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SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 08 FEBRUARY 2019

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

CIRCABC Link: *https://circabc.europa.eu/w/browse/df9bc67e-12fb-4437-806f-00b8b61fa61d*

A.01 Follow-up to the DG SANTE audit in India (from 16 to 27 April 2018) on the evaluation of the control of residues and contaminants in live animals and animal products including controls on veterinary medicinal products : feedback from Member States.

A Commission audit to India in April 2018 identified several deficiencies as regards the control of residues and contaminants in animals and animal products. The Member States were informed on the further follow-up to the audit. The Commission enquired on the experiences of Member States as regards the testing of Indian aquaculture products for residues of antimicrobial substances but the Member States were not yet able to communicate on the outcome of such analyses.

A.02 Use of 'spray refrigerants' on chocolate and sugary foods.

'Spray refrigerants' are products composed of butane (E 943a), isobutane (E 943b) and propane (E 944). They are intended for use as 'refrigerants' for chocolate and sugary foods on which they are directly applied. They shall be used for food production purposes only and according to the instructions provided by the manufacturers.

Based on the Member States' request the question whether such products, i.e. mixtures of butane (E 943a), isobutane (E 943b) and propane (E 944) when used as refrigerants for foodstuffs, shall be considered as a processing aid or a food additive was discussed at the meeting of the Working party of Governmental Experts on Additives on 21 – 22 June 2018.

The Committee concluded unanimously the following :

'Spray refrigerants' are intended for professional use only and it is not recommended for use by the final consumer.

Products composed of butane (E 943a), isobutane (E 943b) and propane (E 944) when used as a refrigerant for foodstuffs such as chocolate can be considered as a processing aid provided that they correspond to the definition of 'processing aid' set out in Regulation (EC) No 1333/2008, and notably that :

- It is demonstrated that the use according to the manufacturers' instructions does not result in presence of butane (E 943a), isobutane (E 943b) and propane (E 944) in the final product, in line with Article 3(2)(b)(iii).

- ‘Spray refrigerants’ do not contain any other ingredients which could become a component of the final foods.

A.03 Categorisation of ‘macaron’ in the food category system of Annex II to Regulation (EC) No 1333/2008.

A macaron (macaroon) has typically a round shape and its surface is smooth or cracked. The macaron is typically made with almonds, sugar and egg whites. The macaron may also be placed on the market with a filling akin to a "sandwich form" where two macarons are connected with such filling.

Based on the Member States’ request, the appropriate categorisation of macaron and the possible filling in the food category system of Annex II to Regulation (EC) No 1333/2008 was discussed at the Working party of Governmental Experts on Additives on 6 September 2018.

The Committee concluded unanimously the following :

- A macaron without filling shall fall within the food category ‘*07.2 Fine bakery ware’* and food additives may be used under the conditions set out by Regulation (EC) No 1333/2008 for this category.
- If a macaron is placed on the market with a filling akin to a "sandwich form", it shall be considered as a compound food. The filling shall fall within the appropriate category, such as, for example the food category ‘*05.4 Decorations, coatings and fillings, except fruit based fillings covered by category 4.2.4’* Food additives may be used under the conditions set out by Regulation (EC) No 1333/2008 for the appropriate category.

A.04 Feedback on the recent work of the Expert Group on Food Contact Materials.

The Commission services provided an update to the meeting on the following :

The Expert Working Group on Food Contact materials (FCMs) has continued its discussions on a draft Recommendation for a coordinated control plan with a view to establishing the prevalence of certain substances migrating from food contact materials. The Commission services stressed that it will be a voluntary program but participation will help to establish the need for possible future controls if problems are found/ confirmed or more broadly to provide information on which to consider possible future priorities on FCM legislation. The draft will undergo an inter-service consultation within the Commission and be presented for an opinion at a coming PAFF Committee meeting (Novel Food & Toxicological section).

The Working Group also discussed about bamboo flour and similar materials that are increasingly added to plastic materials. The BfR presented on the migration of formaldehyde and melamine from such plastics which increases during subsequent tests to levels well above migration limits, and raises questions over the suitability of such materials for food contact. Also examples of misleading labelling were shown. Moreover it was discussed whether or not bamboo can be considered under the authorisation for untreated wood, or whether it would require an application before it can be legally used. The Commission services are preparing a note on this matter which will be discussed during a future Committee.

A Commission expert on mutual recognition reflected on that subject in the context of food contact materials. The presentation will be made available to the Member States.

Since the last update, a major evaluation of the EU legislation on FCMs has been launched. This started in September last year with a stakeholder meeting, where Member States, industry and NGOs amongst others took part. The purpose of the evaluation is to assess to what extent the current EU legislative framework for FCMs is fit for purpose, achieves its aims and objectives and delivers as expected. The process will cover the main five evaluation criteria, namely effectiveness, efficiency, relevance of the Regulation including in relation to stakeholders' needs and expectations; coherence with other legislation and EU added value compared to what could have been achieved at national level. It was explained that whereas existing information, experiences and perceptions indicate that there are issues with the functioning of the current legislation, further data and evidence is needed to support the evaluation. A contractor is now in place and working with all stakeholders to gather information. A full 12 week online public consultation will now be launched and the Commission Services encouraged Member States to fully support and promote the consultation exercise. The Expert Working Group on FCM is also spending time discussing some of the relevant issues. At the end of the evaluation, the Commission will produce a Staff Working Document on which basis it can be decided what, if any, possible steps need to be taken in the future concerning the regulation of FCM in the EU.

The Working Group also discussed the authorisation of recycling processes in-depth, particularly focussing at potential certification requirements for input materials, and other matters for enforcement. The Committee was reminded that all approximately 140 decisions need to be voted in a single Standing Committee. To prepare thereto, the Commission services will ensure that all decisions are first consulted and agreed at a technical level with the Member States. Presently the text is not yet fully stable and internally consulted with relevant Commission services.

A.05 Exchange of views on the follow-up to the EFSA opinion on the Flavouring Group Evaluation 217 revision 2 (FGE.217 Rev2).

The Commission services presented the EFSA opinion FGE.217 rev.2. As regards the substance FL no. 10.066 the EFSA assessment indicates that this substance is genotoxic in vivo. The Commission intends to submit shortly a text withdrawing this substance in urgency from the Union list. This text is currently following the Commission’s internal procedures. Several Member states provided comments regarding aspects of the follow-up to this EFSA opinion.

A.06 Exchange of views on the review of Commission Implementing Regulation (EU) No 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 (foreseen to be reviewed by 30 June 2019).

The Committee was informed that Implementing Regulation (EU) 2016/6 provides for a review of its provisions before 30 June 2019, after the results of sampling and analysis on the presence of radioactivity of feed and food from the seventh and eight growing season (2017 and 2018) after the accident are available.

An overview of the already available data was provided as well as a preliminary analysis. A first exchange of views regarding the approach for the review took place.

A.07 Exchange of views and possible endorsement on a draft Commission Recommendation on the monitoring of furan and methyl furans in food.

The European Food Safety Authority (EFSA) Panel on Contaminants in the Food Chain (CONTAM) adopted a scientific opinion on the risks for public health related to the presence of furans and methylfurans in food. EFSA concluded that the current exposure to furan indicates a health concern. Also methylfurans may add significantly to the overall exposure and therefore increase the health concern. However there are insufficient data available on the presence of methylfurans in food. 2-Methylfuran and 3-methylfuran can be reliably quantified with the currently available methods of analysis, while further work is needed for the reliable analysis of 2,5-dimethylfuran. Furthermore, recent information has become available on the presence as contaminant of alkylfurans other than methylfurans, such as 2-pentylfuran and 2-ethylfuran. It would be appropriate in case the method of analysis used enables it, to analyse and quantify these other alkylfurans and to report the data.

The draft Commission Recommendation recommends to competent authorities and food business operators to monitor. It is therefore appropriate to recommend the monitoring of furan and alkylfurans in food.

The Committee endorsed the draft Commission Recommendation.

A.08 Feedback on topics discussed in recent meetings of the Working Groups on agricultural contaminants, industrial and environmental contaminants and POPs in food.

The Committee was informed on the ongoing work on :

- A draft Regulation which replaces Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs and consequent amendments.
- The establishment of maximum levels 3-MCPD esters and glycidyl esters: the draft provisions following the consideration of comments from stakeholders were presented. Further comments were received from a stakeholder organisation and Member States. It was agreed that these comments would be considered in detail at the next meeting of the working group on "Industrial and Environmental contaminants".
- Perchlorate - the draft provisions following the consideration of comments from stakeholders were presented. A further comment was received from a delegation as regards the proposed maximum level for leafy vegetables. It was agreed that these comments would be considered in detail at a next working group meeting.
- Maximum levels for acrylamide in baby food and processed cereal based foods for infants and young children.
- The establishment of performance criteria for the analysis of 3-MCPD-esters, glycidyl esters, acrylamide and perchlorate.
- The establishment of maximum levels for ergot alkaloids, tropane alkaloids and pyrrolizidine alkaloids and review of the maximum level for ergot sclerotia: a targeted stakeholder consultation is ongoing and comments from

stakeholders shall be considered in detail at the next meeting of the working group "Agricultural contaminants".

- Alternaria toxins: a monitoring recommendation for alternariol, alternariol monomethyl ether and tenuazonic acid (tentoxin) is in preparation in combination with guideline levels for specified foods.
- Opium alkaloids: Discussion ongoing on possible maximum levels for morphine, codeine and thebaine in poppy seeds as a follow up to the EFSA opinion.
- Deoxynivalenol and modified forms and T-2 and HT-2 toxin: discussions on the setting of maximum levels for the sum of deoxynivalenol (DON) , 3-Ac-DON, 15-Ac-DON and DON-3-glucoside in review of the current maximum levels on deoxynivalenol and the setting of maximum levels of T-2 and HT-2 toxin have started in the working group "Agricultural contaminants".
- The issue of the presence of granayotoxins in certain honeys shall be discussed at the next meeting of the working group "Agricultural contaminants".
- Calystegines: EFSA has published a report on the availability of toxicity data on calystegines. Given the conclusions that the available data do not allow drawing conclusions on the possible toxic effects of calystegines in humans or in livestock, and more data in relevant experimental models would be necessary to characterise the toxic profile of this group, the Committee agreed that no follow up is possible as regards the presence of calystegines in food, for the moment.
- The Committee was also informed on the follow-up to the recent EFSA opinion on the Risk for animal and human health related to the presence of dioxins and dioxin- like PCBs in feed and food.
- It includes a recommendation that the current WHO2005-TEFs (TEF=Toxic Equivalence Factors) should be re-evaluated in order to take into account new *in vivo* and *in vitro* data. In particular, more insight into the relative potency of PCB-126 in humans is required.
- The Commission shall address to the WHO a formal request for a review of the WHO2005-TEF values. Contacts have already taken place with WHO and such a review could take place early 2020.
- There is a need for an updated risk-benefit assessment of fish consumption that takes exposure to PCDD/Fs and DL-PCBs into account. The Commission shall request EFSA to perform risk-benefit of fish consumption in relation to the presence of PCDD/Fs and DL-PCBs, in support to Member States in defining fish consumption advice (and put it in a wider context). Finalisation of the risk benefit assessment after the review of the TEF values.
- The Commission shall request EFSA to ensure that all occurrence data currently available in the EFSA database can be within short notice converted to the new TEF values once available.
- Review of maximum levels**:** current available occurrence data indicate that a review of the maximum levels is appropriate and needed. The review of the maximum levels only to be finalised once new TEF values are available but, in

the meantime, preparatory discussions shall take place in the working group "Persistent Organic Pollutants in Food".

- Update of Commission Recommendation (EU) 2016/688 of 2 May 2016 on the monitoring and management of the presence of dioxins and PCBs in fish and fishery products from the Baltic region, taking into account the new occurrence data.
- Review of Commission Recommendation 2013/711/EU of 3 December 2013 on the reduction of the presence of dioxins, furans and PCBs in feed and food in view of a review of action levels (as the consequence of the review of the maximum levels) and possible reinforcement on investigations to identify the source of contamination/ measures to be taken to reduce or eliminate the source of contamination.
- At the meetings of the working groups, the work programme 2019-2020 of the EURL for processing contaminants, EURL for metals and nitrogenous compounds in feed and food, EURL for mycotoxins and plant toxins in feed and food and the EURL for halogenated POPs in feed and food were discussed. The delegations were reminded of the importance to designate National Reference Laboratories (NRL /NRLs) covering the whole scope of the EURLs.

A.09 A.O.B.

No item raised under Any Other Business.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the placing on the market of the novel food D-ribose 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 the placing on the market of D-ribose as a novel food.

One Member State voted against and 5 abstained citing that the warning label on the novel food is deemed not sufficient to prevent consumers from consuming higher levels of D-Ribose than the limit set by EFSA in the area of food supplements. These Member States would therefore want the procedure under Article 8 of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods to be initiated. The Commission informed the Member States that this issue will be brought up to the relevant Committee. The Commission reminded the Member States that they can already take the necessary actions to ensure that food supplements containing levels of D-Ribose higher than the limit set by EFSA are not placed on the market.

A Member State made the following statement : "*The EFSA statement of October 2018 included this text : The combined intake of food products supplemented with D-ribose at the maximum proposed use levels and food supplements containing D-ribose may result in intakes in some population groups that exceed the acceptable level. The Panel also notes that the consumption of some of the food supplements currently on the market could, on its own, result in intakes of D-ribose higher than those considered safe in the EFSA opinion (EFSA NDA Panel, 2018).*

In the light of that observation, the Member State urges the Commission to initiate the procedure under Article 8 of Regulation (EC) No 1925/2006 due to the potential for consumers to exceed this acceptable level of intake of D-ribose by combining the proposed novel foods with food supplements"

Another Member State abstained as the use of the novel food in tea and infusions goes against its national strategy on less sugars in foods.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the change of specifications of the novel food coriander seed oil from Coriandrum sativum under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising the change of specifications of the novel food coriander seed oil from *Coriandrum sativum*. The measure decreases the lower range of the saponification value. The Committee delivered its opinion with no objections.

Vote taken: Unanimity.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising an extension of use of Schizochytrium sp. (ATCC PTA-9695) oil as a novel food and the change of the designation and specific labelling requirement of Schizochytrium sp. (ATCC PTA-9695) oil 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 the extension of use and the change of the designation and specific labelling requirement of the novel food *Schizochytrium* sp. (ATCC PTA-9695) oil. The measure authorises the extension of use to fruit/vegetable purees and the removal of the mention of the strain '(ATCC PTA 9695)' from the designation and of the specific labelling requirement, while the indication of the strain remains included in the specifications as it is necessary for a proper identification of the novel food. The Committee delivered its opinion with no objections.

Vote taken: Unanimity.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the amendment of the specifications of the novel food 2'-Fucosyllactose produced with Escherichia coli K-12 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 the change of specifications of the novel food 2'-Fucosyllactose produced from *Escherichia coli* K-12. The measure decreases the level of 2'-Fucosyllactose from the current 90% to 83%, and increases the levels of two minor saccharides (D-Lactose from ≤3.0% to ≤10.0% and of D-Difucosyl-D-Lactose from ≤2.0% to ≤5.0%.) while maintaining the overall sum of saccharides at levels ≥90.0%.

One Member Sate voted against and provided the following statement in support to its vote : "*As a matter of principle, a proposed change in a product's specification in the Union List should be covered by a relevant safety assessment, if that change refers to explicit requirements regarding the production process and/or clear differences in the chemical composition of the product. We therefore believe that a full safety assessment, or an assessment of bridging safety data, should be performed by EFSA experts, to provide a solid basis for authorization of the proposed new preparation. The fact that other 2'- FL preparations have been authorised previously, does not make such a new assessment redundant, but available information on those other preparations could be considered during the assessment. We feel that insisting on a proper safety assessment is all the more important, since the target population for products containing 2'- FL as an ingredient includes vulnerable consumers, such as infants and young children. Furthermore, we fear that the proposed change of specifications for 2'- FL without such an assessment would set an unwanted precedent for other novel foods, including other components developed for application in infant formulae*".

Vote taken: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Regulation correcting the French language version of Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food.

The Commission presented the draft Commission correcting the Specific Migration Limit (SML) entry of the Food Contact Material (FCM No 1052) in the French language version of the list of authorised substances of Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food. The SML in the French language version for FCM entry 1052 was 55 mg/kg of food or food simulant instead of the correct 5 mg/kg of food or food simulant.

Vote taken: Unanimity.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annexes II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the extension of use of carminic acid, carmine (E 120) in certain meat products.

Carminic acid, Carmines (E 120) is a substance authorised as a colour in a variety of foods in accordance with Annex II to Regulation (EC) No 1333/2008.

The Commission received an application for the authorisation of the use of carminic acid, carmine (E 120) in order to achieve the desired pink colour in certain traditional salted pork offal and beef specialities (*groin de porc à la créole, queue de porc à la créole, pied de porc à la créole* and *paleron de bœuf à la créole)* to meet the consumer expectations in French Overseas Territories.

The European Food Safety Authority re-evaluated the safety of carminic acid, carmine (E 120) and concluded that there was no reason to revise the acceptable daily intake (ADI) value and that the refined exposure estimates for the non-brand-loyal scenario were below the ADI.

The extended use is proposed for a few niche meat products and thus it is not expected that the proposed use will have a significant impact on the overall exposure to carminic acid, carmine (E 120) which therefore will remain below the ADI.

The draft Regulation presented by the Commission to the Committee concerned therefore the amendment of Annex II to Regulation (EC) No 1333/2008 as a follow-up to an application.

Vote taken: Unanimity.

B.07 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 extension of use of mono- and diglycerides of fatty acids (E 471) on certain fresh fruits and vegetables.

Mono- and diglycerides of fatty acids (E 471) is a food additive authorised in a variety of foods in accordance with Annex II to Regulation (EC) No 1333/2008.

The Commission received an application for the authorisation of the use of mono- and diglycerides of fatty acids of fatty acids (E 471) on all fresh fruits and vegetables.

The Working Party of Governmental Experts on Additives noted that there is a technological need in particular for the external treatment of certain fruits which are mainly imported from countries with a tropical climate and which need to be protected during long transports. Peels of those fruits are usually not consumed.

The European Food Safety Authority re-evaluated the safety of mono- and diglycerides of fatty acids (E 471) and concluded that there was no need for a numerical ADI. Such conclusion is reached for substances for which there is, based on reliable information for both exposure and toxicity, a low probability of adverse health effects in humans.

Therefore, it is appropriate to authorise the use of mono- and diglycerides of fatty acids (E 471) for the external treatment of certain fruits.

The draft Regulation presented by the Commission to the Committee concerned therefore the amendment of Annex II to Regulation (EC) No 1333/2008 as a follow-up to an application.

Vote taken: Unanimity.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex I and II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of ferrous lactate (E 585) on the mushroom Albatrellus ovinus as an ingredient in liver pâtés.

The Commission received an application for the authorisation of the use of ferrous lactate (E 585) on the mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés.

When applied, ferrous lactate (E 585) affects and changes the colour of *Albatrellus ovinus* (from white to dark) by reacting with certain tissue components. This feature is not covered by the current functional classes and the functional class ‘stabilisers’ need to be amended to address this effect.

The Scientific Committee for Food assessed the safety of use of ferrous lactate (E 585) on olives as acceptable. Swedish liver pâtés contain only about 0.5% mushrooms. Therefore, the additional exposure to ferrous lactate when added to the

mushroom *Albatrellus ovinus* used as a food ingredient in Swedish liver pâtés would be negligible.

Therefore, it is appropriate to authorise the use of ferrous lactate (E 585) for the mushroom *Albatrellus ovinus* in Swedish liver pâtés and amend the definition of 'stabilisers'.

The draft Regulation presented by the Commission to the Committee concerned therefore the amendment of Annexes I and II to Regulation (EC) No 1333/2008 as a follow-up to an application.

Vote taken: Unanimity.

B.09 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Commission Regulation (EC) No 1635/2006 laying down detailed rules for the application of Council Regulation (EEC) No 737/90 on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power-station.

Regulation (EC) No 1635/2006 requires Member States to ensure that the competent authorities of third countries affected by the Chernobyl accident issue export certificates which attest that the products that they accompany comply with the maximum permitted levels set out in Regulation (EC) No 733/2008. The specific third countries concerned are listed in Annex II to Regulation (EC) No 1635/2006. The fallout of radiocaesium from the accident at the Chernobyl power station on 26 April 1986 affected a wide range of third countries. Certain agricultural products originating in the United Kingdom which have been affected by the Chernobyl accident could still show radioactive caesium contamination. As soon as Union law ceases to apply to and in the United Kingdom, agricultural products originating in the United Kingdom will have to be checked for their radioactive contamination before they are allowed to enter the Union, and therefore the draft Regulation provides to include the United Kingdom in Annex II to Regulation (EC) No 1635/2006.

The United Kingdom made the following declaration : "*The UK considers that the Commission's proposal is not justified and is lacking a sound evidence base. Specific controls for some areas in the UK were lifted some years ago following public consultation and on the basis of the results of risk assessments which were also independently peer reviewed. Food from the UK is safe to eat, shown by our robust UK wide radiological monitoring programme. Enhanced checks are not warranted and should not be reintroduced as the risks from such foods remains low".*

Vote taken: Favourable opinion.

B.10 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation imposing special conditions governing the import of groundnuts from Bolivia, Gambia, Madagascar, Senegal and Sudan and watermelon seeds from Sierra Leone and amending Regulations (EC) No 669/2009 and (EU) No 884/2014.

Commission Regulation (EC) No 669/2009 provides for an increased level of official controls on imports of certain feed and food of non-animal origin listed in Annex I to that Regulation. The results of the official controls carried out by the Member States pursuant to Regulation (EC) No 669/2009 on certain commodities show a continuous

high frequency of non-compliance with maximum levels of aflatoxins. In order to protect human and animal health in the Union, it is necessary to provide for additional guarantees in relation to those food and feed. The Committee was informed that the imposing of special conditions following further examination of the control data shall be limited to groundnuts from Gambia and Sudan and not to groundnuts from Bolivia, Madagascar and Senegal and watermelon seeds from Sierra Leone.

Given the high level of non-compliance it is foreseen to increase the frequency of identity and physical checks of aflatoxin in dried figs from Turkey from 10 to 20 %.

Furthermore it is foreseen to exclude from the scope trade samples or display items for exhibitions, which are not intended to be placed on the market or are sent to be used for scientific purposes.

In addition, there have been some changes in competent authoritites whose authorised representative is entitled to sign the health certificate and some CN codes are updated.

No comments were raised but a delegation raised the comment that the situation as regards aflatoxins in dried figs in 2018 seems to have improved. The Commission's representative indicated that this is indeed the case when compared to 2017 but that the situation remains worrying but committed to examine again in detail the control data.

Given that the internal consultation in the Commission was not finalised, the measure was not submitted for vote.

Vote Postponed

B.11 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending and correcting Regulation (EC) 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foods.

On 21 September 2016, the Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority (EFSA) adopted a scientific opinion on erucic acid in feed and food. Data on the presence of erucic acid in vegetable oils and fats indicate that for most vegetable oils and fats, lower levels can be achieved by applying good practices. Therefore, it is appropriate to lower the maximum level for vegetable oils with the exception of camelina oil, borage oil and mustard oil. For camelina and borage oil, evidence has been provided demonstrating that it is not possible to achieve lower levels by applying good practices. Mustard oil contains naturally high levels of erucic acid but is in Europe only used in very small quantities in the preparation of certain foods and therefore no maximum level is proposed to be set for erucic acid in mustard oil. Given the significant levels of erucic acid in mustard, the draft provides for the establishment of a maximum level for erucic acid in mustard.

Given that a maximum level for erucic acid has already been established in infant formulae and follow-on formulae by Commission Delegated Regulation (EU) 2016/127, it is not necessary to establish a maximum level for erucic acid in infant formulae and follow-on formulae by Regulation (EC) No 1881/2006.

Given that the unit in which the maximum level for hydrocyanic acid is not mentioned in the published version of Commission Regulation (EU) 2017/1237, it is foreseen to correct this in order to provide legal certainty.

A delegation indicated not to agree that no maximum level for erucic acid would be established in infant formulae and follow-on formulae in the frame of this Regulation and is of the opinion that it would be appropriate to maintain the current maximum level for erucic acid in mustard oil.

Given that the internal consultation in the Commission was not finalised, the measure was not submitted for vote.

Vote Postponed

B.12 Exchange of views and possible opinion on a draft Commission Regulation (EU) amending Regulation (EC) No 1881/2006 as regards maximum levels of citrinin in food supplements based on rice fermented with red yeast *Monascus purpureus.*

A maximum level of citrinin in food supplements based on rice fermented with red yeast *Monascus purpureus* is set by Regulation (EC) No 1881/2006**.** Given the gaps in knowledge as regards the presence of citrinin in red yeast rice preparations and other foodstuffs and the remaining uncertainties as regards the carcinogenicity and genotoxicity of citrinin, it was foreseen to review the maximum level once more information has been gathered as regards the toxicity of citrinin and the exposure from other foodstuffs.

Following a call from EFSA to investigate the concentrations of citrinin in food samples with special focus on grains and grain-based products and red yeast rice preparations from different geographic regions in Europe, a report was published in 2017.

These new occurrence data indicate that there is no need to regulate for the time being citrinin in food other than red yeast rice supplements. Furthermore, it is evident that by applying good manufacturing practices the level of citrinin in food supplements based on rice fermented with red yeast *Monascus purpureus* is much lower than the current maximum level. It is therefore foreseen by this draft Regulation to lower the maximum level for citrinin in these food supplements. No new information on the toxicity has become available.

Given that the internal consultation in the Commission was not finalised, the measure was not submitted for vote.

Vote Postponed

B.13 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending the Annex to Regulation (EU) No 579/2014 granting derogation from certain provisions of Annex II to Regulation (EC) No 852/2004 of the European Parliament and of the Council as regards the transport of liquid oils and fats by sea.

The Commission presented the draft Regulation and the outcome of the public feedback. It explained that the Federation of Oils, Seeds and Fats Associations (FOSFA) indicated to be in favour of adding in addition to methylacetate and ethyl-tert-butyl ether also calcium lignosulphonate and ammonium sulphate to the list of acceptable previous cargoes for the bulk transport in seagoing vessels of liquid oils or fats intended for or likely to be used for human consumption. As some data on the toxicology of ammonium sulphate and calcium lignosulphonate are currently lacking, this cannot be done at this stage. However in the meantime, new studies on calcium lignosulphonate have been made available to the Commission and EFSA, who has

been asked to evaluate whether these data would require an update of its opinion on this substance.

Vote taken: Unanimity.

C.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EC) 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and meat products and traditionally smoked fish and fishery products and establishing a maximum level of PAHs in powders of food from plant origin for the preparation of beverages.

A temporary derogation from the application of the lower maximum levels for PAHs as of 1 September 2014 was granted for certain Member States for local production and consumption of traditionally smoked meat and meat products and/or fish and fishery products. The maximum levels applicable before 1 September 2014 continued to apply to those smoked products. The derogation covered generally all meat and meat products and/or fish and fishery products without giving specific names of foodstuffs.

It was provided that Member States concerned should continue to monitor the presence of PAHs in those products and to establish programmes to implement good smoking practices where possible and that after a three-years period, the situation should be re-assessed on the basis of all available information.

This re-assessment has taken place and following this assessment, it is foreseen to grant a derogation for local production and consumption without a time limit for certain traditionally smoked meat and meat products, fish and fishery products in certain Member States.

Furthermore, certain powders of food of plant origin, used for the preparation of e.g. beverages have been found to contain high levels of PAHs. The presence of high levels in these powders are the result of bad drying practices applied to these powders. These high levels are avoidable by applying good practices. Given that PAHs are genotoxic carcinogens, it is foreseen to establish a maximum level for PAHs in these powders which is achievable by applying good drying practices and which ensure a high level of human health protection.

No comments on substance were made on the draft Regulation. The Committee was informed that, after the internal consultation within the Commission is finalised, the draft Regulation shall be published for feedback.