

DRAFT EC REGULATION - AFLATOXIN CONTROL

Submission by the Philippines

The following communication was received from the Philippines on 6 March 1998.

Comments on G/SPS/N/EEC/51

1. The Philippines is concerned that the EU proposed maximum limits for aflatoxin in groundnuts, nuts and dried fruits destined for further processing and final consumption, cereals, and milk, are unjustifiably low relevant to consumer risks to potency of aflatoxin. In the case of milk, the application of the proposed aflatoxin limit implies the need to control aflatoxin levels in raw materials for feedingstuffs at extremely low levels.
2. It may be recalled that the objectives of the Uruguay Round Agreement on the Application of Sanitary and Phytosanitary Measures is to further the use of harmonized sanitary and phytosanitary measures between Members, on the basis of international standards, guidelines and recommendations developed by relevant international organizations, including the Codex Alimentarius Commission. The Agreement also commits Members to ensure that their sanitary and phytosanitary measures take into account the risk assessment developed by relevant international standard-setting bodies.
3. In this light, the Philippines would like to draw the Committee's attention to the on-going discussions at the Codex Committee on Food Additives and Contaminants (CCFAC) concerning the establishment of aflatoxin maximum limits for several products. At its last session in March 1997, the Committee decided to put on hold decisions on a number of proposals on the maximum aflatoxin limits for certain foodstuffs, including peanuts and milk, pending additional information particularly the results from the analysis being undertaken by the Joint FAO/WHO Experts Committee on Food Additives and Contaminants (JECFA).
4. Since the meeting of the CCFAC in March 1997, JECFA has issued the results of its recent assessment on the potency evaluation and population risk from aflatoxin based on a wide range of available studies on the subject. The JECFA findings are contained in the Report of the 49th JECFA Session held in Rome in June 1997. The Philippines believes that the conclusions contained in the aforementioned JECFA report provide sufficient scientific basis that would enable Codex to adopt an international standard concerning the maximum aflatoxin limit for certain foodstuffs which would provide adequate guarantee to consumer health safety and which would not pose more restrictions to trade than is necessary.

5. If approved, the proposed EC Commission Regulation would create substantial withdrawal of good food from trade and a reduction in available supply of food. The EC regulation would seriously disrupt trade in a wide range of agricultural products, to the detriment not only of third country exporters, particularly developing countries like the Philippines who are major producers of tropical food products, but also of the European importers and consumers.

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