

**European Community comments for the
CODEX COMMITTEE ON FOOD ADDITIVES
AND CONTAMINANTS**

38th Session, The Netherlands, 24-28 April 2006

**DRAFT MAXIMUM LEVEL FOR TOTAL AFLATOXINS IN UNPROCESSED
ALMONDS, HAZELNUTS AND PISTACHIOS AND PROPOSED DRAFT MAXIMUM
LEVEL FOR TOTAL AFLATOXINS IN PROCESSED ALMONDS, HAZELNUTS AND
PISTACHIOS (ALINORM 05/28/12, APP XXII)
AND DISCUSSION PAPER WITH PROPOSALS FOR A MAXIMUM LEVEL FOR
TOTAL AFLATOXINS IN PROCESSED ALMONDS, HAZELNUTS PISTACHIOS
(CX/FAC 05/37/23)**

Agenda Item 13 (c)

**European Community Competence
European Community Vote**

Background

The CCFAC decided at its 37th session to circulate for comments at Step 3 the proposed draft maximum level of total aflatoxins of 15 µg/kg in processed almonds, hazelnuts, and pistachios (ALINORM 05/28/12, § 141 and Appendix XXII)

The European Community (EC) reiterates its comments made at previous sessions of CCFAC on this subject.

Aflatoxins are genotoxic carcinogens. For substances of this type, no tolerable daily intake can therefore be set. Current scientific and technical knowledge and improvements in production and storage techniques do not prevent the development of these moulds and consequently do not enable the presence of the aflatoxins in food to be eliminated entirely. It is, therefore, advisable to set limits as low as reasonably achievable (= ALARA principle).

No evidence has yet been submitted which indicates that the level of 4 µg/kg total aflatoxins proposed by the EC for processed almonds, hazelnuts and pistachios is not reasonably achievable when prevention and reduction measures are applied to minimize the presence of aflatoxins in tree nuts.

A Code of practice for the prevention and reduction of aflatoxin contamination in tree nuts has been adopted by the Codex Alimentarius Commission at its 28th session in 2005 (CAC/RCP 59-2005).

The information on what levels are achievable when applying prevention and reduction measures is of major importance and is an indispensable condition to determine the levels which are reasonably achievable across a wide range of production conditions.

As it is known that sorting techniques and other physical treatments, carried out on unprocessed almonds, hazelnuts and pistachios to obtain the final consumer product can considerably decrease the aflatoxin content and aflatoxins are genotoxic carcinogens, maximum levels for processed almonds, hazelnuts and pistachios, should be significantly lower than those set for unprocessed nuts.

Position of the EC as regards the maximum level for total aflatoxin in processed almonds, hazelnuts and pistachios

Taking into account the comments made by other Member Countries in CCFAC on this issue, the EC is in favour of finding a common solution which meets to a large extent the concerns and comments made by the different member Countries.

Therefore, the EC will not oppose the forwarding of **a level of 8 µg/kg total aflatoxins in processed almonds, hazelnuts and pistachios for adoption at Step 5** by the Codex Alimentarius Commission.

However concern has been expressed as regards the possible public health consequences given that this level signifies a significant increase compared to the current EU maximum level of 4 µg/kg. Therefore the EC will request its scientific body, the European Food Safety Authority (EFSA), to provide a risk assessment in order to clarify if acceptance of this higher level would not entail unacceptable risks for the EU consumer, taking into account vulnerable groups in the population and also the significant increase in tree nut consumption in recent years in the EU.

Therefore, it is clearly stated that a **possible final acceptance** of that level at Step 8 will **depend on the outcome of this risk assessment** which is expected to be available prior to the next session of Codex Committee dealing with Contaminants in Food.

In addition, the EC is of the opinion that it is necessary that **producing countries shall be required** to provide the Codex Committee dealing with Contaminants in Food, by its next session, with **detailed information as regards the implementation** of the “Code of Practice for the prevention and reduction of aflatoxin contamination in tree nuts” adopted by the Codex Alimentarius Commission at its 28th session in 2005 (CAC/RCP 59-2005).

Position of the EC as regards the maximum level for total aflatoxin in unprocessed almonds, hazelnuts and pistachios

The 28th Session of the Codex Alimentarius Commission adopted the proposed maximum level for total aflatoxin in unprocessed almonds, hazelnuts, and pistachios at Step 5 and advanced it to Step 6. (ALINORM 05/28/41, § 71 and Appendix VIII)

The European Community indicated that a possible future acceptance of this level for unprocessed almonds hazelnuts and pistachios at Step 8 of the Codex uniform procedure will depend on the outcome of the ongoing discussions on the maximum level for total aflatoxins in processed almonds, hazelnuts, and pistachios (ALINORM 05/28/41, § 76)

Therefore the EC is of the position that **the draft maximum level of 15 µg/kg for total aflatoxin in unprocessed almonds, hazelnuts and pistachios should be retained at step 6** until the next Session of Codex Committee dealing with Contaminants in Food.