



EUROPEAN COMMISSION

HEALTH & CONSUMERS DIRECTORATE-GENERAL

Brussels, 23/03/2010
SANCO – D1(2010)D/410229

TELEFAX : FOR THE ATTENTION OF **ALL THE PERMANENT REPRESENTATIONS**
A L'ATTENTION DE **TOUTES LES REPRESENTATIONS PERMANENTES**
ZU HÄNDEN VON **ALLEN STÄNDIGEN VERTRETUNGEN**

MISSION **ICELAND** FAX BRUSSELS 02 230.69.38

MISSION **NORWAY** FAX BRUSSELS 02 234.11.50

COPY BY E-MAIL TO :

VASSALLO HARRY, CAB DALLI
VINCENT FREDERIC, COMM
VAN GOETHEM BENARD, DIR. D
POUDELET ERIC, DIR. E
GAYNOR COLM, DIR. F
MOYNAGH JAMES, 04
LADDOMADA ALBERTO, D1
PENNING WILLEM, D2
STRICKLAND ELLA, D3
VAN GELDORP PAUL, D4
GAVINELLI ANDREA, D5
ANDRE DOROTHEE, E1
VAN DYCK KOEN, E2
FLUEH MICHAEL, E3
MATHIOUDAKIS BASIL, E4
GARAU CARMEN, E5
BRUETSCHY CHANTAL, E6

EFTA SECRETARIAT FAX: 02-286 17 42

ESA SECRETARIAT FAX : 02-286 18 00

EFSA/Parma : Mme V. Villamar, M. D. Detken FAX : +39.0521.036.310
Mme L. Caratini

**SUMMARY RECORD OF THE
STANDING COMMITTEE ON THE FOOD CHAIN AND ANIMAL HEALTH
HELD IN BRUSSELS ON 8 FEBRUARY 2010**

SECTION "TOXICOLOGICAL SAFETY OF THE FOOD CHAIN"

Chairman : Mr M. FLUEH

All Member States were represented except Republic of Slovenia.

- 1. Exchange of views and possible opinion on a draft Commission Regulation 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**

(Document SANCO/10886/2009)

(Legal basis : Article 32 of Regulation (EC) N° 1333/2008 – Right of scrutiny of the European Parliament)

The draft measure aims to set the needs and the order of priorities according to which the food additives approved before 20 January 2009 are to be re-assessed for their safety by the European Food Safety Authority (EFSA). One Member State asked the deadline for the re-evaluation of preservatives and antioxidants in Annex II part II section 1 to be extended from 2013 to 2015 in order to allow time for the generation of additional data, if these are required by EFSA during the re-evaluation of these substances. One Member State asked for the addition of E 552 Calcium silicate to the priority list in Annex II, Part II, section 4 and another Member States wished to clarify in Article 6(3) that a call for additional data is also addressed to authorities of the Member States e.g. for information on human exposure and actual use levels (monitoring and surveillance).

The text was revised accordingly and the Standing Committee gave a favourable opinion with qualified majority.

- 2. Exchange of views and possible opinion on a draft Commission Directive amending the annexes to European Parliament and Council Directive 95/2/EC on food additives other than colours and sweeteners and repealing Decision 2004/374/EC**

(Document SANCO/10035/2010)

(Legal basis : Article 31 of Regulation (EC) 1333/2008 - Regulatory procedure with scrutiny (curtailed delay of 2 months))

The draft measure aims to amend the annexes to Directive 95/2/EC in order to authorise new food additives or extension of use of already authorised additives.

The Standing Committee gave a favourable opinion with qualified majority.

One Member State voted against for political reasons related to the authorisation of thrombin.

One Member State voted against because no authorisation was given to use Ethyl lauroyl arginate (ELA) as a preservative in food. The Commission explained that for this substance, following the discussions in the Working Group of Governmental Experts on food additives, additional advice is required from EFSA, to perform a refined dietary exposure assessment. In addition, the actual absorption of ELA via dermal exposure due to use in cosmetics needs to be clarified. The Member State claimed that at this stage, the use of the additive for surface treatment of cheese could have been included as this does not lead to any significant exposure that can be of concern.

Another Member State abstained for hygiene concern in combined meat products obtained via the use bovine and/or porcine thrombin, in particular as these products might be eaten raw.

3. Exchange of views and possible opinion on a draft Commission Directive amending Directive 2008/84/EC laying down specific purity criteria on food additives other than colours and sweeteners

(Document SANCO/10036/2010)

(Legal basis : Article 30(5) of Regulation (EC) 1333/2008 - Regulatory procedure with scrutiny (curtailed delay of 2 months))

The draft measure aims to lay down purity criteria for new food additives.

The Standing Committee gave a favourable opinion with qualified majority.

It was commented that there was no consistency in the use of symbols and descriptors, e.g. < 2 % or not more than 2 %. The Commission explained that this will be reviewed during the establishment of the specifications of food additives as required by Article 30.4 of Regulation (EC) No 1333/2008. Another comment was made in relation to the specifications of fibrinogen that could be removed since the authorisation of fibrinogen is not required.

4. Exchange of views and possible opinion on a draft Commission Directive amending Directive 2008/60/EC laying down specific purity criteria on sweeteners

(Document SANCO/10825/2009)

(Legal basis : Article 30(5) of Regulation (EC) 1333/2008 - Regulatory procedure with scrutiny (curtailed delay of 2 months))

Commission proposed a draft amendment of Directive 2008/60/EC in order to include purity criteria on neotame, a recently approved sweetener.

The Standing Committee gave a favourable opinion with qualified majority.

5. Exchange of views and possible opinion on a draft Commission Decision amending Decision 2002/840/EC as regards the list of approved facilities in third countries for the irradiation of foods

(Document SANCO/10032/2009)

(Legal basis : Directive 1999/2/EC, article 9(2) - Right of scrutiny of the European Parliament)

India applied for the approval of five food irradiation facilities for irradiation of food destined to the European Union. The Food and Veterinary Office performed an inspection, leading to a reduction to three facilities and a number of recommendations. After receiving the necessary guarantees that the recommendations have been followed and implemented, a proposal adding three Indian food irradiation facilities is now presented for an opinion.

A comparison of the legal framework on approval of food irradiation facilities in Member States and third countries was given, followed by a detailed presentation of the outcome of the FVO inspection, the recommendations and the Indian response to them. Subsequently, the proposal was presented for an opinion.

The Standing Committee gave a favourable opinion with qualified majority.

6. Exchange of views and possible opinion on a draft Commission Regulation imposing special conditions governing the import of guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins, and repealing Commission Decision 2008/352/EC

(Document SANCO/10740/2009)

(Legal basis : Regulation (EC) 178/2002 (Article 53 (1) b) (ii)) - Right of scrutiny of the European Parliament)

High levels of pentachlorophenol and dioxins have been found in certain batches of guar gum originating in or consigned from India in the EU in July 2007. Such contamination constitutes a threat to public health within the European Union. In response to this finding of elevated levels of PCP and dioxins, the Food and Veterinary Office (FVO) of the European Commission carried out an urgent inspection visit to India from 5 to 11 October 2007. The inspection team concluded that there were inadequate controls in place to ensure that this contamination does not occur again.

Therefore, the Commission adopted Decision 2008/352/EC of 29 April 2008 imposing special conditions governing guar gum originating in or consigned from India due to contamination risks of those products by pentachlorophenol and dioxins¹ to ensure public health protection.

A follow-up inspection mission of the FVO took place in India from 1-12 October 2009 to assess the control measures put in place by the Indian authorities to prevent contamination of guar gum with pentachlorophenol (PCP) and dioxins and to follow-up the recommendations of the mission that took place in October 2007.

Several serious deficiencies were observed during the mission and the findings indicate that the contamination of guar gum with PCP cannot be regarded as an isolated incident and that only the effective analysis by the approved private laboratory has prevented contaminated product being further exported to the European Union. There has been no improvement in the control system and no significant reduction in the risks associated.

Therefore this draft Regulation provides for additional measures to be taken by the competent authorities of India requiring official sampling, analysis and certification of all consignments of guar gum intended for export to the EU.

A few comments were made which have been included in the draft.

The Standing Committee gave a favourable opinion with qualified majority.

¹ OJ L 117, 1.5.2008, p. 42.

7. Exchange of views and possible endorsement of a draft Commission Recommendation on the monitoring of the presence of ergot alkaloids in feed and food

It is necessary to generate more data on the presence of ergot alkaloids, not only in unground cereals but also in processed cereals for human consumption and compound feedingstuffs and to relate the presence of ergot alkaloids to the amount of sclerotia present. It is recommended to focus this monitoring on the six predominantly present ergot alkaloids i.e. ergometrine, ergotamine, ergosine, ergocristine, ergocryptine and ergocornine, as recommended by the Scientific Panel on contaminants in the Food Chain of the European Food Safety Authority (EFSA) in its opinion related to ergot as undesirable substance in animal feed on 19 April 2005².

The significant time period between the adoption of the scientific opinion and the recommendation for monitoring of these ergot alkaloids is related to the fact that not for all ergot alkaloids, recommended for monitoring, analytical standards were available. These are now available since 2009.

The Committee agreed in principle to the recommendation but requested to discuss in detail some technical aspects in the Expert Committee "Agricultural Contaminants" and to consult also the section "animal nutrition" of the Committee.

8. Exchange of views and possible endorsement of the updated guidance document for competent authorities for the control of compliance with EU legislation non aflatoxins

Given the late availability of the document and that delegations needed to consult their control authorities on the proposed changes, the discussion on the updated guidance document was postponed to the next meeting of the Committee.

9. Consultation of the Member States on the possibility to re-examine Directive 2006/52/EC in particular in relation to the use of Nitrites in meat products

CLITRAVI, representing the meat processing industry in the EU, explained current uses of nitrites in meat products (for example the actions of nitrite in meat, the amounts of nitrite required, the fate of nitrite in meat products, possible formation of nitrosamines).

The stakeholder furthermore explained that 150 mg/kg is required in order to guarantee a sufficiently long protection against development of *Clostridium botulinum* during the whole shelf life of the products, as nitrite disappears over time. It was confirmed that it is possible to control this bacteria by maintaining the products at cooling temperature. In certain cases of dry cured ham safe products could even be produced without nitrites.

CLITRAVI confirmed that for certain products it might be possible to reduce the use of nitrite below 150 mg/kg. However all parameters need to be considered, e.g. the production process, the type of meat, cooling conditions, shelf life, hygiene condition.

During the further discussion, Member States agreed to support further work in this area, to consider possible reduction of the maximum limits. One Member State raised the issue of use of vegetable broths in order to circumvent the legislation. Another Member State asked for a proportionate approach and taking into account costs related to a possible reduction.

² Opinion of the Scientific Panel on Contaminants in Food Chain on a request from the Commission related to ergot as undesirable substance in animal feed The EFSA Journal (2005)225, 1 – 27.
http://www.efsa.europa.eu/en/scdocs/doc/contam_op_ej225_ergot_en1.pdf

10. Exchange of views on national activities on Bisphenol A and polycarbonate infant feeding bottles

The Commission services updated Member States on the state of play on Bisphenol A and informed them on the pending EFSA opinion and a risk assessment dialogue scheduled for April. Any national activities should be communicated to the Commission.

France indicated that they will evaluate the AFSSA opinion and inform the Commission on the outcome. Denmark informed on an initiative of the Danish Parliament asking the Danish Government for the preparation of a ban of Bisphenol A in all products intended for children under the age of 3.

11. A.O.B.

Michael FLUEH,
Head of Unit (signed)