
The drafts had already been presented and discussed in the meeting on 3 October 2002 (rev. 2). The drafts propose the prohibition of use of certain very toxic pesticides in agricultural production intended for the production of infant formulae and follow-on formulae (Directive 91/321/EEC) as well as processed cereal-based foods and baby foods for infants and young children (Directive 96/5/EC). For these pesticides, the limit of quantification of the analytical method to be used for control purposes is defined in the text. In addition, maximum residue levels are proposed for a few pesticides which are authorised in the EU and which have a very low ADI. No comments on the drafts have been received from the EP and the WTO.

The Commission explained that in comparison to the former version, paragraph 3 of Article 6 of both Directives has been restructured for reasons of clarity. Also, the denomination of the pesticides in the Annexes are now identical to those used in other Community legislation on pesticides.

Both texts received a favourable opinion from the Committee.


3. **Consultation on a draft Commission Decision amending Commission Decision 97/830/EC of 11 December 1997 imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran**

The Committee was consulted on a draft Decision amending Commission Decision 97/830/EC of 11 December 1997 imposing special conditions on the import of pistachios and certain products derived from pistachios originating in or consigned from Iran.

This draft Decision amends Commission Decision 97/830/EC on following points:
- a clarification of the term systematic sampling and analysis
- provisions on the reporting of all analytical results of performed controls
- provisions to ensure that the control on pistachios originating from Iran are performed in a harmonised manner throughout the Community
- updating the list of points of entry

Comments were made on the manner of reporting of all analytical results through the RASFF.
The Commission representative committed to take into account the comments made.

The Committee agreed on the draft Commission Decision

4) Consultation on a draft Commission Recommendation on the monitoring of background levels of dioxins, furans and dioxin-like PCBs in foodstuffs

The Council Regulation (EC) No 2375/2001 of 29 November 2001 amending Commission Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs establishes maximum levels for dioxins in several foodstuffs. Although from a toxicological point of view, any level should apply to dioxins, furans and dioxin-like PCBs, maximum levels have been set only for dioxins and furans and not for dioxin-like PCBs, given the very limited data available on the prevalence of the latter. The Regulation foresees to review the maximum levels for the first time by 31 December 2004 at the latest in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set. The Directive 2001/102/EC provides for a further review of the maximum levels by 31 December 2006 at the latest with the aim of significantly reducing the maximum levels.

For the review with a view to include dioxin-like PCBs in the levels to be set and for the later review with the aim to reduce significantly the maximum levels, it is necessary to generate reliable data across the European Union on the background presence of dioxin-like PCBs in the widest range of foodstuffs.

This draft Recommendation is in execution of the commitment made by the Commission in her declaration at the occasion of the adoption of the Council Regulation (EC) 2375/2001 and accommodating the declaration made by the Council in which the Council declares to consider it of major importance that an adequate monitoring programme is carried out for the protection of public and animal health and in particular to collect a comprehensive set of data of a revision of the maximum levels for dioxin. The Council invited the Member States to give the highest priority and importance for putting into application such monitoring programmes.

This draft Recommendation contains detailed guidelines concerning the minimum frequency and the format of reporting of the results. The Commission will ensure to compile all submitted data into one comprehensive database.

Some comments were made concerning the distribution over the different foodstuffs in particular with regard to the different fish species. One delegation regretted it was not a control programme. Another delegation highlighted the urgent need to establish Community maximum levels on non-dioxin-like PCBs.

After additional clarifications and explanations by the Commission representative, no further remarks were made with regard to this Commission Recommendation.

5. Update on acrylamide in food
The Commission updated the Committee on developments in the working group on contaminants in food and on co-ordinated initiatives. The working group had discussed this issue with external stakeholders and follow-up activities were well underway. The Commission was setting-up a database to summarise activities in the EU and the Member States were in the process of submitting information for inclusion. The Commission’s Joint Research Centre was planning to evaluate analytical methods and to hold a technical workshop. It also planned to co-ordinate the collection of EU data on the occurrence of acrylamide in different foods. The Commission’s Directorate General for Research had introduced into its Framework Research Programme a topic to cover longer term research needs in this area. The Member States welcomed the Commission’s active approach.

A good collaboration had been established between stakeholders and the Commission aims in particular for this collaboration to lead to the development of guides of good practice to reduce levels of acrylamide in food.

6. Update on polycyclic aromatic hydrocarbons (PAH) in food

The opinion of the Scientific Committee on Food was adopted on 4 December 2002 (http://europa.eu.int/comm/food/fs/sc/scf/out153_en.pdf). The working group on contaminants in food would meet early in 2003 to consider the opinion and the need for specific legislation to set maximum levels. Progress made to prevent the initial formation of PAH in vegetable oils and in particular in olive-residue oil during direct fire drying processes will be discussed.

Also, the Commission has asked the Member States to report on national approaches taken to check the safety of seafood after oil spills and oil releases.

7. Update from the working group of experts on contaminants in food and endorsement of conclusions on

- analytical uncertainty

The results of a Scientific Co-operation task on « Preparation of a working document in support of the uniform interpretation of legislative standards and the laboratory quality standards prescribed under Directive 93/99/EEC » indicate that different approaches exist between the Member States with regard to the taking into account of the analytical variability when making the assessment if a consignment/lot complies with the legislation. The document presented provides information on quantifying the uncertainty and contains several possible management options for evaluating the compliance with maximum levels taking into account the analytical uncertainty.

The Committee welcomed this document but was of the opinion that this important issue needs more time for careful consideration. It was further mentioned that it would be worthwhile to discuss this document on technical analytical aspects in a small working group.

It was agreed to discuss the matter again at the next meeting.

- *Fusarium*-toxins
The Expert Committee “Agricultural contaminants” started the discussions on the presence of Fusarium-toxins in cereals and cereal-based foods and on the appropriate measures to be taken to protect public health. In contaminated cereals 3- and 15-acetyldeoxynivalenol can occur concomitantly with deoxynivalenol. Fumonisim B₁(FB₁) is the most abundant naturally occurring fumonisin but fumonisins B₂ and B₃ occur frequently concomitantly with FB₁ but at significant lower levels in comparison with FB₁.

The Committee was requested to endorse considering deoxynivalenol alone and not 3- and 15-acetyldeoxynivalenol and for fumonisins, the sum of fumonisim B₁ and B₂ and not fumonisin B₃ for future discussions on appropriate measures to be taken.

The Committee was of the opinion that more time was needed before being able to take a definitive conclusion on these issues and it was agreed to discuss the matter again at the next meeting.

7.a) Update on other issues addressed in the working group of experts on contaminants in food

**Tin**
In relation to setting possible limits for tin in canned food and beverages, the Commission called for further data on tin in canned juices.

**Arsenic**
Progress to develop methods to differentiate toxic and non-toxic forms of arsenic had so far not revealed methodology which would be suitable for official control purposes.

**3-monochloropropane diol (3-MCPD) and other chloropropanols**
The Member States had gathered data on chloropropanols in food and on dietary intake. The UK co-ordinators of the task had indicated that the final report had been delayed due to late submission of data, but a draft would be ready shortly.

**Nitrate in baby food**
The Commission would further develop the working document on possible maximum levels.

**Lead in calabash chalk**
A consensus view was reached by the Standing Committee that the Commission would consider how to define this product to assist in determining the scope of this issue. The working group on contaminants in food would discuss this further in early 2003.

8. Follow-up on RASFF notifications

Brazil nuts in shell originating in or consigned from Brazil have been found contaminated at high levels with aflatoxins. The Expert Committee “Agricultural contaminants” found it appropriate to impose special conditions to the import into the EU of Brazil nuts in shell, originating from Brazil. These special conditions should consist of a certification by the Brazilian authorities of all consignments of Brazil nuts in shell with destination European community and a control of each consignment at the
point of entry. The Committee agreed that such measures would be taken and welcomed that a uniform approach with regard to non-complying lots would be proposed.

9. **Import controls-Presentation of the main findings of the first two FVO reports on import controls of products of plant origin, in particular the controls of Mycotoxins, 3-MCPD and Irradiated Foodstuffs (Missions SANCO 8515/2002 to Netherlands and SANCO 8592/2002 to Germany)**

The Food and Veterinary Office presented a summary of the first two reports of a new series of missions on import controls of products of plant origin. The intention to carry out further missions was stated, with reference to the FVO Mission Programme for the first six months of 2003. The importance of the two ports as importers for all Member States was stressed.

10. **Presentation of a draft interpretation note concerning the use of qualifiers, such as 'traditional', 'pure' and 'extra' in composite names for chocolate products covered by Directive 2000/36.**

Member States agreed with the note presented by the Commission.

11. **Presentation of a draft interpretation note concerning the use of sweeteners in chocolate products covered by Directive 2000/36/EC**

In view of the implementation of Directive 2000/36 (the ‘Chocolate Directive’), the Standing Committee on the Food Chain and Animal Health had an exchange of views on 19.12.2002 on an inquiry made by a Member State concerning the use of sweeteners in chocolate products.

The Committee concluded unanimously the following:

1. Points 3 to 10 of Part A of Annex I of Directive 2000/36 (‘Sales names and definitions’) define a range of chocolate products as products obtained primarily from cocoa products and sugars, as well as milk or milk products, flour or starch from wheat, rice or maize. Part B (‘Optional authorized ingredients’) further allows the addition of other edible substances to most of these products under certain conditions. The use of sweeteners in chocolate products is thus not precluded under the terms of Directive 2000/36, while an express reference to legislation on sweeteners is made in recital 4.

2. In fact, with a view to protecting and informing the consumer the use of sweeteners in chocolate products must comply with the relevant horizontal rules on sweeteners and on labeling. In particular, the Annex to Directive 94/35 (the Sweeteners Directive) authorizes the use of certain sweeteners for the manufacture of foodstuffs. This Annex makes a distinction between "cocoa-based products, energy-reduced or with no added sugar" and "cocoa-based confectionery, energy-reduced or with no added sugar". In the view of the Committee chocolate products covered by Directive 2000/36 are included in both categories "cocoa-based products, energy-reduced or with no added sugar” and “cocoa-based confectionery, energy reduced or with no added sugar".
3. Moreover, the Annex to Directive 94/54 provides that the particular words ‘with sweetener(s)’ must accompany the name under which foodstuffs containing a sweetener authorized by Directive 94/35 are sold.

4. Hence the Committee considered that chocolate products covered by Directive 2000/36 may contain those sweeteners authorised in Directive 2000/36 in respect of cocoa-based products and cocoa-based confectionery, provided that the particular words ‘with sweetener(s)’ accompany the name under which the products are sold.

12. Information about the monitoring and the use of antibiotics in honey production (Directive 96/23/EC)

The Commission has carried out a study on the monitoring of residues in honey by third countries. Indeed, the EU depends on imports for almost 60% of the honey consumed in Europe. Due to the specificity of this production, it is difficult to obtain from third countries all the information concerning their legislative framework for monitoring residues in honey. The study shows that certain antibacterial substances (tetracyclines, streptomycine, sulfonamids) are used in honey production in third countries, whereas EU bee keepers cannot use these substances because they have no marketing authorisation. A working document was distributed during the meeting.