



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 19 JULY 2017
(Section Novel Food and Toxicological Safety of the Food Chain)**

CIRCABC Link: <https://circabc.europa.eu/w/browse/b998b4f6-eb4f-4e1a-99f3-75bdc7b69cd3>

A.01 Points of information related to contaminants in food.

The Committee was informed on two draft Regulations which have been published on the better Regulation portal for a 4-week public consultation for feedback are foreseen to be published within short notice :

- draft Commission Implementing Regulation (EU) amending 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 (*published for feedback on 05 July 2017*).

Background was provided on the measures as published for feedback, providing justification for the changes introduced since the last discussion at the meeting of the committee on 19 June 2017 :

- draft Commission Regulation (EU) amending Regulation (EC) 1881/2006 as regards maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children (*to be published for feedback mid-August 2017*).

Background was provided on the measures as intended to be published for feedback, providing justification for the changes introduced since the last discussion at the meeting of the Committee on 19 June 2017. It was highlighted that the changes were made following comments from the Legal Service of the Commission.

The Committee was also informed of the publication of Commission Regulation (EU) No 2017/1237 of 7 July 2017 amending Regulation (EC) No 1881/2006 as regards a maximum level of hydrocyanic acid in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer in the Official Journal of the European Union on 8 July 2017 (L 177, p. 36). The Committee was informed that the unit of the maximum level was missing that a corrigendum shall be published. It was confirmed that the maximum level is 20 mg/kg.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation establishing mitigation measures and benchmark levels to reduce the presence of acrylamide in food.

The draft Commission Regulation has been published on 9 June 2017 on the better regulation portal for a 4-week public consultation (http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-2895100_en). The period of public consultation ended on 7 July 2017.

In total, 73 comments were submitted. However 2 comments were resubmissions of already provided comments because the initial submission was incomplete. Therefore in total 71 comments received. Most comments were received in the last days of the public consultation.

Of these 71 comments, 5 comments were received from EU citizens, 5 from consumer organisations/NGO's, 57 from business associations, 2 from individual companies, 1 from a research association and 1 from a public authority.

More in detail, comments were received from :

- the following consumer organisations/NGO's : SumOfUs/Changing Markets, SAFE, BEUC, Test Achats (Belgium) and Norwegian Consumer Council (Norway);
- the following individual companies : SanoRice (Netherlands) and Zeracryl AS (Norway);
- the following research association : EuCheMS (European Association for Chemical and Molecular Sciences);
- the following public authority : Kantonaes Labor Zürich (Switzerland);
- the following 57 business associations representing the following sectors and regions/countries;
- 15 EU associations and 42 national/regional associations;
- 15 EU associations representing farmers (1), hotel/restaurant (3), retailers (1) and food industry in general (1) and specific food sectors: bakers (3), coffee (1), confectionary (1), snacks (1), breakfast cereals (1), potato processing (2);
- 42 national/regional associations representing farmers (FR-2), retailers (UK, DE), food industry in general (IT-2, PT, DE, SV, FIN, DK) and specific food sectors : bakers (BE, IT, DE), confectionary (ES, BE), coffee (PT), breakfast cereals (PT), potato processing/French fries (NL, ES, BE, FIN) 20 reactions/comments have been received from the hotel/restaurant sector: IT, DK, AUT, UK, NL, FR, BE, DE-13. From the 13 reactions from DE, 11 were from DEHOGA (Deutschen Hotel - und Gaststättenverband - different Länder).

The comments relate mainly to the following issues (not exhaustive) :

- the need to set maximum levels for acrylamide in food to provide effective consumer protection
- the need for official controls
- the need for a clearer delineation between different categories of food business operators

- the use of colour guides
- the importance of home cooking and raising consumer awareness
- the fear that this draft Regulation would make certain traditional culinary practices impossible or prohibit the placing of the market of certain traditional foods
- certain benchmark levels are unrealistically low
- the envisaged measures would put a disproportionate burden on small businesses.

The Commission's representative provided following clarifications :

- as outlined in recital 15 of the draft Regulation, the Commission shall initiate the discussions on the setting of maximum levels for acrylamide in certain foods. The setting of maximum levels is in addition and complementary to the measures provided for in this draft Regulation;
- as outlined in recital 14 of the draft Regulation, Member States have to ensure compliance with this Regulation and to perform therefore regularly official controls. Further discussions with the Member States shall take place within the Expert Committee "Industrial and Environmental Contaminants" to ensure a uniform enforcement approach across the EU;
- food business operators are grouped in different categories in order to ensure that the mitigation measures that have to be applied are adapted to the size and nature of their operation. The different categories are defined in article 2 of the draft Regulation and suggestions made to improve the description of the different categories have been taken into account. The Commission indicated to discuss within the Expert Committee "Industrial and Environmental Contaminants" specific requests to which category certain food business operators belong to in order to ensure a uniform enforcement approach across the EU. It was furthermore clarified that the different categories of food business as described in Article 2 reflect largely the membership of the following EU professional organisations and which mitigation measures are to be applied;
- mitigation measures in Annex I: membership of FoodDrinkEurope and International Association of Plant Bakers (AIBI aisbl);
- mitigation measures in Annex IIA : membership of UEAPME (European Association of craft, small and medium-sized enterprises), HOTREC (Umbrella association for hotels, restaurants, cafés and similar establishments in Europe), FoodServiceEurope (European contract catering sector), Eurocommerce (retail and wholesale sector in Europe);
- mitigation measures in Annex IIA and IIB : Serving Europe (Branded Food and Beverage Service Chains Association);
- the use of colour guides : in reply to the comments made, the Commission indicated to recommend the use of one single colour guide (e.g. for French fries: the colour guide available at <http://goodfries.eu/en/home/>) and to address in cooperation with the competent authorities of the Member States and professional organisations the (practical) issues raised during the consultation as regards the use of these colour guides;

- the importance of home cooking and raising consumer awareness. The Commission announced to have the intention to undertake initiatives in cooperation with competent authorities of the Member States and consumer organisations/NGO's to raise consumer awareness and to highlight the importance of good home cooking practices in relation with lowering the exposure to acrylamide;

- the expressed allegation that this draft Regulation would make certain traditional culinary practices impossible or would prohibit the placing of the market of certain traditional foods. The Commission representative stressed that this allegation is not true and it has never been the intention of the Commission to prohibit by this Regulation certain traditional culinary practices and/or certain traditional foods. The draft Regulation obliges food business operators with respect to the culinary practices and the recipe of traditional foods, to apply mitigation measures (i.e. choosing for those options which result in a level of acrylamide as low as reasonably achievable) without changing the nature and the organoleptic characteristics of the traditional food. Although according to the Commission representative, this was already clear in the draft Regulation submitted for public consultation, further clarifications have been introduced following the consultation to avoid any possible confusion in this regard;

- in relation with the comments that certain benchmark levels (crisps, breakfast cereals coffee) are unrealistically low. It was re-iterated that benchmark levels are performance indicators to be used to verify the effectiveness of the mitigation measures and are based on experience and occurrence for broad food categories. They have been established at a level as low as reasonably achievable with the application of all relevant mitigation measures. They have been determined taking into account the most recent occurrence data from the EFSA's database, whereby it is assumed that within a broad food category, the level of acrylamide in 10 to 15 % of the production with the highest levels can usually be lowered by applying good practices. However, it is acknowledged that the specified food categories are in certain cases broad and that for specific foods within such a broad food category there could be specific production, geographic or seasonal conditions or product characteristics for which it is not possible to achieve the benchmark levels, despite the application of all relevant mitigation measures. In such situations, the food business operator should be able to show the evidence that he applied the relevant mitigation measures.

It was again stressed that the concept of benchmark level is not to be confused with maximum level. The benchmark level is a performance indicator of the applied mitigation measures and cannot be directly used as reference to evaluate if a product can be placed on the market or not.

However, in case a very high level of acrylamide is found in a certain food, this food cannot be placed on the market, in application of the article 14 of the General Food Law 178/2002;

- in relation to the comment that the envisaged measures would put a disproportionate burden on small businesses, it was highlighted that the mitigation measures to be applied are adapted to the nature and the size of the food business and the obligations imposed on the food business operators reflect the mandatory requirements of the Codes of Practice elaborated by the sector organisations;

The draft Regulation submitted for public consultation has been amended to take into account the comments made during the public consultation. The amended draft Regulation was submitted to the Committee for opinion.

Following the discussions during the meeting some further changes have been introduced.

One Member State indicated not to be in favour of draft Regulation as they are of the opinion that it would be preferable to establish maximum levels to ensure a high level of human health protection and the use of the hygiene legislation as legal basis for these measures is questionable.

Three Member States requested to postpone the vote as they need more time to consult the stakeholders. The Commission representative indicated that during the two years of discussion, stakeholders have been extensively consulted. All the changes introduced in the version which was published for the 4-week public consultation (feedback mechanism) on the better regulation portal, were taking into account the comments made during this consultation and comments received from Member States. The changes were mainly clarifications/rewording based on comments from industry/professional stakeholders to have a correct interpretation of the legal text for the benefit of the stakeholders. Furthermore the Committee was reminded that already in the meeting of the Committee in February 2017, several Member States expressed concern as regards the timeline and highlighted the need not to further delay the adoption of the envisaged measures obliging food business operators to apply mitigation measures to reduce the presence of acrylamide.

One Member State indicated not to be able to support the draft Regulation as it would be appropriate to have a better delineation between the different categories of food business operators, the good fertilisation practices to keep asparagine levels in cereals low should only be obligatory in case of exceedance of benchmark level and the date of entry into application should be 6 months instead of 4 months after the entry into force.

The Member State which received the proxy vote of another Member State was not sure if the mandate for vote given covered also the changes introduced during the meeting and did therefore abstain for that Member State.

All other Member States supported the draft Regulation as this draft Regulation shall effectively result in a reduction of the presence of acrylamide in food and contribute to a high level of human health protection.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex VII to Regulation (EC) 882/2004 of the European Parliament and of the Council as regards the EU reference laboratories in the field of contaminants in feed and food.

The Committee was informed that the evaluation of the applications received following the call for applications to select and designate an EU reference laboratory in the areas of metals and nitrogenous compounds in feed and food, of processing contaminants and of mycotoxins and plant toxins in feed and food has been finalised and is now in the process of being finalised from an administrative point of view. The

applicants shall be informed of the outcome of the evaluation in the course of next week. Only thereafter the draft Regulation can be completed with the insertion of the names of the respective laboratories selected for the different areas.

The Committee was informed that the Commission services have the intention to submit the completed draft Regulation for opinion by written procedure in the coming weeks.

No comments were made on the content of the draft Regulation.

Vote postponed

M.01 A.O.B.

The Committee was informed that the envisaged measure as regards bisphenol A (BPA) is under finalisation within the Commission services and it is expected that the draft measure shall be published for a 4 week public consultation for feedback on the better regulation portal in the latter part of August 2017. The version to be consulted on includes an amendment to the previous version discussed with Member States in 2016. The competent authorities of the Member States shall be informed on the draft measure a few days before the launching of the public consultation for feedback. A discussion in detail is foreseen at the working group meeting Food Contact Materials scheduled in September 2017.