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Agenda Item 14(c)

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JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON CONTAMINANTS IN FOODS

First Session

Beijing, China, 16 - 20 April 2007

DISCUSSION PAPER ON OCHRATOXIN A IN COCOA

Comments to the Discussion Paper submitted by the European Community

This document contains late submissions of comments received after the deadline, but those were submitted before 1 April 2007.

EUROPEAN COMMUNITY

The European Community and its Member States (ECMS) welcome the discussion paper on ochratoxin A in cocoa.

The ECMS wish to make the following comments:

§ 11: Instead of "A link between OTA exposure early in life and testicular cancer has been hypothesized, based on epidemiological associations" it is proposed to write "Based on epidemiological associations, the hypothesis on a between OTA exposure early in life and testicular cancer has been put forward".

§ 12: It is appropriate to refer directly to the opinion from EFSA.

Therefore it is proposed to replace the following part of the sentence "Recent scientific evidence cited by Commission Regulation 1881/2006, indicated that the site-specific ..." by "The Scientific Panel on Contaminants in the Food Chain from EFSA (European Food Safety Authority) adopted on scientific opinion related to Ochratoxin A in Food on 4 April 2006* . This opinion indicates that the site-specific"

* Opinion of the Scientific panel on Contaminants in the Food Chain on a request from the Commission related to Ochratoxin A in Food (Question N° EFSA-Q-2005-154)

http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1521.Par.0001.File.dat/contam_op_ej365_ochratoxin_a_food_en1.pdf

§ 15: It is proposed to replace the § by the following:

"Sampling procedures and performance criteria for the methods of analysis to be used for official control in the EU on the level of OTA in foodstuffs have been provided for by Commission Regulation 401/2006²⁰. As there is no EU maximum level for OTA in cocoa, no sampling procedures for the control of OTA in cocoa has been established at EU level.

§ 16: It is not understood what is meant by this §. In the EU sampling procedures are also applicable at the primary processing level as the EC Member States are also producing countries for several commodities which can be affected by contamination of aflatoxins, OTA and patulin.

Therefore it is proposed to delete § 16.

§ 21 last sentence

It is questioned if the reported LOD for TLC of 2.7 µg/g is correct given that it concerns a very high LOD and if it should not be 2.7 µg/kg instead.

§ 47 Table 1

The levels reported in the table as "pg/kg" should be replaced by "µg/kg".

It is appropriate to mention that the figure between brackets refers to the number of samples.

Furthermore in the Spanish version in the title to the table the word "medio" which means "mean" in English has to be replaced by "mediana" which means "median" in English.

Chapter on Dietary Intake: It is appropriate to mention the outcome of the recent exposure assessment of adult European consumers to OTA, performed by the Scientific Panel on contaminants in the Food Chain from EFSA in the opinion of the Scientific Panel on Ochratoxin A in Food (Opinion of the Scientific panel on Contaminants in the Food Chain on a request from the Commission related to Ochratoxin A in Food http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1521.Par.0001.File.dat/contam_op_ej365_ochratoxin_a_food_en1.pdf).

Chapter on Regulatory Status (§ 54 – 58)

It is proposed to replace the paragraphs 54, 55, 56, 57 and 58 by the following:

"54. In the EU, Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs*, establishes maximum levels for Ochratoxin A in raw cereals grains, all products derived from cereals and dried vine fruit (currants, raisins and sultanas), roasted coffee, soluble coffee, wine, grape juice, baby foods, processed cereal based foods for infant and young children and dietary foods for special medical purposes intended specifically for infants. Some of the maximum levels are already in application since April 2002 and others since April 2005."

55. The above mentioned Regulation foresees that *"the appropriateness of setting a maximum level for OTA in foodstuffs such as dried fruit other than dried vine fruit, cocoa and cocoa products, spices, meat products, green coffee, beer and liquorice, as well as a review of the existing maximum levels, in particular for OTA in dried vine fruit and grape juice, will be considered in the light of the recent EFSA opinion"*.

56. The opinion of the Scientific Panel on Contaminants in the Food Chain from EFSA related to Ochratoxin A in Food has been adopted on 4 April 2006**. The European Community is currently considering the appropriateness of establishing a maximum level for OTA in food commodities other than those for which already a maximum level exists at EU level.

57. The US FDA has not set advisory limits or action levels for ochratoxin A in any commodity.

* Official Journal of the European Union, L364, 20.12.2006, p.5

** Opinion of the Scientific panel on Contaminants in the Food Chain on a request from the Commission related to Ochratoxin A in Food http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1521.Par.0001.File.dat/contam_op_ej365_ochratoxin_a_food_en1.pdf "

§ 63: *"Penicilium nordicum"* should be *"Penicillium nordicum"*

§ 65 Conclusions and Recommendations

The reference to the "39th session of CCFAC" in the introductory phrase should be replaced by "1st session of CCCF" and the reference to "CCFAC" in point (d) should be replaced by "CCCF".

As regards the recommendations in § 65 (d):

- (i): the recommendation that additional data on the occurrence of OTA in cocoa is necessary to supplement the data presented in this document overlaps with the recommendation (iv) and therefore the point (i) is superfluous and it is proposed to delete (i).

- (ii) and (iii): the recommendations on the development of a sampling plan and the methods of analysis are at this stage premature. Indeed, the elaboration of a sampling procedure and a method of analysis are only performed in relation with the establishment of a standard. As there is at this stage no recommendation for the development of a standard for ochratoxin A in cocoa, the recommendations (ii) and (iii) are premature and should therefore be deleted.

- As a conclusion it is proposed to only retain recommendations (iv) and (v) from 65 (d).