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Standing Committee on Plants, Animals, Food and Feed
Section *Novel Food and Toxicological Safety of the Food Chain*
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CIRCABC Link: <https://circabc.europa.eu/w/browse/58184142-d8aa-4494-bc81-330ff015d62b>

SUMMARY REPORT

A.01 Exchange of views on the follow-up to the EFSA opinion on the Flavouring Group Evaluation 210 revision 3 (FGE.210 Rev3).

The Committee exchanged views on the follow-up to the EFSA opinion on the flavouring substance alpha-damascone (Fl no 17.134) and the related substances: delta-damascone (Fl no. 07.130), cis-1-(2,6,6-trimethyl-2-cyclohexen-1-yl)but-2-en-1-one (Fl no. 07.225), tr-1-(2,6,6-trimethyl-2-cyclohexen-1-yl)but-2-en-1-one (Fl no. 07.226) and alpha-damascenone (Fl no. 07.231). According to the EFSA opinion, for these substances grouped in FGE.210 (subgroup 2.4b of FGE.19), genotoxicity cannot be ruled out, considering the latest scientific evidence available.

The Commission and Member States discussed the possible withdrawal of these substances from the Union list of flavouring substances, on the basis of this EFSA opinion, as they would not fulfil the requirements for flavourings of article 4 Regulation (EC) No 1334/2008. The Commission considered that the withdrawal would be carried out using article 7 (4) of the Common Authorisation Procedure (Regulation (EC) No. 1333/2008)). A majority of Member States expressed support to the proposed approach.

A.02 Feedback on the discussions during the Working Group on Food Contact Materials on 2-3 May 2019.

The Commission services provided feedback on the proceedings of the Working Group on Food Contact Materials (FCMs) that took place on 2 and 3 May. The first two agenda points had been very short, as only limited information on plastic recycling had been available. On ceramics the Inception Impact Assessment was shortly explained and the Member States were informed they could give their feedback. Comments received from the Member States on the 14th amendment had been discussed they were integrated in the text, and a new version would be sent out for discussion in the next WG on 1 and 2 July.

Discussion took place on the substance 'Glymo' (FCM No 1068) which is potentially genotoxic. The Commission has recently become aware of its possible use in FCM for which no specific measures exist at EU level, in addition to the authorised niche use in plastic under Regulation (EU) No 10/2011, for which no migration is allowed. During the Working Group meeting, industry was asked to elaborate. Industry reported that indeed the substance is commonly used in several materials and may migrate potentially up to 10 ppb. The Commission will now reflect on the appropriate way forward.

The contractor working on the study in support of the evaluation of the legislation on FCMs organised short break-out sessions, focussing on coherence (e.g. with other legislation, such as REACH). As regards the Commission Recommendation on a coordinated control plan on FCMs, the Commission services stated that it had produced, agreed and circulated a reporting template to the Member States, as requested in the previous Committee meeting, which should be used for reporting results. The Member States were also reminded of the purpose of the recommendation which is to build experience for a binding control plan, as well as to support the evaluation.

Points under any other business were relayed. The Member States were reminded of the upcoming BTSF workshop in Grange on enforcement. A letter to Denmark on an interpretation of whether FCM legislation would be applicable to fishing nets was discussed. The Commission services would interpret the legislation in particular on the basis of the definition of food under Regulation (EC) No 178/2002 as being not applicable to such nets, as long as the nets do not have the intention to kill the fish. Beeswax coated materials were shortly discussed. Whilst there are concerns on the safety of these material related to possible chemical contamination or even adulteration of the beeswax, as well as risks from the printed cotton cloth on which it is applied, these can only be clarified if the Member States gather data. The main risk could be related to hygiene, which is not covered under EU FCM legislation.

The Commission services stated that the new kitchen testing guidance on which the first instance related to plastic FCMs has now been published. Other materials will subsequently also be addressed under that guidance. The Member States were notified of an upcoming Commission consultation with the users of phthalates to better understand their usage to inform risk management; this consultation is unrelated to the on-going work of EFSA regarding the risk assessment. At the time of the Standing Committee the consultation has not yet started. The Member States were also informed of a mandate on Bisphenol S that the Commission has provided to EFSA.

A.03 Presentation of a note summarizing the discussions of the Working Group on Food Contact Materials on the use of Bamboo in plastic Food Contact Materials.

The Commission Services shortly presented a note reflecting the discussions in several working groups on the use of Bamboo flour and similar substances in plastics. This note will be published on the Commission's website¹, to notify of the common understanding that was reached. Essentially the note states that if Bamboo flour is added to a polymeric matrix, the resulting material is a plastic and such material should not be labelled in a misleading manner as 'Bamboo' or 'natural'. It also reflects on the dangers

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https://ec.europa.eu/food/sites/food/files/safety/docs/cs_fcm_bamboo_wg-201906.pdf

of this type of material, as Bamboo flour, possibly due to its porosity, leads to high migration of formaldehyde and melamine after a couple of uses. As it is not fully clear whether Bamboo is actually an authorised additive, the Commission provided EFSA with a mandate to determine whether the listing of wood is still in accordance with Article 3 of Regulation (EU) No 1935/2004, and whether it is sufficiently clear for that purpose.

A.04 Exchange of views on the review of Commission Implementing Regulation (EU) 2016/6 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (foreseen to be reviewed by 30 June 2019).

[Implementing Regulation \(EU\) 2016/6](#) provides for a review of its provisions before 30 June 2019, based on the monitoring results on the presence of radioactivity of feed and food from the seventh and eight growing season (2017 and 2018) after the accident.

A detailed analysis has been performed on the data on the presence of radioactivity of feed and food of the growing season 2017 (310 391 analytical results of which 256 748 on cattle meat and 53 643 on other feed and food) and of the growing season 2018 (324 257 analytical results of which 277 261 on cattle meat and 46 996 on other feed and food).

The criteria applied for alleviation were the same as applied for previous recent reviews and can be summarised as follows:

- Products are proposed for delisting from the list of products for which restrictive measures are applicable in case of 1 year (last year before review) of no findings of non-compliance for products from prefectures other than Fukushima, 2 years (last 2 years before review) of no findings of non-compliance for products from Fukushima. Non-compliance refers to the exceedance of the maximum level of 100 Becquerel (Bq), as adopted by the Japanese authorities for feed and food, which is applied by the EU for the import of feed and food originating from Japan.
- A prefecture is proposed to be listed in case a non-compliance is found in a product originating from that prefecture during the year preceding the review. A feed or food product is proposed to be listed in case a non-compliance has been found during the last year (during the last two years in case of Fukushima) before review.

A detailed overview of the changes following the application of the criteria was presented.

Although a few delegations stated to be in favour of a further-going alleviation or even a lifting of the measures, a very large majority of the Committee was in favour of the approach and the proposed changes.

The Commission representative indicated that it is envisaged that a draft Regulation will be submitted at the next meeting of the Committee for possible opinion, after finalisation of the internal consultation process within the Commission.

A.05 Draft Commission Recommendation on the monitoring of *Alternaria* toxins in food. Exchange of views and possible endorsement.

The European Food Safety Authority (EFSA) Panel on Contaminants in the Food Chain (CONTAM) adopted in 2011 [a scientific opinion on the risks for animal and public health related to the presence of *Alternaria* in food](#).

EFSA published also more recently [a scientific report on the dietary exposure assessment to *Alternaria* toxins in the European population](#). The main *Alternaria* toxins of concern are alternariol (AOH) and alternariol monomethyl ether (AME) and tenuazonic acid (TeA).

EFSA recommended that more occurrence data are generated on the presence *Alternaria* toxins in relevant food commodities.

The application of good agricultural practices (GAP), good storage and transport conditions and good manufacturing practices (GMP) can reduce or prevent the presence of *Alternaria* toxins in food.

Therefore, it is necessary to obtain more information on the different factors which lead to relative high levels of *Alternaria* toxins in certain foodstuffs in order to be able to identify the measures to be taken to avoid or to reduce the presence of *Alternaria* toxins in these foodstuffs. Indicative levels above which investigations on these factors should be carried out are proposed in the draft Recommendation.

Several delegations were of the opinion that more discussion is needed on the suggested indicative levels, to consider the inclusion of other *Alternaria* toxins such as tentoxin, and that it would be appropriate to determine performance criteria for the methods of analysis to be used for the monitoring of *Alternaria* toxins.

Comments from FEDIOL and FoodDrinkEurope were also received.

The Commission representative concluded that more discussion is needed in the Working group on Agricultural contaminants before finalising the draft Recommendation.

A.06 Exchange of views and confirmation of the conclusions on topics discussed in recent meeting of the Working Groups on agricultural contaminants and industrial and environmental contaminants in food.

The Commission representative informed the Committee on the current status of the discussions in the Working Group on agricultural contaminants and industrial and environmental contaminants regarding the following topics: .

- maximum levels for pyrrolizidine alkaloids

The Commission representative indicated that further work is needed on the methods of analysis, in particular on the aspect of co-elution. Comments on the proposed provisions for borage and tea and herbal infusions for children were made. The Commission representative confirmed that a final discussion would take place at the next meeting of the working group, in particular as regards the analytical aspects.

- **maximum levels for ergot and ergot alkaloids**

No comments were made on the outcome of the discussions and the Commission representative indicated that the internal consultations within the Commission and the notification to the WTO would be initiated.

- **maximum levels for tropane alkaloids**

The Commission representative indicated that it is still needs to be decided if it is appropriate to have separate stricter provisions for herbal infusions for infant and young children. No other comments were made.

The Commission representative informed that the measures would be amended as discussed and that a final discussion would take place at the next meeting of the working group

- **maximum levels for glycidyl fatty acid esters and 3-MCPD fatty acid esters**

Some minor comments were made on the provisions, as discussed in the working group. The Commission representative informed that he would proceed with the internal consultations within the Commission and the notification to the WTO.

Furthermore, it was highlighted that the stricter level of 50 µg/kg for glycidyl esters in infant formula, follow-on formula and foods for special medical purposes intended for infants and young children becomes applicable as from 1 July 2019. [Commission Regulation 2018/290](#) does not provide for a transitional measure for the foodstuffs lawfully placed on the market before 1 July 2019, although such a transitional measure of 6 months was provided for all the foodstuffs for which a maximum level of glycidyl esters became applicable as from 19 March 2018.

Therefore, it was foreseen and agreed in the working group to provide in this draft Regulation for the same transitional measure of 6 months for the foodstuffs for which the stricter level of glycidyl esters applies as from 1 July 2019. However, as the discussions on this draft Regulations took longer than foreseen and possible adoption of the draft Regulation can only take place after expiry of the envisaged transitional measure, it is no longer relevant to provide for the transitional measure in the draft Regulation.

Given that the envisaged transitional measure of 6 months for infant formula, follow-on formula and foods for special medical purposes intended for infants and young children foodstuffs lawfully placed on the market before 1 July was supported by the working group, a very large majority of the Committee agreed that it is appropriate that this is taken into account by the enforcement authorities.

- **maximum levels for acrylamide**

The working group finalised the discussion on a maximum level of acrylamide in biscuits and rusks for infants and young children and for baby foods, processed cereal based foods for infants and young children.

No comments were made. The Commission representative informed that he would proceed with the internal consultations within the Commission and the notification to the WTO.

- sampling and analytical requirements for the official control of pyrrolizidine alkaloids, ergot alkaloids, tropane alkaloids, glycidyl fatty acid esters, 3-MCPD fatty acid esters, perchlorate and acrylamide

Following the discussion, it is appropriate that the EURL/NRL network on mycotoxins and plant toxins is consulted on the proposed analytical performance criteria for pyrrolizidine alkaloids, ergot alkaloids and tropane alkaloids before finalisation.

No comments were made as regards the envisaged analytical performance criteria for glycidyl fatty acid esters, 3-monochloropropane diol (3-MCPD) fatty acid esters, perchlorate and acrylamide.

The Commission representative informed that he would present the sampling and analytical requirements as regards pyrrolizidine alkaloids, ergot alkaloids and tropane alkaloids for final discussion at a next meeting of the working group, after the EURL/NRL network has been consulted.

As regards the envisaged analytical performance criteria for glycidyl fatty acid esters, 3-MCPD fatty acid esters, perchlorate and acrylamide, the Commission representative informed that he would proceed with the internal consultations within the Commission and the notification to the WTO.

- update of pamphlets for the reduction of acrylamide

In light of the 2019 update of the FoodDrinkEurope Acrylamide Toolbox and the [Commission Regulation \(EU\) 2017/2158](#), the pamphlets on fried potato products/French fries, fried potato crisps, fine bakery wares, breakfast cereals, foods for infants and young children and bread products have been updated.

Some comments were made as regards the introductory part on acrylamide, the need to refer to the benchmark level and to measures that food business operators have to put in place in case of exceedance of the benchmark level.

The Commission representative confirmed he would update the pamphlets on these aspects before finalisation.

A.07 Feedback and exchange of views on other topics discussed in recent meeting of the Working Groups on agricultural contaminants and industrial and environmental contaminants in food.

- opium alkaloids

The Committee received a short update on the ongoing discussions regarding the setting of maximum levels of morphine and codeine as morphine equivalents (morphine + 0.2 codeine) in poppy seeds and bakery products (breads and rolls and fine bakery wares) containing poppy seeds. For the time being, no maximum level for thebaine is under consideration/discussion

- **enniatiins**

EFSA has issued [a scientific opinion on enniatiins and beauvericin in 2014](#). Beauvericin and enniatiins are mycotoxins produced by various *Fusarium* species. For the assessment of enniatiins, the sum of enniatiins A, A1, B and B1 is considered. The most important contributors to the chronic dietary exposure to beauvericin and the sum of enniatiins are 'Grains and grain-based products'. The CONTAM Panel concluded that acute exposure to beauvericin and enniatiins does not indicate concern for human health. There might be a concern with respect to chronic exposure, but no firm conclusion could be drawn.

Taking into account the EFSA conclusions and the lack of toxicity data needed to perform a full risk assessment, no specific regulatory follow-up at EU level can be initiated.

Information has become available indicating a high level of exposure to enniatiins in certain Member States. Therefore, the issue has been taken up by the Working group to discuss and agree on any appropriate regulatory follow-up, considering the currently available occurrence data. The EURL on Mycotoxins and Plant Toxins has been requested to provide a report on analytical issues related to the analysis of enniatiins in food (and feed).

- **control plan for contaminants in food**

Following the discussions at the working group on a possible legislation on the control of contaminants in food, a first general questionnaire has been prepared to obtain initial information on the Member States' views as regards the need, objectives and the scope of such possible legislation. This questionnaire will be circulated early July in order to get input by mid-August.

Taking into account the replies received, the discussion shall take place in the autumn in the different meetings of the working groups of contaminants.

- **non-compliance of consignments of goods in transit as regards aflatoxins .
Obligation of food business operators to notify non-compliances.**

As regards the issue of non-compliance of consignments of goods in transit for aflatoxins and the obligation of food business operators to notify non-compliances, the Commission representative informed that he performed further consultations within the Commission. The conclusions made at the meeting of the [Committee on 17 September 2018](#) remain valid, but it might be appropriate to adopt an implementing act in application of Article 15 (4) of the [Official Control Regulation \(EU\) 2017/625](#), to lay down rules on the cooperation and exchange of information between operators and competent authorities related to the arrival of goods. Given other priorities and workload related to the implementation of the Official Control Regulation before the entry into application on 14 December 2019, such an act will not be developed before 2020.

- **other issues**

Deoxynivalenol and T-2 and HT-2 toxin

The Committee received a short update on the ongoing discussion regarding T-2 and HT-2 toxin and deoxynivalenol and modified forms.

High levels of isoflavones (phytoestrogens) in soy based products

BEUC has informed the Commission of a [recent publication](#) of the French consumer organisation “UFC-Que Choisir”, reporting worrying levels of isoflavones (phytoestrogens) in many soy-based products.

Several Member States agreed that this is indeed an issue, which needs to be closely followed-up, also in light of evolving consumption patterns, whereby more soy-based products are consumed as plant-based alternatives to meat. A few Member States informed the Committee to have issued a consumption advice for vulnerable groups of the population and scientific research projects are ongoing to investigate the possible adverse effects.

The delegation of France informed the Committee that the French Consumer Organisation UFC-Que Choisir has requested ANSES for an opinion on the risk for public health taking into account the levels of isoflavones (phytoestrogens) in soy-based products.

The Committee agreed to await the outcome of the ANSES opinion before discussing a possible (regulatory) follow-up at EU-level.

Sampling frequency for control of aflatoxins in almonds from US

As regards the presence of aflatoxins in almonds from the USA, the Commission representative referred to the conclusion of the [meeting of 17 April 2018](#) that the sampling frequency of < 1 % provided for in [Regulation \(EU\) 2015/949](#) is temporarily not applicable and to the discussions at [the meeting of 29 March 2019](#).

Following the improvement of the situation since 1 October 2018 as regards compliance and given that, based on information received, there is since October 2018 a very low rate of non-compliance, consideration should be given to the return to the sampling frequency as provided by Regulation (EU) 2015/949.

A note providing the detailed information on control results will be circulated to the Member States in support of the return to the sampling frequency of < 1% as provided for by Regulation (EU) 2015/949.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the extension of use of bovine milk basic whey protein isolate as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising the extension of use of the novel food bovine milk basic whey protein isolate. The measure extends the use of the novel food in food supplements and foods for special medical purposes for infants below 12 months.

Vote taken: Favourable opinion.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the change of the specifications of the novel food lacto-N-neotetraose produced with *Escherichia coli* K-12 under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising the change of specifications of the novel food lacto-N-neotetraose produced from *Escherichia coli* K-12. The measure decreases the level of lacto-N-neotetraose from the current 92% to 80%, and increases the levels of two minor saccharides (D-Lactose from up to 3.0% to up to 10.0% and *para*-Lacto-N-neohexaose from up to 3.0% to up to 5.0%.) while maintaining the overall sum of saccharides at levels $\geq 92.0\%$.

One Member State voted against and provided the following statement in support to its vote: *“As a matter of principle, a proposed change in a product’s specification in the Union List should be covered by a relevant safety assessment, if that change refers to explicit requirements regarding the production process and/or clear differences in the chemical composition of the product. We therefore believe that a full safety assessment, or an assessment of bridging safety data, should be performed by EFSA experts, to provide a solid basis for authorization of the proposed new preparation. The fact that other lacto-N-neotetraose preparations have been authorised previously, does not make such a new assessment redundant, but available information on those other preparations could be considered during the assessment. We feel that insisting on a proper safety assessment is all the more important, since the target population for products containing lacto-N-neotetraose as an ingredient includes vulnerable consumers, such as infants and young children. Furthermore, we fear that the proposed change of specifications for lacto-N-neotetraose without such an assessment would set an unwanted precedent for other novel foods, including other components developed for application in infant formulae.”*

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation authorising the placing on the market of betaine as a novel food under Regulation (EU) 2015/2283 of the European Parliament and of the Council and amending Commission Implementing Regulation (EU) 2017/2470.

The Commission presented the draft Commission Implementing Regulation authorising the placing on the market of betaine as a novel food.

One Member State voted against and 2 abstained citing that the warning label on the novel food is deemed not sufficient to prevent consumers from consuming higher levels of betaine than the limit set by EFSA in the area of food supplements. These Member States would therefore want the procedure under Article 8 of Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substance to foods to be initiated. The Commission informed the Member States that this issue has been brought up to the relevant Committee.

The Member State voting against made the following statement: "*We are of the view that the EFSA's evaluation does not give room for allowing betaine in ordinary foods as there are according to EFSA already food supplements on the market with levels of betaine exceeding the levels regarded as safe by EFSA. We are against warning labelling on food as in our view food should be generally safe for the whole population.*"

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation correcting Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods and Implementing Decision (EU) 2017/2078 authorising an extension of use of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97.

The Commission presented the draft correcting Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods and Implementing Decision (EU) 2017/2078 authorising an extension of use of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97. The measure corrects Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods and Implementing Decision (EU) 2017/2078 authorising an extension of use of yeast beta-glucans as a novel food ingredient. Corrections concern the following Union list entries: *Echinacea purpurea* extract from cell cultures (*correction of the name for the cell cultures in the designation and the specific labelling requirement*) and Yeast beta-glucans (*correction of the measurement units for heavy metals in the specification*).

Vote taken: Favourable opinion.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending and correcting Regulation (EC) 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foods.

Taking into account the outcome of the [EFSA opinion on erucic acid](#), the draft Commission Regulation provides for the lowering of the maximum level for erucic acid in vegetable oils, with the exception of *Camelina*, borage and mustard oil, from 50 to 20 g/kg, to improve public health protection. For *Camelina*, borage and mustard oil the maximum level remains at the level of 50 g/kg with an exemption from the maximum level for mustard oil locally produced and consumed following agreement by the competent authority. For mustard, a maximum level of 35 g/kg is proposed.

A maximum level for erucic acid in infant formulae and follow-on formulae has already been established by [Commission Delegated Regulation \(EU\) 2016/127](#) as amended by [Commission Delegated Regulation \(EU\) 2019/828](#). For reasons of clarity, the maximum level for erucic acid in infant formulae and follow-on formulae established by Regulation (EC) 1881/2006 is deleted.

In [Commission Regulation \(EU\) 2017/1237](#), no unit of measurement is set for the maximum level for hydrocyanic acid. The draft Regulation corrects this in order to provide legal certainty by specifying that the unit of measurement is mg/kg.

The delegation of Belgium made the following declaration: “Belgium supports the major part of the text but doesn’t agree with the deletion of the maximum level for erucic acid in infant formulae and follow on formulae from this regulation (EC) 1881/2006, which is the appropriate legal basis for establishing maximum level for contaminants, whatever the type of food concerned, consistent with the horizontal approach that has been favored since the Commission's Green Paper on THE GENERAL PRINCIPLES OF FOOD LAW IN THE EUROPEAN UNION. The level should be lowered rather than deleted as this is in line with the EFSA opinion.”

Vote taken: Favourable opinion.

C.01 Exchange of views of the Committee on a draft Commission Regulation amending Regulation (EC) 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 and establishing a maximum level of PAHs in powders of food of plant origin used for the preparation of beverages.

The draft Regulation restricts the scope of the derogation to these traditionally smoked meat and meat products and fish and fish products, for which the stricter levels are not achievable despite the efforts to reduce the presence of PAHs. In addition, it is foreseen to set a maximum level for plant powders used for beverages (e.g. smoothies) in which in certain cases very high levels of PAHs have been found due to bad drying practices.

The Committee was informed that the draft Commission Regulation was published on 21 June 2019 for feedback on the Commission’s Better Regulation portal. The period for feedback ends on 19 July 2019.

https://ec.europa.eu/info/law/better-regulation/initiatives/ares-2019-3884312/feedback_en?p_id=5550324

A delegation indicated that it would be appropriate to introduce a transitional period for plant powders used for beverages and another delegation expressed its reservation as regards the draft Regulation. No other comments were made and the Commission informed the Committee that the draft will be presented for opinion at the next meeting of the Committee

In relation to this draft Regulation, a delegation raised the issue of the presence of anthraquinone in tea and that information is available indicating a higher transfer of anthraquinone from the infusion in the brew (up to 16 %) than the transfer of the polycyclic aromatic hydrocarbons regulated by Commission Regulation (EC) 1881/2006 (1-2 %). As this issue was also discussed in another section of the Committee ([section Phytopharmaceuticals – Residues, meeting of 13-14 June, agenda item M.02](#)), the Commission representative informed that the matter will be discussed with the other Commission services concerned and that, if appropriate, a discussion would take place in the working group on industrial and environmental contaminants.

C.02 Exchange of views of the Committee on a draft Commission Regulation amending Regulation (EC) 1881/2006 as regards maximum levels of perchlorate in certain foods.

In September 2014, EFSA adopted [a scientific opinion on the risks to public health related to the presence of perchlorate in food](#). The EFSA's Panel on Contaminants in the Food Chain (CONTAM) established a tolerable daily intake (TDI) of 0.3 micrograms per kilogram of body weight per day, based on the inhibition of thyroid iodine uptake in healthy adults. The CONTAM Panel concluded that the chronic dietary exposure to perchlorate is of potential concern, in particular for the high consumers in the younger age groups of the population with mild to moderate iodine deficiency. Furthermore, it is possible that short-term exposure to perchlorate is of concern for breast-fed infants and small children with low iodine intake.

EFSA considered that there is a need for more data on the occurrence of perchlorate in food in Europe, especially for vegetables, infant formula, milk and dairy products, to further reduce the uncertainty in the risk assessment. [Commission Recommendation \(EU\) 2015/682](#) was adopted with the objective to collect more data on the occurrence of perchlorate in food, so as to reduce the uncertainty in the exposure assessment.

Taking into account the new occurrence data, EFSA performed a human exposure assessment for perchlorate and published a scientific report on the "[Dietary exposure assessment to perchlorate in the European population](#)"

The CONTAM Panel considered the outcome of the above mentioned report on perchlorate in food at its [87th plenary meeting in November 2017](#) and confirmed the conclusion that chronic and short-term exposure to perchlorate may pose a possible concern for human health.

Therefore this draft Regulation establishes maximum levels in foodstuffs which contain significant levels of perchlorate and which contribute significantly to the human exposure or which are of relevance for the exposure of vulnerable groups of the population such as infants and young children.

One delegation suggested to also establish the same maximum level for foods for special medical purposes intended for infants and young children and young-child formula as for infant formula and follow-on formula. It is proposed to amend the draft accordingly. No other comments on the proposed provisions were made.

The Commission representative indicated that he would continue with the internal consultations within the Commission and the notification to the WTO.

M.01 Implementing Regulation imposing conditions governing the import of food, minor food and feed originating in third countries following the accident at the Chernobyl nuclear power station.

[Council Regulation \(EC\) No 733/2008 of 15 July 2008](#) on the conditions governing imports of agricultural products originating in third countries following the accident at the Chernobyl nuclear power station expires on 31 March 2020.

The Commission Legal Service advised to prolong the measures, if needed, in the form of a Commission Implementing Regulation on the basis of Article 53 (1) (b) (ii) of [Regulation \(EC\) No 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](#)

Therefore, a draft Commission Implementing Regulation imposing conditions governing the import of food, minor food and feed, originating in Third Countries following the accident at the Chernobyl nuclear power station is currently under discussion to extend the post-Chernobyl measures beyond 31 March 2020 for another period of 10 years.

The Group of Experts referred to in Article 31 of the Euratom Treaty has been consulted and adopted an opinion on 13 June 2019.

The Group of experts confirmed that the currently applicable maximum levels of radioactivity for CS-134 and Cs-137 of 370 Bq/kg for milk, milk products and foods for infants and young children and 600 Bq/kg for all other foodstuffs should be maintained.

Furthermore, it was confirmed that it is appropriate that each consignment of mushrooms from the countries concerned (Annex II to [Commission Regulation 1635/2006](#)) continues to be accompanied by a valid export certificate. Documentary checks should be continued to be performed on all consignments of mushrooms, but that the current systematic identity and physical checks, including laboratory analysis could be reduced to a random sampling.

Finally the Group of experts recommends to maintain the current requirements in terms of certification and control for the products other than mushrooms listed in Annex to [Commission Regulation \(EC\) No 1609/2000](#), such as dairy produce, eggs, honey, edible products of animal origin, cranberries, bilberries and other fruits of the genus *Vaccinium* originating from the countries listed in Annex II to Regulation 1635/2006.

Member States were requested to provide information as regards the current requirements at national level in terms of certification and controls on these products other than mushrooms.

Several Member States indicated that a risk assessment, based on the control results of the past 10 years should be performed in order to be able to define for which products the control measures should be continued, which are the third countries concerned and if there is a need to continue to measure the Cs-134 given its shorter half-life of about 2 years while the half-life of Cs-137 is about 30 years.

A few delegations provided information on their national requirements and one delegation highlighted that this information should have already been provided to the Commission in application of Article 3 (2) of Regulation (EC) 733/2008.

The Commission representative indicated that it is in any case appropriate that the requested information concerning the current requirements at national level in terms of certification and controls on these products other than mushrooms is provided, and requested Member States to do this as soon as possible, in writing.