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Sanitary/Phytosanitary/Food Safety

Citrus Surface Treatment Substances

2004

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Report Highlights:

Two pieces of European legislation passed in 2004 concern citrus surface treatment substances. U.S. citrus exporters should be aware that this legislation has no effect on the MRL for orthophenyl phenol and sodium orthophenyl phenol, but that the EU MRL for biphenyl will be lowered in the future, most likely in 2005. Should U.S. industries be interested in continuing to use biphenyl on produce shipped to Europe, an import tolerance needs to be requested.

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Brussels USEU [BE2]
[E3]

The relevant pieces of legislation are directive 2003/114/EC and Commission Decision 2004/129/EC

Directive 2003/114/EC

This directive amends directive 95/2/EC on food additives. The relevant part is the following (in italic):

The following rows shall be deleted (from the food additives legislation)

E No	Name	Foodstuff	Maximum Level
<i>E230</i>	<i>biphenyl, diphenyl</i>	<i>Surface treatment of citrus fruit</i>	<i>70 mg/kg</i>
<i>E231</i>	<i>orthophenyl phenol (*)</i>	<i>Surface treatment of citrus fruit</i>	<i>12 mg/kg individually or</i>
<i>E232</i>	<i>Sodium orthophenyl phenol(*)</i>		<i>in combination expressed as orthophenyl phenol</i>

() The deletion of E231 orthophenyl phenol and E232 Sodium orthophenyl phenol shall enter into force as soon as requirements for the labeling of foodstuffs treated with these substances become applicable by virtue of Community legislation on maximum residue limits for pesticides.*

This footnote at the end of this section really means that E231 orthophenyl phenol and E232 Sodium orthophenyl phenol E 231 will transfer to the pesticides legislation once the issue of labeling of foodstuffs treated with these substances has been settled. The food additives legislation requires that consumers be informed about the use of an additive through labeling. This is not required for plant protection products. Some countries feel that these substances should continue to be labeled once the products are covered by the pesticides legislation. This issue remains under discussion.

The footnote does not pertain to biphenyl because EU Member States did not express an interest to continue to use this substance. This lack of interest is reflected in the second piece of legislation.

Commission Decision 2004/129/EC

This decision basically concerns the withdrawal of biphenyl. There are two dates:

31 March 2004: authorization for biphenyl is withdrawn

31 December 2004: end of the grace period, which is normally foreseen for withdrawn products. This allows for the disposal and marketing and use of existing stocks.

Since Commission Decision 2004/129/EC includes biphenyl in the list of substances banned for use in the EU, the MRL for biphenyl will in the future be reduced to reflect this ban. This is not expected before mid-2005. If the U.S. industry has an interest to continue to use this substance, it would need to obtain an import tolerance.