

DRAFT EC REGULATION - AFLATOXIN CONTROL

Submission by Indonesia

The following communication was received from Indonesia on 11 March 1998.

Indonesia's response to document G/SPS/N/EEC/51

1. Indonesia has carefully studied WTO document G/SPS/N/EEC/51 dated 8 January 1998, whereby the European Communities is considering the adaptation of a new regulation setting maximum limits for aflatoxin in groundnuts, nuts, cereals, dried fruit and milk with effect of March 1998.
2. Indonesia believes that the level of aflatoxin proposed by European Communities is unjustifiably low in relation to consumer risks. Most current review of JECFA on aflatoxin risks based on their extensive evaluation of hypothetical standards of 10 and 20 ppb indicated that consumer health is not compromised by the 15 ppb level under discussion in Codex. In addition, the provision for multiple sampling and analysis contained in the EC's proposal will result in increasing handling costs without improving the accuracy of the test results.
3. The European Communities proposal contradicts Article 3.1 of the Agreement of the Application of Sanitary and Phytosanitary Measures, which stipulates that any sanitary and phytosanitary measures should be based on international standards, guidelines and recommendations. In fact, the draft Codex standard on maximum limits of aflatoxin is currently still under scrutiny and subject to further debate in the upcoming session of the Codex Committee on Food Additives and Contaminants, 9-13 March 1998, in the Hague.
4. Indonesia is also concerned that the rationale for the proposed EC regulation is not justified on the basis of the JECFA risk assessments - and therefore contradicts with the objective of minimizing the negative trade effects stated in Article 5.4 of the SPS Agreement.
5. Based on the above arguments, Indonesia considers the proposed EC regulation on maximum limits for aflatoxin in foodstuffs as *inappropriate*. If established, it would inevitably lead to trade disruption and undermine the essence of Article 3.1 and Article 5.4 of WTO/SPS Agreement. In this context, Indonesia urges the European Communities to reconsider its proposal as contained in document G/SPS/N/EEC/51 dated 8 January 1998.