

**SUMMARY RECORD OF THE  
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH  
HELD IN BRUSSELS ON 20 JULY 2007**

**SECTION TOXICOLOGICAL SAFETY OF THE FOOD CHAIN**

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President : Mrs Patricia Brunko

**1. Discussion and possible opinion on a draft Commission Regulation amending Regulation (EC) n° 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards Fusarium-toxins (SANCO/1989/2007)**

Maximum levels were established in 2005 for Fusarium toxins in cereals and cereal products, including maize and maize products. For maize, not all factors involved in the formation of Fusarium toxins, in particular zearalenone and fumonisins B<sub>1</sub> and B<sub>2</sub>, were precisely known. Therefore, the maximum levels in maize and maize products were foreseen to apply only from 1 July 2007 for deoxynivalenol and zearalenone and from 1 October 2007 for fumonisins B<sub>1</sub> and B<sub>2</sub>, in case no changed maximum levels based on new information on occurrence and formation are set before that time.

Recent information has been provided demonstrating that for the harvest 2005 and 2006 higher levels have been observed in maize than for the harvest 2003 and 2004 of mainly zearalenone and fumonisins and to a lesser extent deoxynivalenol, linked to the weather conditions. The foreseen levels for zearalenone and fumonisins are therefore under certain weather conditions not achievable for maize, even when applying prevention measures to the extent possible.

Therefore, this draft Commission Regulation amends the maximum levels for deoxynivalenol, zearalenone and fumonisin B<sub>1</sub> and B<sub>2</sub> in order to avoid a disruption of the market whilst maintaining a high level of public health protection.

The proposed amendments can be summarised as follows:

- a higher maximum level of zearalenone and fumonisins for unprocessed maize and resulting maize products ensuring the supply of unprocessed maize for food production, without endangering public health;
- exemption from the maximum levels for the maize intended for use in a wet milling process (for starch production). However all products and by-products from the wet milling process intended for food and feed respectively must comply with the relevant legislation;
- maize milling fractions are separated into two categories: smaller particle size fraction with a higher maximum level than for the larger particle size fraction
- retaining the current levels of deoxynivalenol for unprocessed maize and of zearalenone and fumonisins for maize based foods for infants and young children.

Comments were raised as regards the date of application, the fate of non-compliant consignments of large particle size milling fraction of maize, the maximum level for fumonisins in maize-based snacks. These comments were extensively discussed.

It is foreseen to apply the draft Regulation as from 1 July 2007 and the new maximum levels enter into force from 1 October 2007 onwards.

The Commission representative informed the Committee to initiate the discussions on possible maximum levels for T-2 and HT-2 toxin without delay.

The vote was taken on the draft Regulation and the Committee expressed a favourable opinion by unanimity

## **2. Exchange of views and possible opinion on a draft Commission Regulation (EC) as regards the suspension of the use of E 128 Red 2G as food colour (SANCO/2092/2007)**

The Commission presented the draft measure to the Committee which had been prepared following the recent opinion adopted by EFSA on Red 2G on the 5<sup>th</sup> July. In its opinion EFSA had stated that as Red 2G was extensively metabolised to aniline (which is considered to be carcinogenic in rats) it was prudent to consider Red 2G as of safety concern. The Commission considered that based upon this opinion it was appropriate to take a measure to suspend the use of this colour in foods within Europe. The Committee welcomed the draft Commission Regulation and expressed a favourable opinion by unanimity.

## **3. Draft Commission Decision amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods (SANCO/1114/2007)**

Item postponed.

## **4. Endorsement of the "Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins"**

The Guidance document aims at providing guidance to competent authorities for the control of compliance with the EU legislation on aflatoxins with a particular focus on the enforcement of the provisions of Commission Decision 2006/504/EC on special conditions governing certain foodstuffs imported from certain third countries due to contamination risks of these products by aflatoxins and will result in a more harmonised and uniform enforcement approach across the European Union on aflatoxins in foodstuffs .

The present guidance document concerns an update of an existing guidance document. The update is necessary due to changes in legislation and on issues where more clarification appears to be appropriate. In the guidance document, particular attention has been paid to the establishments able to perform sorting or other physical treatment, the fate of non-compliant consignments and on action as regards compound food produced from contaminated food ingredient and as regards compound food for which no specific maximum level has been established.

The guidance document contains a series of annexes with information on:

- list of establishments able to perform sorting and/or physical treatment to reduce aflatoxin content
- list of derived and compound foodstuffs for which following their usual composition the consignments have to be accompanied by a health certificate
- list of points of first introduction with contact details
- list of designated points of import with contact details
- specimen of health certificate from different countries concerned
- list of laboratories in the US authorised to perform the analysis for certification
- specimen of signatures of officials, authorised to sign health certificates on behalf of the competent authority (currently only for Iran, Turkey and US - it is foreseen to extend it for China, Egypt and Brazil).

- list of compound and derived foodstuffs with a short shelf life
- contact points in third countries

The Committee endorsed the document and the guidance document will be available on the website of Directorate General Health and Consumer protection as soon as possible in the English version and later on in all Community languages.

##### **5. Endorsement of an "uniform approach on enforcement of levels of contaminants of (processed) fish liver in oil"**

The Commission representative presented an information note on the history of the discussions, the current provisions, issues raised, the way forward and the risk management measures to be taken in case of a finding of a very high levels of contaminant.

Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs<sup>1</sup>, explicitly excludes fish liver and roes falling under code 0302 70 00 from the application of the maximum level established for lead, cadmium, mercury, benzo(a)pyrene and dioxins and dioxin-like PCBs in muscle meat of fish and fishery products (footnotes 24 and 34).

The question was raised if besides fresh fish liver also the processed fish liver is exempted from the application of the maximum level established for diverse contaminants in muscle meat of fish.

It was confirmed that, even if the processed fish liver is not explicitly excluded, it goes without saying that as the fresh fish liver is exempted also the processed fish liver is exempted from the maximum level and the current provisions in legislation provide evidence for that.

However the Commission representative indicated, to avoid any further confusion and discussion on this issue, to explicitly extend the exclusion of fresh fish liver in footnotes 24 and 34 of Regulation (EC) 1881/2006 to processed fish liver in a forthcoming amendment to Regulation (EC) 1881/2006.

The Commission representative stressed that even if no specific maximum level has been established for fresh and processed fish liver competent authorities have the responsibility to take the appropriate measures to protect public health based on following provisions in Community law :

- Article 2 of Regulation (EC) 315/93 of 8 February 1993 laying down Community procedures for contaminants in food<sup>2</sup>: "*Food containing a contaminant in an amount which is unacceptable from the public health viewpoint and in particular at a toxicological level shall not be placed on the market*"

- Article 14 of Regulation (EC) 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety<sup>3</sup> : "*Food shall not be placed on the market if it is unsafe*"

- In case it concerns the foodstuff canned fish liver in oil, the oil present in the can should comply with the maximum level established for fish oil for human consumption as it concerns in this case a fish oil (or with the maximum level established for vegetable oil in case it concerns a vegetable oil) as legislation requires that also foodstuffs used as ingredients have to comply with the legislation. However as regards this provision, some views were expressed that the oil in this case is not to be considered as ingredient as the fresh liver is put in the can without addition of oil and it is during the canning process that the oil moves out of the liver and is consequently separately present in the can.

<sup>1</sup> OJ L 364, 20.12.2006, p. 5. Commission Regulation replacing Commission Regulation (EC) No 466/2001 as from 1 March 2007.

<sup>2</sup> OJ L 37, 13.2.1993, p. 1

<sup>3</sup> OJ L 31, 1.2.2002, p. 1

After some discussion, **the Committee agreed that:**

- the maximum levels for muscle meat of fish do not apply to fresh and processed fish liver.
- this exemption of processed fish liver will be further clarified in the relevant footnotes of Commission Regulation (EC) 1881/2006 at the occasion of a forthcoming amendment . The phrasing will be discussed at the next meeting of the Expert Committee "POPs in food"
- the legal provisions in Community legislation provide a sufficient basis for appropriate action by competent authorities to protect public health by avoiding that very highly contaminated fresh and processed fish liver can enter the food chain.
- the discussions on the setting of a specific level for the sum of dioxins and dioxin-like PCBs in fresh and processed liver will be initiated at the meeting of the Expert Committee "POPS in food".

## **6. Better Training for Safer Food : state of play of the works and presentation of a DVD on the activity**

The Commission provided information pertaining to the Better Training for Safer Food initiative.

This covered :

- The background of the activity;
- The progress made in the implementation of the 2006-2007 training programmes;
- The plan for the 2008 training programme and the launching of the new call for tender procedures.
- The Better Training for Safer Food programme for Africa, expected to run 2008-2010 and dealing mainly with SPS issues.
- Communication activities related to the initiative, including a presentation of the first annual report and a viewing of a Video News Release (DVD) produced on the initiative.

The Member States showed interest and appreciation for the work done and for the information provided.

## **7. A.O.B.**

7.1. The Commission informed the Committee on the evolution of the co-decision procedure concerning the 3Proposal for a Regulation of EU Parliament and Council setting out requirements for accreditation and market surveillance" adopted by the Commission in February 2007. Potential consequences of the recent proposed extension of specific accreditation provisions to the food and feed sector will be followed-up in order to avoid any overlap and ensure consistency with food and feed law.

7.2. Benzene in soft drinks:

The Commission reminded the Committee of the issue of the possible formation, under certain conditions, of benzene in soft drinks as a result of the reaction of benzoic acid and other ingredients. The issue had previously been discussed at the meeting of the Standing Committee on the 31<sup>st</sup> March 2006. At the previous meeting Member States were informed that the soft drink industry had prepared guidance for manufacturers on methods for reducing the potential formation of benzene.

The Commission noted that following the previous meeting a few results had been notified in which the level of benzene was above the action level agreed of 10ppb, however the majority of the results seemed to indicate that the issue was generally resolved. As a year has now passed since the original discussion, the Commission asked Member States to provide any recent results they may have obtained from testing. This would allow a more thorough consideration of the issue and whether any further action is necessary. The Commission stated that they would also be writing to the soft drinks industry asking for an update on the action taken by manufacturers.

One Member State stated that they had tested some other foods containing benzoic acid and had also found benzene, although the levels were below 10ppb. The Commission asked for the results of any testing to be provided so that this could be shared with all Member States and considered overall.

Paola TESTORI-COGGI,  
Director  
(signed)