



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Brussels, SANCO – D1 (2009) 411740

**SUMMARY REPORT OF THE STANDING COMMITTEE ON THE FOOD CHAIN AND
ANIMAL HEALTH – PESTICIDES RESIDUES
15-16 OCTOBER 2009**

President: Michael Flüh, Head of Unit

24 Member States were present.

Cyprus was absent and represented by The Netherlands.

Lithuania was absent and represented by Latvia.

Malta was absent and represented by Italy.

Qualified majority: 255 votes and 14 Member States in favour.

Points for vote/note taking:

- 1. Opinion on a draft Commission Regulation amending Regulation (EC) N°1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards aflatoxins (Document SANCO/06326/2009).** (Legal basis: Regulation (EC) 315/93 - Regulatory procedure with scrutiny - Articles 5a and 7 of Decision 1999/468/EC)

Codex Alimentarius established a level of 15 µg/kg aflatoxin total in almonds, hazelnuts and pistachios intended for further processing and a level of 10 µg/kg aflatoxin total in almonds, hazelnuts and pistachios "ready-to-eat"¹ and is finalising the discussions on aflatoxin total in Brazil nuts.

The European Community has, with the support of all Member States and following the opinion from EFSA on this issue (see further), accepted the levels agreed at the Codex Alimentarius Commission.

The Scientific Panel on Contaminants in the Food Chain (CONTAM Panel) of the European Food Safety Authority (EFSA) adopted on 25 January 2007 an opinion on the potential increase of consumer health risk by a possible increase of the existing maximum levels for aflatoxins in almonds, hazelnuts and pistachios and derived products². Taking into account the conclusions of this opinion, alignment of EC

¹ Codex General Standard for Contaminants and toxins in foods (CODEX STAN 193-1995)
http://www.codexalimentarius.net/download/standards/17/CXS_193e.pdf

² Opinion of the Scientific Panel on Contaminants in the food chain on a request from the commission related to the potential increase of consumer health risk by a possible increase of the existing maximum levels for aflatoxins in almonds hazelnuts and pistachios and derived products. *The EFSA Journal* (2007) 446, 1-127.
http://www.efsa.europa.eu/cs/BlobServer/Scientific_Opinion/CONTAM%20_op_ej446_aflatoxins_en.pdf?ssbinary=true

legislation to the Codex maximum levels should have minor effects on consumer health risk. The CONTAM Panel has the same conclusion as regards the other tree nuts in a statement of 16 June 2009³.

The Panel concluded that exposure to aflatoxins from all sources should be as low as reasonably achievable, because aflatoxins are genotoxic and carcinogenic. The data indicate that reduction of total dietary exposure to aflatoxins could be achieved by reducing exposure from food sources other than almonds, hazelnuts and pistachios.

It is therefore proposed to align EC legislation to the Codex Alimentarius levels for aflatoxin total, to set corresponding levels for aflatoxin B1, to establish a maximum level for apricot kernels, in line with the maximum levels proposed for almonds and to establish a maximum level for oilseeds other than groundnuts, in line with the existing maximum levels for groundnuts. However as aflatoxins are nearly completely removed by the refinement process of vegetable oils, it is appropriate to exclude oilseeds intended for crushing for refined vegetable oil. As milling removes the husk and consequently reduces the aflatoxin content, it is appropriate to apply the same approach for rice as the existing approach for maize i.e. a higher level of aflatoxin B1 and aflatoxin total for rice to be subjected to sorting or other physical treatment before human consumption or use as an ingredient in foodstuffs.

Following the presentation of the draft measure, the Standing Committee gave a favourable opinion by qualified majority.

One Member State could not agree as it is of the opinion that the increasing of the existing limit in particular for hazelnuts doesn't guarantee the consumer health. Another Member State does not agree with the increasing of maximum levels of aflatoxins for almonds, pistachios, hazelnuts and Brazil nuts but on the other hand agrees with e.g. establishing maximum levels for aflatoxins in oilseeds.

Vote: Favourable opinion by qualified majority (1 MS against, 2 Member States abstained, 24 Member States in favour).

³ Statement of the Scientific Panel on Contaminants in the Food Chain on a request from the European Commission on the effects on public health of an increase of the levels for aflatoxin total from 4 µg/kg to 10 µg/kg for tree nuts other than almonds, hazelnuts and pistachios. *The EFSA Journal* (2009) 1168, 1-11.
http://www.efsa.europa.eu/cs/BlobServer/Statement/contam_statement_ej1168_aflatoxin_other_treenuts_en.pdf?ssbinary=true

2. Opinion on a draft Commission Regulation amending Regulation (EC) N°401/2006 as regards groundnuts, other oilseeds, nuts, apricot kernels, liquorice and vegetable oil. (Document SANCO/06327/2009). (Legal basis: Regulation (EC) 882/2004 - Regulatory procedure with scrutiny - Articles 5a and 7 of Decision 1999/468/EC)

Certain provisions for sampling of aflatoxins in certain foodstuffs have to be amended to take into account developments in Codex Alimentarius and establishment of maximum levels of mycotoxins for new categories of foodstuffs.

To facilitate the enforcement of the maximum levels, it is proposed to apply the sampling provisions as agreed for by Codex Alimentarius for peanuts, almonds, hazelnuts and pistachios intended for further processing also to other tree nuts, apricot kernels and peanuts.

Maximum levels have been established for aflatoxins in oilseeds other than groundnuts and for ochratoxin A in spices, liquorice root and liquorice extract and therefore specific sampling provisions for these categories of foodstuffs are foreseen or reference is made to existing provisions where applicable.

The sampling of vegetable oils for the control of mycotoxins has specific characteristics and specific sampling rules are provided for.

Following the presentation of the draft measure, the Standing Committee gave a favourable opinion by unanimity.

Vote: Favourable opinion by unanimity

3. Any other business

3.1 Appointment of the evaluating Member States (Art. 6(4) and 8(3) to Reg. EC No 396/2005)

The Committee took note that for the MRL application concerning Lambda-cyhalothrin in oats and barley the evaluating Member State will be Sweden.