EUROPEAN COMMISSION

Health and Food Safety Directorate General

sante.ddg2.g.5(2020)8230623

Standing Committee on Plants, Animals, Food and Feed
Section *Novel Food and Toxicological Safety of the Food Chain*
17 November 2020

CIRCABC Link: *https://circabc.europa.eu/w/browse/2d53f684-cadf-41b6-92d8-f737e3dde7ef*

SUMMARY REPORT

A.01 Feedback on the recent work of the PAFF Expert Group on Food Contact Materials (FCM).

During the Working Group, the latest amendment to Regulation (EU) No 10/2011 was shortly discussed. The ongoing issue of styrene was discussed in detail. The Commission services explained that the introduction of a migration limit for styrene is being considered, based on a precautionary approach, following an EFSA opinion which could not exclude genotoxicity. Given the complexity of the available data and a possible need to generate new data, it could take EFSA several years to conclude on the toxicology of the substance. The purpose of a migration limit would therefore be to limit exposure from Food Contact Materials (FCM) to approximately 20% of the exposure from all sources, dietary and non-dietary. According to the EFSA opinion, that level of exposure from styrene-based plastics would already be achieved in most foods, therefore the consequences to the market should be moderate. Styrenics/Plastic Europe however stated that the present procedures for verification of compliance would give a large overestimation of the migration levels, and thus marketing of most styrene plastics would no longer be possible, suggesting introducing a regular SML of 2 mg/kg would in their view be more appropriate. The Commission and Member States subsequently discussed, and it was concluded that, while introducing a limit would be the right approach, it should have an appropriate basis. Further consultation is thus needed to understand the effects of a limit on the marketing of styrene based FCM. The Commission will continue its work on this issue over the next few months.

Regarding future amendments to the plastic Regulation, the Commission services explained that the work is still on-going to find a satisfactory approach to regulate biocides in FCM in view of the biocidal product Regulation. The Commission further explained that the possible introduction of a risk assessment policy as defined under CODEX procedures is being discussed with EFSA. There was a discussion about the Declaration of compliance (DoC) and its template for plastics and recycled plastics. The introduction of a template-based approach to the Declaration of Compliance is being considered, and the Commission services discussed the structure of such a possible future document. The Commission presented an overview of the initial findings from the 2019 control exercise by Member States under Commission Recommendation 2019/794. In general the results indicate high levels of compliance

except for melamine-plastic and in particular, where materials also contain bamboo. This particular issue was also covered as an A.O.B. point, and a follow up meeting between Member States is envisaged to further discuss enforcement action.

The Commission gave an update on the progress with the FCM evaluation and new initiative announced in May 2020. A number of documents have been published on the Commission's website, including the supporting study. The Commission also drew attention to the published BTSF Workshop report on strengthening Member States' response to Union audits on FCM, and encouraged its dissemination and uptake by Member States. In addition to the timeline for the FCM initiative, it highlighted the links with the Farm to Fork Strategy, the Circular Economy Action plan including action on packaging and plastics, and the recently adopted Chemicals Strategy for Sustainability. A short update on the impact assessment on ceramics (*to lower migration limits for lead and cadmium, and set new limits for arsenic, aluminium, barium, cobalt, chromium and nickel)* was given. The evaluation for the supporting study was successful and the contract is expected to start end of this year. Terms of reference and the study proposal will be shared once the contract is signed. The Commission services proposed the contractor to give a presentation at the next WG. The Commission reiterated that effort will be made to ensure adequate consultation of artisanal and traditional producers, expected to be most affected by such a measure. Arrangements will be made to mitigate the impact of Covid-19 and the difficulty to do on-site visits and data collection. The overall timeline has not changed with the IA still expected to be finalised in 2021 and a new measure in place early 2022.

The Working Group also discussed the mandatory requirement for official laboratories, NRLs and EURLs to be accredited for all methods they use for official control activities. The Commission presented its proposed approach to harmonise flexible scope accreditation for FCM across the EU and develop a network of official laboratories specialised in different groups of methods (with different flexible scopes, covering together the broad range of substances, matrices and techniques used in FCM). As a first step, the Commission proposed to create a list of designated official laboratories and the methods they are accredited for. An overview of who is accredited for what is an essential starting point for any further work. Several Member States confirmed that accreditation was complex and some form of derogation was needed. One proposed the approach taken in the pesticides guidance, based on "commodity groups". The Commission concluded it will explore further whether the harmonisation and specialised network approach would be feasible, check with people involved in controls whether and how a derogation under article 41 of the Official Controls Regulation could help, and to get back to the Working Group with a more concrete proposal, as well as a template to establish the list of Official Laboratories and methods.

Other outstanding matters regarding personal data protection, bamboo fibres in plastics and guidance documents were shortly discussed. Presentations were given by the Chair of the EDQM on the Council of Europe's work on a general resolution on FCM and by the cross-sector group on the FCM evaluation and work being undertaken by industry on FCM.

A.02 Status of buffered vinegar.

This opinion is that of the Standing Committee on Plants, Animals, Food and Feed and has not been adopted or endorsed by the European Commission. The views may not in any circumstances be regarded as stating an official position of the Commission. This opinion is intended to assist national authorities in the application of Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives. Only the Court of Justice of the European Union is competent to authoritatively interpret Union law.

Vinegar is the liquid produced from acetic acid fermentation of liquids (*e.g. wine, cider*) or other substances from agricultural origin (*e.g. fruits, cereal grains*). Vinegar has a pungent smell, typical acidic taste and pH usually ranging between 2-3,3. It is commonly used for its organoleptic properties as a characteristic food ingredient in vegetable salads, pickling liquids, sauces, marinades or as a condiment on its own. Acetic acid (*also used as a food additive E 260*) when diluted with water (*4-30 % by volume*) could be used as a food or food ingredient in the same manner as vinegars from agricultural origin. In some Member States, only vinegars obtained from the fermentation of agricultural products are allowed to be named 'vinegars', whilst in others diluted acetic acid could also be marketed as 'vinegar'.

The use of vinegar-based products, which are buffered and/or dried, has been reported. Such products are called "buffered vinegar", "dried vinegar" or "vinegar powder", or just "vinegar" (*thereinafter referred to as "buffered vinegar").* The pH of buffered vinegar is adjusted, to be higher than 4,9, for example, through the use of or addition of additives such as sodium carbonates (E 500) and/or sodium hydroxide (E 524) or similar acidity regulators or following a fermentation with specifically selected food cultures. This is to optimise its preserving effect and avoid an effect on the taste and colour of the foods to which buffered vinegar is added.

Buffered vinegar has only a very slight vinegar flavour or no strong distinctive flavour at all (*sometimes called "a balanced flavour profile*"). It is sold business-to-business as an ingredient for certain foods such as meat, poultry and fish preparations/products. Buffered vinegar is used in particular for its preserving effect in the food due to the subsequent formation of sodium acetates (*E 262*) or other additives.

The Committee unanimously concluded the following:

Buffered vinegar is considered neither as a substance normally consumed as food in itself, nor as being used as a characteristic ingredient of food.

In line with the Standing Committee statement on the use of plant extracts rich in constituents performing a technological function of 17 September 2018[1], the Committee considered that the use of "buffered vinegar" where it delivers a technological effect in the foods to which it is added represents an intentional use as a food additive.

Consequently, such use is deemed to meet the definition of a food additive and so it shall comply with the conditions set out in the food additive legislation (*including relevant specifications*) and be labelled in accordance with the appropriate provisions for labelling of food additives.

[1] https://ec.europa.eu/food/sites/food/files/safety/docs/reg-com_toxic_20180917_sum.pdf

Only food additives listed in the Union list may be placed on the market as such and used in foods under the conditions of use specified therein. Inclusion on the list of approved food additives may be requested by means of an application made in accordance with Regulation (EC) No 1331/2008[2].

A.03 Feedback on topics discussed in recent meeting of the Working group on residues of veterinary medicinal products in food of animal origin.

The Committee was informed about the discussion on a new implementing act on controls of residues of veterinary medicinal products which lays down uniform practical arrangements for the performance of official controls, regarding the minimum sampling frequency, additional arrangements and additional content in respect of the Member States' multi-annual national control plans. Discussion will continue at the next meeting of the Working group. The Member States were informed on the changes related to the submission of national residues monitoring plans in 2021. The content of the information to be provided by Member States remains, but the submission will be done electronically by email to a functional mailbox.

A.04 Exchange of views on the alignment to the Official Control Regulation (Regulation EU) 2017/625) of the control provisions provided in Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station.

The draft Implementing Regulation aligning the control provisions in Implementing Regulation (EU) 2016/6 to the Official Control Regulation (EU) 2017/625 was presented. The envisaged changes are similar to the control provisions as provided in the Commission Implementing Regulation (EU) 2020/1158 on the conditions governing imports of food and feed originating in third countries following the accident at the Chernobyl nuclear power station. Delegations indicated to need more time to examine the text. The Commission representative indicated that it would be appropriate to provide comments, if any, in writing in the coming weeks in view of the presentation of the draft Implementing Regulation for opinion at the next meeting of the Standing Committee.

A.05 Brexit preparedness.

The Committee was reminded that the transition period provided in the EU-UK Withdrawal Agreement will come to an end on 31 December 2020 and, as a result, on 1 January 2021 the UK will leave the Internal Market and the EU Customs Union, with the exception of Northern Ireland, that will remain aligned to certain provisions of EU law.

[2] Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings, OJ L 354, 31.12.2008, p. 1.

The Commission has published on its website in the past months a number of stakeholder notices, including on food legislation falling within the remit of this section of the Standing Committee, in order to ensure that the EU is fully ready to manage this new situation. The notices are available at: https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/notice_for_stakeholders_food_law.pdf).

No questions were put forward or issues raised during the meeting.

A.06 Feedback and exchange of views on topics discussed in recent meetings of the Working groups on contaminants.

The Committee was informed of the following topics

a) Mineral oil aromatic hydrocarbons (MOAH) in processed cereal based foods for infant and young children

The available analytical results in the EFSA database on the presence of mineral oil aromatic hydrocarbons (MOAH) in processed cereal based foods for infant and young children were examined in detail.

It is evident that several reported quantified results were not obtained with a method of analysis complying with the guidelines provided for in the Joint Research Centre (JRC) guidance and the conclusions of the workshop of 5 December 2019.

Therefore, there is no need for an immediate specific regulatory follow-up . As regards the presence of MOAH in processed cereal-based foods for infants and young children, it will be considered in the setting of maximum levels for mineral oil hydrocarbons (MOH, mineral oil saturated hydrocarbons (MOSH) and MOAH) following an updated EFSA opinion as regards toxicity and exposure assessment.

b) PAH in instant coffee

Based on the available analytical data, it is appropriate to provide, with a next amendment to Regulation (EC) 1881/2006, for an exemption of instant/soluble coffee from the maximum level for PAH established for powders of food of plant origin for the preparation of beverages.

c) Acrylamide in food

The European Parliament has objected the establishment of maximum levels for acrylamide in biscuits and rusks for infants and young children, other cereal based foods for infants and young children and baby food, as the proposed maximum levels, in its views, were not strict enough and the scope was too limited (maximum levels for more foods should have been proposed).

Based on EFSA occurrence data on acrylamide from 2016 up to 2020, the following regulatory measures in relation to the presence of acrylamide are currently under discussion.

a. Review of the benchmark levels provided for in Regulation (EC) 2017/2158

b. Discussion on the setting of maximum levels for foodstuffs including foods for infants and young children

c. Establishment of benchmark levels for certain foods targeted by Commission Recommendation (EU) 2019/1888

d) MCPD-esters and glycidyl esters

Discussion on the setting of maximum levels in foods on whole weight basis such as baby food, (fine) bakery wares, … (i.e. foods other than vegetable oils, fish oils, infant formula, follow-on formula and young child formula) has been started.

Particular attention has to be paid to the findings of very high levels of 3-MCPD esters and glycidyl esters in mono- and di-glycerides of fatty acids (E 471). It is foreseen, in the frame of the re-evaluation of this food additive, to provide for a maximum level for MCPD esters and glycidyl esters in its specifications. Awaiting the setting of possible maximum levels in the frame of Regulation (EU) 231/2012 (specifications for food additives), the Committee was informed that it is appropriate to take action in application of article 14 of the General Food Law in case of findings of very high levels of 3-MCPD esters and glycidyl esters in the food additive. A delegation highlighted that the establishment of a maximum level for MCPD esters and glycidyl esters in the specifications for E471 is urgently needed and informed about its intention to raise the issue in the Working Group on Food Additives.

e) Implementing act on controls on contaminants in food.

A draft Commission Implementing Regulation (EU) on uniform practical arrangements for multi-annual national control plans (MANCPs) and annual reports by Member States on contaminants in food and an accompanying guidance document are under discussion.

f) Information on topics related to agricultural contaminants

A meeting has been organised on 1 October 2020 at which stakeholder organisations had the opportunity to explain their concerns as regards the ongoing discussions on the establishment of maximum levels for T-2 and HT-2 toxin and review of the maximum levels for deoxynivalenol.

At a follow-up meeting of the WG Agricultural contaminants on 26 October 2020, the stakeholder comments and the information provided at the above-mentioned meeting on T2 and HT2 toxin and deoxynivalenol in cereals and cereal products were discussed in detail. Also the stakeholder comments on the suggested maximum levels for hydrocyanic acid in linseed and derived products and on tetrahydrocannabinol (THC) in hemp seed and derived products were discussed in detail. It was noted that no comments were received on the suggested maximum levels for cassava and cassava flour.

Furthermore, the EURL confirmed that it will finalise the report on the analysis of the potato glyco-alkaloids α-solanine and α-chaconine in view of the elaboration of a Recommendation on the monitoring of these glyco-alkaloids, identification of possible prevention measures and possible establishment of indicative values.

The discussion on maximum levels for aflatoxins in spices, herbs, cocoa products and the review of the maximum level for aflatoxins in almonds is ongoing.

g) Other issues

Illegal use of lead chromate in (counterfeit) turmeric from India

The Committee was informed of recent RASFF notifications related to the findings of very high levels of lead, chromium and mercury in counterfeit turmeric (curcuma) from India following the illegal use of lead chromate as a colour. These findings are of health concern and therefore Member States were requested to be very vigilant as regards the import of (counterfeit) turmeric from India and take the appropriate measures to protect public health, awaiting a possible EU safeguard measure.

Regulatory measures as regards ergot alkaloids and tropane alkaloids

Following a request from a delegation, the Commission representative informed the Committee on the status of the envisaged measures as regards ergot alkaloids and tropane alkaloids and indicated that it is foreseen to submit for opinion the draft Regulations establishing maximum levels for ergot alkaloids and tropane alkaloids at the next meeting of the Committee .

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending Regulation (EU) No 257/2010 setting up a programme for the re-evaluation of approved food additives in accordance with Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives.

The Commission presented the draft Commission Implementing Regulation amending Commission Regulation (EU) No 257/2010.

The Commission also informed Member States about the outcome of the feedback consultation on this draft Commission Implementing Regulation amending Commission Regulation (EU) No 257/2010. The consultation period ran until 2 November 2020, during which eight feedbacks were submitted by different stakeholders. In addition to a comment regretting the fact that the draft act was published for feedback in a single language, the feedback received concerned the following:

Some stakeholders stressed that Regulation (EU) 2019/1381 did not amend the Commission Regulation and that the legislator’s intention to have similar provisions in the context of the re-evaluation of approved food additives was not demonstrated. They considered that the re-evaluation was well underway and that the changes were neither required nor justified and that they may breach the principles of rule of law, legality and equal treatment.

Other stakeholders expressed support for the amendment allowing the provision of pre-submission advice in the context of the re-evaluation procedure of approved food additives.

Comments were made on the scope of the notification requirement, which, according to these stakeholders, should be strictly limited to studies 'commissioned or carried out specifically to support the re-evaluation of an approved food additive' and which should not cover studies which interested business operators cannot foresee to be used in the context of a call for data relating to a re-evaluation procedure. Questions were also raised about the justifications that would be considered 'valid' and about the fact that duplicate notifications could occur if the requirement to notify studies weighs on both 'interested business operator(s) or other interested parties' and 'laboratories and other testing facilities'. Finally, concerns were expressed that the consequences in the event of non-compliance with the notification requirement may be disproportionate.

Stakeholders stressed the need to ensure clarity in respect of the date of application of the amendments, in particular as regards procedures that would be already ongoing on 27/03/2021.

The Commission explained how those comments had been taken into account and presented the revised draft measure to Member States. The Commission considered it appropriate to ensure that the provisions applicable to the re-evaluation of approved food additives would be aligned to the extent possible with the new ones applicable to applications for the update of the Union list in respect of food additives. As concerns the notification requirement, the requirement for both 'interested business operator(s) or other interested parties' and 'laboratories and other testing facilities' to notify studies commissioned or carried out to support the re-evaluation of an approved food additive was maintained but the procedural consequences provided for by Article 32b of the Regulation (EC) No 178/2002 in case of non-compliance have eventually not been taken up nor adapted, taking into account the specificities of the programme for the re-evaluation of approved food additives. Finally, the recital concerning the date of application was clarified as the intention is for the new provisions to apply to re-evaluation or follow-up procedures that would be initiated after 27/03/2021, in particular calls for data launched as follow-up of EFSA opinions after that date.

Following up on the presentation, one Member State indicated that some points remained uncertain in particular because of the interaction with the practical arrangements of EFSA that are not yet adopted. It further asked the Commission to ensure that the new rules will not further delay the re-evaluation programme, will not compromise the use of data from Member States, will not unsecure results of studies carried on by Member States, and will not change the responsibility of EFSA, which is primarily risk assessment, nor affect the independence of EFSA from the risk management work, which is the responsibility of the Commission and the Member States.

Another Member State asked for clarification on the date of application and different drafting compared to the transitional measures laid down in Regulation (EU) 2019/1381.

The Committee delivered its opinion through a written procedure.

Vote taken by written procedure: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) authorising the change of the conditions of use of the novel food 'trans-resveratrol' and amending Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation (EU) authorising a change in the conditions of use of the novel food 'trans-resveratrol' under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure amends the conditions of use of the novel food 'trans-resveratrol' by removing the specific delivery formats, capsule or tablet form, as the only allowed forms of the food supplements containing the novel food 'trans-resveratrol' as listed in the Union list. Thus, the novel food will be authorised for use in any form of food supplements at the previously authorised maximum level.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

Vote taken by written procedure: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the placing on the market of 3'-sialyllactose sodium salt as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation amending Commission Implementing Regulation (EU) 2017/2470, authorising the placing on the market of 3'-Siallylactose sodium salt as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure authorises 3'-Siallylactose sodium salt to be used as a novel food in a number of foods and in food supplements intended for the general population excluding infants and young children.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

Vote taken by written procedure: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the placing on the market of 6'-sialyllactose sodium salt as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented to the Committee, via written procedure, the draft Commission Implementing Regulation amending Commission Implementing Regulation (EU) 2017/2470, authorising the placing on the market of 6'-Siallylactose sodium salt as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure authorises 6'-Siallylactose sodium salt to be used as a

novel food in a number of foods and in food supplements intended for the general population excluding infants and young children.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

Vote taken by written procedure: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising an extension of use and a change in the specifications of the novel food '2-Fucosyllactose/Difucosyllactose mixture' and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising an extension of use and a change in the specifications of the novel food "2 - Fucosyllactose / Difucosyllactose mixture" and amending Commission Implementing Regulation (EU) 2017/2470. The measure authorises the addition of one use category in the list of authorised uses of the novel food, and changes in the specifications, to remove references to a specific drying process used to produce the novel food, as other drying processes can also be used, to revise the description of the final novel food as produced, and to include a minor human identical oligosaccharide in the sum of the oligosaccharides comprising the novel food.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

Vote taken by written procedure: Favourable opinion.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation the placing on the market of partially defatted rapeseed powder from Brassica rapa L. and Brassica napus L. as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented to the Committee, via written procedure, the draft Commission Implementing Regulation amending Commission Implementing Regulation (EU) 2017/2470, authorising the placing on the market of partially defatted rapeseed powder from *Brassica rapa L.* and *Brassica napus L.* as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470. The measure authorises partially defatted rapeseed powder from *Brassica rapa L.* and *Brassica napus L.* to be used as a novel food in a number of foods.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

Vote taken by written procedure: Favourable opinion.

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation on the performance of analytical methods for residues of pharmacologically active substances used in food-producing animals and on the interpretation of results as well as on the methods to be used for sampling.

Commission Decision 2002/657/EC sets the requirements for the performance of analytical methods for pharmacologically active substances and the interpretation of results. The current provisions need to be updated, taking into account new scientific developments. Commission Decision 1998/179/EC sets detailed rules on official sampling for the monitoring of certain substances and residues thereof in live animals and animal products. Both decisions are based on Directive 96/23/EC, which is repealed by Regulation (EU) 2017/625. Therefore, the updated provisions should be integrated into the framework for official controls defined by Regulation (EU) 2017/625.

The Commission briefly explained the amendments to the text, which were finalised shortly before the meeting and provided additional explanations on some points raised by Member States during the discussion. The new provisions would not result in additional costs, as transitional measures have been included; also the new requirements will only apply to newly validated methods and will not require re-validation of existing methods. In order to address the concerns of some Member States, a footnote states that the future validations in lower concentration ranges only need to be performed where reasonably achievable.

For the calculation of CCα, in case of authorised substances for matrices or species for which no MRL has been set, the level of 0.5 times cascade MRL with the target 0.1 times cascade MRL, where reasonably feasible, shall be used. This leaves sufficient flexibility for Member States and prevents the need to buy new analytical devices. Official laboratories should be able to analyse lower levels than the MRL (*because all findings of authorised substances in animal tissues etc. for which no MRL has been set, should be considered as an illegal treatment, unless confirmed as used as a "cascade" MRL*). A reference in the Regulation is made to ensure a harmonised approach.

The Commission announced that it would launch the vote by written procedure in accordance with Article 3(5) of Regulation (EC) No 182/2011 shortly after the meeting of the Committee.

One Member State voted against and provided the following statement in support to its vote:

"As regards the validation using a concentration curve from 0.1 MRL: We understand that EFSA needs data to perform an assessment of the consumers' exposure but such requirements should apply only to methods used for analyse of samples taken under the national surveillance plan for production in the Member States (plan 2) as it is stated in draft regulation on uniform practical arrangements of multi-annual national control plans (MANCPs) (SANTE 11987-2017 Rev 9). It would allow EFSA to get the data they need and limit the time and expense for revalidation of the methods. Using a validation curve from 0.1 MRL would need to invest in more sensitive devices with no advantage for protection of consumer or control purposes at a time we all need to use our budget and staff in a more efficient manner. Moreover, requirements for methods of analysis to be used for pesticides and contaminants don't set such criteria.

As regards the decision limit at 0.5 MRL when no MRL is set for a species or matrix (residues from VMP use under cascade system): This approach does not comply with Regulation 2018/470, the Commission exceeds its competence: it is up to Member States to decide which actions they apply in such a case. It should force laboratories to validate the same method at two different CCα: one at 0.5 MRL (for "investigation about the respect of rules for treatment under article 11 of Directive 2001/82-cascade use") and one at MRL (for compliance with MRL to be used for control purpose in case of treatment under article 11 of D 2001/82 as set in Regulation 2018/470)."

Vote taken by written procedure: Favourable opinion.

M.01 Approval of the 2020 Member States' plans for monitoring of residues in accordance with Directive 96/23/EC.

At the previous meeting of the Committee, the Commission informed that the Member States' and UK's residue monitoring plans for animals and animal products had been evaluated by the Commission as foreseen by Directive 96/23/EC. The Commission could recommend the approval of 26 Member States' and UK's residue monitoring plans for 2020, with the exception of Malta. Since that time, Malta has provided the required information. Although there are still some deficiencies identified in the information provided by Malta, which need to be addressed without further delay, the Commission has proposed to approve all Member States' and UK's plans. The Commission reminded Member States of their obligation to submit their residue monitoring plans for animals and animal products on time, i.e. by 31 March each year, at the latest. The Committee was informed that this deadline will be strictly applied and any delay in submission, due to unexpected circumstances, shall need to be duly justified.

Member States raised no comments and the Committee approved all Member States' and UK's plans. The Commission will confirm this approval electronically via the Residue application.