A.01  Request for a temporary derogation from the maximum levels of deoxynivalenol, zearalenone and fumonisins in maize and maize products.

On 29 April 2014, DG Health and Consumers received from the French authorities a request for temporary derogation to the regulatory maximum limits for the *Fusarium* toxins deoxynivalenol, zearalenone and fumonisins for milling maize and its derived products for the 2013/14 campaign in the EU. Euromaisiers, the European Maize Millers Association, supports this request and indicate in their letter of 2 May 2014 that besides France, also other EU Member States are concerned.

Exceptional weather conditions in the growth season 2013 resulted in increased levels of mycotoxins in maize harvested in Europe that year despite application of good agricultural and storage practices. The very late sowing of maize in 2013 due to very long periods of cold and rain over the period from mid-April to late May and late harvest because of abundant rains end of October and November 2013 have resulted in high levels of these *Fusarium*-toxins in maize.

As a consequence, 30-50 % of the maize that was initially destined for the milling industry exceeds the regulatory levels for at least one mycotoxin. Maize millers use maize varieties that have particular and essential quality characteristics. For these reasons, milling maize varieties are produced under supply chain contracts to respond to the needs of the maize milling industries. The reduced availability of milling maize in the EU related to exceeding regulatory limits for mycotoxins causes a supply problem.

The maize harvested later in the year is the most contaminated. That means if the mills were able to procure maize so far, they might not find milling maize that complies with EU maximum levels to finish the campaign until the arrival of the next maize harvest in late 2014. Therefore, to allow the EU food maize supply chain to supply milling maize and meet the demands of its markets until the end of the campaign, the application of so called “derogation maximum levels” is requested for maize, maize milling products and maize-based foodstuffs produced from the harvest 2013 before 31 December 2014.
Upon receipt of the request for derogation, DG Health and Consumers asked EFSA on 5 May 2014 for a scientific statement assessing the possible increase of risk to human health related to a possible temporary derogation of the maximum level of deoxynivalenol, zearalenone and fumonisins for maize and maize based products.

EFSA delivered the scientific statement on 22 May 2014 [1].

The main conclusions of the assessment are that

- the estimated exposure to deoxynivalenol, zearalenone and fumonisins taking into account the current MLs is high and therefore reflecting a health concern;
- the generally low consumption of maize and maize based products in the EU, compared to other cereal-based products, result in a relative low impact for human exposure of a temporary increase in MLs for deoxynivalenol, zearalenone and fumonisins in maize and maize-based foods.

Given the justification provided for the need for a temporary derogation and the outcome of the risk assessment from EFSA and to ensure the EU food maize supply chain to supply milling maize and meet the demands of its markets until the end of the campaign, the Commission services proposed to the Member States to apply on a temporary basis for a limited period of time (i.e. maize from the harvest 2013 and maize products produced from maize from the harvest 2013 before 31 December 2014) specified derogation maximum levels for deoxynivalenol, zearalenone and fumonisins in maize and maize products.

The derogation maximum levels proposed by the Commission to be temporarily applied for deoxynivalenol, zearalenone and fumonisins are for several maize products lower than the levels assessed by EFSA and consequently the impact on human exposure of the temporary application of the derogation maximum levels would be lower than the already by EFSA estimated low impact.

During the discussion, some Member States expressed concerns for certain population groups such as young children and persons suffering from coeliac disease. The Commission representative stressed that the EFSA assessment has taken into account the consumption of maize and maize products by these population groups. One Member State questioned the anticipated shortage of supply for the maize milling industry.

Other Member States supported the request for temporary derogation.

Also the request was made to elaborate criteria, a frame for granting such a temporary derogation. The Commission representative indicated that such conditions and criteria have been already agreed at the occasion of the discussions related to a draft Regulation amending Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs as regards the procedure for temporary derogation as the consequence of extreme climatic conditions. The then agreed conditions and criteria for granting such a temporary derogation are completely fulfilled by this request.

Following the discussion, the Commission representative concluded that there was insufficient support for the request for a temporary derogation from the maximum levels of deoxynivalenol, zearalenone and fumonisins in maize and maize products.
and the statement providing for the acceptance of the requested derogation, was consequently not endorsed by the Committee.


A.02 Risk management measures as regards the presence of dioxins and PCBs in fish from the Baltic region.

The proposed risk management measures as regards the presence of dioxins and PCBs in fish from the Baltic region have been discussed in the Baltic working group on 18 March 2014 and on 23 April 2014. The measures relate to three fields:

• the establishment of a common database of all occurrence data on dioxins, dioxin-like PCBs and non-dioxin-like PCBs in fish species from the Baltic, with for certain fish species (herring, salmon, (sea) trout and sprat) indication, insofar available, of the age, size, weight and the geographical origin (ICES zone) for certain fish species. A Commission Recommendation shall be elaborated containing specific recommendations as regards the monitoring. This recommendation will contain specific quantitative recommendations as regards monitoring per fish species, per Member State and this taking into account the importance of the catch, the need to further fine tune risk management measures.

• common conclusions as regards the presence of dioxins, dioxin-like PCBs and non-dioxin like PCBs in certain fish species from a certain age, size and geographical region (ICES zone) and in particular as regards their compliance with the maximum level established in Regulation (EC) 1881/2006.

• common risk management measures to ensure that fish placed on the market in the EU complies with the maximum levels as established in Regulation (EC) 1881/2006.

Several delegations welcomed the document. One Member State neighbouring the Baltic Sea indicated to need more time for internal consultation before being able to agree on the proposed risk management measures.

Given the importance that all Member States neighbouring the Baltic Sea agree on the proposed risk management measures, the Commission representative concluded to resubmit the proposed risk management measures at the next meeting of the Committee for endorsement.

A.03 Tropane alkaloids in food.

Following the conclusions and the recommendation of the EFSA opinion on tropane alkaloids [2], the Committee endorsed a recommendation on the monitoring of tropane alkaloids in food.
The Commission representative committed to compile all monitoring recommendations endorsed by the Committee into one document and to publish it on the Commission’s website.


A.04 Feedback from the Expert Committee on environmental and industrial contaminants.

Discussions in the Expert Committee on environmental and industrial contaminants on maximum levels (MLs) for arsenic and lead in food seem to have stabilised.

Inorganic arsenic (As):

Discussions on the establishment of maximum levels for inorganic arsenic have been on-going for some time, essentially due to a decision in Codex Alimentarius to suspend work for two years.

Comparable to what is happening in Codex, separate MLs are considered for milled rice and for husked (brown) rice. Recent information clearly demonstrates an important effect of the parboiling process on the arsenic content for milled rice. During parboiling, the arsenic moves from parts of the kernel with a higher content (the husk and the outer layer of the kernel) to parts with a lower content (the inner part or endosperm). For milled rice, this leads to an increase of 54% justifying a specific ML for parboiled milled rice. As the parboiling process moves part of the arsenic from the outer layer of the rice kernel to the inner part, parboiled husked (brown) rice logically has a lower arsenic content than non-parboiled husked (brown) rice. However, as the decrease is only around 3 %, a specific ML for parboiled husked (brown) rice doesn't seem justified. As rice products such as puffed rice, rice cakes, rice wafers, rice cracker and rice doughnuts sometimes show very high levels in inorganic arsenic, discussions demonstrate a preference for a harmonised MLs for these products. Based on their rice and moisture content, the ML for such processed products would be approximately 15% higher than the MLs for the raw ingredients.

As infants and young children are amongst the most vulnerable groups of consumers, a specific ML for milled rice destined for the production of food for infants and young children (about 50% lower) is emerging from the discussions. Comments from the MSs concerned the definition of milled rice and possible control problems related to rice wafers. These will be further covered in the technical discussions in the expert committee which are expected to be finalised in autumn.

Lead (Pb):

EFSA's 2010 opinion concluded that the margins of exposure in adults, children and infants were such that the possibility of an effect from lead in some consumers, particularly in children from 1-7 years of age, couldn't be excluded. EFSA's 2012
exposure report confirmed that the mean exposure for the different children age groups exceeded the benchmark dose level for developmental neurotoxicity in young children.

As a result, discussions on the possible review of the existing maximum levels for lead in food started in the expert committee on environmental and industrial contaminants. These discussions focused on two aspects. The first aspect is a lowering of the existing MLs for already covered food commodities where occurrence data demonstrate that this is possible. The second aspect explores the establishment of additional MLs for important contributors to dietary exposure not covered by existing legislation. Discussions are expected to be finalised in autumn.

In view of an additional protection of young children, the discussion in the expert committee focused on the lowering of existing MLs for infant formula marketed as liquid and introducing an ML for infant formula marketed as powder. Reduction of dietary exposure of infants would be further extended in time through the introduction of new MLs for weaning food. Further categories for which a reduction of MLs could be envisaged are limited to certain fruits and vegetables, fruit juices and nectar, wine and related products. As it can be an important contributor to dietary exposure and is often advised as an alternative to coffee for pregnant women, the possibility to establish MLs for tea has recently been discussed as well. This last aspect however is considered to still be in an early stage of discussion. Finally, in view of harmonizing controls in the MSs, an ML for honey would be needed.

MSs welcomed a separate ML for powdered infant formula. Some MSs expressed that the level currently discussed was too high taking into account reduction of exposure and existing occurrence data. Other MSs indicated they might experience analytical problems if lower MLs were pursued. As regards an ML for tea, MSs expressed it would still need some more discussions as well on the proposed ML as on the exact commodities to be covered.


The Commission received an application for authorisation of the use of diphosphates (E 450) as a raising agent and acidity regulator in prepared yeast doughs.

A raising system based on sodium bicarbonate (E500), diphosphates (E 450) and yeast is required for fresh doughs that are used as basis for the preparation of pizzas, quiches, tarts and similar products. These doughs should not raise under cooling conditions, but the raising should be activated during the final preparation by the consumer. Sodium bicarbonate is mainly responsible for the raising, while yeast with low raising activities is particularly needed to develop the typical aromatic taste. The diphosphates are required as acidity regulators in order to control the carbon dioxide formation from the sodium bicarbonate.
Such a raising system based on sodium bicarbonate, diphosphates and yeast can be used as an alternative to the use of self-raising flour in which higher levels of phosphates are authorised. The authorisation of the use of diphosphates in prepared yeast based doughs will thus not result in an increase of intake of phosphates. It is therefore appropriate to authorise the use of diphosphates as a raising agent and acidity regulator in yeast based doughs used as basis for pizzas, quiches, tarts and similar products.

Annex II to Regulation (EC) No 1333/2008 should therefore be amended accordingly.

Concern was raised by one Member States, about too high exposure to phosphates, and about the possible association between high intake of phosphates as food additive and increased cardiovascular risk in the general population.

The Commission explained that the European Food Safety Authority (EFSA) undertook a scientific assessment of this concern. EFSA concluded in a statement, published in November 2013, that it was not clear whether the increased cardiovascular risk observed is attributable to differences in the dietary intake of phosphorus in general or in the form of phosphate additives.

Phosphates for use as food additives will be re-evaluated by EFSA with high priority by 31 December 2018. In the context of this re-evaluation all relevant toxicological information will be collated and evaluated, including data on usage levels of phosphates in food. The Commission will, pending the outcome of this re-evaluation, if needed, review all authorised uses of phosphates.

**Vote taken:** favourable opinion.

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**B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending and correcting Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of certain colours in flavoured ripened cheese.**

The use of some colours permitted in certain flavoured ripened cheese according to European Parliament and Council Directive 94/36/EC was not included in the Union list of food additives (Annex II to Regulation (EC) No 1333/2008) due to the difficulties encountered during the transfer to the new system.

In this regard, an application for the correction but also for the amendment (extension of use of certain colours) of the Union list of food additives was submitted.

It is appropriate to correct Annex II to Regulation (EC) No 1333/2008 as regards the use of copper complexes of chlorophylls and chlorophyllins (E 141) and paprika extract, capsanthin, capsorubin (E 160c) and to extend the use of cochineal, carminic acid, carmines (E 120) and annatto, bixin, norbixin (E 160b) in certain flavoured ripened cheeses. The cheeses under consideration represent a small volume in the overall cheese market and it is not expected that the authorisations will have a significant impact on the total exposure to the aforementioned colours.
Vote taken: favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of sweeteners in certain fruit or vegetable spreads.

The Commission received an application for authorisation of the use of Aspartame (E 951), Neotame (E 961) and Salt of aspartame-acesulfame (E 962) as sweeteners in certain fruit- or vegetable spreads belonging to sub food category 04.2.5.3 'Other similar fruit or vegetable spreads' of Annex II to Regulation (EC) No 1333/2008.

The use of those sweeteners is already authorised in energy-reduced jams, jellies and marmalades (sub food category 04.2.5.2 'Jam, jellies and marmalades and sweetened chestnut purée as defined by Dir. 2001/113/EC').

Fruit- or vegetable spreads (sub food category 04.2.5.3 'Other similar fruit or vegetable spreads') are used in a similar way and as an alternative to jams, jellies and marmalades.

Therefore, it is appropriate to authorise the use of the sweeteners Aspartame (E 951), Neotame (E 961) and Salt of aspartame-acesulfame (E 962) in all other energy-reduced fruit or vegetable spreads and dried-fruit-based sandwich spreads that are energy-reduced or with no added sugar in Annex II to Regulation (EU) No. 1333/2008, at the maximum levels of 1000, 32 and 1000 mg/kg, for each sweetener respectively.

Vote taken: favourable opinion.


The Commission representative introduced the measure.

Additional data had been submitted on eight flavouring substances listed in the Union List with footnotes requiring the submission of additional scientific data in order to complete their evaluation. The data submitted was evaluated by EFSA. Their safety at intake levels as flavourings made it appropriate to remove the footnotes attached to them in the Union List. The specifications of two of the substances are also clarified following the EFSA evaluations.

Vote taken: favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation repealing the special conditions governing the import
of sunflower oil originating in or consigned from Ukraine as laid down in Regulation (EC) No 1151/2009.

Following the discovery in 2008 that several consignments of sunflower oil from Ukraine were contaminated with mineral paraffin, a specific certification scheme was applied. This scheme initially required a systematic testing and certification of all consignments of sunflower oil prior to export, coupled with a 100% testing regime for these consignments at EU borders. Since tests carried out at EU borders revealed no positive results, the systematic testing regime was relaxed in 2009: the 100% testing at import was replaced with a random sampling whilst maintaining the systematic testing before export from Ukraine.

As no non-compliant shipments were detected in the random testing scheme, a proposal repealing this measure was presented.

**Vote taken:** favourable opinion.

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**B.06 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Regulation (EC) No 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and meat products and traditionally smoked fish and fishery products.**

In 2011, the maximum levels for polycyclic aromatic hydrocarbons (PAH) have been reviewed, based on an EFSA risk assessment [3]. Based on the conclusions of this EFSA opinion, significantly lower maximum levels for PAHs have been set in 2011 for smoked meat and smoked meat products and smoked fish and smoked fishery products, providing for a 3 year transition period. Therefore the lower maximum levels become applicable only from 1 September 2014 onwards.

At the beginning of 2014 concern was raised that the lower levels are not achievable in certain cases of traditionally smoked meat products, as in these cases the smoking practices cannot be changed without changing significantly the organoleptic characteristics. Consequently these traditionally smoked products would disappear from the market resulting in the closure of many SMEs.

The Commission has immediately examined the problem in order to find a solution to avoid that traditionally smoked meat products would disappear from the market and would result in the closure of many SMEs. During the discussions with the experts from the Member States, also a problem with traditionally smoked fish and fishery product was raised.

The draft Regulation provides for the following:

- Derogation for all the Member States (MS) which have requested it for local production and consumption of traditionally smoked meat and meat products (12 MS: PL, LV, SE, FIN, HR, CY, SK, PO, ES, RO, IRL and UK) and (for local production and consumption of traditionally smoked fish and fishery products (6 MS: SE, RO, IRL, LV, FIN and UK). The current applicable maximum levels for PAHs continue to apply to those smoked products;
• The Member States concerned are requested to continue to monitor the presence of PAHs in these products and to establish programmes to implement good smoking practices where possible. Guidelines will be elaborated to assist the implementation.

• Within 3 years, based on all information provided, the situation is re-assessed which should result in a more limited and detailed list of smoked meat and meat products, fish and fishery products for which then a derogation for local production and consumption should be granted not limited in time.

These provisions ensure that the new stricter maximum levels for PAHs, important for public health, shall apply as from 1 September 2014 for most smoked meat and fish products on the EU market. The derogation is only applicable to certain traditionally smoked products in certain Member States marketed locally and given the limited consumption, acceptable from a public health point of view. On the other hand, these provisions ensure that the traditionally smoked meat and fish products can remain on the market, keeping their typical organoleptic characteristics and avoiding a possible closure of many SMEs.

One delegation abstained expressing concerns how measures will be implemented in order to ensure that products falling under derogation are only marketed on the domestic market of the country of derogation and are not traded to other Member States.


Vote taken: favourable opinion.

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) 1152/2009.

Given that for the application of special conditions governing the import of feed from certain third countries due to contamination risk by aflatoxins the similar provisions are of application as those for the application of the special conditions governing the import of food from certain third countries due to contamination risk by aflatoxins, it is appropriate to include feed and food, for which special conditions are imposed because of the risk of aflatoxin contamination into one Regulation. It is therefore appropriate to include into this Regulation the provisions as regards groundnuts from India and Ghana and the watermelon seeds from Nigeria provided for in Commission Implementing Regulation (EU) 91/2013 [4]. Regulation (EU) 91/2013 should be replaced simultaneously by a new Regulation laying down the provisions as regards okra and curry leaves from India.

Based on the control results and the outcome of Food and Veterinary Office (FVO) audits, the following changes to products to be subject to specific conditions and/or control frequencies are appropriate:
- deletion of special conditions for import of almonds from the US because of favourable control results and favourable outcome of FVO inspection audit;
- reduction of sampling frequency on hazelnuts from Turkey given the favourable control results and favourable outcome of FVO inspection audit;
- reduction of sampling frequency for Brazil nuts in shell from Brazil given the absence of non-compliance also related to the very low quantities imported into the EU.


Vote taken: favourable opinion.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation (EU) laying down specific conditions applicable to the import of okra and curry leaves from India repealing Commission Implementing Regulation (EU) No 91/2013.

The provisions as regards groundnuts from India and Ghana and watermelon seeds from Nigeria have been integrated into one Regulation with the provisions foreseen in Commission Regulation (EC) 1152/2009 [5] (see point B.07). This draft Regulation lays down provisions as regards okra and curry leaves from India and repeals Commission Implementing Regulation (EU) 91/2013.


Vote taken: favourable opinion.

B.09 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EU) No 10/2011 on plastics materials and articles intended to come into contact with food.

A general discussion took place on the proposal. It could not be voted pending finalisation of the statement of reasoning. It was agreed to proceed to another and possible vote at the next Committee meeting in September.

C.01 Exchange of views of the Committee on a draft Commission Regulation (EU) laying down methods of sampling and analysis for the official control of the levels of erucic acid in foodstuffs repealing Commission Directive 80/891/EEC.

Maximum levels for erucic acid have been established in Regulation (EC) 1881/2006 in vegetable oils and fats and foods containing added vegetable oils and fats. These maximum levels were taken over from Council Directive 76/621/EEC [6] and Commission Directive 2006/141/EC [7].
Commission Directive 80/891/EEC [8] establishes a method of analysis for the analysis of erucic acid in vegetable oils and fats and in foodstuffs containing added vegetable oils and fats. This method of analysis has become obsolete and need to be replaced.

Therefore this draft Regulation establishes a sampling procedure and performance criteria with which the method of analysis used for official control of the presence of erucic acid has to comply.

One delegation made some comments in advance of the meeting which will be taken into account. No further comments were made at the meeting.


[8] Commission Directive 80/891/EEC of 25 July 1980 relating to the Community method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats (OJ L 254, 27.9.80, p. 35)


The maximum levels for polycyclic aromatic hydrocarbons (PAHs) in cocoa beans and derived products have been established on a fat basis. Proficiency tests performed by the European Reference Laboratory for PAHs (EURL PAH) indicate divergences in the determination of the fat content.

Therefore this draft Regulation provides for a harmonisation of the approach for the determination of the fat content by establishing that for the analysis of PAHs in cocoa and cocoa derived products, the determination of the fat content is performed in accordance with AOAC Official method 963.15 for the determination of the fat content of cocoa beans and derived products. Equivalent fat determination procedures can be applied for which it can be demonstrated that the used fat determination procedure provides an equal (equivalent) fat content.

It was furthermore mentioned that this amendment of Regulation (EC) 333/2007 could be combined with other foreseen amendments as regards lead and arsenic into one Regulation.

No comments were made.

M.01 Any Other Business.

Chlorate residues in food:
The Commission informed about the most recent discussions which were held in the SCFCAH-pesticide residues on 12/13 June 2014. At that meeting the proposal of the Commission for a temporary enforcement approach was not endorsed by the SCFCAH. Hence the default value established by Regulation 396/2005 on pesticide residues continues to apply. The Commission is now preparing sampling guidelines which will be sent very soon to Member States to be applied on a voluntary basis by those Member States who want to participate in the monitoring and to provide EFSA with the data. In addition, the Commission is preparing a mandate to EFSA to assess the safety of chlorate.

Some Member States urged the Commission to harmonize the area of processing aids, which is currently national competence. One Member State asked whether in the national authorisation process of a processing aid residue levels above the current default value for chlorate could be established. The Commission clarified that even if processing aids are national competence, the approved substances have to respect legislation in other, harmonised areas, such as pesticide residues.

The point on chlorates will be discussed in the next SCFCAH pesticide residues, where the Commission intends to seek again the endorsement of the temporary enforcement approach in view of the actions undertaken by then.

Contamination of corn originating from Ukraine by dioxins:

The Belgian delegation raised the issue that Italian operators request to operators in Belgium that the consignments of meat and meat products are accompanied by a certificate certifying that the meat is not originating from animals fed with feed containing maize from Ukraine. The French delegation mentioned that French operators have reported to have the same problem.

The Commission representative provided some background to the issue. A consignment of corn from Ukraine imported in Italy has been found by the Italian authorities contaminated with dioxins. The source of contamination is very probably related to an inappropriate direct drying process. For the time being there is only evidence of one consignment contaminated. When the contamination was detected, the corn and feed made with the corn was already widely distributed on the territory of Italy and part of it was traded to Greece and Montenegro. No contaminated corn was traded to Belgium and therefore the Commission representative concluded that the request for such certificate is disproportionate. However the Commission representative indicated that this might be a business-to-business requirement part of the contractual arrangements between the buyer and the seller and not necessarily a requirement from the Italian authorities.

The Italian delegation confirmed that uniform actions have been taken by the Italian authorities following this contamination incident but stressed that these risk management measures are directed only to products of animal origin produced on the Italian territory, to the Italian local health authorities and to the Italian business operators.