Chairman:  Mr Patrick Deboyser

1. Exchange of views and possible opinion on a Draft Commission Decision concerning a draft Regulation from the Federal Republic of Germany on the labelling of fruits, vegetables and potatoes treated after harvesting

The Committee expressed a favourable opinion on the draft Commission Decision which opposes the German draft Regulation amending the Regulation on maximum residue limits with a view to adding to it specific provisions on the compulsory labelling of fruits, vegetables and potatoes treated after harvesting.

One Member State voted against and two Member States abstained.

At the request of a Member State, the Commission will present a paper at the next meeting of the Committee, on the situation of labelling these treatments in current EU legislation. This will launch a reflection on the possibilities of improving consumer information in this area.

2. Exchange of views and possible opinion on a Draft Commission Regulation (EC) No …/.. of … laying down detailed rules for the implementation of Regulation (EC) N° 178/2002 with regard to the network of organisations operating in the fields within the European Food Safety Authority’s mission

The Committee discussed the above mentioned draft proposal as amended to take into account the suggestions made by the Member States in the meeting of 11 June 2004.

Member States welcomed the revised draft subject to some further minor changes. A final draft will be submitted for vote in the next meeting.

3. Exchange of views and possible opinion on a draft Regulation on the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs for human consumption

The Committee had a new discussion on the draft proposal for a Regulation concerning the monitoring of temperatures in the means of transport, warehousing and storage of quick-frozen foodstuffs intended for human consumption. Most Member States suggested postponing for one year (01/01/2006) the obligation for all measuring instruments used for monitoring the temperature to conform to the relevant EN standards.
Several Member States requested a postponement of the vote considering that the text was not yet available in all languages.

In conclusion, the Committee invited the Commission to redraft the proposal taking into account the results of the discussion and submit the point for a vote in a future session.

4. Exchange of views on the labelling mention applying to fluoride for natural mineral waters
The Belgium representative presented a written request to postpone the entry into force (1st July 2004) of the labelling provision on fluoride - which applies to natural mineral waters (NMW) containing more than 1.5 mg/l of fluoride - until a fluoride removal treatment is authorised at E.U. level. Several other Member States have also stressed the need for a harmonised treatment within the shortest possible timeframe in order to avoid potential trade concerns.

The Commission rejected the Belgium proposal, arguing that the fluoride removal treatment is not intended to apply to all NMW above the labelling threshold and that this issue would be examined at a later stage on the basis of the assessment made by EFSA. The Commission confirmed that the entry into force of the labelling provision shall be applied by the Member states from the 1st July 2004 as laid down by Article 4 of Commission Directive 2003/40/EC.

The Commission requested the Member States to clarify if any of them have already authorised or tolerated the implementation of a fluoride removal treatment by industry. All the Member States have formally stated that no fluoride removal treatment has yet been authorised or tolerated by their Competent Authorities.

In conclusion, the Commission informed the Member States that due to the lack of technical dossier, no request for the assessment of fluoride removal treatment has yet been forwarded to EFSA. Contributions from Member States and industry representatives are expected within a couple weeks. The Commission expects to send an official request to EFSA by the end of September 2004.

5. Proposal for an amendment of Directive (EC) 84/500 (ceramics): for information in view of October meeting of Toxicological Safety Section
The draft Commission Directive provides for a declaration of compliance by the manufacturer, in particular with respect to the migration limits for lead and cadmium, as well as the maintenance of documentation on the analysis performed and the results. Several Member States expressed the need to lower the limits for lead, but all supported the present draft Directive as a good step forward. The draft Directive will be notified to the
WTO, in view of its presentation for the opinion of the Committee in the autumn.

6. Presentation and possible discussion on a working document proposing an amendment to Directive (EC) 2001/22 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs
The document was presented and discussed. General support was indicated, with some comments on the wording for recovery corrections for heavy metals. These will be taken into account in a revised document before consultation within the Commission.

7. Presentation and possible discussion on a working document on the further investigation into the levels of polycyclic aromatic hydrocarbons in certain foods
The document was presented and discussed. General support was indicated. The document will go to consultation within the Commission.

8. Discussion and agreement on way forward on an approach with regard to the inclusion of dioxin-like PCBs in the maximum levels on dioxins and furans
Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs 1 as last amended by Regulation 684/2004 of 13 April 2004 2, establishes maximum levels for dioxins and furans. This Regulation provides that the Commission shall review the maximum levels by 31 December 2004 with a view to the inclusion of dioxin-like PCBs in the levels to be set. At a meeting of the Expert Committee “Dioxins and PCBs” on 11 June 2004 different approaches to include the dioxin-like PCBs were discussed and the outcome of these discussions were presented for agreement at the meeting.

The Committee agreed that it is of major importance that the approach agreed for foodstuffs is coherent with the approach agreed for feedingstuffs.

After an exchange of views, the Committee could agree by large majority on the following:

* As from a toxicological point of view any level should apply to dioxins, furans and dioxin-like PCBs, the checking for compliance has to be done against the total TEQ (sum of dioxins, furans and dioxin-like PCBs) once these total TEQ maximum levels are applicable. In addition, it could be

---

1 OJ L 77, 16.3.2001, p. 1
2 OJ L 106, 15.4.2004, p. 6
appropriate that for a transitional period, besides compliance with the newly set maximum levels for total TEQ, also compliance is required with the current existing maximum levels on dioxins and furans.

* In order to determine the total TEQ values, occurrence data on dioxin-like PCBs are considered and the contribution of the dioxin-like PCBs to the total TEQ is derived from these data. This contribution of the dioxin-like PCBs combined with the current maximum levels on dioxins and furans results in the total TEQ maximum levels.

* Given that different sources of contamination exist for the presence in food of dioxins/ furans on the one hand and of dioxin-like PCBs on the other hand, it will be important that separate action levels are determined for dioxin/furans on the one hand and for dioxin-like PCBs on the other hand, as these action levels are a tool for competent authorities and operators to highlight those cases where it is appropriate to identify the source of contamination and to take measures for its reduction or elimination.

The Expert Committee will continue the discussions on the inclusion of the dioxin-like PCBs in the autumn on the basis of this agreed approach.

9. **ADDENDUM**

**Luminous confectionery (lollipops):**

This item was placed on the agenda following a letter from France dated 12 July 2004, announcing that some types of luminous confectionery had been suspended, in particular because of the risk of children swallowing the battery. Following discussion, it was agreed that this was a borderline case, which at present it did not lend itself to an EU wide measure based on specific food safety legislation. However, a harmonised approach was called for by some Member States. Therefore, it was agreed that all Member States would carry out market surveillance and that they would withdraw on a case by case basis the luminous confectionery which presented a risk (e.g. by not complying with the safety standards for toys, which place requirements on size and the fact that it should not be possible to remove the battery without the use of a tool). The Member States will inform the Commission of any such withdrawals. The Commission will ensure that information is shared between the Rapid Alert System for Food and Feed and the RAPEX system established under the Directive on General Product Safety.

10. **Miscellaneous**

- The Commission informed the committee again of the position with respect to the treatment of tuna with carbon monoxide or the process
called “clear smoking” (see records of the meetings of the Standing Committee of 7 April 2003, 17 July 2003 and 12 December 2003). The Commission stressed the need to ensure that controls were carried out so as to ensure a level playing field.

- On 2 July 2004, France had informed the Commission of the warnings issued concerning the consumption of the mushroom species *tricholoma auratum, tricholoma equestre and tricholoma flavovirens* (FR: *tricholome équestre*; there is currently no consensus on whether these three mushrooms are in fact the same species or closely related varieties) and that its importation and placing on the market had been suspended. There was a risk that the consumption of more than 100 g/week of this mushroom could give rise to acute rhabdomyolysis. This information had immediately been circulated to the Member States. At the meeting, France confirmed that it was not asking for EU wide measures to be adopted. The Committee took note of this information.

- The Commission informed that on 15 July 2004, the draft Commission Decision amending Decision 2002/840/EC adopting the *list of approved facilities in third countries for the irradiation of foods* had received a favourable vote. The purpose of the draft decision is to approve one irradiation facility in Switzerland and one in Turkey, following inspection by the FVO. Moreover, as a consequence of enlargement, it removes the irradiation plant in Hungary, which will now be added to the list of approved facilities in the Member States, published in the official Journal (series C) pursuant to article 7.4 of Directive 1999/2/EC.