



EUROPEAN FEDERATION OF THE TRADE IN DRIED FRUIT & EDIBLE NUTS • PROCESSED FRUIT & VEGETABLES • PROCESSED FISHERY PRODUCTS • SPICES • HONEY

Brussels, 13/December/2023

To: Mr. Tim Gumbel
DG SANTE, the European Commission

Copy: Mr. Ingus Celms, Mr. Frans Verstraete

Dear Mr. Tim Gumbel

Subject: Need for harmonization of national official controls

FRUCOM officially represents European traders, importers, agents and brokers in a wide range of products, including dried fruit and nuts, peanuts and processed seafood.

Legal Framework:

The EU's legal framework, articulated in the Official Controls Regulation, allows for the physical special treatment of goods (article 5 of 2023/915). If the Member State Authority concludes a risk, this treatment must be done in a Member State. In France, if the authorities decide that the goods pose a risk to human health, re-dispatch is not allowed and there are no such special treatment facilities in the EU for these types of goods. Additionally, Italy has recently also adopted stricter approach to its controls. However, the prevailing disparities in risk among Member States breed confusion and inequality. Harmonization of a proportionate approach is urgently needed to create a level playing field for industry players.

Non-harmonized practices:

The differences between the national official controls are increasing between the EU Member States. This creates a lack of certainty for the importers. The French government has updated its national guidance document regarding the management of official controls. This guidance is to help manage food alerts for use by food sector operators and the administration. The French authorities consider that any contaminant level higher than the allowed maximum level presents a risk to human health. According to article 66 (EU 2017/625) point 4b the competent authority may authorize special treatment on exports if the product does not pose a risk to humans.

(French guidance: <https://info.agriculture.gouv.fr/gedei/site/bo-agri/instruction-2023-11>). Lately, there have been multiple containers of figs destroyed in France, Bulgaria and the Netherlands due to aflatoxin levels exceeding the maximum level. Special treatment is allowed; however, the national authorities permit only if the treatment is performed in a Member State. As cited in Codex Alimentarius code of practice, aflatoxin levels can be reduced and re-conditioned to be compliant and safe for human consumption through the manual sorting of contaminated figs under UV lamps in a dark room, carried out by workers equipped with special equipment and knowledge. However, processing facilities for figs to be re-sorted under UV-light in a special dark room do not exist in the European Union, but in the origin country (Türkiye) since it requires highly trained manual labour.



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A detention of goods has been seen in Italy, especially in the port of Vado Ligure where several containers of nuts have been held in the border control points due to mould count. However, there is no maximum level of mould in the EU. These goods have been denied special treatment to reduce the amount of mould, even though facilities are available nearby. This type of denial of special treatment and detention of goods has not been seen in other Member States.

The absence of standardized guidelines and an up-to-date list of facilities for treating the produce further limits the options available, pushing more goods toward wasteful outcomes. The lack of harmonization in official controls across Member States may open the door to "harbour shopping" – a situation where goods are directed to ports with more practical approach to import controls. This not only perpetuates inconsistencies in regulatory actions but also exacerbates the potential for unnecessary waste, something that goes against one of the key goals of the EU Farm-to-Fork policy of reducing food waste. For some treatments facilities exist in third countries, but not in the EU. Even if currently, abovementioned cases are those reported for now, this unharmonized practice may widen to other goods and/or Member States.

Environmental impacts:

Beyond the economic repercussions, the environmental toll of destroying food that could be treated or redirected elsewhere is substantial. Food waste contributes to greenhouse gas emissions, soil degradation, and water pollution, all of which are critical environmental concerns currently in the EU. Holding goods unnecessarily deteriorates their quality. The need for sustainable solutions is imperative to align with broader environmental goals and initiatives such as the Farm-to-Fork strategy in the EU.

Climate change is a problem all around the Mediterranean area, which is linked to for example increased amount of aflatoxins, both in the EU Member States and third countries.

Third Country Regulations

The maximum level of contaminants permitted vary by country. Some countries have higher limits than the EU. For example, the total aflatoxin level permitted in many countries, including the United States, is 20 ppb, whereas the same limit in the EU is 10 ppb. Operators should have an option to redispach rejected shipments to countries where it meets their regulatory standards. But in case of France, we are seeing the French authorities declining redispach for any exceedance of contaminants, even if the shipment would meet third country regulatory limits. FRUCOM feels this is a regulatory overreach and it denies the operators the opportunity to repurpose products for other markets where it meets the local risk criteria.

Conclusion:

In conclusion, FRUCOM urges the Commission to expedite the development and implementation of the guidance document for harmonizing official controls. A standardized and proportionate approach is imperative to eliminate confusion and ensure the smooth functioning of trade within the EU without increasing unnecessary food waste. Ensuring a high level of protection for consumers' health is our priority. However, it is essential to also consider the reduction of food loss and waste on a global scale while safeguarding consumer well-being. We look forward to the opportunity to engage in a constructive dialogue with you and other Commission officials to explore practical solutions to these pressing issues.

Thank you for your attention to this matter. We remain at your disposal for any further information or clarification.

Sincerely yours,

A handwritten signature in blue ink, appearing to be "J. G. ...", written over a light blue circular stamp.

Anna Boulova

FRUCOM Secretary General

