EUROPEAN COMMISSION

HEALTH AND FOOD SAFETY DIRECTORATE-GENERAL

sante.ddg2.g.5(2018)4219925

SUMMARY REPORT OF THE STANDING COMMITTEE ON PLANTS, ANIMALS, FOOD AND FEED HELD IN BRUSSELS ON 25 SEPTEMBER 2017

(Section Novel Food and Toxicological Safety of the Food Chain)

CIRCABC Link: *https://circabc.europa.eu/w/browse/c2a404ae-86bd-4c4b-a99e-0dbc44490836*

A.01 Update on the fipronil contamination incident. Information on the follow up to the points discussed at the meeting on 30 August 2017. Specific topics for discussion to be communicated later.

The Commission's representative informed the Committee of the practical modalities of the agreed ad hoc data collection as a follow-up to the identified illegal use of fipronil in poultry farms.

Furthermore, an update on the findings of fipronil contamination in laying hen farms in Belgium, Netherlands, Germany, France, Italy, Malta, Hungary, Bulgaria, Poland and Romania was provided.

The processing factors for processed egg products and provisions as regards the application of measurement uncertainty for official controls, as agreed at the meeting on 30 August 2018, were confirmed.

An exchange of views as regards the application of the measurement uncertainty on the controls performed by the food business operator took place. Delegations expressed divergent views on this. After some discussions, it was concluded that this issue merited further discussion in a more general way (i.e. not only related to the fipronil contamination incident) to achieve a more harmonised approach.

Furthermore, a discussion on an approach on processed composite products took place. Following the discussions at the meeting on 30 August, a document providing more details and clarifications on the proposed approach as regards processed composite products was presented. Although the general principles/lines of the proposed approach were agreed and not questioned, no general agreement could be achieved on some aspects of the practical implementation.

B.01 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards calcium sorbate (E 203).

Calcium sorbate (E 203) is a substance authorised as a preservative in a variety of foods, as well as in food colour preparations and food flavourings, in accordance with Annexes II and III to Regulation (EC) No 1333/2008.
The safety of calcium sorbate (E 203) was recently re-evaluated by EFSA in the context of the programme for the re-evaluation of approved food additives required by Regulation No 1333/2008. EFSA was not able to confirm the safety of calcium sorbate as a food additive due to a lack of genotoxicity data and therefore concluded that it should be excluded from the group Acceptable Daily Intake (ADI) defined for sorbic acid (E 200) and potassium sorbate (E 202).

On 10 June 2016, the Commission launched a public call for scientific and technological data on sorbic acid (E 200), potassium sorbate (E 202) and calcium sorbate (E 203), targeting the data needs identified in EFSA's Scientific Opinion on the re-evaluation of those substances as food additives (http://ec.europa.eu/food/safety/food_improvement_agents/additives/re-evaluation_en).

However, no business operator committed to providing the requested genotoxicity data for calcium sorbate (E 203). Without those data EFSA cannot complete the re-evaluation of the safety of calcium sorbate as a food additive and consequently it cannot be determined whether that substance still fulfils the conditions pursuant to Article 6(1) of Regulation (EC) No 1333/2008 for inclusion in the Union list of approved food additives. It is therefore appropriate to remove calcium sorbate (E 203) from the Union list of approved food additives.

The draft Regulation presented by the Commission to the Committee concerned therefore the amendment of Annexes II and III to Regulation (EC) No 1333/2008 and the Annex to Regulation (EU) No 231/2012 by deleting calcium sorbate (E 203) from the Union list of authorised food additives. In order to enable food business operators to adapt to the new requirements or to find alternatives to calcium sorbate (E 203), this draft Regulation should apply 6 months after its entry into force.

Vote taken: Unanimity.

B.02 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) on the use of bisphenol A in varnishes and coatings intended to come into contact with food and amending Regulation (EU) No 10/2011 as regards the use of that substance in plastic food contact materials.

The Committee was reminded that bisphenol A (BPA) is authorised at EU level to be used as a monomer in plastic food contact materials (FCMs), subject to certain restrictions including a specific migration limit (SML) and a prohibition on the use of the substance to manufacture polycarbonate infant feeding bottles. However, four Member States have introduced their own national measures which go beyond those laid down at EU level following concerns on the safety of the substance.

In January 2015 the European Food Safety Authority (EFSA) published a comprehensive opinion on the risk from BPA from foods, lowering the temporary Tolerable Daily Intake (t-TDI) but concluding that there was no risk from exposure via the diet and a low risk taking into account all other sources of exposure. Following the opinion, the Commission set out possible risk management measures in a roadmap in 2015 and a draft measure in 2016, lowering the SML for BPA in plastic FCMs and extending the application of the SML to include food contact varnishes and coatings for which BPA is used extensively. The SML also takes into account other sources of exposure.

The draft measure has been discussed with Member States in 2016 and again in 2017 following further work undertaken by EFSA examining possible immuno-toxic effects of BPA and the introduction of further restrictions concerning infants and young children in the draft measure. The Commission has also recently undertaken a consultation feedback period (August – September 2017), from which it received 7 comments including 3 from business associations, 3 from non-governmental organisations (NGOs) and one individual. The Commission gave its response to the comments as follows:

Concerning the scope of the draft measure, the Commission clarified that it includes only BPA and no other bisphenols. Concerning the request for clarification on indirect food contact, the Commission referred to the scope of FCMs, which is set out in Regulation (EC) No 1935/2004 and includes FCMs which may transfer their constituents into food under normal and foreseeable conditions of use. Furthermore, derogations may apply for substances used behind a 'functional barrier' in the case of plastic FCMs, although for BPA, since an authorisation is given, no derogation is required. Further comments from business associations underlined the importance of harmonised measures at EU level, which has also been echoed by Member States.

Further comments relate to the need for information on the properties of the foods to come into contact with the FCMs, the Commission pointed out that this is a requirement in the Declaration of Compliance (DoC) concerning 'types of food'. As regards concerns relating to information on so-called 'substitution' substances which may be used to replace BPA, the Commission reminded the Committee that only substances that have been assessed and authorised in Annex I to Commission Regulation (EU) No. 10/2011 can be used in plastic FCMs. The use of substances in other types of material can be assessed and/ or authorised at national level. The Commission stated that it is open to continued dialogue with industry as well as Member States on this issue and welcomed information concerning assessment of substances at national level. It also underlined the work led by EFSA in the context of the FIP network on harmonising risk assessment approaches across Member States. It reminded Member States of the possibility to request an opinion from EFSA as and when specific scientific issues arise.

One NGO stated that it has banned BPA use in epoxy lacquers as from 2016 in Denmark and that further action was being taken to restrict its use in other Member States. Another NGO requested the extension of a ban on BPA to all FCMs. The Commission explained that its risk management measures were based on the EFSA opinion taking into account the precautionary principle and will result in a substantial

reduction in the permitted migration of BPA into foods as well as extending the scope to BPA's primary use in FCMs, namely varnished and coated food and drinks cans. The Commission has also mandated EFSA to undertake a new evaluation of the toxicity of BPA, taking into account further information available that is or will be available. The current EFSA opinion provides substantial information on exposure, indicating that infants and young children have the highest exposure from food.

The Commission further explained that the measure is aimed at those FCMs for which BPA is used; whereas levels may be found in paper and board, information can be submitted to take this into account. However future restriction on BPA in thermal paper under REACH should contribute towards reduction of levels in [recycled] paper and board used as FCMs. With reference to REACH and consideration of other substances, the Commission made reference to its forthcoming planned evaluation on FCMs, which will examine the approach under REACH and possible use of information under REACH for the overall risk management of FCMs.

The Committee was informed of some changes made in addition to the version published for the feedback consultation, following the Expert Working Group of the PAFF on 15 September. In order to capture those FCMs using BPA which may be placed on the market for infants and young children, a similar wording has been used as for infant feeding bottles, introducing a prohibition on the use of BPA for 'sippy cups'; whereas for varnishes and coatings which may be used in packaging, it is appropriate to refer to the specific food groups for infants and young children set out in EU legislation. The text has been changed to make clear that the rules apply to food contact varnishes and coatings and that the legislation refers to FCMs manufactured using BPA. Following discussions with Member States, point 3 of Annex I concerning information on the identity of the laboratory in the DoC was removed.

In light of comments made during the meeting, the Commission also clarified that a limit of detection was necessary for consistent and uniform enforcement and checking for compliance concerning substances which were not permitted to migrate into foods. The issue is not unique to BPA and an appropriate non-detect (ND) limit has been clearly specified in the draft measure with reference to Article 11(4) of Commission Regulation (EU) No 10/2011. However, the Commission acknowledged that for some substances a ND limit less than 0.01 mg/kg may be technologically feasible and appropriate for enforcement and compliance checking for some substances and that it would take these discussions forward in the Expert Working Group of the PAFF, with particular focus initially on primary aromatic amines (PAAs) for which the same requirement exists.

Vote taken: Favourable opinion.

B.03 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of sweeteners in fine bakery wares.

The Commission's representative presented the draft Regulation. It also reported about the comments received during the feedback mechanism to which the draft text had been subject to in the Better Regulation Portal (http://ec.europa.eu/info/law/better-regulation/initiatives/isc-2017-02792_en) for 4-weeks.
The draft Commission Regulation has been published on 29 May 2017 and the period of feedback mechanism ended on 26 June 2017.

In total six comments were submitted. Most comments were received in the last days of the feedback mechanism; more in detail, of these six comments :

- three were received from business associations - CAOBISCO (the Association of Chocolate, Biscuit and Confectionery Industries of Europe), ISA (the International Sweeteners Association) and FEDIMA (Federation of European Union Manufacturers and Suppliers of Ingredients to the Bakery, Confectionary and Patisserie Industries);
- one from an EU citizen;
- one from an anonymous business organisation and
- one from a NGO, the Diabetes Liga (BE).

The comments relate mainly to the establishment of a transitional period whereby

- "fine bakery wares with no-added sugar should continue to be marketed until three years after the entry into force of the Regulation" or
- "fine bakery products for special nutritional uses lawfully placed on the market for three years after the date of entry into force of this Regulation, may continue to be marketed until stocks are exhausted".

There are also suggestions for sweeteners to be allowed for use in ‘fine bakery products’ in accordance with Article 7 - Specific conditions for sweeteners of Regulation (EC) No. 1333/2008 on food additives.

It is further indicated that a dossier(s) will be presented at the end of the year 2017 for the authorisation of sweeteners (such as sucralose) in fine bakery wares (with no-added-sugar).

The Commission's representative provided the following clarifications vis-à-vis the comments made :

- in accordance with Annex II to Regulation (EC) No. 1333/2008 there is currently no authorisation for use of sweeteners in food category 7.2 fine bakery wares with the exception of ‘fine bakery products for special nutritional uses’, 'cornets and wafers, for ice-cream, with no added sugar' and 'essoblaten - wafer paper';
- as outlined in recital 10 of the draft Regulation, the Commission provides a transitional period during which fine bakery products for special nutritional uses containing any of the nine sweeteners (E 950, E 951, E 952, E 954, E 955, E 959, E 961, E 962, E 969) currently listed in food category 7.2 fine bakery wares of Annex II may continue to be marketed;
- as outlined in article 2 of the draft Regulation, 'fine bakery products for special nutritional uses' containing any of the nine sweeteners (E 950, E 951, E 952, E 954, E 955, E 959, E 961, E 962, E 969) currently listed in food category 7.2 fine bakery

wares of Annex II that have been lawfully placed on the market before the entry into force of the Regulation may continue to be marketed until the stocks are exhausted;
- in accordance with article 3(1) of Regulation (EC) No. 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings, the common procedure for updating the Union list of food additives may be started either on the initiative of the Commission or following an application. Applications may be made by a Member State or by an interested party (who may represent several interested parties) and shall be sent to the Commission. Therefore, industry can at any time submit an application for the authorisation of sweeteners in fine bakery wares (food category 7.2) pending its compliance with the general conditions of use for food additives as well as with at least one of the specific conditions of use for sweeteners as laid down in article 7 of Regulation (EC) No. 1333/2008.

The draft Regulation submitted for feedback mechanism has not been amended and it was submitted to the Committee for opinion.

One Member State indicated not to be in favour of the draft Regulation as they are of the opinion that a transitional period would have been necessary to allow the production and commercialisation of products such as 'protein-enriched' and 'sugar-reduced biscuits and cakes' whilst producers of those products finalise the authorisation dossiers to submit for an authorisation procedure.

All other 27 Member States supported the draft Regulation as it shall effectively result in an uniform application of the conditions for authorisation of use of sweeteners that ensures clarity and the proper functioning of the internal market.

Vote taken: Favourable opinion.

B.04 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards specifications for Microcrystalline cellulose (E460(i)).

The Commission received an application for the amendment of specifications concerning the food additive microcrystalline cellulose (E 460i) and more specifically to its solubility in sodium hydroxide solution.

The European Food Safety Authority evaluated the safety of an amendment of the specifications for that food additive as requested and concluded that it would not be of a safety concern. However, EFSA recommended that the concentration of sodium hydroxide solution to be used in the solubility test should be indicated in the EU specifications.

Consequently, it is appropriate to amend the description of the solubility of the food additive E460i in sodium hydroxide solution and the Annex to Regulation (EU) No 231/2012 should be amended accordingly.

Vote taken: Unanimity.

B.05 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of 2'-fucosyllactose as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission's representative presented the draft Implementing Decision authorising the placing on the market of 2'-fucosylllactose as a novel food ingredient.

Vote taken: Unanimity.

B.06 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of hydroxytyrosol as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission's representative presented the draft Implementing Decision authorising the placing on the market of Hydroxytyrosol as a novel food ingredient. Based on internal Commission advice and following the request of the applicant for further legal clarity on the possibility to add hydroxytyrosol into olive oil, the Commission recommended that the vote on the opinion of this Committee is postponed. The Committee agreed to this Recommendation.

Vote postponed

B.07 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food.

The Commission's representative presented the draft Implementing Regulation amending Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food authorising a number of substances to be used in plastic materials intended to come into contact with foods.

Vote taken: Favourable opinion.

B.08 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising an extension of use of yeast beta-glucans as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission's representative presented the draft Implementing Decision authorising an extension of use of yeast beta-glucans as a novel food ingredient.

Vote taken: Unanimity.

B.09 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of phosphoric acid – phosphates – di – tri – and polyphosphates (E 338-452) in frozen vertical meat spits.

In August 2015, the Commission received an application for the authorisation of phosphates as a stabiliser and a humectant in frozen vertical spits meat preparations. The use of phosphates was required for a partial extraction and breakdown of meat proteins to form a protein film to bond meat pieces together in order to ensure homogenous freezing and roasting and to ensure that meat remains juicy during thawing and vertical meat spits remain stable. Such technological need was recognised for certain frozen vertical rotating meat spits.

Phosphates are authorised for use as food additives in a wide variety of foods including meat products and certain meat preparations. Thus it is not expected that the extension of use to frozen vertical meat spits will have a significant impact on the overall exposure to phosphates.

Annex II to Regulation (EC) No 1333/2008 should therefore be amended accordingly.

Greece made the following declaration:

"Greece does not support the authorisation of the use of phosphates in vertical rotating meat spit on the ground that phosphates are not technologically justified and their use is not of the benefit to the consumer. Greece requested that the use of phosphates should not be extended to gyros. Gyros is a meat preparation traditionally produced in Greece. It is described under point 8.2 of the guidance document referring to the food categories and it is also named in Commission Regulation (EU) No 601/2014 of 4 June 2014, amending Annex II to Regulation (EC) No 1333/2008. As it was demonstrated by Greece, during the several meetings of Working Party of Governmental Experts on Food Additives, gyros, is a meat preparation, where the use of phosphates is not necessary to achieve the objectives that are mentioned under recital (3) and (4) of the proposed draft Regulation."

Greek concerns were shared by three other Member States.

Vote taken: Favourable opinion.

B.10 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Decision (EU) authorising the placing on the market of taxifolin-rich extract as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council.

The Commission's representative presented the draft Implementing Decision authorising the placing on the market of taxifolin-rich extract as a novel food ingredient.

Vote taken: Unanimity.

B.11 Exchange of views and possible opinion of the Committee on a draft Commission Regulation amending Regulation (EC) 1881/2006 as regards maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children.

The draft Commission Regulation has been published on 22 August 2017 on the better regulation portal for a 4-week public consultation (http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-4129615_en).
The period of public consultation ended on 19 September 2017.

In total, 14 comments were submitted. Most comments were received in the last days of the public consultation.
Of these 14 comments, 2 comments were received from consumer organisations/NGO's, 7 from business associations, 3 from individual companies, 1 from a research association and 1 from a public authority.

More in detail, comments were received from :

-the following consumer organisations/NGO's: Altroconsumo (Italy), Test-Aankoop (Belgium);
- the following 6 EU associations: Specialised Nutrition Europe (SNE), Association of Chocolate, Biscuits and Confectionary of Europe (CAOBISCO), the umbrella organisation of the European food and drink industry (FoodDrinkEurope), the European Margarine Association (IMACE), the EU vegetable oil and proteinmeal industry (FEDIOL), the European Food Emulsifiers Manufacturers Association (EFEMA) and 1 national association: the Dutch Food and Drink Federation (FNLI) (Netherlands);
- the following individual companies : Gustav Heess GmbH (Germany), Dreher Agrarrohstoffe GmbH (Germany) and Conrad Schulte GmbH & C. (Germany);
- the following research association : Institute of Food Science and Technology (IFST) in the UK;
- the following public authority : Bayerisches Staatsministerium für Umwelt und Verbraucherschutz (Germany).

The comments relate mainly to the following issues (not exhaustive) :

- proposing to set lower maximum levels to provide effective consumer protection;
- supporting the proposed maximum levels but highlighting the need to provide for transitional period before the maximum levels become into application;
- requesting to have some provisions clearer worded to avoid any further misunderstanding for enforcement;

- questioning the availability of a method of analysis to enforce the proposed maximum levels and highlighting the need for standardisation of methods of analysis;
- questioning the achievability of the proposed maximum levels for all vegetable oils;
- commenting on the possible consequences for the vegetable oils and fats market following the setting of the maximum levels.

Following the comments raised in the public consultation and comments made by several delegations at the meeting, changes were introduced in the draft Regulation providing for a transitional period and clearer wording thereby avoiding any misunderstanding.

Vote taken: Unanimity.

B.12 Exchange of views and possible opinion of the Committee on a draft Commission Regulation (EU) amending Annex VII to Regulation (EC) 882/2004 of the European Parliament and of the Council as regards the EU reference laboratories in the field of contaminants in feed and food.

The Joint Research Centre (JRC) of the European Commission currently hosting the EU reference laboratory for heavy metals in feed and food, the EU reference laboratory for Polycyclic Aromatic Hydrocarbons (PAHs) and the EU reference laboratory for mycotoxins in feed and food since 2006, has informed the Directorate General for Health and Food Safety that it will no longer continue to host these EU reference laboratories as from 1 January 2018.

In these areas the effectiveness of official controls and other control activities depend on the quality, uniformity and reliability of the methods of analysis and analytical results performed by the official laboratories and there is a continued need to promote uniform practices in the use of analytical methods. It is necessary to maintain an EU reference laboratory in these areas and therefore to designate new EU reference laboratories. In addition, as since 2006, new priorities have been identified in the field of metals, nitrogenous compounds, processing contaminants and plant toxins, the scope of activities and tasks of the new EU reference laboratories need to be widened.

The scope of activities and tasks of the current EU reference laboratory for heavy metals in feed and food has therefore been extended to all metals and nitrogenous compounds in feed and food, of the current EU reference laboratory for Polycyclic Aromatic Hydrocarbons (PAH) to all processing contaminants and of the current EU reference laboratory for mycotoxins in feed and food to mycotoxins and plant toxins in feed and food.

The Commission launched on 23 January 2017 a call for applications to select and designate an EU reference laboratory for the abovementioned areas. The Regulation provides to designate the selected laboratory National Food Institute, Technical University of Denmark (Denmark) as EU reference laboratory for metals and nitrogenous compounds in feed and food, the laboratory National Food Institute, Technical University of Denmark (Denmark) as EU reference laboratory for processing contaminants and the laboratory RIKILT (Stichting Wageningen

Research) (The Netherlands) as EU reference laboratory for mycotoxins and plant toxins in feed and food.

Given the growing importance of chlorinated persistent contaminants other than PCBs and dioxins, brominated persistent contaminants and fluorinated persistent contaminants for the safety of feed and food, it is provided to extend the scope of the EU reference laboratory for dioxins and PCBs in feed and food to all halogenated persistent organic pollutants (POPs) in feed and food and to rename the EU reference laboratory for dioxins and PCBs in feed and food into EU reference laboratory for halogenated persistent organic pollutants (POPs) in feed and food.

The Commission's representative highlighted the importance following the extension of the scope of the EURLs that the competent authorities in the Member States verify if the current National Reference Laboratories (NRL) are competent for new areas of the extended scope and if necessary to appoint additional NRLs to cover the full scope.

The vote was taken.

Vote taken: Unanimity.

B.13 Exchange of views and possible opinion of the Committee on a draft Commission Implementing Regulation amending 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.

The draft Commission Implementing Regulation has been published on 5 July 2017 on the better regulation portal for a 4-week public consultation

(http://ec.europa.eu/info/law/better-regulation/initiatives/ares-2017-3377210_en).

The period of public consultation ended on 2 August 2017. No comments were received.

Following the accident at the Fukushima nuclear power station on 11 March 2011, restrictive measures have been taken as regards imports of feed and food from certain regions of Japan, whose production could be affected by the accident at the Fukushima Daiichi nuclear power plant. The measures have been regularly reviewed.

Implementing Regulation (EU) No 2016/6 provides that the measures provided therein are to be reviewed taking into account the further development of the situation and occurrence data for 2015 and 2016 on radioactivity in feed and food.

The existing measures have been reviewed taking into account more than 132 000 occurrence data on radioactivity in feed and food other than beef and more than 527 000 occurrence data on radioactivity in beef, provided by the Japanese authorities concerning the fifth and sixth growing season (January 2015 until December 2016) after the accident.

The data submitted by the Japanese authorities provide evidence that no exceedance of the maximum levels of radioactivity were observed in feed and food originating from Akita during the fifth and sixth growing season after the accident and it is no longer necessary to require the sampling and analysis of feed and food originating in the prefectures of Akita regarding the presence of radioactivity before export to the Union.

For feed and food products originating in the prefecture of Fukushima, taking into account the occurrence data provided by the Japanese authorities for 2014, 2015 and 2016, it is appropriate to lift the requirement of sampling and analysis before export to the Union for rice and products derived thereof.

As regards the prefectures of Gunma, Ibaraki, Tochigi, Iwate and Chiba, it is currently required to sample and analyse mushrooms, fish and fishery products and certain edible wild plants and the processed and derived products thereof, before export to the Union. The occurrence data for the fifth and sixth growing season provide evidence that for some of those feed and food commodities originating from certain prefectures the requirement of pretesting before export could be lifted.

The Japanese authorities have provided a list of fish species requesting their exemption from the requirement of pre-testing. After careful assessment of this list, the following species of fish and fishery products which are eligible to be exported to the EU as from March 2016 (from approved facilities) are proposed to be exempted from the requirement to be pretested before export to the EU: Japanese amberjack (*Seriola quinqueradiata*)and yellowtail amberjack (*Seriola lalandi*) Japanese seabream (*Pagrus major*), white trevally (striped jack) (*Pseudocaranx dentex*) Pacific bluefin tuna (*Thunnus orientails*), Pacific chub mackerel (*Scomber japonicas*).

For these fish species, a lot of analytical results are available and no non-compliances have been identified in 2014, 2015 and 2016. Moreover, in nearly all samples no radioactivity was found and where radioactivity was found, the level was not higher than 10 Bq. Analytical results available for fish species similar to these fish species showed the same pattern.

Furthermore no non-compliances were found in 2014, 2015 and 2016 in crustaceans (CN code 0306) and molluscs (CN code 0307). Scallops were already excluded from the pre-testing requirements before and it is therefore proposed to exclude all crustaceans (CN 0306) and all molluscs (CN0307) from the pre-testing requirements.

Concern was expressed, following recent press reports mentioning the release of tritium contaminated water into the ocean. The Commission representative informed the Committee that the Japanese authorities have confirmed that the information in the press reports is false. The future management of tritium contaminated water is under careful consideration by the Government of Japan and no decision has been made by the Government of Japan to allow the release of such water into the ocean. It is furthermore stressed that the decision to release such water into the ocean shall not be made without the explicit consent of all relevant ministries and agencies of the Government of Japan.

The Commission's representative informed the Committee that the Japanese government shall be requested to timely inform the Commission on the fate of the radioactively contaminated waste and cooling water with the details of the assessment in order to enable the Commission to assess this information and, if needed, to propose an amendment to the Regulation.

An exchange of views has taken place.

Five Member States did not support the proposed measure:

- three Member States because of lack of reciprocity as the Japanese authorities have not yet shown any change in their policy on regionalisation in general despite commitments made;
- one Member State because it was too late announced that the draft Regulation would be submitted for vote and
- one Member State because the proposed restrictive measures are not risk based.

The vote was taken.

Vote taken: Favourable opinion.

M.01 A.O.B.

No items raised under this point.