



Food and feed law:

**A review of changes in food and feed legislation
and associated activity affecting the UK**

July – September 2015

Government Chemist Programme Report



Department
for Business
Innovation & Skills



Food and feed law: A review of changes in food and feed legislation and associated activity affecting the UK

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Introduction to 'Food and feed law' review series

This is the fourth in a series of quarterly reports that will provide regular updates on developments in food and feed law and related scientific and regulatory issues.

They form part of the Government Chemist project 'Support for the Government Chemist statutory function', which is one of the projects in the 2014-2017 programme. The primary purpose of the report is to track changes in food and agricultural legislation, concentrating on legislative changes that relate to chemical measurement and the role of the Government Chemist. It also includes general issues in food and feed to ensure contextual awareness.

The reports in this series will group the legislation into six broad categories; although the categories may not always be populated in every report.

The categories are:

- 1. Cross-cutting issues**
- 2. Food safety**
 - Including contaminants, food contact materials, and additives.
- 3. Consumer choice and prevention of fraud**
 - Including composition and general labelling.
- 4. Health and nutrition**
 - Including nutrition labelling, nutrients and supplements.
- 5. Regulation**
 - Regulatory activities and overarching provisions.
- 6. Feeding stuffs and fertilisers**
 - Animal feed and fertilisers.

European measures are normally listed first, along with the implementing domestic legislation, followed by purely domestic legislation. English regulations are cited in the text; however for significant measures, where equivalent regulations have been made at the same time for Scotland, Wales and Northern Ireland, devolved references are given. Potentially temporary and local measures, such as prohibition legislation for shellfish harvesting areas, have not been recorded.

Please note – legislation in force and made prior to July 2015 will not necessarily be reiterated herein. No responsibility can be taken for the use made of any view, information or advice given. In particular, any view, information or advice given should not be taken as an authoritative statement or interpretation of the law, as this is a matter for the courts.

Hyperlinks in the document were accessed and available at the date of this report.

For any specific legislation this document should be read with the actual measure. Readers must always come to their own view on legislation in force, with expert public analyst and/or legal assistance if appropriate.

The sources of information used have been Office of Public Sector Information ([OPSI](#)), Food Standards Agency (FSA) updates, European Food Safety Authority ([EFSA](#)) and the European legislative information database, [EUR-Lex](#). Extensive use has been made of the explanatory notes that accompany each set of domestic regulations.

Executive summary

This report provides an update on developments in food and feed law and related scientific and regulatory issues for the period from July to September 2015.

The July to September quarter is typically less busy as regards legislative changes and 2015 was no exception, hence there are fewer changes to report.

Following on from the UK cumin case referred by the Food Standards Agency (FSA) to the Government Chemist for investigation and reported in our previous April – June report, the Government Chemist was asked to investigate a sample of paprika alleged to contain almond. Work on this case commenced during the quarter.

Control of contaminants is frequently updated and almost always features in our quarterly updates. Arsenic was discussed extensively in our last quarterly update. During the quarter July – September 2015 the Commission recommended further monitoring of inorganic arsenic in food by Member States during the years 2016, 2017 and 2018. Government Chemist scientists have considerable expertise in arsenic analysis and speciation and can advise if required. Maximum levels for polycyclic aromatic hydrocarbons in Katsuo-bushi (dried bonito), which was the subject of a recent referee case, and certain smoked Baltic herring were amended with levels reverting to the higher values applicable before 31 August 2014. The contamination of spices by Ochratoxin A (OTA) is being driven down and although there is a significant improvement in the application of good practice, an envisaged lower maximum level of 15 µg kg⁻¹ for Ochratoxin A was not achievable in *Capsicum* spp. spices on a constant basis, because of sometimes unfavourable weather conditions during growth and harvest. Thus Regulations were introduced to reduce the maximum level of OTA in *Capsicum* spp. spices to 20 µg kg⁻¹, and to 15 µg kg⁻¹ for other species (pepper, ginger, nutmeg, turmeric) or their mixtures, applying from 1st January 2015.

Changes to maximum residue levels (MRLs) were introduced for some pesticides and veterinary medicinal products and minor changes were made in respect of food additives and flavourings.

Controls on Country of Origin of Certain Meats labelling continued with, in addition to the English regulations reported last quarter, similar legislation in Northern Ireland and in Wales regarding the provenance or country of origin of fresh, chilled and frozen meat of swine, sheep, goats and poultry. These changes are intended to inform consumers and aid traceability in the food chain.

The making and coming into force of the Honey (Wales) Regulations 2015 completed in the quarter the updating of domestic implementation of Council Directive 2001/110/EC relating to honey. These regulations sit alongside similar regulations in Scotland, Northern Ireland and England all revoking their 2003 predecessors.

Legislation on novel foods, feed additives and increased levels of official controls on imports of feed and food of non-animal origin also feature in this report of changes.

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1 Cross-cutting issues

1.1 Paprika alleged to contain almond

Following on from the UK cumin case referred by the Food Standards Agency (FSA) to the Government Chemist for investigation and reported in our previous April – June report, the Government Chemist was asked to investigate a sample of paprika alleged to contain almond. Work on this case commenced during the quarter.

1.2 Emerging Risks

The annual report for 2014 of the Emerging Risks Exchange Network, EREN, was published.¹ The European Food Safety Authority, EFSA established an Emerging Risks Exchange Network to exchange information between EFSA and Member States on possible emerging risks for food and feed safety in 2010. The Network is currently composed of delegates from 21 Member States and Norway, and observers from the European Commission, EU pre-accession countries, the Food and Drug Administration of the USA (FDA) and the Food and Agricultural Organisation of the United Nations (FAO). The Network met twice in 2014. The Network discussed a total of 10 signals of potential emerging issues that were presented and assessed. Among the 10 issues discussed 9 originated from Member States. The issues discussed were from the areas of chemical hazards, illegal activities, microbiological hazards, biotoxins, animal health, new consumption trends and new technologies and processes. EREN concluded that 4 issues were to be considered as emerging issues. Recommendations for follow up actions were provided, such as (i) EFSA should monitor the issue, (ii) generation of data is needed, (iii) EFSA should consult other bodies such as European sister agencies, the Stakeholder Consultative Group on Emerging Risk (StaCG-ER) or the recently established Food Fraud Network of DG SANTE. The issues raised were:

- 1 Okadaic acid in Manila clams in Italy
- 2 Heat-generated food contaminants
- 3 Pomegranate substitution
- 4 Adulteration of lamb dishes with other meat species
- 5 Novel phleboviruses
- 6 Detection of *Aethina tumida* in Southern Italy
- 7 Clenbuterol as emerging risk in the food chain
- 8 Long term effects of food emulsifiers on intestinal barriers
- 9 Other active substances than vitamins and mineral used in food supplements
- 10 Potential issues with the transition from long-chain poly- and perfluorinated alkyl substances (PFASs) to new fluorinated alternatives.

¹ <http://www.efsa.europa.eu/en/supporting/pub/839e>

In relation to long term effects of food emulsifiers on intestinal barriers clinical and experimental evidence suggests that increased intestinal permeability plays a central role in the pathogenesis of a variety of human diseases such as allergic diseases, Inflammatory Bowel Diseases, autoimmune diseases like type 1 diabetes, coeliac disease, multiple sclerosis and many others. Numerous synthetic surfactant food additives (emulsifiers) have been shown to increase intestinal permeability in a number of ways.

2 Food safety

2.1 Contaminants

Regulation (EC) No 1881/2006 remains the primary European legislation, the latest consolidated version of which was published in July 2015². This is a measure that is frequently updated and almost always features in our quarterly updates.

2.1.1 Inorganic arsenic, iAs

Arsenic was discussed extensively in our last quarterly update³ with Commission Regulation 2015/1006⁴ having amended Regulation (EC) No 1881/2006 as regards maximum levels of inorganic arsenic in certain foodstuffs. The maximum level for arsenic in some products was reduced on foot of a European Food Safety Authority (EFSA) opinion on arsenic in food in 2009, which identified that inorganic arsenic causes cancer of the lung and urinary bladder in addition to skin, and that a range of adverse effects had been reported at exposures lower than those previously reviewed. Analysis for inorganic arsenic is reliable for rice and rice based products, allowing maximum levels for inorganic arsenic to be set for these products. The scientific information on the need for a specific maximum level for parboiled milled rice is very recent. Therefore, Member States are recommended to collect additional data before 1 January 2018 on the inorganic arsenic content of this commodity in order to confirm the need for a specific maximum level for this commodity and to reassess the maximum limit.

For information, the limits set for inorganic arsenic, sum of As(III) and As(V), are:

| | |
|---|--------------------------|
| Non-parboiled milled rice (polished or white rice) | 0.2 mg kg ⁻¹ |
| Parboiled rice and husked rice | 0.25 mg kg ⁻¹ |
| Rice waffles, rice wafers, rice crackers and rice cakes | 0.3 mg kg ⁻¹ |
| Rice destined for the production of food for infants and young children | 0.1 mg kg ⁻¹ |

Rice, husked rice, milled rice and parboiled rice are as defined in Codex Standard 198-1995.

To allow time to adapt to the new maxima the date of application of the maximum levels of inorganic arsenic is deferred to 1 January 2016.

Professor Andy Meharg of Queen's University Belfast has carried out informative studies on arsenic in rice.⁵

² <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445981228484&uri=CELEX:02006R1881-20150731>

³ <https://www.gov.uk/government/publications/food-and-feed-law-legislation-review-april-to-june-2015>

⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.161.01.0014.01.ENG

⁵ [http://pure.qub.ac.uk/portal/en/persons/andy-meharg\(7ec0f8da-1d21-4903-9a6f-9b1ac32afc44\)/publications.html](http://pure.qub.ac.uk/portal/en/persons/andy-meharg(7ec0f8da-1d21-4903-9a6f-9b1ac32afc44)/publications.html)

During the quarter July – September 2015 Commission Recommendation 2015/1381⁶ recommended the monitoring of inorganic arsenic in food by Member States during the years 2016, 2017 and 2018. The monitoring should include a wide variety of foodstuffs reflecting consumption habits, including food such as cereal grains, cereal based products (including bran and germ), fruit and vegetable juices, drinking water (including bottled water), coffee, dry tea leaves, beer, fish and sea food, vegetables, algae products (including hijiki), milk, dairy products, food intended for infants and young children, food for special medical purposes, and food supplements in order to enable an accurate estimation of exposure. Member States should follow the sampling procedures as laid down in Commission Regulation (EC) No 333/2007 in order to ensure that the samples are representative for the sampled lot. Analysis preferably should be for inorganic and total arsenic and, if possible, other relevant arsenic species. Government Chemist scientists have considerable expertise in arsenic analysis and speciation⁷ and can advise if required.

2.1.2 Polycyclic aromatic hydrocarbons

Commission Regulation 2015/1125⁸ amended Regulation (EC) No 1881/2006 as regards maximum levels for polycyclic aromatic hydrocarbons in Katsuo-bushi (dried bonito) and certain smoked Baltic herring. The levels revert to the higher values applicable before 31 August 2014.

2.1.3 Mycotoxins

The contamination of spices by Ochratoxin A (OTA) is being driven down and although there is a significant improvement in the application of good practice, an envisaged lower maximum level of 15 µg kg⁻¹ for Ochratoxin A was not achievable in *Capsicum* spp. spices on a constant basis, because of sometimes unfavourable weather conditions during growth and harvest. Thus Commission Regulation 2015/1137⁹ amended Regulation (EC) No 1881/2006 to reduce the maximum level of OTA in *Capsicum* spp. spices to 20 µg kg⁻¹, and to 15 µg kg⁻¹ for other species (pepper, ginger, nutmeg, turmeric) or their mixtures, applying from 1st January 2015.

2.2 Food additives

Annex II to Regulation (EC) No 1333/2008 lays down a European Union list of food additives approved for use in foods and their conditions of use, and Annex I to Regulation (EC) No 1334/2008 lays down a European Union list of flavourings and source materials approved for use in and on foods and their conditions of use. Commission non-official guidance describes the food categories in Part E of Annex II to Regulation 1333/2008.¹⁰

In the quarter, Commission Regulation 2015/1378¹¹ amended Annex II to Regulation 1333/2008 as regards the use of riboflavins (E 101) and carotenes (E 160a) in dried potato granules and flakes at *quantum satis* level to restore a visually acceptable appearance to the products.

Annex III to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food additives, food enzymes, food flavourings, nutrients and their conditions of use.

⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.213.01.0009.01.ENG

⁷ Cristina Garcia-Sartal, Sutthinun Taebunpakul, Emma Stokes, María del Carmen Barciela-Alonso, Pilar Bermejo-Barrera, and Heidi Goenaga-Infante. "Two-dimensional HPLC coupled to ICP-MS and electrospray ionisation (ESI)-MS/MS for investigating the bioavailability in vitro of arsenic species from edible seaweed." *Analytical and bioanalytical chemistry* 402, no. 10 (2012): 3359-3369. <http://link.springer.com/article/10.1007/s00216-011-5483-4>

⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.184.01.0007.01.ENG

⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_185_R_0005&from=EN

¹⁰ http://ec.europa.eu/food/food/FAEF/additives/guidance_en.print.htm

¹¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.213.01.0001.01.ENG

Commission Regulation 2015/13862¹² amended Annex III to Regulation 1333/2008 as regards the use of silicon dioxide (E 551) in extracts of rosemary (E 392).

Commission Regulation 2015/1725¹³ amended the Annex to Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation 1333/2008 as regards specifications for ethyl lauroyl arginate (E 243).

2.2.1 Flavourings

Flavourings and certain food ingredients with flavouring properties are controlled by Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008¹⁴. In the quarter, Commission Implementing Regulation 2015/1102¹⁵ amended Annex I to Regulation (EC) No 1334/2008 to remove 1-methylnaphthalene, furfuryl methyl ether, difurfuryl sulphide, difurfuryl ether and ethyl furfuryl ether from the Union list of flavouring substances.

2.3 Food contact materials

No new centrally published updates in this quarter.

2.4 Marine biotoxins

No new centrally published updates in this quarter.

2.5 Pesticides

Regulation (EC) No 396/2005 governs maximum residue levels (MRLs) of pesticides in or on food and feed of plant and animal origin; Annexes II, III and V to the regulation were amended as follows in the quarter:

- Commission Regulation 2015/1040¹⁶ amended the Annexes as regards MRLs for azoxystrobin, dimoxystrobin, fluroxypyr, methoxyfenozide, metrafenone, oxadiargyl and tribenuron in or on certain products. This is a comprehensive Regulation applying to a wide range of food types.
- Commission Implementing Regulation 2015/1101¹⁷ amended the Annexes as regards MRLs for difenoconazole, fluopicolide, fluopyram, isopyrazam and pendimethalin in or on certain products.
- Commission Regulation 2015/1200¹⁸ amended the Annexes as regards MRLs for amidosulfuron, fenhexamid, kresoxim-methyl, thiacloprid and trifloxystrobin in or on certain products.
- Commission Implementing Regulation 2015/1608¹⁹ amended Annex IV to Regulation (EC) No 396/2005 as regards MRLs for capric acid, paraffin oil (CAS 64742-46-7), paraffin oil (CAS 72623-86-0), paraffin oil (CAS 8042-47-5), paraffin oil (CAS 97862-82-3), lime sulphur and urea in or on certain products.

¹² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.210.01.0022.01.ENG

¹³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.252.01.0012.01.ENG

¹⁴ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445980490072&uri=CELEX:02008R1334-20150729>

¹⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0054.01.ENG

¹⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.167.01.0010.01.ENG

¹⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0027.01.ENG

¹⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.195.01.0001.01.ENG

¹⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.249.01.0014.01.ENG

Regulation (EC) No 1107/2009 deals with the placing of plant protection products on the market. The following amendments were made during the quarter:

- Commission Implementing Regulation 2015/1106²⁰ amended Implementing Regulations (EU) No 540/2011 and (EU) No 1037/2012 as regards the conditions of approval of the active substance isopyrazam.
- Commission Implementing Regulation 2015/1107²¹ approved the basic substance *Salix* spp. cortex, in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1108²² approved the basic substance vinegar in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1115²³ renewed the approval of the active substance pyridate in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1116²⁴ approved the basic substance lecithins, in accordance with Regulation (EC) No 1107/2009, and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1154²⁵ renewed the approval of the active substance sulfosulfuron in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1165²⁶ approved the active substance halauxifen-methyl, in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011. This substance should have a purity greater than or equal to 93.0 %.
- Commission Implementing Regulation 2015/1166²⁷ renewed the approval of the active substance ferric phosphate in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011. This substance should have a purity of 703 g kg⁻¹ (70.3 %), equivalent to 260 g kg⁻¹ iron and 144 g kg⁻¹ phosphorus.
- Commission Implementing Regulation 2015/1201²⁸ renewed the approval of the active substance fenhexamid in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011. Fenhexamid (N-(2,3-dichloro-4-hydroxyphenyl)-1-methylcyclohexane-1-carboxamide) must have a purity ≥ 97.5 %, and the following relevant impurities must not exceed the following maximum levels in the technical material:
 - Toluene: 0.1 %
 - 4-amino-2,3-dichlorophenol: 0.3 %
- Commission Implementing Regulation 2015/1295²⁹ approved the active substance sulfoxaflor, in accordance with Regulation (EC) No 1107/2009 and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.

²⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0070.01.ENG

²¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0072.01.ENG

²² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0075.01.ENG

²³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.182.01.0022.01.ENG

²⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.182.01.0026.01.ENG

²⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.187.01.0018.01.ENG

²⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.188.01.0030.01.ENG

²⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.188.01.0034.01.ENG

²⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.195.01.0037.01.ENG

²⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.199.01.0008.01.ENG

- Commission Implementing Regulation 2015/1392³⁰ approved the basic substance fructose in accordance with Regulation (EC) No 1107/2009, and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Implementing Regulation 2015/1396³¹ corrected Implementing Regulation (EU) No 540/2011 as regards the active substance *Bacillus subtilis* (Cohn 1872) strain QST 713, identical with strain AQ 713.
- Commission Implementing Regulation 2015/1397³² renewed the approval of the active substance florasulam in accordance with Regulation (EC) No 1107/2009, and amended the Annex to Commission Implementing Regulation (EU) No 540/2011.
- Commission Regulation 2015/1475³³ amended Regulation (EU) No 284/2013 as regards the transitional measures applying to procedures concerning plant protection products.

2.6 Transmissible spongiform encephalopathies

Regulation (EC) No 999/2001 laid down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSEs) in animals. It applies to the production and placing on the market of live animals and products of animal origin and, in certain specific cases, to exports thereof. Regulation (EC) No 999/2001 provides that specified risk material (SRM) is to be removed and disposed of in accordance with Annex V to that Regulation. In accordance with that Annex, SRM includes the intestines from the duodenum to the rectum and the mesentery of bovine animals of all ages. The Communication from the Commission to the European Parliament and the Council – The TSE Roadmap 2: A Strategy Paper on Transmissible Spongiform Encephalopathies for 2010-2015 of 16 July 2010³⁴ states that any amendment of the current list of SRM referred to in Annex V to Regulation (EC) No 999/2001 (the ‘list of SRM’) should be based on new evolving scientific knowledge, while maintaining the existing high level of consumer protection within the Union.

No new centrally published updates on TSEs were reported in this quarter.

2.7 Veterinary residues

Commission Regulation (EU) No 37/2010 of 22 December 2009 deals with MRLs of veterinary medicinal products in foodstuffs of animal origin. The Regulation was amended in the quarter:

Commission Implementing Regulation 2015/1078³⁵ dealt with the substance ‘clodronic acid (in the form of disodium salt)’. An application for the establishment of MRLs for clodronate disodium in *Equidae* was submitted to the European Medicines Agency, EMA. The EMA, based on an opinion of the Committee for Medicinal Products for Veterinary Use, recommended that the establishment of MRLs for clodronate disodium in equine species is not necessary for the protection of human health, provided that the substance is not used for animals producing milk for human consumption. The EMA considered an MRL for other food producing species is not appropriate because, based on the proposed indication and mode of action, it is not likely that this active substance would be used in any food species other than horses. Hence the compound is permitted only in *Equidae* other than in animals from which milk is produced for human consumption.

³⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.215.01.0034.01.ENG

³¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.216.01.0001.01.ENG

³² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.216.01.0003.01.ENG

³³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.225.01.0010.01.ENG

³⁴ http://ec.europa.eu/food/food/biosafety/tse_bse/docs/roadmap_2_en.pdf

³⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.175.01.0005.01.ENG

Similarly the EMA considered the antiparasitic 'hexaflumuron', recommending a MRL in fin fish of 500 µg kg⁻¹ in muscle and skin in natural proportions and given effect to by Commission Implementing Regulation 2015/1079³⁶.

EMA also considered 'propyl 4-hydroxybenzoate and its sodium salt' did not require a MRL, providing it is used as a preservative only (Commission Implementing Regulation 2015/1080³⁷).

Following EMA advice, Commission Implementing Regulation 2015/1308³⁸ amended Regulation (EU) No 37/2010 as regards 'aluminium salicylate, basic' establishing numerical MRLs for Bovine, Caprine, *Equidae* and rabbit meat and tissues and their milk (except rabbit) and maintaining the lack of need for an MRL for other (non-fin fish) food producing species but only in the case of topical use. An analytical method to monitor the proposed MRLs for aluminium salicylate, basic, in bovine tissues or in bovine milk is available, but not yet sufficiently validated. The proposed numerical MRLs are therefore provisional and expire on 31 December 2016.

Commission Implementing Regulation 2015/1491³⁹ amended Regulation (EU) No 37/2010 as regards the antibiotic 'virginiamycin'. The EMA recommended MRLs in poultry of 10 µg kg⁻¹ (muscle & liver), 30 µg kg⁻¹ (skin & fat) and 60 µg kg⁻¹ (kidney) provided that the substance is not used for animals from which eggs are produced for human consumption.

Commission Implementing Regulation 2015/1492⁴⁰ amended Regulation (EU) No 37/2010 as regards the antibiotic 'tylvalosin'. MRLs existed for certain porcine and poultry tissues (50 µg kg⁻¹) but its use is extended to 200 µg kg⁻¹ in poultry eggs.

2.7.1 Nitrofurans

Nitrofurantoin antimicrobial agents not authorised for use in food-producing animals in the European Union and have been the subject of a number of referee cases. EFSA published a review of nitrofurans responding to a request from the European Commission to provide a scientific opinion on the risks to human health from the presence of nitrofurans in food and whether a reference point for action (RPA) of 1.0 µg kg⁻¹ for the marker metabolites is adequate to protect public health. Nitrofurans are rapidly metabolised, occurring in animal tissues as protein-bound metabolites. Data on occurrence of nitrofurantoin marker metabolites in food were extracted from the national residue monitoring plan results and from the Rapid Alert System for Food and Feed (RASFF). The EFSA CONTAM Panel concluded that these data were too limited to carry out a reliable human dietary exposure assessment. Instead, human dietary exposure was calculated for a scenario in which a single nitrofurantoin marker metabolite is present at 1.0 µg kg⁻¹ in foods of animal origin, excluding milk and dairy products. The mean chronic dietary exposure for this worst-case scenario would range from 3.3 to 8.0 and 1.9 to 4.3 ng/kg b.w. per day for toddlers and adults, respectively. Nitrofurans and their marker metabolites, generally, are genotoxic and carcinogenic and, also, have non-neoplastic effects in animals. Margins of exposure (MOEs) were calculated at 2.0 × 10⁵ or greater for carcinogenicity and at 2.5 × 10³ or greater for non-neoplastic effects. The CONTAM Panel concluded that it is unlikely that exposure to food contaminated with nitrofurantoin marker metabolites at or below 1.0 µg kg⁻¹ is a health concern. A scenario in which foods are considered to be contaminated with semicarbazide, from use of

³⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.175.01.0008.01.ENG

³⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.175.01.0011.01.ENG

³⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.200.01.0011.01.ENG

³⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.231.01.0007.01.ENG

⁴⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.231.01.0010.01.ENG

carrageenan as a food additive, at 1 µg kg⁻¹ was used to assess whether it is appropriate to apply the RPA to foods of non-animal origin; MOEs of greater than 10⁴ calculated for non-neoplastic effects do not indicate a health concern. However the CONTAM Panel recommended that there is need for a carcinogenicity study on SEM according to the current guidelines and that there is need for information on the mechanisms underlying the genotoxic and carcinogenic effects of SEM.

A paper⁴¹ from the Government Chemist Programme was cited in the EFSA review.

3 Consumer choice

3.1 Food labelling

The primary legislation is now Regulation 1169/2011⁴² on the provision of food information to consumers, EU FIC. A useful summary of links to the legislation and guidance has been provided by Dr David Jukes of the University of Reading.⁴³ Domestic implementation is effected in England by the Food Information Regulations (SI 2014 No 1855)⁴⁴, in Northern Ireland by the Food Information Regulations (Northern Ireland) 2014 (SR 2014 No 223)⁴⁵ and, in the present quarter, Wales brought out the Food Information Regulations (Wales) 2014 (SI 2014 No 2303, W227)⁴⁶. Information is available on the Commission website.⁴⁷ Guidance on nutrition labelling is also available on the Commission website.⁴⁸

3.1.1 Country of origin labelling

The Country of Origin of Certain Meats (England) Regulations 2015 (SI 518)⁴⁹ modified certain provisions of the Food Safety Act 1990, and implemented Articles 3 to 6 and 8 of Commission Implementing Regulation (EU) No 1337/2013 regarding the provenance or country of origin of certain types of meats (fresh, chilled and frozen meat of swine, sheep, goats and poultry).

Article 26(2) of Regulation (EU) No 1169/2011 sets out the obligation to indicate on the label the country of origin or place of provenance of chilled and frozen meat of swine, sheep or goats and poultry. Regulation (EU) No 1337/2013 seeks to strike a balance between the need of the consumers to be informed and the additional cost for operators and national authorities, which also has an impact on the final price of the product. Studies show that consumers require information on the place where the animal was reared. Mandatory information on the place of birth of the animal would require the establishment of new traceability systems at farm level, while labelling the place of slaughter can be done at an affordable cost and gives valuable information to the consumer. As regards the geographical level, there is evidence that indication of the Member State or third country would be the most relevant information for consumers.

Within Regulation (EU) No 1169/2011 the concept of 'country of origin' of a food is determined in accordance with Articles 23 to 26 of Council Regulation (EEC) No 2913/92. For animal products that concept refers to the country in which the animal was born, reared and slaughtered. When

⁴¹ Points J, Thorburn Burns D and Walker MJ, 2015. Forensic issues in the analysis of trace nitrofurans veterinary residues in food of animal origin. *Food Control*, 50, 92–103.

⁴² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:304:0018:0063:EN:PDF>

⁴³ <http://www.reading.ac.uk/foodlaw/label/links.htm>

⁴⁴ http://www.legislation.gov.uk/ukxi/2014/1855/pdfs/ukxi_20141855_en.pdf

⁴⁵ http://www.legislation.gov.uk/nisr/2014/223/pdfs/nisr_20140223_en.pdf

⁴⁶ http://www.legislation.gov.uk/wsi/2014/2303/pdfs/wsi_20142303_mi.pdf

⁴⁷ http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm

⁴⁸ http://ec.europa.eu/food/food/labellingnutrition/nutritionlabel/index_en.htm

⁴⁹ http://www.legislation.gov.uk/ukxi/2015/518/pdfs/ukxi_20150518_en.pdf

several countries have been involved in the production of a food, that concept refers to the country where the products have undergone their last substantial and economically justified processing or working. However, applying it to situations in which the meat comes from animals which were born, reared and slaughtered in different countries would not sufficiently inform the consumers about the origin of that meat. Therefore, in all those situations it is necessary to provide for an indication, on the label, of the Member State or third country where the animal has been reared for a period representing a substantial part of the normal cycle of rearing for each species, as well as of the Member State or third country where it has been slaughtered. The term 'origin' should be reserved for meat obtained from animals born, reared and slaughtered, and therefore wholly obtained, in one single Member State or third country.

For the cases in which the animal has been reared in several Member States or third countries and the rearing period cannot be met, an appropriate indication of the place of rearing should be provided for so that the consumer needs are better met and unnecessary complexity of the label is avoided.

Other rules are set out for traceability, packages containing pieces of meat of the same or different species obtained from animals reared and slaughtered in different Member States or third countries, minced meat and trimmings, and voluntary declarations.

The Country of Origin of Certain Meats (England) Regulations 2015 sets out the competent authorities for Regulation 1337/2013 (each food authority, including port health authorities, in its area or district) and requires food business operators to keep records for 12 months from the end of the calendar year to which each record relates. Certain provisions of the Food Safety Act 1990 as amended are applied including enabling an improvement notice to be served requiring compliance, and making the failure to comply with an improvement notice an offence.

Similar legislation has been enacted in Northern Ireland through The Country of Origin of Certain Meats Regulations (Northern Ireland) 2015⁵⁰ (SR 321) and in Wales by the Country of Origin of Certain Meats (Wales) Regulations 2015⁵¹ (SI 1591, W177).

3.1.2 Fish labelling

The Fish Labelling Regulations 2013 (in each UK country) as amended remain the principle statutory provisions. A short guide to the EU's new fish and aquaculture consumer labels has been produced (with thanks to Dr Stephen Pugh, Defra, for drawing attention to this).⁵²

3.1.3 Defra food labelling guidance

Defra have published guidance on the information that must be provided with food products to comply with the European Food Information to Consumers Regulation No 1169/2011 (FIC) and the Food Information Regulations 2014 (FIR).⁵³

3.1.4 ECJ Court case – the *Teekanne* case

This case was a request for a preliminary ruling from the Bundesgerichtshof (Germany), and involved a fruit tea which had drawings of raspberries and vanilla flowers on the packaging even though the product did not, in fact, contain any vanilla or raspberry constituents or flavourings. It

⁵⁰ http://www.legislation.gov.uk/nisr/2015/321/pdfs/nisr_20150321_en.pdf

⁵¹ http://www.legislation.gov.uk/wsi/2015/1519/pdfs/wsi_20151519_mi.pdf

⁵² http://ec.europa.eu/fisheries/documentation/publications/eu-new-fish-and-aquaculture-consumer-labels-pocket-guide_en.pdf

⁵³ <https://www.gov.uk/guidance/food-labelling-giving-food-information-to-consumers>

was clear from the ingredients list that the natural flavourings present had the taste of raspberry or vanilla but that those flavourings had not been obtained from raspberries or vanilla. The question referred to the court was whether, taking into account the information given in the ingredients list, this would constitute a breach of the provisions of Article 2 of 2000/13/EC relating to misleading labelling. The essence of the judgment is that the labelling of a product can be misleading as to its ingredients *even if the ingredient list itself is correct*. It will be for the German courts in the *Teekanne* case to decide whether the labelling was misleading. The ECJ approach mirrors the approach taken under section 15(4) of the Food Safety Act 1990. This provides that that the fact that a label contains an accurate statement of the composition of a food does not preclude a court from finding that it's labelling is likely to mislead a consumer.⁵⁴

3.2 Genetically Modified Organisms

Regulation (EC) No 1829/2003 of the European Parliament and of the Council provides for the authorisation, labelling and supervision of genetically modified food and feed.⁵⁵ The Regulation was not amended in the quarter.

3.2.1 Cultivation of GMOs

Commission Directive 2015/412⁵⁶ amends Directive 2001/18/EC as regards the possibility for the Member States to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory. This devolves responsibility in this matter to Member States.

Once a GMO is authorised for cultivation purposes in accordance with the Union legal framework on GMOs and complies, as regards the variety that is to be placed on the market, with the requirements of Union law on the marketing of seed and plant propagating material, Member States are not authorised to prohibit, restrict, or impede its free circulation within their territory, except under the conditions defined by Union law. Experience has shown that cultivation of GMOs is an issue which is more thoroughly addressed at Member State level. Issues related to the placing on the market and the import of GMOs should remain regulated at Union level to preserve the internal market. Cultivation may however require more flexibility in certain instances as it is an issue with strong national, regional and local dimensions, given its link to land use, to local agricultural structures and to the protection or maintenance of habitats, ecosystems and landscapes. In accordance with Article 2(2) of the Treaty on the Functioning of the European Union (TFEU), Member States are entitled to have the possibility to adopt legally binding acts restricting or prohibiting the cultivation of GMOs in their territory after such GMOs have been authorised to be placed on the Union market. However, the common authorisation procedure, in particular the evaluation process conducted primarily by the European Food Safety Authority (the 'Authority'), should not be adversely affected by such flexibility. In the past, in order to restrict or prohibit the cultivation of GMOs, some Member States had recourse to the safeguard clauses and other measures. However this Directive grants Member States, in accordance with the principle of subsidiarity, more flexibility to decide whether or not they wish to cultivate GMOs on their territory subject to detailed provisions contained within the Directive.

On 9th August 2015 Scottish Rural Affairs Secretary Richard Lochhead announced that the Scottish Government intends to take advantage of the new EU rules allowing countries to opt out of growing EU-authorised GM crops. The Scottish Government will submit a request that Scotland is excluded from any European consents for the cultivation of GM crops, including the

⁵⁴ <http://old.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62014CJ0195:EN:HTML>

⁵⁵ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1436450297142&uri=CELEX:02003R1829-20080410>

⁵⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.068.01.0001.01.ENG

variety of genetically modified maize already approved and six other GM crops that are awaiting authorisation.⁵⁷

3.2.2 Genetically modified animals

An interesting review paper was published on genetically modified animals. The past two decades have witnessed the rise of commercial crops that have been genetically modified for an increased suitability in extensive cultivation. Currently, a substantial body of research is being carried out in order to produce Genetically Modified (GM) animals that may similarly yield improvements in animal breeding, genetics and reproduction. The authors attempt a comprehensive review of the existing trails at animal modification with commercial applications and aimed at a deliberate release onto the market. In addition, they investigate detection and quantification options within the frame of food/feed control and traceability on the European market.⁵⁸

3.3 Honey

The making and coming into force of the Honey (Wales) Regulations 2015⁵⁹ (SI 1507, W174) completed in the quarter the updating of domestic implementation of Council Directive 2001/110/EC relating to honey⁶⁰. These regulations sit alongside the Honey (Scotland) Regulations 2015 (SSI 208)⁶¹, the Honey Regulations (Northern Ireland) 2015 (SR 261)⁶², and the Honey Regulations (England) 2015⁶³ (SI 1348) all revoking their 2003 predecessors. The Regulations regulate the use of the names “honey”, “blossom honey”, “nectar honey”, “honeydew honey”, “comb honey”, “chunk honey” and “cut comb in honey”, “drained honey”, “extracted honey”, “pressed honey”, “filtered honey” and “baker’s honey”.

Compositional criteria and labelling are prescribed and an obligation is imposed on food authorities to enforce the Regulations. Provisions of the Food Safety Act 1990 enabling an improvement notice to be served requiring compliance with specified provisions of the Regulations are included and failure to comply with an improvement notice is an offence. The Food Information Regulations 2014 are amended with a transitional provision in respect of food placed on the market or labelled before 24th June 2015, prohibiting an improvement notice from being served in relation to such food if it would have been compliant with the 2003 Honey Regulations.

3.4 Meat products

The Products Containing Meat etc. (England) Regulations 2014 (SI 3001/2014)⁶⁴ remain the primary domestic legislation for definitions and minimum meat content standards for certain meat products presented for sale directly to the consumer.

Similar Regulations have been enacted in Scotland with the Products Containing Meat etc. Regulations (Scotland) Regulations 2014 (SSI 289/2014)⁶⁵ which revokes the Meat Products

⁵⁷ <http://news.scotland.gov.uk/News/GM-crop-ban-1bd2.aspx>

⁵⁸ A. Lievens, M. Petrillo, M. Querci, A. Patak, Genetically modified animals: Options and issues for traceability and enforcement, Trends in Food Science & Technology, Volume 44, Issue 2, August 2015, Pages 159-176, ISSN 0924-2244, <http://dx.doi.org/10.1016/j.tifs.2015.05.001>.
(<http://www.sciencedirect.com/science/article/pii/S0924224415001223>)

⁵⁹ http://www.legislation.gov.uk/wsi/2015/1507/pdfs/wsi_20151507_mi.pdf

⁶⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1445979649018&uri=CELEX:02001L0110-20140623>

⁶¹ <http://www.legislation.gov.uk/ssi/2015/208/contents/made>

⁶² <http://www.legislation.gov.uk/nisr/2015/261/contents/made>

⁶³ http://www.legislation.gov.uk/uksi/2015/1348/pdfs/uksi_20151348_en.pdf

⁶⁴ http://www.legislation.gov.uk/uksi/2014/3001/pdfs/uksi_20143001_en.pdf

⁶⁵ http://www.legislation.gov.uk/ssi/2014/289/pdfs/ssi_20140289_en.pdf

(Scotland) Regulations 2004 (SSI 6/2004), the Meat Products (Scotland) Amendment Regulations 2008 (SSI 97/2008) and regulation 18(4) of the Food Additives (Scotland) Regulations 2009 (SSI 436/2009), and in Northern Ireland with the Products Containing Meat etc. Regulations (Northern Ireland) 2014⁶⁶ (SR 285/2014).

3.5 Novel foods

The following novel foods were authorised in the quarter pursuant to under Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients⁶⁷:

- Commission Implementing Decision 2015/1213⁶⁸ authorised the extension of uses of flavonoids from *Glycyrrhiza glabra* L. as a novel food ingredient.
- Commission Implementing Decision 2015/1290⁶⁹ authorised the placing on the market of refined oil from the seeds of *Buglossoides arvensis* as a novel food ingredient.
- Commission Implementing Decision 2015/1291⁷⁰ authorised the placing on the market of heat-treated milk products fermented with *Bacteroides xylanisolvens* (DSM 23964) as a novel food.

3.6 Olive oil

A review of the pest that has apparently led to the poor olive harvest was published. Olive products are premium food products. Their inherent chemical composition and sensory attributes make them highly appreciated worldwide. Olive products' quality and composition are severely compromised by diversified agricultural and technological factors, among which olive pests play a key factor, particularly the olive fly *Bactrocera oleae* (Rossi) (Diptera: Tephritidae). This pest reveals cultivar oviposition preference being the cause of severe economic damages caused each year. Losses go from the field and tree to consumers' table. The damage caused by olive fly, seen from an economic perspective, as well as their influence in olive products classification, quality, composition, stability, nutritional, bioactive and functional properties are discussed in the paper.⁷¹

3.7 Consumer attitudes

The results from the FSA's Biannual Public Attitudes Tracker for May 2015 were published. The top two food safety issues of total (i.e. spontaneous plus prompted) concern for respondents were food hygiene when eating out (37%), and the use of additives in food products (29%). The top wider food issues of total concern were the amount of sugar in food (51%), food waste (49%) and the amount of salt in food (47%).⁷²

⁶⁶ http://www.legislation.gov.uk/nisr/2014/285/pdfs/nisr_20140285_en.pdf

⁶⁷ <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1446024882821&uri=CELEX:01997R0258-20090807>

⁶⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.196.01.0019.01.ENG

⁶⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.198.01.0022.01.ENG

⁷⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.198.01.0026.01.ENG

⁷¹ Ricardo Malheiro, Susana Casal, Paula Baptista, José Alberto Pereira, A review of *Bactrocera oleae* (Rossi) impact in olive products: From the tree to the table, Trends in Food Science & Technology, Volume 44, Issue 2, August 2015, Pages 226-242, ISSN 0924-2244, <http://dx.doi.org/10.1016/j.tifs.2015.04.009>.

(<http://www.sciencedirect.com/science/article/pii/S0924224415001028>)

⁷² <http://www.food.gov.uk/news-updates/news/2015/14268/public-attitudes-tracker-results-published>

3.8 Scotch whisky

The Legal Report of the Scotch Whisky Association⁷³ was published in the quarter. During 2014, new proceedings were authorised in respect of 19 different brands covering Belgium, China, Curacao, Ecuador, France, Germany, India, New Zealand, the Netherlands and Scotland.⁷⁴

4 Health and nutrition

Guidance on nutrition labelling is available on the Commission website.⁷⁵

Regular bulletins are available from the Department of Health on EU legislation on nutrition and health claims.⁷⁶

4.1.1 Food Supplements

No new information in the quarter.

5 Regulation

The Food (Scotland) Act 2015⁷⁷ established Food Standards Scotland and describes the structure and function of this new food body in Scotland coming into operation on 1 April 2015.

The Official Feed and Food Controls (England) Regulations 2009 were amended, in England, by the Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 that came into force on 6th April 2015, see below.

5.1 Import controls

Commission Regulation (EC) No 669/2009 lays down rules concerning increased levels of official controls on imports of feed and food of non-animal origin when warranted by evidence of increasing threats to the food chain. The regulation is therefore periodically updated as new threats emerge or others are brought under control. In the quarter two amendments were made.

- Commission Implementing Regulation 2015/1607⁷⁸ amended Annex I to Regulation (EC) No 669/2009 to increase the levels of official controls on groundnuts and derived products originating from Gambia for aflatoxins and raspberries originating from Serbia for norovirus. The entries in Annex I on vine fruit from Uzbekistan (Ochratoxin A), betel leaves from Thailand (Salmonella) and mint from Morocco (Pesticide residues) were deleted.
- Commission Implementing Regulation 2015/1028⁷⁹ amends Implementing Decision 2014/88/EU suspending temporarily imports from Bangladesh of foodstuffs containing or consisting of betel leaves ('Piper betle') because of high prevalence of *salmonella* strains. The application of the suspension is to continue until 30 June 2016 (notified under document C(2015) 4187).

⁷³ <http://www.scotch-whisky.org.uk/>

⁷⁴ <http://www.scotch-whisky.org.uk/news-publications/publications/documents/legal-report-2014/#.VjvKBNLhCCg>

⁷⁵ http://ec.europa.eu/food/food/labellingnutrition/nutritionlabel/index_en.htm

⁷⁶ <https://www.gov.uk/government/publications/nutritional-and-health-claims-legislation-bulletins-2015>

⁷⁷ http://www.legislation.gov.uk/asp/2015/1/pdfs/asp_20150001_en.pdf

⁷⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.249.01.0007.01.ENG

⁷⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.163.01.0053.01.ENG

5.2 Local authority enforcement activity

No centrally published new updates were published in the quarter. We remain open to including in this review any updates communicated by individual local authorities to the author.

5.3 Multi-Annual National Control Plan

No centrally published new updates were published in the quarter.

5.4 Food Law Code of Practice

No centrally published new updates were published in the quarter.

5.5 2015/16 national sampling priorities for food

No centrally published new updates were published in the quarter.

6 Feeding stuffs and fertilisers

The Animal Feed (Hygiene, Sampling etc. and Enforcement) (England) Regulations 2015 came into force on 6 April 2015. The Feed (Hygiene and Enforcement) (England) Regulations 2005, the Feed (Specified Undesirable Substances) (England) Regulations 2006, the Feed (Hygiene and Enforcement) and the Animal Feed (England) (Amendment) Regulations 2013 were revoked. Also revoked were Regulation 51 and Schedule 7 of the Official Feed and Food Controls (England) Regulations 2009 and Regulations 4, 5, 6, 7, 21, 22, and 23 and Schedule 1 of the Feed (Sampling and Analysis and Specified Undesirable Substances) (England) Regulations 2010.

Thus the 2015 regulations make provisions for the appointment and qualifications of Agricultural Analysts, sampling for analysis, secondary analysis by the Government Chemist, and the form and evidential status of an Agricultural Analyst's certificate of analysis. Also dealt with are methods of analysis where the sampling has not been carried out in the course of official controls and making it an offence to tamper or otherwise interfere with a sample.

The 2015 regulations provide for the continuing execution and enforcement of Regulation (EC) No 183/2005 laying down requirements for feed hygiene and Commission Regulation (EC) No. 152/2009 laying down the methods of sampling and analysis for the official control of feed, and also make provision as to administration generally in relation to feed law, in particular so as to give effect to Regulation (EC) No 882/2004 on official controls. Part 2 of the 2015 Regulations deals with the execution and enforcement of Regulation 183/2005, which provides that almost all businesses producing, trading in or using animal feed should be either registered, or approved, by the competent authorities.

The Animal Feed (Composition, Marketing and Use) (England) Regulations 2015⁸⁰ (SI 255) amended the Official Feed and Food Controls (England) Regulations 2009 (SI 3255) and revoked the Genetically Modified Animal Feed (England) Regulations 2004 (SI 2334), the Feed (Corn Gluten Feed and Brewers Grains) (Emergency Control) (England) (Revocation) Regulations 2007

⁸⁰ http://www.legislation.gov.uk/ukxi/2015/255/pdfs/ukxi_20150255_en.pdf

(SI 3007) and the Animal Feed (England) Regulations 2010 (SI 2503), other than regulations 1, 2 and 14.

Commission Regulation 2015/786⁸¹ defines acceptability criteria for detoxification processes applied to products intended for animal feed as provided for in Directive 2002/32/EC of the European Parliament and of the Council.

6.1 Feed Additives

The following changes were made in feed additive authorisations in the quarter.

Commission Implementing Regulation 2015/1043⁸² concerns the authorisation of the preparation of endo-1,4-beta-xylanase (EC 3.2.1.8) produced by *Trichoderma citrinoviride* Bisset (IM SD135) as a feed additive for chickens for fattening, turkeys for fattening, laying hens, weaned piglets, pigs for fattening and minor poultry species for fattening and for laying, and amending Regulations (EC) No 2148/2004, (EC) No 828/2007 and (EC) No 322/2009 (holder of authorisation Huvepharma NV).

Commission Implementing Regulation 2015/1053⁸³ concerns the authorisation of the preparation of *Enterococcus faecium* DSM 10663/NCIMB 10415 as a feed additive for calves for rearing, piglets, chickens for fattening, turkeys for fattening, cats and dogs and amending Regulations (EC) No 1259/2004, (EC) No 255/2005, (EC) No 1200/2005 and (EC) No 1520/2007 (holder of authorisation Chevita Tierarzneimittel-GmbH).

Commission Implementing Regulation 2015/1060⁸⁴ concerns the authorisation of betaine anhydrous and betaine hydrochloride as feed additives for all animal species.

Commission Implementing Regulation 2015/1061⁸⁵ concerns the authorisation of ascorbic acid, sodium ascorbyl phosphate, sodium calcium ascorbyl phosphate, sodium ascorbate, and calcium ascorbate and ascorbyl palmitate as feed additives for all animal species.

Commission Implementing Regulation 2015/1103⁸⁶ concerns the authorisation of beta-carotene as a feed additive for all animal species.

Commission Implementing Regulation 2015/1104⁸⁷ amends Implementing Regulation (EU) No 237/2012 as regards a new form of alpha-galactosidase (EC 3.2.1.22) produced by *Saccharomyces cerevisiae* (CBS 615.94) and endo-1,4-beta-glucanase (EC 3.2.1.4) produced by *Aspergillus niger* (CBS 120604) (holder of authorisation Kerry Ingredients and Flavours).

Commission Implementing Regulation 2015/1105⁸⁸ concerns the authorisation of a preparation of *Bifidobacterium animalis* ssp. *animalis* DSM 16284, *Lactobacillus salivarius* ssp. *salivarius* DSM 16351 and *Enterococcus faecium* DSM 21913 as a feed additive for chickens reared for laying and minor poultry species other than laying, the authorisation of that feed additive for use in water for drinking for chickens for fattening and amending Regulation (EU) No 544/2013 as regards the

⁸¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.125.01.0010.01.ENG

⁸² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.167.01.0063.01.ENG

⁸³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.171.01.0008.01.ENG

⁸⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.174.01.0003.01.ENG

⁸⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.174.01.0008.01.ENG

⁸⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0057.01.ENG

⁸⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0061.01.ENG

⁸⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.181.01.0065.01.ENG

maximum content of that feed additive in complete feedingstuff and its compatibility with coccidiostats (holder of the authorisation Biomin GmbH).

Commission Implementing Regulation 2015/1114⁸⁹ concerns the authorisation of L-valine produced by *Escherichia coli* as a feed additive for all animal species and amending Regulation (EC) No 403/2009 and Implementing Regulations (EU) No 848/2014 and (EU) No 1236/2014.

Commission Implementing Regulation 2015/1152⁹⁰ concerns the authorisation of tocopherol extracts from vegetable oils, tocopherol-rich extracts from vegetable oils (delta rich) and alpha-tocopherol as feed additives for all animal species.

Commission Implementing Regulation 2015/1399⁹¹ concerns the denial of authorisation of the preparation of *Bacillus toyonensis* (NCIMB 14858T) (formerly *Bacillus cereus* var. *toyoi* NCIMB 40112/CNCM I-1012) as a feed additive for cattle for fattening, rabbits for fattening, chickens for fattening, piglets (weaned), pigs for fattening, sows for reproduction and calves for rearing and the revocation of the authorisations of the preparation of *Bacillus cereus* var. *toyoi* (NCIMB 40112/CNCM I-1012) as a feed additive for turkeys for fattening and rabbit breeding does, amending Regulations (EC) No 256/2002, (EC) No 1453/2004, (EC) No 255/2005 and (EC) No 1200/2005 and repealing Regulations (EC) No 166/2008, (EC) No 378/2009 and Implementing Regulation (EU) No 288/2013.

Commission Implementing Regulation 2015/1408⁹² concerns the authorisation of DL-methionyl-DL-methionine as a feed additive for fish and crustaceans.

Commission Implementing Regulation 2015/1414⁹³ amends Implementing Regulation (EU) No 136/2012 concerning the authorisation of sodium bisulphate as feed additive for pets and for non-food producing animals. This gives a minimum purity for this substance (95.2 %) as well as the method of analysis (titrimetry).

Commission Implementing Regulation 2015/1415⁹⁴ concerns the authorisation of astaxanthin as a feed additive for fish, crustaceans and ornamental fish. This gives a minimum purity for the substance (96 %), a limit for other carotenoids (5 %) and a method of analysis (LC with visible spectrophotometric detection).

Commission Implementing Regulation 2015/1416⁹⁵ concerns the authorisation of sodium bisulphate as feed additive for all animal species. This also gives a minimum purity for this substance (95.2 %) as well as the method of analysis (titrimetry).

Commission Implementing Regulation 2015/1417⁹⁶ concerns the authorisation of diclazuril as a feed additive for rabbits for fattening and for breeding (holder of the authorisation Huvepharma NV). This gives the concentration of diclazuril in an additive (5 g kg⁻¹) to be added to a pre-mixture, which in turn has a concentration of 12 & overall. Measurement of diclazuril is by reversed-phase high performance liquid chromatography (LC) using Ultraviolet detection at 280nm (Commission Regulation (EC) No 152/2009).

⁸⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.182.01.0018.01.ENG

⁹⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.187.01.0005.01.ENG

⁹¹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.217.01.0001.01.ENG

⁹² http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.219.01.0003.01.ENG

⁹³ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.220.01.0003.01.ENG

⁹⁴ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.220.01.0007.01.ENG

⁹⁵ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.220.01.0011.01.ENG

⁹⁶ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.220.01.0015.01.ENG

Commission Implementing Regulation 2015/1426⁹⁷ concerns the authorisation of the preparation of benzoic acid, thymol, eugenol and piperine as a feed additive for chickens for fattening, chickens reared for laying, minor poultry species for fattening and reared for laying (holder of the authorisation DSM Nutritional Product).

Commission Implementing Regulation 2015/1486⁹⁸ concerns the authorisation of canthaxanthin as feed additive for certain categories of poultry, ornamental fish and ornamental birds. This gives the concentration of canthaxanthin as 96 %, maximum impurity levels of 100 mg kg⁻¹ triphenylphosphine oxide and 600 mg kg⁻¹. Measurement of canthaxanthin is by visible spectrophotometry or, for mixtures, normal phase high performance liquid chromatography (LC using visible detection at 466nm).

Commission Implementing Regulation 2015/1489⁹⁹ concerns the authorisation of the preparation of *Lactobacillus plantarum* NCIMB 30238 and *Pediococcus pentosaceus* NCIMB 30237 as a feed additive for all animal species.

Commission Implementing Regulation 2015/1490¹⁰⁰ concerns the authorisation of the preparation of carvacrol, cinnamaldehyde and capsicum oleoresin as a feed additive for chickens for fattening (holder of the authorisation Pancosma France S.A.S.). This lists the specification for these substances and specifies the analytical method to be used to measure them in feed additives as GC-FID.

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⁹⁷ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.223.01.0006.01.ENG

⁹⁸ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.229.01.0005.01.ENG

⁹⁹ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.231.01.0001.01.ENG

¹⁰⁰ http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.231.01.0004.01.ENG