

3. **Discussion and possible opinion on a draft Commission Directive amending Commission Directive 96/77/EC laying down specific purity criteria on food additives other than colours and sweeteners (Document SANCO/5348/2003):** The Committee expressed a unanimously favourable opinion.

4. **Exchange of views and possible opinion on a draft Commission Decision amending Decision 1999/217/EC as regards the register of flavouring substances (SANCO/2495/2003):** The register was adopted in application of Regulation 2232/96/EC. Following the evaluation programme laid down in Commission Regulation 1565/EC, updating of the register had become necessary. (technical adjustments to names, deletion of substances for which deadlines for submission of information had passed, follow-up to a scientific opinion, addition of newly developed substances notified by DE and NL in order to ensure their inclusion in the evaluation programme). In response to questions from the member States, the Commission proposed to convene a meeting of the experts working group on flavourings. The Committee expressed a favourable opinion by qualified majority (two Member States abstained).

5. **Discussion and possible opinion on a draft Commission Regulation amending Regulation (EC) No 466/2001 as regards aflatoxins and ochratoxin A in foods for infants and young children (SANCO/0983/2002 rev. 6):**

   The draft Commission Regulation provides for of maximum level for aflatoxin B1 of 0.1 µg/kg and for ochratoxin A of 0.5 µg/kg in baby foods, processed cereal-based foods for infants and young children and dietary foods for special medical purposes intended specifically for infants. Furthermore, a level of 0.025 µg/kg for aflatoxin M1 is foreseen for infant formula and follow-on formulae, including infant milk and follow-on milk.

   The Committee agreed that maximum levels for aflatoxin B1 and ochratoxin A in baby foods, processed cereal-based foods for infants and young children and dietary foods for special medical purposes intended specifically for infants should refer to the dry matter. The maximum level of aflatoxin M1 in infant formulae and follow-on formulae, including infant milk and follow-on milk, refer to the product ready to use (marketed as such or after reconstitution as instructed by the manufacturer).
The Committee gave a favourable opinion by qualified majority


The draft Commission Directive provides for
- sampling provisions for the control of aflatoxin B1 and ochratoxin A in foods for infants and young children;
- a provision on the determination of the dry matter content;
- provisions to ensure that analytical results on ochratoxin A are reported and interpreted for checking compliance in a uniform way.

The Committee expressed a unanimously favourable opinion.

7. **Discussion and possible opinion on a draft Commission Regulation amending Regulation (EC) No 466/2001 as regards dioxins in fish (edible parts) (SANCO/0110/2003 – rev 1):**

The draft Regulation foresees some minor amendments as the application of the Regulation revealed the need for some clarifications of the description of the products or the parts of the product to which the maximum level applies.

Given that more time is needed for implementing measures to ensure that dioxin levels in free range or semi-intensive eggs are reduced, the draft regulation provides for an extension of the transition period for one year i.e. until 31 December 2004.

The Committee expressed a favourable opinion by qualified majority

8. **Discussion and possible opinion on a draft Commission Directive amending Directive 2002/69/EC laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs (SANCO/0111/2003 – rev 1 - amendment to the sampling provisions for the control of dioxins in fish, addition of a definition for limit of quantification, introduction of the concept of the measurement uncertainty):**

The draft Commission Directive provides for
- specific sampling provisions for large whole fishes;
- a definition of a specific limit of quantification for the purpose of the application of this Directive only;
- provisions to ensure that analytical results on dioxins are reported and interpreted for checking compliance in a uniform way.

The Committee expressed a unanimously favourable opinion.
9. **Discussion in view of the notification to WTO and transmission to the European Parliament on a draft Commission Regulation amending Regulation 466/2001 as regards ochratoxin**

In accordance to Regulation (EC) No 466/2001, the provisions as regards ochratoxin A (OTA) in dried vine fruit and with a view to including a maximum level for OTA in green and roasted coffee and coffee products, wine, beer, grape juice, cocoa and cocoa products and spices have been reviewed taking into account the investigations undertaken and the prevention measures applied to reduce the presence of OTA in these products.

Given the significant contribution of wine and roasted coffee together with soluble coffee to the OTA human exposure and the significant contribution of grape juice to the OTA exposure of children, it is appropriate, in addition to the already existing maximum levels for cereals and cereal products and dried vine fruit, to establish also for these foodstuffs maximum levels to protect public health by preventing the distribution of unacceptably highly contaminated foodstuffs.

OTA has also been observed in dried fruit other than dried vine fruit, cocoa and cocoa products, spices and licorice. The appropriateness of setting a maximum level for OTA in these foodstuffs, including green coffee and beer, as well a review of the existing maximum levels will be considered after the availability of the EFSA assessment of the research results on OTA toxicology. This assessment is to be expected to become available in the course of 2005. In the meantime, every effort should be made with regard to research and prevention measures to reduce the presence of OTA in foodstuffs as much as possible.

The maximum levels for OTA discussed were:

- roasted coffee beans and ground roasted coffee: 5 µg/kg
- soluble coffee: 10 µg/kg
- wine and grape juice: 2 µg/kg

The Committee accepted by qualified majority that these draft measures are notified to WTO for comments.

10. **Discussion of guidelines on dioxins in the case of a finding of non-compliance with the maximum levels on dioxins, traced back to a specific production site:**

The Commission clarified that the document did not aim at giving guidance on the stages of production where controls could be carried out, but on the action which should be taken in case of unfavourable findings. It was agreed that the experts working group on contaminants would reconsider the document at its next meeting, particularly in view of extending the document to fish caught at sea or freshwater and that thereafter it would be published on the website of the Directorate-General Health and Consumer Protection.
11. **Discussion and possible opinion on a draft Commission Regulation amending Regulation (EC) No 466/2001 as regards nitrate in foods for infants and young children**

The Committee expressed a favourable opinion by qualified majority on the proposal to set maximum levels for nitrate in foods for infants and young children; one Member State abstained. From the consultation on the proposal, a suggested higher maximum level had been put forward, but the Committee did not support this higher level in the light of the available scientific data. A maximum level of 200 mg/kg will apply to the listed categories of foods from 1 October 2004. The level will apply to the foods as consumed.

12. **Report on the relationship between analytical results, the measurement uncertainty, recovery factors and the provisions in EU Food and Feed legislation:**

The report addresses in particular the treatment of analytical variability (normally known as measurement uncertainty) in the interpretation of a maximum level, the use of recovery correction when calculating and reporting an analytical result and the number of significant figures taking into account when reporting results. Different approaches taken by countries do prevent the uniform implementation of legislative standards. It is essential that interpretation of analytical results is equivalent across the EU.

The report describes in detail the issues in general of relevance for EU food and feed legislation.

The recommendations made in the report relate for the time being only to the application of Community legislation concerning contaminants in food (Council Regulation 315/93 laying down Community procedures for contaminants in food) and undesirable substances in feed (Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed).

It was agreed that the document would be published on the website of the Directorate-General Health and Consumer Protection.

13. **Update on Acrylamide:** The Commission highlighted new information that had been placed on its website on 2 February 2004. The new information included a note of a meeting with stakeholders, held on 20-21 October 2003, on ways to lower levels of acrylamide formed in foods; and an update to the EU data base on research activities on acrylamide.

14. **Any other business**

**Review of maximum levels for heavy metals in food:** Spain enquired about the timescale for the review of legislation on heavy metals. The Commission advised that this will become clearer after the meeting of the working group of experts on contaminants in food on 26-27 February 2004.

**Semicarbazide:** The Commission informed the Committee that DG Health and Consumer Protection had asked the Joint Research Centre (JRC) to co-ordinate a project that would improve the of performance analytical methods to detect semicarbazide (SEM) and
nitrofurazone in food. The project is divided into 2 parts with a total of five subprojects focusing on:
- the identification of an alternative indicator (marker residue) for nitrofurazone;
- the development and validation (in-house and collaborative trial) of analytical methods for SEM analysis in various food products;
- baby food analysis (method validation, monitoring and investigation of sources for contamination);
- the development and validation of a screening method for semicarbazide for food products;
- the determination of the content of SEM in selected food products that are likely to contain this substance.

Together with the activities managed by the European Food Safety Authority (EFSA), focussing on the determination of the significance of SEM for in food for human health, the JRC project would contribute to the determination of the sources of SEM, allow to better differentiate these sources through chemical analysis and hopefully to allow unambiguous determination of any illegal use of nitrofurazone in food producing animals.

**Food irradiation:** The Commission informed the Committee that the report on food irradiation for 2002 would be published shortly and reminded the Member States of the need to submit information in view of the report for 2003.

**Residues in Food of Animal Origin:** The Commission drew the attention of the Committee to the publication jointly on the websites of the Directorates-General Entreprise and Health and Consumer Protection of the Reflection Paper on Residues in Food of Animal Origin and the deadline for comments by all stakeholders (20.3.04).

**Annato (E 160 b) in chilli powder:** Annato is allowed under Directive 94/36/EC as a colour in a limited number of foods. The Commission drew the attention of the Committee to the fact that FR and DE had found annato in chilli powder respectively from Spain and Vietnam. This colour is not authorised in spices. In FR, the products concerned have been recalled from the market. The incident is being followed through the Rapid Alert System for Food and Feed.

**Imports of peanut, pistachios etc after 1 May 2004:** The Commission informed the Committee that it had formally asked the new Member States to provide the list of entry points in order to up-date all Decisions on import controls for aflatoxins before 1 May 2004. If such up-dates were not adopted, only entry points in the current Decisions would be allowed, even after 1 May 2004.