President: Mrs Patricia Brunko

1. Exchange of views and possible opinion on a draft Commission Regulation (EC) laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (SANCO/01706/2006).

The legal basis of this draft Regulation is Art. 11 (4) of Regulation (EC) No. 882/2204.

This draft Commission Regulation replaces the following three Commission Directives:

- Directive 2001/22/EC of 8 March 2001 laying down the sampling methods and the methods of analysis for the official control of the levels of lead, cadmium, mercury and 3-MCPD in foodstuffs
- Directive 2004/16/EC of 12 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of tin in canned foods
- Directive 2005/10/EC of 4 February 2004 laying down the sampling methods and the methods of analysis for the official control of the levels of benzo(a)pyrene in foodstuffs

The Committee voted unanimously in favour of the draft Regulation.

2. Exchange of views and possible endorsement of the draft Commission Recommendation on the monitoring of the presence of furan in foodstuffs (SANCO/02605/2006).

The monitoring recommendation aims at generating reliable data across the European Community on levels of furan in heat treated foodstuffs in order to enable the European Food Safety Authority (EFSA) to carry out a reliable risk assessment. The Commission therefore recommends that Member States perform monitoring of furan levels in heat treated foodstuffs for collection by EFSA. A special focus should be given on data collection during the years 2007 and 2008. After that data collection should continue on a regular basis.

Some comments on the draft Recommendation were made and it was endorsed after discussion on these comments.

Since 2002, the food industry and Member States have investigated pathways of formation of acrylamide and extensive efforts have been made to reduce the levels of acrylamide in processed foods. It is now necessary to generate reliable data across the European Community over at least a 3 year time span in order to judge the effectiveness of voluntary measures taken by the food industry and to get a clear picture of the levels of acrylamide in those foodstuffs that are known to contain high acrylamide levels and/or contribute significantly to the dietary intake of the whole population and of specific vulnerable groups, such as infants and young children.

The monitoring recommendation sets out a programme for data collection on acrylamide in certain categories of foodstuffs. Data collection will be ensured by EFSA.

Some comments on the draft Recommendation were made and it was endorsed after discussion on these comments.

4. Spinach extract containing high levels of nitrate used in sausages: Outcome of discussion at additives working group/for endorsement.

It has been reported that some manufacturers of meat products were using standardised spinach extracts containing high levels of nitrates. Furthermore such products are labelled to imply that they contain no added preservatives. It has therefore been questioned whether such use should be considered as that of a food additive as it may exert a preservative and/or colour fixing effect.

This issue was discussed at a meeting of the Working Party of Governmental Experts on Food Additives on the 22nd September 2006 and the outcome of the meeting was endorsed by the Standing Committee. Member States considered that such a practice would be a deliberate use of a food additive if used for the intended technological purpose of preservation in the final food. Consequently such a use of a food additive should comply both with the food additive legislation and also be labelled in compliance with the appropriate food labelling legislation.

The Commission stated that it would write to the appropriate European trade associations to make them aware of this issue.

5. Legislative status of Bacteriophages - Document for discussion/possible endorsement.

At the meeting of the SCOFCAH on the 23 June 2006, Belgium raised a question on the use of bacteriophages to counter Listeria contamination in food. This was a practice which they had recently become aware of through the marketing activities of a Dutch based company. Following investigations into the issue by the Dutch delegation, this issue was further discussed with Member States at the meeting of the Working Party of Governmental Experts on Food Additives on the 22nd September 2006.
Member States discussed whether bacteriophages would be considered as food additives or processing aids. A number of Member States felt that the issue should be considered by the experts dealing with food hygiene in relation to the use of bacteriophages for the decontamination of food of animal origin.

6. Criteria for the use of microbial cultures as food additives - Document for discussion/endorsement.

The issue of cultures as food additives has been discussed a number of times in Commission Working group meetings, at which time there was strong support that the use of cultures when used as preservatives should be considered as food additives. However Member States felt that a consistent approach for similar products should be taken.

Following these discussions, a draft paper describing when the use of cultures would be considered as food additives was tabled.

The Standing Committee welcomed the principle of a consistent approach and made some comments on the draft paper. The updated draft criteria are given below:

**Draft Criteria for determining status of culture use**

Cultures are used for a variety of purposes from traditional use in food production to more novel and targeted applications for food preservation. Such uses can be divided between ingredient/processing aid and food additive uses. To aid in this interpretation the following draft criteria have been developed.

- Cultures which are added at the beginning or early stages of manufacture and which contribute to the characteristic nature of the food would not be considered as food additives. Examples would be starter cultures used in cheese, yoghurt or dried sausage production.

- Cultures which are used during the manufacture of foodstuffs and which contribute to the characteristic nature of the food would not be considered as food additives. An example would be cultures applied to the surface of a ripening cheese which contributes to the development of the characteristic nature of the cheese (production of cheese rind).

- Cultures which are added for a specific technological effect (such as preservation) would be considered as food additives. Examples could be the use of cultures on cooked or raw meat/shellfish etc. Also included in this example would be the addition of cultures to prepared foodstuffs whereby the culture is intended to act as a preservative.

- Cultures which are added to food but which are not added for a technological function would not be considered as food additives. An example would be the
addition of cultures to a yoghurt or dairy drink whereby the cultures are added for a probiotic effect in the consumer.

These draft criteria will be circulated to stakeholders for comment. The draft criteria will be further discussed and endorsed at a future meeting of the Standing Committee after considering any further comments from Member States and stakeholders.

7. **Clarification of the status of Ice Structuring Proteins - Document for discussion.**

The Commission informed the Committee of the issue of ice structuring proteins which was recently discussed in the Commission Working Party of Governmental Experts. An application has been made to the UK authorities to authorise ice structuring proteins as a Novel Food and the evaluation by the UK authorities is ongoing. A Member State however has questioned whether this substance should be regulated as a food additive.

The Commission had circulated a summary document setting out the key issues for a further discussion on the regulatory frameworks for evaluating and authorising ice structuring proteins.

Member States agreed that whatever the framework the important aspect was that the substance would be evaluated for safety and the food containing it would be labelled. There was more support that the substance should be treated as a novel food, however Member States strongly felt that, in borderline cases such as this, discussion should be undertaken at an early stage in particular examining the technological function of the substance.

Member States agreed to consider at an early stage when an application is submitted, whether it may be open to interpretation, so that discussions can be initiated in Commission working groups.

8. **Analytical dyes network : Presentation of the report by the UK.**

The UK presented the updated report of the illegal dyes analytical network highlighting the further results submitted since this issue was last discussed at the meeting of the 23rd June 2006. The results further indicated that the action level of 500 ppb previously agreed with the Member States was analytically achievable. The Standing Committee appreciated the work undertaken by the analytical network and considered that it was important that the report be made widely available. It was agreed that the UK would compile and finalise the report and that this would be circulated to the Standing Committee in the coming months for endorsement at a future meeting. Once endorsed the Commission would make the report available on the Health and Consumer Protection Directorate General website.
9. **Information on the draft legislation on food contact materials.**

A draft proposal was presented to amend for the 4th time plastics Directive 2002/72/EC. This text includes provisions for gaskets in lids, phthalates, a fat consumption reduction factor and the functional barrier concept.

A proposal for a time limited Regulation was presented that will set limits for plasticizers in gaskets in the transitional period from the adoption of the 4th amendment until its transposition into national law.

Provisions on surface biocides will not be included in the proposals. Biocides for which a valid petition has been received until 31 December 2006 will be included in the provisional list of additives that can continue to be used according to national legislation.

A meeting between all interested stakeholders will be organised early next year to identify all critical issues concerning the use of surface biocides in food contact materials. If possible a roadmap to tackle those issues will be established.

The two proposals will be presented for an opinion in the next upcoming meeting of the Committee.

10. **Any other business.**

Belgium raised the question whether the acrylamide reduction measures proposed in the CIAA acrylamide toolbox would be compliant with EC legislation (e.g. the use of the enzyme asparaginase). Member States were invited to forward any similar questions to the Commission who will coordinate that these issues are addressed.

Paola TESTORI-COGGI,
Director
(signed)