

## RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 119/07/COL

of 16 April 2007

**on the monitoring of background levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (hereinafter referred to as the EEA Agreement), in particular Article 109 and Protocol 1 thereof,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 5(2)(b) and Protocol 1 thereof,

HAVING REGARD to the Act referred to at Point 54zn a of Chapter XII of Annex II to the EEA Agreement,

*Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs* <sup>(1)</sup>,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto,

HAVING REGARD to the Act referred to at Point 54zzc of Chapter XII of Annex II to the EEA Agreement,

*Commission Directive 2002/69/EC of 26 July 2002 laying down the sampling methods and the methods of analysis for the official control of dioxins and the determination of dioxin-like PCBs in foodstuffs* <sup>(2)</sup>,

as amended and as adapted to the EEA Agreement by Protocol 1 thereto,

HAVING REGARD to the EFTA Surveillance Authority Decision 37/07/COL of 27 February 2007, whereby the competent College Member is instructed to adopt the Recommendation if the draft Recommendation is in accordance with the opinion of the EFTA Foodstuffs Committee (EFC),

WHEREAS Commission Regulation (EC) No 466/2001 establishes maximum levels for dioxins and for the sum of dioxins and dioxin-like Polychlorinated Biphenyls (PCBs) in foodstuffs,

WHEREAS it is necessary to generate reliable data across the European Economic Area on the presence of dioxins, furans and dioxin-like PCBs in the widest range of foodstuffs in order to have a clear picture of the time trends in background presence of these substances in foodstuffs,

WHEREAS the EFTA Surveillance Authority Recommendation 144/06/COL of 11 May 2006 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs recommends that EFTA States perform random monitoring of the presence of dioxins, dioxin-like PCBs and, if possible, non-dioxin-like PCBs in foodstuffs according to Commission Recommendation 2004/705/EC <sup>(3)</sup>,

WHEREAS Recommendation 2004/705/EC recommends to the Member States minimum frequency of samples to be analysed yearly for the different categories of foodstuffs as well the format of reporting of the results for the monitoring of the background presence of dioxins, furans and dioxin-like PCBs in foodstuffs,

WHEREAS it is appropriate to amend the current monitoring programme laid down in Recommendation 2004/705/EC by taking into account the experiences gained and that the EEA EFTA States participate in the investigation into levels dioxins, dioxin-like PCBs and non-dioxin-like PCBs in foodstuffs,

WHEREAS it is important that data gathered under this Recommendation are reported on a regular basis to the EFTA Surveillance Authority and that, in accordance with Article 2(1) of Protocol 1 of the Surveillance and Court Agreement, the EFTA Surveillance Authority passes on that information to the European Commission, which will ensure the compilation of those data into a database. Data from recent years obtained by making use of a method of analysis complying with the requirements laid down in Commission Directive 2002/69/EC should also be provided,

WHEREAS the measures provided for in this Recommendation are in accordance with the opinion of the EFTA Foodstuffs Committee assisting the EFTA Surveillance Authority,

<sup>(1)</sup> OJ L 77, 16.3.2001, p. 1.

<sup>(2)</sup> OJ L 209, 6.8.2002, p. 5.

<sup>(3)</sup> OJ L 321, 22.10.2004, p. 45.

HEREBY RECOMMENDS THE EFTA STATES:

1. To perform from the year 2007 onwards until 31 December 2008 the monitoring of the background presence of dioxins, furans and dioxin-like polychlorinated biphenyls (PCBs) in foodstuffs using the recommended minimum frequency of samples to be analysed yearly, as foreseen in the table of Annex I as guidance.
2. If possible, to also perform the analysis of non dioxin-like PCBs in the same samples.
3. To provide on a regular basis to the EFTA Surveillance Authority the monitoring data with the information and in the format as foreseen in Annex II for compilation into one database. Data from recent years obtained by making use of

a method of analysis complying with the requirements, laid down by Directive 2002/69/EC and reflecting background levels, should also be provided.

4. References to Recommendation 2004/705/EC in the EFTA Surveillance Authority Recommendation 144/06/COL of 11 May 2006 shall be construed as references to this Recommendation.

Done at Brussels, 16 April 2007.

*For the EFTA Surveillance Authority*

Kristján Andri STEFÁNSSON  
*College Member*

Niels FENGER  
*Director*

## ANNEX I

Table: Overview of the recommended minimum number of food samples to analyse yearly. Distribution of samples is based on production in each country. Particular attention is paid to foodstuffs expected to have a large variation in background levels of dioxins, furans and dioxin-like PCBs. This is particularly the case for fish.

Product, including also derived products	Aquaculture (*)	Wild caught fish (**)	Meat (***)	Milk (****)	Eggs (*****)	Other (*****)	Total
No of samples							
Norway							
Iceland							

## Remarks on the Table

The figures mentioned in the table are minimum figures. EEA EFTA States are invited to take more samples.

(\*) *Aquaculture*: The samples for aquaculture should be divided over the fish species proportionate to the production.

(\*\*) *Wild caught fish*: The samples for wild caught fish should be divided over the fish species proportionate to the catch. Special attention should be paid to wild caught eel.

(\*\*\*) *Meat*: In addition to meat and meat products originating from beef cattle, pigs, poultry and sheep, significant number of samples should be taken from horsemeat, reindeer meat, goat meat, rabbit meat, venison and game.

(\*\*\*\*) *Milk*: A large proportion of the milk samples should be taken from farm milk (mainly cow's milk). It is also appropriate to take samples of milk and milk products other than cow's milk (goat milk, etc ...).

(\*\*\*\*\*) *Eggs*: Particular attention should be paid to free-range hen eggs and eggs of ducks, geese and quails should also be sampled.

(\*\*\*\*\*) *Other*: In this category particular attention should be paid to:

- food supplements (particular those ones based on marine oil),
- food for infants and young children,
- food products originating from regions where due to e.g. climatic conditions resulting in floods, changes have happened in the production conditions which could possibly affect the dioxin and dioxin-like PCB concentration of the food products in the region.

## ANNEX II

**A. Explanatory notes to the form for analytical results of dioxins, furans and dioxin-like PCBs and other PCBs in food****1. General information about the samples analysed**

*Sample code:* identification code of the sample.

*Country:* name of the Member State where the monitoring has been carried out.

*Year:* the year the monitoring was carried out.

*Product:* food item analysed — describe the food item as precisely as possible.

*Stage of marketing:* place where the product (sample) was collected.

*Tissue:* part of product analysed.

*Expression of results:* The results are to be expressed on the basis on which the maximum levels have been established. In case of the analysis of non-dioxin-like PCBs, it is highly recommended to express the levels on the same basis.

*Type of sampling:* random sampling — analytical results from targeted sampling can also be reported but it must be clearly indicated that the sampling was targeted and does not necessarily reflect normal background levels.

*Number of subsamples:* if the analysed sample is a pooled sample, the number of subsamples (number of individuals) should be notified. If the analytical result is just based on one sample, one should be notified. Number of subsamples in a pooled sample could vary, so please specify this for every sample.

*Method of production:* conventional/organic (as detailed as possible).

*Area:* insofar relevant, district or region where the sample was collected, if possible with indication if it concerns rural area, urban area, industrial zone, harbour, open sea, etc., e.g. *Brussels — urban area, Mediterranean — open sea*. It is of particular importance to clearly indicate the area in case the sample has been collected from food produced in regions which have been flooded.

*Fat content (%):* the percentage of fat content in the sample.

*Moisture content (%):* the percentage of moisture content in the sample (if available).

**2. General information on the method of analysis used**

*Method of analysis:* refer to the method used.

*Accreditation status:* specify if the analytical method is accredited or not.

*Uncertainty:* the decision limit or the percentage of the expanded measurement uncertainty embodied in the analytical method.

*Lipid extraction method:* specify the lipid extraction method used to determine the fat content of the sample.

**3. Analytical results**

*Dioxins, furans, dioxin-like PCBs:* results of every congener should be reported in ppt — picogram/gram (pg/g).

*Non-dioxin-like PCBs:* results of every congener should be reported in ppb — nanogram/gram or microgram/kilo (ng/g or µg/kg).

*LOQ:* Limit of quantification in pg/g (for dioxins, furans and dioxin-like PCBs) or µg/kg — ng/g (for non-dioxinlike PCBs).

For congeners determined but being below LOQ (limit of quantification) the case should be filled in as < LOQ (the LOQ should be reported as a value).

For PCB congeners analysed in addition to the PCB-6 and dioxin-like PCBs the number of the PCB congener needs to be added to the form, e.g. 31, 99, 110, etc. If the sample is analysed for more PCB congeners than there are marked rows, just add new rows at the bottom of the form.

#### **4. General remarks to the table**

— Reporting of the recovery rate

The reporting of the recovery rate is optional if the recovery rate for the individual congeners falls within the range of 60-120 %. In case the recovery rate for some individual congeners falls outside that range, the reporting of the recovery rate is obligatory.

— Reporting of the LOQ

The reporting of the LOQ is not required but in the column of results, the non-quantified congeners have to be reported as < LOQ (effective figure).

— Reporting of the TEQ value for individual congeners

The column for TEQ values for the individual congeners is optional.

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ANNEX III

B. Form for reporting of congener-specific analytical results of dioxins, furans, dioxin-like PCBs and other PCBs in food

Country		<div>Information on: Method of analysis Accreditation status Uncertainty (decision limit or confidence interval) Lipid extraction method</div>	
Year			
Product			
Stage of marketing			
Tissue			
Expression of results			
Type of sampling			
Sample No			
Production method			
Area			
Number of subsamples			
Fat content (%)			
Moisture content (%)			

1	Dioxins and furans (pg/g)	Congeners	TEF	LOQ (see remarks)	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		2,3,7,8-TCDD	1				
		1,2,3,7,8-PeCDD	1				
		1,2,3,4,7,8-HxCDD	0,1				
		1,2,3,6,7,8-HxCDD	0,1				
		1,2,3,7,8,9-HxCDD	0,1				
		1,2,3,4,6,7,8-HpCDD	0,01				
		OCDD	0,0001				
		2,3,7,8-TCDF	0,1				
		1,2,3,7,8-PeCDF	0,05				
		2,3,4,7,8-PeCDF	0,5				
		1,2,3,4,7,8-HxCDF	0,1				
		1,2,3,6,7,8-HxCDF	0,1				
		1,2,3,7,8,9-HxCDF	0,1				
		2,3,4,6,7,8-HxCDF	0,1				
		1,2,3,4,6,7,8-HpCDF	0,01				
1,2,3,4,7,8,9-HpCDF	0,01						
	OCDF	0,0001					

Total TEQ-PCDD/PCDF	
Upper bound	
Medium bound	
Lower bound	

2	Non-ortho PCBs (pg/g)	PCB congeners	TEF	LOQ	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		PCB-77	0,0001				
		PCB-81	0,0001				
		PCB-126	0,1				
		PCB-169	0,01				

3	Mono-ortho PCBs (pg/g)	PCB congeners	TEF	LOQ	Recovery (%) (see remarks)	Results	TEQ (see remarks)
		PCB-105	0,0001				
		PCB-114	0,0005				
		PCB-118	0,0001				
		PCB-123	0,0001				
		PCB-156	0,0005				
		PCB-157	0,0005				
		PCB-167	0,00001				
		PCB-189	0,0001				

Total TEQ-PCB	
Upper bound	
Medium bound	
Lower bound	

Non-dioxin-like PCBs

4	PCB-6 (µg/kg or ppb)	PCB congeners		LOQ	Results
Information on: Method of analysis Accreditation status Uncertainty (decision limit or confidence interval)		PCB-	28		
		PCB-	52		
		PCB-	101		
		PCB-	138		
		PCB-	153		
		PCB-	180		
		Total PCB-6		—	

[illegible]