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Guidance Document for Aflatoxin Controls

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Report Highlights:

DG SANCO published on its website a guidance document for competent authorities for the control of aflatoxins. The document was created to bring more harmonization to the implementation by the Member States of the rigorous EU legislation on aflatoxin contamination in nuts and certain other products. This has been particularly important in light of the new EU framework regulation on food and feed controls.

Includes PSD Changes: No
Includes Trade Matrix: No
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The full text of the 34 page guidance document can be found at http://www.europa.eu.int/comm/food/food/chemicalsafety/contaminants/aflatoxin_guidance_en.pdf

Products susceptible to aflatoxin contamination are frequently controlled upon import to the EU to check compliance with EU legislation. This legislation not only pertains to maximum levels - which are stricter for products intended for direct consumption - but also to sampling and testing methodology, the handling of rejected shipments including the notification of violations through the Rapid Alert System, to the special measures for trade that has a history of frequent violations such as pistachios imported from Iran.

While EU wide legislation is in place covering all of these aspects, implementation in the Member States has often turned out to be much less harmonized. Traders, including the U.S. industry have often voiced their concerns of the uncertainties and costs this reality has caused.

While not having a legal status, this guidance document addresses many of the issues that have been the under discussion at the implementation level. It thus lays out in laymen's terms the provisions of the different pieces of legislation and provides clarifications where these are not existent in the law. The document also further states explicitly the rules of the new food and feed controls regulation with respect to non-complying consignments applicable of Jan 1, 2006. This guidance document does not address differences in Member States policies on surveillance of shipments following a finding of a violation, as this issue is not covered by EU legislation.

Comment: The Commission has repeatedly mentioned aflatoxins in nuts as the example for a product presenting a particular risk as referred to under the food and feed controls regulation. In other words, aflatoxins are a test case for the implementation of the food and feed controls regulation. This explains the attention that is being given by the European Commission, who is the legislator in the area of food safety and consumer health, to implementation issues that are within the competence of Member States.

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