

**Summary record of the Food and Feed Crisis Coordinators meetings
of 29 June 2021, 30 June 2021 and 13 July 2021 on
the presence of ethylene oxide above the limit of quantification in locust bean gum (food
additive E410)**

The meetings took place remotely with audio/video conference systems.

Participants:

- all Member States represented
- Iceland and Norway
- Commission services : SANTE G4 (chair), E4, E2, G3, O2, D3, F1, A2
- EFSA

Further to the alert notification RASFF 2021.2966 of 8 June 2021 related to the presence of ethylene oxide in a food additive (locust bean gum, E410) used notably in ice creams, the Commission convened on three occasions (29 June, 30 June and 13 July 2021) the Member States' food and feed crisis coordinators together with experts on Maximum Residue Levels of pesticides and on food additives.

The objective of these meetings was to enhance coordination among Member States and align the follow-up to the alert in question.

Member States expressed their views on how to best manage the risk presented by the products incorporating the incriminated additive within the framework of the EU legislation on Maximum Residue Levels (MRL Regulation) and on food additives and the General Food Law (GFL). In response to demands of Member States, the Commission offered its legal analysis of the applicable law at their last meeting, on 13 July 2021. This allowed an informed decision of all crisis coordinators on this new incident of contamination of food with ethylene oxide.

Member States concluded that, in accordance with legal provisions set out in the GFL:

- for the products that contain the additive E410 known to be contaminated with ethylene oxide(*) no safe level of exposure for consumers can be defined and hence any level consumers may be exposed to, presents a potential risk to consumers ;
- consequently, it is necessary, in order to ensure a high level of health protection, that the food or feed business operators who have placed such products on the EU market shall, under the control of the national competent authorities, withdraw those products from the EU market, and recall them from consumers.

(*) i.e the additive containing a level of ethylene oxide above the LOQ (0.1mg/kg), applying the residue definition provided for in Regulation 396/2005.

Although Belgium and Denmark will fully implement the above approach, both Member States expressed concerns with the systematic recalls of all foodstuffs produced with a raw material above the legally set MRL. They notably expressed worries about the zero tolerance approach applied for ethylene oxide that they consider not in line with the European Regulations regarding the follow-up of potentially contaminated food and feed. Furthermore, both considered this approach as contradicting the work carried-out on sustainability,

reducing food waste and food loss in line with the Farm to Fork Strategy and the Sustainable Development Goals.