



11 November 2021

(21-8556)

Page: 1/1

Committee on Sanitary and Phytosanitary Measures

Original: English

**THE EUROPEAN UNION'S REGULATORY APPROACH TO MAXIMUM LEVELS
FOR CONTAMINANTS – [SPECIFIC TRADE CONCERN 519](#)**

SUBMISSION BY THE UNITED STATES OF AMERICA

The following submission, received on 8 November 2021, is the statement made by the United States of America at the 3-5 November 2021 WTO SPS Committee, and is being circulated at the request of the Delegation of the United States of America.

-
1. The United States appreciates Canada for raising this issue and welcomes the opportunity to share our concerns on the EU maximum levels, or MLs, for contaminants in foodstuffs, in EC regulation 2021/1399, which amends EC regulation 1881/2006.
 2. Specifically, the United States is concerned that the MLs for ergot appear to be unnecessarily trade restrictive and lack a scientific justification.
 3. The United States understands that the European Union will enforce sampling as provided for in EC401/2006; however, this measure does not currently identify sampling provisions and analytical performance criteria for ergot sclerotia or ergot alkaloids, and the United States has questions about which sampling and testing provisions will be used.
 4. Considering these questions and the concerns raised by other Members, the United States requests that the European Union delay the adoption of this measure and undertake a more robust risk assessment based on sound science.
-