

22.11.2019

MAC LETTER

Analysis for the presence of dioxins and dioxin-like polychlorinated biphenyls (PCBs) in fish oil batches under Regulation (EC) No 183/2005

Firstly, the MAC would like to express its gratitude to the Commission for the depth of information provided by and fruitful exchange with Ms Isabel Sanz (MARE C3) and Mr Franz Verstraete (SANTE) on 3 September 2019 at the Working Group 3 meeting on 'EU Controls and Sanitary Issues and Consumer Rules'.

At this meeting, MAC members discussed the need for an amendment to Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.

The limits for crude (that is native, not refined) fish oil used as feedstuff are defined in Commission Regulation (EU) No 277/2012 of 28 March 2012 amending Annexes I and II to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels and action thresholds for dioxins and PCBs and in Commission Regulation (EU) No 744/2012 of 16 August 2012 amending Annexes I and II to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, fluorine, lead, mercury, endosulfan, dioxins, *Ambrosia* spp., diclazuril and lasalocid A sodium as well as action thresholds for dioxins.

The frequency and scale of fish oil analysis for the presence of dioxins are defined by Regulation (EC) No 183/2005. Concerning the frequency of analysis by feed business operators producing fish oil, subparagraph c), paragraph 2, of section "Dioxin Monitoring for Oils, Fats and Derived Products" of Annex II, determines that analyses must be carried out for:

- " (i) 100 % of the batches of fish oil if it is produced from:
 - products derived from fish oil other than refined fish oil;
 - fisheries with no monitoring history, of unspecified origin or from the Baltic Sea;
 - fish by-products from establishments manufacturing fish for human consumption that are not EU approved;
 - blue whiting or menhaden;



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- (ii) 100 % of the outgoing batches of products derived from fish oil other than refined fish oil;
- (iii) one representative analysis per 2 000 tonnes as regards fish oil not referred to in (i)
- (iv) fish oil decontaminated by an officially approved treatment as referred to in Annex VIII of Regulation (EC) No 767/2009 and in Commission Regulation (EU) 2015/786 (17) shall be analysed and documented as part of the HACCP system”.

Among veterinarian authorities, private certifying entities, such as QS and GMP+, and the seafood industry, there are different interpretations of the legal requirements concerning the frequency and scale of analyses for the presence of dioxins.

Veterinary authorities usually refer to point (i) of the mentioned paragraph and demand analysis of 100% of the batches, meaning that every single batch is analysed. Private certifiers tend to also require analysis for 100% of the batches based on their own risk analysis.

Feed business operators consider point (iii) to be the appropriate legal reference, because no products from fish oil are produced. A crude fish oil derived from fish by-products is produced, with a known origin that is not the Baltic Sea, sampled by fish processors approved by the European Commission, and that does not include blue whiting or menhaden.

Analyses undertaken by the processing industry demonstrate that fish oil from farmed salmon (*Salmo salar*) is consistently below the critical values by a substantial margin, which translates into unnecessary high costs to the industry, especially when considering the typically small size of the production batches (usually between 20 to 50 tonnes).

Considering the described context, the MAC would recommend an amendment by the European Commission to Regulation 183/2005, in order to clarify that fish oil derived from farmed fish is not envisaged by point (i) of subparagraph c), paragraph 2, of section “Dioxin Monitoring for Oils, Fats and Derived Products” of Annex II of Regulation (EC) No 183/2005.

Best regards,

A handwritten signature in blue ink, appearing to read 'Guus Pastoor', is written over a large, stylized blue oval shape.

Guus Pastoor

Chair of the Market Advisory Council