RECOMMENDATION OF THE EFTA SURVEILLANCE AUTHORITY

No 3/05/COL

of 19 January 2005

on the monitoring of background levels of dioxins and dioxin-like PCBs in feedingstuffs

THE EFTA SURVEILLANCE AUTHORITY,

Having regard to the Agreement on the European Economic Area, and 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, and in particular Article 5(2)(b) and Protocol 1 thereof,

Having regard to the Act referred to at point 33 of Chapter II of Annex I to the EEA Agreement (Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal fee [1]), as amended, and as adapted to the EEA Agreement by Protocol 1 thereto,

Having regard to the EFTA Surveillance Authority Decision 303/04/COL of 1 December 2004, whereby the competent Member of the College is instructed to adopt the Recommendation if the draft Recommendation is in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee,

Whereas:

(1) The Act referred to at point 33 of Chapter II of Annex I to the EEA Agreement (*Directive 2002/32/EC*) establishes maximum levels for dioxins in feed materials and compound feedingstuffs.

(2) Although from a toxicological point of view, the maximum level should include dioxins, furans and dioxin-like PCBs, maximum levels have been set only for dioxins and furans and not for dioxin-like PCBs, given the very limited data available on the prevalence of the latter. The abovementioned Act provides for a review of the maximum levels for the first time by 31 December 2004 at the latest in the light of new data on the presence of dioxins and dioxin-like PCBs, in particular with a view to the inclusion of dioxin-like PCBs in the levels to be set.

(3) It is necessary to generate reliable data across the EEA on the presence of dioxin-like PCBs in the widest range of products intended for animal feed (as defined in the relevant Act referred) in order to have a clear picture of the time trends in background presence of these substances in products intended for animal feed.

(4) The relationship between the presence of dioxins, furans, dioxin-like PCBs and non-dioxin-like PCBs is important but to a large extent unknown. It is therefore appropriate to analyse the selected samples also for non-dioxin-like PCBs where possible.

(5) According to Article 4(2) of the Act, the EFTA States shall transmit to the EFTA Surveillance Authority all relevant information and findings of the source and the measures taken to reduce the level or elimination of undesirable substances.

(6) It is important that EFTA States participate in the monitoring of background levels of dioxins and dioxin-like PCBs in feedingstuffs and that these data are reported on a regular basis to the EFTA Surveillance Authority.

(7) In accordance with Article 2(1) of Protocol 1 of the Surveillance and Court Agreement, the EFTA Surveillance Authority shall pass on that information to the European Commission.

(8) The participation of the EFTA States in the programmes within the scope of Annex I to this Recommendation will have to be evaluated with respect to their exemptions from Chapter II of Annex I to the EEA Agreement.

(9) The measures provided for in this Recommendation are in accordance with the opinion of the EFTA Plants and Animal Feedingstuffs Committee assisting the EFTA Surveillance Authority,

[1] OJ L 140, 30.5.2002, p. 10. Directive as last amended by Commission Directive 2005/8/EC (OJ L 27, 29.1.2005, p. 44).

HEREBY RECOMMENDS TO THE EFTA STATES:

1. That EFTA States perform from the year 2004 onwards until 31 December 2006 the monitoring of the background presence of dioxins, furans and dioxin-like PCBs in products intended for animal feed using the recommended minimum frequency of samples to be analysed yearly, as foreseen in the table of Annex I as guidance. The frequency of the samples should be reviewed each year in the light of the experience gained.

2. That EFTA States provide on a regular basis to the EFTA Surveillance Authority the data with the information and in the format as foreseen in Annex II for compilation into one database. It is appropriate that data from recent years obtained by making use of a method of analysis complying with the requirements laid down by the Act referred to at point 1 zc of Chapter II of Annex I to the EEA Agreement (Commission Directive 2002/70/EC of 26 July 2002 establishing requirements for the determination of levels of dioxins and dioxin-like PCBs in feedingstuffs [1]) and reflecting background levels are also provided.

3. That EFTA States, if possible, also perform analysis on non-dioxin-like PCBs in the same samples.

Done at Brussels, 19 January 2005.

For the EFTA Surveillance Authority

Bernd HAMMERMANN

College Member

[1] OJ L 209, 6.8.2002, p. 15. Directive as amended by Directive 2005/7/EC (OJ L 27, 29.1.2005, p. 41).

ANNEX I

Table: Overview of the recommended minimum number of feed samples to analyse yearly. Distribution of samples is based on production and/or use in each country. Particular attention is paid to feed materials and compound feedingstuffs expected to have a larger variation in background levels of dioxins, furans and dioxin-like PCBs.

Total number of samples recommended for each country		Feed materials, additives, premixtures											Compound feedingstuffs					
		Plant origin				Minerals	Trace elements, binders, anti-caking agents	Premixtures — all species	Animal origin			Total	Terrestrial animals				Fish	Total
Country	Number	Cereals, grains, their products and by-products	Oil seeds, oil fruits, their products and by-products/legume seeds, their products and by-products	Forages and roughages	Other feed materials of plant origin				Animal fat/animal products (including milk powder and egg products)	Fish oil	Fish meal	Number	Cattle	Pigs	Poultry	Other (rabbit, horse, pet food)	Fish	Number
Iceland	67	3	3	3	2	1	1	2	3	19	16	53	3	3	3	2	3	14
Norway	127	5	5	5	3	3	3	5	3	13	15	60	3	3	3	2	56	67

ANNEX II

A. **Explanatory notes to the form for analytical results of dioxins, furans and dioxin-like PCBs and other PCBs in feed**

1. GENERAL INFORMATION ABOUT THE SAMPLES ANALYSED

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

Year: the year the monitoring was carried out.

Product: feed item analysed — use, if possible, for feed materials the terminology of Council Directive 1996/25/EC of 29 April 1996 on the circulation and use of feed materials. In the case of compound feed the composition is very useful information.

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

Expression of results: the results have to be reported on product basis. The results are to be expressed on the basis on which the maximum levels have been established (relative to a feedingstuff with a moisture content of 12 % — Directive 2002/32/EC). 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.

Methods: refer to the method used.

Accredited: specify if the analytical method is accredited or not.

Uncertainty (%): the percentage of the measurement uncertainty embodied in the analytical method.

2. SPECIFIC INFORMATION ABOUT THE SAMPLES ANALYSED

Sample No: number of samples of same kind of product analysed. If you have results of more samples than there are marked columns, just add new columns with number at the end of the form.

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.

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, 1 should be notified. Number of subsamples in a pooled sample could vary, so please specify this for every sample.

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

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

3. RESULTS

Dioxins, furans, dioxin-like PCBs: results of every congener should be reported in **ppt — nanogram/kilo** (ng/kg).

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

LOQ: limit of quantification in ng/kg or µg/kg (for non-dioxin-like PCBs).

LOD: limit of detection in ng/kg or µg/kg (for non-dioxin-like PCBs).

For congeners analysed but below the LOD (limit of detection) the case of results should be filled in as < LOD (the LOD should be reported as a value). For congeners analysed 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-7 and dioxin-like PCBs the number of the PCB congener need 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. REMARKS

Besides the lipid extraction methods used, additional relevant remarks to the submitted data can be mentioned.

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

Country	
Year	
Product	
Stage of marketing	
Expression of results	
Type of sampling	
Sample No	
Production method	
Area	
Number of subsamples	
Fat content (%)	
Moisture content (%)	

Remarks
Lipid extraction method used:

1.	Dioxins and furans (ng/kg)		Congeners	TEF	LOD	LOQ	Recovery (%)	Results	TEQ
	Methods		2,3,7,8 — TCDD	1					
	Detection		1,2,3,7,8 — PeCDD	1					
	Unit		1,2,3,4,7,8 — HxCDD	0,1					
	Accredited		1,2,3,6,7,8 — HxCDD	0,1					
	Uncertainty (%)		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	
Upperbound	
Mediumbound	
Lowerbound	

2.	Non-ortho PCBs (pg/g or ng/kg)		PCB congeners	TEF	LOD	LOQ	Recovery (%)	Results	TEQ
	Methods		PCB-77	0,0001					
	Detection		PCB-81	0,0001					
	Unit		PCB-126	0,1					
	Accredited		PCB-169	0,01					
	Uncertainty (%)								
3.	Mono-ortho PCBs (pg/g or ng/kg)		PCB congeners	TEF	LOD	LOQ	Recovery (%)	Results	TEQ
	Methods		PCB-105	0,0001					
	Detection		PCB-114	0,0005					
	Unit		PCB-118	0,0001					
	Accredited		PCB-123	0,0001					
	Uncertainty (%)		PCB-156	0,0005					
			PCB-157	0,0005					
			PCB-167	0,00001					
			PCB-189	0,0001					

Total TEQ-PCB	
Upperbound	
Mediumbound	
Lowerbound	

NON-DIOXIN-LIKE PCBs

4.	PCB-7 (6) (µg/kg or ppb)		PCB congeners	TEF	LOD	LOQ	Results
	Methods		PCB-	28			
	Accredited		PCB-	52			
	Unit		PCB-	101			
	Uncertainty (%)		PCB-	118			
			PCB-	138			
			PCB-	153			
			PCB-	180			

5.	Other PCBs (µg/kg or ppb)		PCB congeners	TEF	LOD	LOQ	Results
	Methods		PCB-				
	Accredited		PCB-				
	Unit		PCB-				
	Uncertainty (%)		PCB-				
			PCB-				
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