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Brussels, 17 January 2024

## **COCERAL, UNISTOCK Europe and EUROMALT position on the Commission discussion paper as regards maximum levels for Mineral Oil Aromatic Hydrocarbons (MOAH) in food (SANTE PLAN 2023/2345)**

COCERAL, UNISTOCK Europe and EUROMALT, welcome the intention of the EU Commission to ensure a high level of human health protection against possible contamination of food by Mineral Oil Aromatic Hydrocarbons (MOAH), as proposed in the draft SANTE PLAN 2023/2345 Rev.1, and its annex.

However, COCERAL, UNISTOCK Europe and EUROMALT are not in favour of the two suggested options, which:

- opens the door to set maximum levels of MOAH in some food categories or all foods (with some exceptions), including the raw ingredients and products listed in footnote<sup>1</sup>
- keeps the previous categorization from the SCoPAFF enforcement levels, based on fat percentage.

Due to the following considerations:

1. If the EU Commission is looking to **expand the SCoPAFF levels enforcement to other groups of foods, a proper call out with an appropriate timeline** for the business operators to be able to react and gather data should be managed.
  - a. The **most recent EFSA opinion is based on very scarce occurrence data of MOAH on raw materials** (i.e., 18 datapoint on the food group "barley and similar", 8 datapoints on the food group "wheat and similar", and 47 datapoints on the food group "oilseeds", and no data on "pulses"), which are hence not representative of the real situation of the different origins (EU and in third exporting countries) of such raw materials.
  - b. As there is still **uncertainty on the contamination sources**, and as the previous calls for data were not covering those food categories, we would need to capture those data to assess how MOAH are effectively generated and potentially mitigated.
  - c. As we don't have the final call for data yet and current data are insufficient so far, **we can only support the setting of ML** on the final products, because we do not know where those levels would be achievable.
2. Some sectors would need to be involved due either their role in the supply chain or because the products they produce are not represented and should also be part of this consultation exercise (e.g. farmers, cooperatives, shipping companies...).
3. **The two options proposed are not based on the ALARA principles, nor on a risk assessment carried out in cooperation with Food Business Operators** (in the EU and outside the EU).

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<sup>1</sup> As listed in the draft regulation, COCERAL and UNISTOCK Europe members would be concerned by the following categories: "Cereal grains, cereal-based products and cereal containing products; Pulses, pulses-based products and pulse containing products; Oilseeds, oilseed-based products and oilseed containing products; Oil fruits, oil fruits-based products and oil fruit containing products", while EUROMALT members would be concerned only by the following category: "Cereal grains, cereal-based products and cereal containing products."



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4. The two options proposed, both based on fat percentage, will only lead to confusion, as this classification is not in line with the classification as per the current EU contaminants legislation, Commission Regulation (EU) 2023/915. Moreover, although the LOQs are defined, they are always dynamic values that allow a wide range of discussion for e.g. future, more sensitive analysis. If so, then maximum levels should be defined as such and not as LOQs.
5. Given the analytical poor reliabilities, Measurement of uncertainty (if the ML are to be placed at the LOQ), should be accepted by the Member States, as the current analytical methods are not able to provide well-founded and reliable (and reproducible) values.
6. The general costs linked to the analysis generated by an approach on all single stages of the food chain should not be neglected.

In addition, we would like to remind you that procedures and good hygiene practices are in place among COCERAL, UNISTOCK Europe and EUROMALT members at collection, storage and transport (plus the malt production, storage, packing and transport for EUROMALT members) of the suggested raw commodities to avoid manageable contamination with petrochemicals. For example, EFSA had highlighted the risk of contamination through the use of mineral oils as antidusting agents for bulk shipments and the industry has replaced these.

For the above-mentioned considerations, we **urge the Commission to set MLs risk-based (based on a well-founded and transparently evaluated data set according to the ALARA principle), only on products placed on the market for the final consumer.**

**This could be manageable for all food business operators**, including collectors, traders, importers, exporters, portside storekeepers and maltsters, and could indeed guarantee high level of human health protection without **negatively impacting (under the economic and food waste points of view) the agri and food value chains.**

**COCERAL is the European association of trade in cereals, oilseeds, rice, pulses, olive oil, oils and fats, animal feed and agrosupply.**

COCERAL represents the interest of the European collectors, traders, importers, exporters and port silo storekeepers of the above-mentioned agricultural products.

**UNISTOCK Europe is the only European association of professional storekeepers for agribulk commodities in the European Union.**

UNISTOCK Europe proactively represents the united voice for the agri-bulk storage sector towards the EU authorities. UNISTOCK Europe is an associated member of COCERAL.

**EUROMALT is the trade association of the malting industry in Europe.**

EUROMALT represents and promotes the interests of the European malting industry at the EU and international levels. It assists maltsters to source their raw materials and to manufacture, distribute and market their products in a sustainable way.

**The 3 above mentioned associations are managed by the same Secretariat, located in Rue Montoyer, 23 = 1000 Bruxelles (Belgium)**