

07/10/2020

**CODEX COMMITTEE ON CONTAMINANTS IN FOOD
14th Session**

**European Union comments on
Codex Circular Letter CL 2020/52/OCS-CF:**

**Request for comments on MLs for methylmercury in additional fish
species, including sampling plans and other risk management
recommendations
(CX/CF 20/14/11)**

European Union Competence

European Union Vote

The European Union (EU) welcomes and appreciates the work done on the setting of maximum levels (MLs) for methylmercury in additional fish species by the electronic Working Group chaired by New Zealand and co-chaired by Canada.

The EU would like to make following comments:

a) Maximum levels

The EU agrees to start work on the establishment of MLs for orange roughy and cusk-eel. Based on data in Appendix II, the EU could support an ML of 0.80 mg/kg methylmercury of orange roughy, which would result in a 3% rejection rate for the global data set. For cusk-eel, the EU could support an ML of 1.0 mg/kg, which corresponds to a 4% rejection rate for the global data set.

The EU would like to confirm its position on the selection criteria of 0.3 mg/kg as the minimum average methylmercury content in fish species for the setting of ML. Also fish species containing lower methylmercury content could contribute to overall dietary exposure.

b) Sampling plans

General observation

The EU would like to emphasize that established MLs should be applied to fish throughout the whole chain regardless the stage of food chain where the samples were taken (i.e. MLs should be applied also to fish and fish products placed on the market for final consumer).

The sampling provisions relate to the sampling of whole fishes. The EU is of the opinion that it might be appropriate to provide specific sampling provisions for fish products.

The EU can support, for specific fish species, a further collection of information on the correlation between methylmercury content and fish length for the fish species for which an ML is established or in discussion to develop a sampling plan.

The EU is in favour of a general sampling plan for all fish species with the possibility of specific provisions for specific fish species taking into account lot variability, average size and economic impact related to the sampling procedure. This sampling plan should be designed for lots of fishes of comparable weight/length and for lots of fishes of different weight/length.

In case data for specific species would show that the distribution of methylmercury within the fish significantly differs, exemptions from the general sampling plan could be made for specific fish species.

Clear guidance should be added on division into lots/sublots, taking incremental samples and preparing an aggregate sample in case of large fishes.

As regards the request for data as referred to in point i)

- the EU can provide the data on the presence of (methyl)mercury in tuna, shark, alfonsino, marlin, orange roughy and cusk-eel with information on the sampling procedure,
- the EU has no data available on the correlation of fish length or weight with methylmercury concentration for shark, alfonsino, marlin, tuna species aside from bluefin, orange roughy and cusk-eel, and

- the EU has no data available on tissue distribution of methylmercury for shark, alfonsino marlin, orange roughy and cusk-eel.

As regards the call for data as referred to in point ii)

- The EU can support a call for data on correlation of fish length or weight with methylmercury concentration for shark, alfonsino, marlin, tuna species aside from bluefin, orange roughy and cusk-eel, and

- The EU can support a call for data on tissue distribution of methylmercury for shark, alfonsino, marlin, orange roughy and cusk-eel.

As regards the information on sampling plans as referred to in point iii)

The EU refers to the following information:

- Specific provisions for the sampling of large fish arriving in large lots are described in Commission Regulation (EC) No 333/2007¹ of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs.

- In Annex II to Commission Regulation (EU) 2017/644² of 5 April 2017 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs, specific provisions for the sampling of lots containing whole fishes of comparable size and weight and for sampling of lots of fish containing whole fishes of different size and/or weight are set. Although these provisions are focused on the presence of dioxins in fishes, they can be used as a basis for sampling procedure also for methylmercury in fish (this is relevant for following points too).

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1600864918582&uri=CELEX:02007R0333-20191214>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1600866362317&uri=CELEX:32017R0644>.

- A guidance on sampling of whole fishes of different size and/or weight³ (for dioxins) is available.
- A report⁴ from IVL Swedish Environmental Research Institute on impact of cooking methods, uncertainty of chemical analyses and differences between parts of the fish on dioxin and PCB concentrations in salmon and herring from the Baltic Sea.

c) Other risk management recommendations

The EU welcomes a guidance for such recommendations. This guidance could contain for example recommendations:

- On sorting by size (weight/length) to have more representative lots
- To market only small fish (usually less contaminated, to prevent the food waste)
- On trimming of fish

These recommendations need to be supported by data demonstrating the effectiveness of the measures to reduce the presence of methylmercury in fish.

³ https://ec.europa.eu/food/sites/food/files/safety/docs/cs_contaminants_catalogue_dioxins_guidance-sampling_exemples-dec2006_en.pdf.

⁴ <http://www.sisdioxin.se/uploaded/rapporter/Rapport%20Impact%20cooking.pdf>.