

DRAFT EC REGULATION - AFLATOXIN CONTROL

Submission by The Gambia

The following letter, addressed to the European Commission, was submitted by the Republic of The Gambia on 4 February 1998, with the request that it be brought to the attention of the Committee on Sanitary and Phytosanitary Measures.

We are aware that the WTO Committee on Sanitary and Phytosanitary Measures has been notified by yourselves (notification G/SPS/N/EEC/51 dated 8 January 1998) of the Draft Commission Regulation amending Commission Regulation No. 194/97 of 31 January 1997 setting maximum limits for certain contaminants in foodstuffs, including groundnuts. We are equally aware that 15 February 1998 has been set as the final deadline for comments to be submitted from interested parties.

The Gambia, being predominantly an agricultural country, relies most heavily on the production and export of groundnuts. Groundnut trade contributes about 80 per cent of the domestic exports of The Gambia, and groundnut production serves as the backbone economic activity of the rural population (about 60 per cent) of the country.

Having reviewed the proposal of the European Commission, The Gambia wishes to put on record its greatest concern that the Commission does intend to, rather unjustifiably, reduce the maximum acceptable limits for aflatoxin content in groundnuts from a Codex Committee on Food Additives and Contaminants (CCFAC) recommended level of 15 ppb total to a new 10 ppb total.

The Commission's proposal would effectively restrict entry of The Gambia's groundnuts, and essentially the groundnuts from producer countries in the developing world, to the European Union through increased rejections (20 per cent - 30 per cent) of Third World exports. On the basis of established studies and research, The Gambia firmly believes that the Codex recommended level satisfies the health concerns of the Commission relating to aflatoxin content in groundnuts since it has been established that an aflatoxin level of 15 ppb presents no danger to consumers. Any attempt to vary the already acknowledged and realistic maximum level would not only create a qualitative and unilateral scientific trade barrier, but would be creating an unfair advantage and protection for the European Union.

It should also be recalled that the European Union had blocked the CCFAC recommendation of 15 ppb level of aflatoxin in edible raw peanuts on the strength of the fact that the recommendation should await the report of the Joint Expert Committee for Contaminants and Food Additives (JECFA). Now that JECFA has produced its report exposing effectively that no danger accrues from an increase in the acceptable limit of aflatoxin content to even 20 ppb, it stands to reason that the current Codex maximum of 15 ppb is well within justifiable limits to relegate the Commission's 10 ppb as untenable.

The over-estimation by the Commission of the potency of aflatoxin is also apparent when one considers that Hepatitis B has been virtually eradicated in Europe - a condition which, when combined with Aflatoxin, could eventually increase the inherent risk of primary liver cancer.

Additional to the reasons advanced for not accepting the EC proposal, there is the issue of the EC proposed sampling technique which further creates a much wider inconsistency with the acknowledged and well-practised sampling plan derived from the FAO technical consultation on "Sampling plans for Aflatoxin analysis in peanuts and corn". The FAO plan uses a single sample of 20 kilograms for testing the Aflatoxin content while the EC proposal calls for three samples, under a multiple analysis plan, to be tested prior to the acceptance of a lot. This proposal would not only implicitly create significant rejections of good products, but would have a material impact on import costs and EU consumer prices without increasing consumer protection whatsoever.

Having said this, I am to convey the expressed reaction of the Government of The Gambia that in the interest of fair and undisrupted world trade, maintenance of consistency in established health risk standards, and the significance of the EC proposal on the socio-economic well being of countries in the developing world in particular, the European Commission should review the new proposal and adopt the JECFA recommendations. The JECFA recommendations do not compromise health risks whatsoever, while the Commission proposals would not lead to any discernible health protection of EU consumers.

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