EUROPEAN COMMISSION
ENTERPRISE AND INDUSTRY DIRECTORATE-GENERAL

Single Market for Goods
Prevention of Technical Barriers

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E-MAIL

To:	TBT Enquiry Point of New Zealand	**E-mail:**	standards.management@foodstandards.govt.nz wto@standards.co.nz
Copy	EU New Zealand Delegation		
From:	[redacted]	**Telephone:**	[redacted]
	EU-WTO-TBT Enquiry Point	**E-mail:**	eu-tbt@ec.europa.eu
Number of pages:	1 + 2		

Subject: **G/TBT/N/NZL/69 – 2nd call for submissions for Proposal P1025 Code Revision – EU comments**

Message:

Dear Sir or Madam

Please find attached the comments from the European Union on the above-mentioned notification.

Could you please acknowledge receipt of this e-mail? Thank you.

Yours faithfully

[redacted]
Head of Unit

[redacted]

Commission européenne, B-1049 Bruxelles/Europese Commissie, B-1049 Brussel - Belgium. Telephone: (+32-2)299 11 11.
Office: N105 4/63. Telephone: direct line (+32-2)298 77 62. Fax: (+32-2)299 80 43.
E-mail: eu-tbt@ec.europa.eu

COMMENTS FROM THE EUROPEAN UNION CONCERNING NOTIFICATION

G/TBT/N/NZL/69

2ND CALL FOR SUBMISSIONS FOR PROPOSAL P1025 CODE REVISION

The European Union (EU) would like to thank New Zealand for providing the opportunity to comment on G/TBT/N/NZL/69 regarding Proposal P1025 - Code Revision.

The Proposal seeks to modernise how the Australia New Zealand Food Standards Code (the Code) is presented to create an instrument that better meets the needs of a very broad range of stakeholders in industry, commerce and enforcement and improves the Code's efficacy.

Having examined the notified draft, the EU would like to raise the following issues:

1. Mandatory declaration of certain foods or substances in foods

1.1. Declaration of added sulphites

Section 1.2.3 – 4 (1) (a) of the notified draft provides for the mandatory declaration of *"added sulphites in concentrations of 10 mg/kg or more"*.

The EU would like to receive clarification on the implementation in practice of this labelling requirement and in particular whether the label shall contain the mention *"contains sulphites"* or *"contains added sulphites"*.

1.2. Declaration of fish content

Section 1.2.3 – 4 (1) (c) (iii) of the notified draft requires the mandatory declaration of *"fish, except for isinglass derived from swim bladders and used as a clarifying agent in beer or wine"*.

In this respect, the EU would like to invite the New Zealand authorities to consider including fish gelatine in the exemptions as follows: *"except for fish gelatine as a carrier for vitamins or carotenoid preparations and as a fining agent in beer and wine"*.

The European Food Safety Agency (EFSA) has published scientific opinions justifying these exemptions. Consequently, these applications have been exempt from allergen labelling by Regulation (EU) No 1169/2011.

2. Microbiological limits

Standard 1.6.1 in Part 6 of the notified draft contains microbiological limits for foods listed in Schedule 27, section S27—3 (page 533 etc.).

Since gelatine is not listed in section S27—3, the EU would like to receive clarification on whether this means that there are no microbiological limits for gelatine in New Zealand.

3. Sourcing requirements

Section 2.2.1 - 11 of the notified draft provides that *"Bovine must be free from bovine spongiform encephalopathy"*. The EU would like to receive clarification on the meaning of this requirement.

The criteria for a bovine to be declared free from bovine spongiform encephalopathy are not defined by the World Organisation for animal Health (OIE). The OIE Terrestrial Code refers to countries and/or administrative territories with negligible/controlled/undetermined bovine spongiform encephalopathy risk status.

The EU would like to know if the requirements in Section 2.2.1 – 11 of the draft cover animals which have been tested and which gave a negative result, or animals from countries recognised by the OIE as having negligible bovine spongiform encephalopathy risk.

The EU is of the opinion that, if these requirements imply that animals, from which the meat destined for New Zealand is derived, must be systematically tested for bovine spongiform encephalopathy at slaughter, the requirements go beyond international standards and have no justification.

4. Processing aids

Schedule 18 of the notified draft regulates the permitted processing aids.

Section S18—2 lays down generally permitted processing aids. The EU notes that this section does not include lime (calcium hydroxide) and cellulose which is used as a filtration aid, e.g. like perlite in the gelatine and collagen production.

Section S18-8 lays down permitted extraction solvents.

In this respect, the EU would like to point out that EU Directive 2009/32/EC on extraction solvents used in the production of foodstuffs and food ingredients[1] establishes a list of permitted extraction solvents which is longer than the list contained in the notified draft. Furthermore, the maximum permitted level in some extraction solvents is different. The EU would like to receive clarification on whether extraction solvents used in the production of foodstuffs or ingredients in the EU would be accepted on the New Zealand market.

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[1] http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1411133840145&uri=CELEX:02009L0032-20100916

Section S18-9 lays down processing aids for various purposes. Both hydrogen peroxide and sulphur dioxide are used in the EU as anti-microbial agents for the manufacture of gelatine and collagen. Maximum limits of 50 mg/kg (SO_2) and 10 mg/kg (H_2O_2) have been included in Regulation (EC) No 853/2004 laying down specific hygiene rules for food of animal origin[2]. Therefore, the EU would like to invite New Zealand to include both substances in this Section as well.

The EU would be grateful if the above-mentioned comments could be taken into account and replied to before the adoption of the notified draft.

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[2] http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02004R0853-20090420&rid=10