

DRAFT EC REGULATION - AFLATOXIN CONTROL

Submission by Senegal

The following communication was received from Senegal on 18 February 1998.

OBSERVATIONS BY SENEGAL ON THE EUROPEAN DRAFT REGULATIONS
ON AFLATOXINS

Pursuant to Article 2.9.2 of the Agreement on Technical Barriers to Trade, the European Community notified the Secretariat of the World Trade Organization of its draft regulation setting maximum levels for certain contaminants in foodstuffs and its draft methods of sampling for the official control of levels of aflatoxins in certain foodstuffs.

The purpose of this communication is to present Senegal's comments on these drafts as provided for in Article 2.9.4 of the Agreement on Technical Barriers to Trade.

A. MAXIMUM LEVELS

The notification reveals that the EU's objective is public health.

It is true that in 1989, on the strength of the scientific information available at the time, the Joint FAO/WHO Expert Committee on Food Additives (JECFA) recommended that aflatoxin intake should be brought down to an irreducible level, i.e. a level at which infested goods would have to be destroyed.

However, JECFA qualified that recommendation at its latest Meeting held in Rome, from 17 to 19 June 1997.

At that Meeting, it arrived at a number of conclusions, *inter alia*:

- It is not possible, on the basis of epidemiological studies, to confirm that aflatoxin is an independent and autonomous risk factor in the incidence of liver cancer;
- aflatoxin may be considered to be a carcinogen only in the presence of other risk factors such as hepatitis B and C.

Moreover, past studies had overestimated aflatoxin potency in the occurrence of liver cancer, while the responsibility of hepatitis B had been underestimated by 20 to 30 per cent:

- In countries with a low incidence of hepatitis B, like the EU, a maximum limit of 20 per cent yields an estimated cancer risk of 4.1 cases per year per 100 million inhabitants.

Brought to 10 per cent, the maximum limit yields an estimated risk of 3.9 cases per year per 100 million inhabitants.

In other words, a reduction of the limit from 20 to 10 per cent yields a reduction in the incidence of cancer of only two cases per year per 1 billion inhabitants:

- Reduction of the intake of aflatoxins in countries with a high prevalence of hepatitis has a greater impact in reducing cancer rates than reductions in countries with a low prevalence of hepatitis;
- finally, vaccination against hepatitis reduces the hepatocarcinogenicity of aflatoxins.

In view of these considerations, it seems that a reduction of the maximum aflatoxin level to 5 per cent would not save many lives in the EU. On the other hand, it would have a damaging effect on our economy in particular.

B. SAMPLING AND CONTROL

We share the EU's conviction that an analysis result can only be relevant if a sample is representative of the lot.

However, we consider that the inferences contained, in particular, in point 5.2.2 of Annex I of the European Draft to be biased.

Indeed, it is as if one lot had two representative samples: one (the subsample of 10 kilograms) for the rejection of the lot and the other (the three subsamples whose total weight is equal to the aggregate sample) used for acceptance for the lot or subplot.

In our view, it would be fairer to analyse the three subsamples and to take a decision on the basis of the simple arithmetic average of the three results obtained, as is done in certain countries (USA).

Moreover, as it focuses on rejection, this method will lead to product wastage and probably an increase in consumer prices due to scarce supply.

Finally, the sample-taking method, involving a number of samples 800 times higher than the standard adopted by FOSFA, is so strict that its application will require the upgrading of almost all laboratories in the developing countries. And indeed, the number of samples is so high that it will inevitably burden exporters, unfairly, with extra costs.

C. ECONOMIC AND COMMERCIAL CONSEQUENCES

While as we have seen above, the adoption by the EU of its new regulation will result in infinitesimal and marginal gains in terms of public health, its commercial and economic impact on our country will be considerable. Its consequences will be reflected not only in the level of our exports, but also, and above all, in the importance of groundnuts in our economy and the outlook for that sector.

1. Exports

Exports of groundnuts for human consumption in Senegal increased steadily in value between 1995 and 1997 from CFAF 1.8 billion to close to CFAF 2 billion, finally attaining CFAF 2.3 billion.

In 1995, 74 per cent of exports went to the EU, Senegal's traditional and preferential partner.

2. The current status of groundnuts for human consumption in the Senegalese economy

The Senegalese industry for groundnuts for human consumption is essentially managed by the company NOVASEN SA, which employs 103 persons on a permanent basis, 800 on a seasonal basis and 1,500 on a daily basis. It has two hulling plants, one in Kaolack and one in Louga, and provides support for 50,000 farmers in the regions of Kaolack, Fatick, Louga and Kolda cultivating an area of 59,000 hectares. It supplies them with a fairly significant seasonal credit (CFAF 2.2 billion in 1995), seed capital, and fertilizers which it buys from a local company, SENCHIM (approximately CFAF 1.1 billion, transport included).

Over the last three seasons, it processed an average of 32,000 tonnes of groundnuts in shell for human consumption.

3. Outlook for groundnuts for human consumption

Despite a long tradition in groundnuts, Senegal has been relatively reluctant to develop the cultivation of groundnuts for human consumption, even though they seemed to offer a promising alternative to groundnut oil production. It was not until 1963 that the first programme for the cultivation of groundnuts for human consumption was launched. In spite of the efforts made, production has remained dependent on the rainfall situation.

Senegal has now opted definitively for the development of groundnut production for human consumption, in particular through irrigation. On 11 December 1997, at the seminar to reactivate the study on the development of groundnuts for human consumption financed by the EU, the Minister of Agriculture declared: "Others have chosen cotton; here, we are betting on groundnuts." Similarly, at the Council of Ministers of 13 January 1998, the President of the Republic called for a sustained effort to develop irrigated farming of groundnuts for human consumption in the valley.

The objective is to increase the cultivated area from 59,000 to 100,000 hectares.

To that end, a series of measures were taken affecting every branch of the industry, including seed research, product quality etc.

In particular, the Government developed a CFAF 3 billion triennial investment programme.

In order to stabilize producer prices and avert a general price slump, a CFAF 5.2 billion stabilization fund was created to which the EU contributed CFAF 2.4 billion.

Thus, it would be unfortunate if the EU, our traditional and preferential partner, were to allow an extremely strict regulation to break a momentum on which so many hopes are pinned.

CONCLUSION

While sharing Europe's health concerns, Senegal considers the EU Draft Regulation to be extremely severe: it is more restrictive to trade than the public health objective warrants.

We would like the EU to adopt a sampling plan and levels corresponding to those proposed in the framework of the WHO/FAO Committee. At the very least, we would ask the EU to reconsider its maximum aflatoxin limits in the light of the latest findings of the JECFA. This would be consistent with the spirit and letter of the WTO Agreement on Technical Barriers to Trade, in particular Article 2, paragraphs 2 and 4, and of the provisions of the Lomé Convention in favour of the integration of the ACP countries in international trade.
