based on these updated consumption data the Commission representative indicated that it might be appropriate to consider to establish a level lower than the proposed level of 5 µg/kg.

An exchange of views took place. Delegations expressed divergent views on the proposed measures:

- support for the proposed measure;
- support for setting a lower maximum level;
- the proposed level of 5 µg/kg was already difficult to achieve with the method of analysis currently in use in their control laboratory and a higher maximum level would be appropriate;
- not in favour to set a maximum level for cereal based foods for infants and young children containing maize based upon one RASFF notification;
- most important to set a maximum level as soon as possible;
- too premature to set maximum levels and source directed measures are more appropriate to take first before considering the setting of a maximum level.

Given the divergence of views and a number of issues requiring further examination, it was concluded that further technical discussion on this draft Regulation was needed in the next meeting of the Expert Committee "Agricultural Contaminants".

[1] 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

Vote postponed

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EC) No 1881/2006 as regards the maximum level of polycyclic aromatic hydrocarbons in cocoa fibre, food supplements, banana chips, dried herbs and spices.

Commission Regulation (EC) No 1881/2006[1] sets maximum levels for polycyclic aromatic hydrocarbons (PAHs) in certain foods.

The proposed change to the maximum level for cocoa fibre and derived products is because cocoa fibre is a specific cocoa product produced from the shell of cocoa bean and contains therefore higher levels of PAHs than the cocoa products produced from the cocoa nibs. The cocoa and cocoa fibres are intermediate products in the food chain and used as an ingredient in the preparation of low calorie, high fibre foods. Therefore a specific level of PAHs for cocoa fibre and derived products is proposed to be established on fresh weight basis given their low fat content.

Banana chips are widely used in cereals and confectionery as well as eaten alone as snacks. Recently, high levels of PAHs have been found in banana chips. The finding of high levels of PAHs is related to the frying of these banana chips in coconut oil. Therefore, as a first step, it is proposed to establish a maximum level for banana chips corresponding to the maximum level established for PAHs in coconut oil intended for direct human consumption or use as an ingredient in food.

High levels of PAHs have been found in some food supplements. The presence of high levels in certain food supplements have been linked to the presence of or derived from botanical ingredients. Also high levels of PAHs have been found in dried herbs and spices. The source of the presence of high levels of PAH in these products has been identified to be the bad drying practices and these high levels are avoidable by applying good practices. Therefore maximum levels for PAH are proposed to be established in these products which are achievable by applying good drying practices and which ensure a high level of human health protection. The traditional smoking method used for the production of Pimentón de la Vera (smoked paprika) and the traditional drying method for the production of black cardamom results in high levels of PAHs. Given that the consumption of these spices is low and to enable these traditionally smoked products to remain on the market, it is appropriate to exempt these spices from the maximum level.

An exchange of views has taken place. It was observed that the proposed maximum levels for banana chips are to be considered as a first step and need to be reviewed within two years, that food supplements containing or derived from botanical ingredients needs to be better defined, that the proposed level for dried herbs should not apply to dried herbs used for herbal infusions and that besides the exemption of smoked Pimenton de la Vera and black cardamom also other smoked paprika's and cardamoms should be exempted from the maximum level.

The Commission representative concluded to discuss these technical comments in more detail at the next meeting of the Expert Committee "Industrial and Environmental Contaminants".

[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 postponed

B.08 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 extracts of rosemary (E 392).

The Commission received a request for the use of silicon dioxide as an anti-caking agent added to powdered forms of the antioxidant extract of rosemary (E 392).
The use of silicon dioxide as an anticaking agent would allow the powder extract of rosemary to remain free flowing over a longer period of time without

massing/congealing during its shelf life, to be easier to handle and to be applied more efficiently when added to food.
The Scientific Committee for Food established a group ADI (Acceptable Daily Intake) level of “not specified” for silicon dioxide when used as anticaking agents . That implies that it does not represent a hazard to health at the levels necessary to achieve the desired technological effect. The additional exposure of the consumer to silicon dioxide when used as anticaking agent in extract of rosemary would remain limited.
It is therefore appropriate to authorise the use of silicon dioxide (E 551) as an anti-caking agent in in extracts of rosemary (E 392).

Vote taken: unanimous in favour.