EU BAN ON EYGPTIAN PEANUTS IMPORTS

On May 28, 1999 the European Commission suspended the import of peanuts from Egypt due to the presence of aflatoxin in concentrations in excess of maximum levels specified in EU regulations. Egypt is a major peanut exporting country and the European markets accounts for 68 percent of its peanut exports. The Egyptian government is anxious to restore Egyptian peanuts full access to the European market.

Background

Peanuts are an important agricultural crop for Egypt. The main growing areas are in the north of the country; they include the areas of reclaimed desert to the east and west of the Nile Delta, north of Cairo. Egypt has a large number of peanut producers, with many farming small fields of two and half feddans.[1] Peanut cultivation covered 145,000 feddans. Only a small number of companies process peanuts for export and only 18 exporters are currently licensed to export to the EU.

In the 1999/2000 season Egypt produced xxxx tones of peanuts, of which 6, 500 were exported to the EU and in 2000/2001 Egypt produced about 205.8 thousand tons of which 8300 tones were exported to the EU. Egyptian peanuts exports (to EU?) were valued at $1.3 million in xxxx. Peanuts to Europe are mainly shipped out of Alexandria and Port Said on the Mediterranean coast and most go to Italy, Greece and Spain. **[Need to sort out these statistics]**

The EU Commission, by Council Regulation 194/97, set the level of aflatoxins permitted in peanuts.[2] The regulations provide that the level of B1 cannot exceed 2 parts per billion and the level of B1+B2+G1+G2 cannot exceed 4 parts per billion. This regulations was amended by Commission Regulation No. 1525 /98 of 16 July 1998 which set the following maximum admissible aflatoxin levels in various nuts, grounds, dried fruits and products thereof intended for human consumption:

a. Nuts, groundnuts, dried fruits and processed products:
   2 *mg*/kg aflatoxin B1 content, and 4 *mg*/kg total aflatoxins content
b. Groundnuts subject to sorting or other physical treatment:
   8 *mg*/kg aflatoxin B1 content, and 15 *mg*/kg total aflatoxin content
c. Nuts and dried fruit subject to sorting or other physical treatment:
   5 *mg*/kg aflatoxin B1 content, and 10 *mg*/kg total aflatoxins content

[1] The fed Dane is the unit of area used in Egypt and is equivalent to 4, 200(?) meters; it is comparable to an acre (approximately a hectare).

[2] Aflatoxins are mycotoxins produced by certain species of *Aspergillas,* which develop at high temperatures and humidity levels and may be present in a large number of foods. The aflatoxins group includes a number of compounds of varying toxicity and frequency in food. Aflatoxin B1 is the most toxic compound. For safety reasons, it is advisable to limit both the total aflatoxin content (compounds B1, B2, G1 and G2) of food and flatoxin B1 content. Maximum limits for aflatoxins in food were fixed in legislation taking into account know possible effects of sorting, mixing or of other physical treatment methods to reduce the aflatoxin content of peanuts. (Source Food and Veterinary Office Report cited in footnote 9 below.)

The levels put in place by regulation 1525/98 were continued in effect from April 2002 by regulation No. 466/2001. Commission Directive 98/53/EC of 16 July 1998 set forth a sampling procedure and general criteria to ensure that laboratories in charge of the analysis use methods of analysis with comparable levels of performance. These procedures were considered necessary because sampling plays a crucial part in determining aflatoxin levels, which are very heterogeneously distributed in a consignment.

On January 8, 1998 the European Community notified the WTO of its intention to fix new minimum levels for aflatoxins B1 and total aflatoxins effective March of 1998.[3] Fifteen countries submitted comments, including India, Iran, Gambia, Philippines, Malaysia, Australia, USA, Turkey, Argentina, South Africa, Senegal, Thailand, Brazil, Peru and New Zealand. In response to comments submitted by a number of WTO members (Notifications G/SPS/N/EEC/51) the European Community submitted in October 1998 a report explaining its proposed rule.[4] The report stated in part:

> 1. The Scientific Committee for Food of the European Community (SCF) expressed on 23 September 1994 an opinion on aflatoxins, ochratoxin A and patulin (Reports of the Scientific Committee for Food, 35th series).
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> 2. At that time the Committee concluded for aflatoxins, *inter alia*:
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> > "**Aflatoxins are genotoxic carcinogens.** For this type of carcinogen, it is generally felt that there is no threshold dose below which no tumour formation would occur. In other words, **only a zero level of exposure will result in no risk.**
> >
> > It agreed with the recent evaluations of IARC[5] (1993) with respect to the carcinogenicity and genotoxicity of the aflatoxins. From the many reports on risk assessment, it can be concluded that **even very low levels of exposure to aflatoxins, i.e. 1 ng/kg b.w./day or less contribute to the risk of liver cancer.**
> >
> > For aflatoxin M1, the Committee concluded that there is sufficient evidence that aflatoxin **M1 is a genotoxic carcinogen**; its carcinogenic potency is estimated to be approximately 10 times lower than aflatoxin B1."
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> 3. This evaluation is also in agreement with the JECFA[6] evaluation (1987) that for these potent carcinogens (aflatoxins) their presence in food should be limited to "irreducible levels" which it defined as "that concentration of a substance which can not

[3] WTO document G/SPS/N/EEC/51 of 8 January 1998.
[4] WTO document **G/SPS/GEN/98** of 14 October 1998
[5] International Agency for Research on Cancer.
[6] Joint FAO/WHO Expert Committee on Food Additives.

be eliminated from a food without involving the discarding of the food altogether, severely compromising the ultimate availability of major food supplies".[7]

4. At the 49th meeting, held in Rome, Italy from 17 to 26 June 1997, the JECFA reviewed a wide range of studies in both animals and humans that provided qualitative and quantitative information on the hepato-carcinogenicity of aflatoxins. The report of the discussions concerning aflatoxins has been disseminated as a draft with the summary report of the meeting. Many notifications of third countries referred to this JECFA report.[8]

The EU has instituted the Rapid Alert System for Food (RASFF) -- a special system to notify when contaminants in imported food exceed permitted levels. In 1999 many RASFF alerts lead the Commission to impose a temporary ban on the import of peanuts from Egypt as aflatoxin levels exceed the maximum levels authorized by Council Regulation 194/97, as amended.

The suspension was put in place by Council Decision 1999/356/EC of 28 May 1999. This decision was repealed on 1 December 1999 and replace by Commission Decision 2000/49/EC which imposed a requirement for certification to accompany every consignment and required systematic analysis of consignments and documentation by the importing member state. As noted above under this system 18 Egyptian exporters are allowed to ship to the EU. The EU also instituted systems of control for aflatoxins in products from Iran, Turkey and China.

The Food and Veterinary Office (FVO) of the EU Commission is responsible for ensuring that every product that enters the EU is safe for human consumption. The office is under the Health and Consumer Protection Directorate-General of the EU Commission. Competent authorities in EU member states are responsible for carrying out the inspections of imports and ensuring compliance with the EU regulations.

In order to ensure that the Egypt complied with the EU Commission's requirements, the Egyptian Ministries of Agriculture and Land Reclamation (MALR) and Ministry of Foreign Trade (MOFT) issued Ministerial Decree No. 2/2000 which covers all stages of production, processing, sampling and exporting peanuts. In particular, the decree provides --

Article (1): exported peanuts must be produced, inspected and prepared according to scientific procedures [set forth in the decree??]

Article (2) exporters who violate the rules will be suspended for 1 year

Article (3): effective date and publication and dissemination of requirements.

The decree also establishes the legal limit for aflatoxin in peanuts in both the domestic and EU export markets. In the Egyptian domestic market the legal limit is 5 mg/kg aflatoxin B1 content and 10 mg/kg total aflatoxin content. For the EU market, the legal

[7] Evaluation of certain food additives and contaminants; Thirty-first report of the Joint FAO/WHO Expert Committee on Food Additives; WHO Technical Report Series 759, WHO, Geneva, 1987.

[8] Joint FAO/WHO Expert Committee on Food Additives, Forty-ninth meeting, Rome, 17-26 June f1997, Summary and Conclusions, enclosed section.

limits 2 mg/kg aflatoxin in B1 content and 4 mg/kg total aflatoxin content. The decree specifics the sampling procedures that must be followed for export certification.

A number of Egyptian agencies are involved in the production and export of peanuts and aflatoxin control. MALR is the main Egyptian Ministry with overall responsible for supervising the production, consumption and export of agricultural products and preventing aflatoxin from contaminating peanuts. The Central Administration for Plant Quarantine (CAPQ) is the coordinating authority within MALR with respect peanut production and export and aflatoxin control. The head of CAPQ is the key person in the management of aflatoxin control and the main contact with the EU regarding aflatoxin control. The Regional Plant Quarantine Service has 14 regional offices in Egypt, including offices at the main ports for imports and exports. The regional office are involved in supervising the productions, processing and export of agricultural products, including peanuts, and in advising industry, inspecting premises and taking samples required for export procedures.

The Agricultural Research Center (ARC) is funded by MALR and has undertaken many research projects relating to aflatoxin prevention in peanuts, including some joint research projects with the EC.

The Ministry of Foreign Trade (MOFT) is responsible for promoting exports and ensuring compliance with export procedures. MOFT has joint programs with the EC and receives budgetary support from the EU to support activities in the trade area.

The Agriculture Commodity Council is a private sector organization with fee-paying members who promote Egyptian agricultural exports. It has a committee for Peanuts and Dried foods, which represents both producer and exporter interests; the Council is also composed of government and scientific institution representatives.

The Customs Service is responsible for making visual and documentary checks on consignments for export. Customs uses a unique numbered seal, and may visit the premises of exporters to facilitate their verification responsibilities.

In September of 2001 the FVO sent a mission to Egypt to assess compliance with its certification system requirements imposed by Commission Decision 2000/49/EC. The missions made a number of recommendations on steps Egypt should take to improve the control system of foodstuffs intended for export to the EU. At the same time the report recommended that the EU Commission should consider taking steps to remove requirements for the systematic examination for aflatoxin of all consignments of peanuts from Egypt. However, the certification and related analysis undertaken by the Egyptian authorities should be retained and EU member states should undertake some random analysis.[9] In response to the Mission's recommendations, the Egypt authorities said that they were taking actions to address the Mission's recommendation

[9] Commission of the European Communities, health & Consumer Protection Directorate-General, Directorate F-Food and Veterinary Office "Final Report of a Mission Carried out in Egypt from 2nd to 6th of

September 200 to Assess the Facilities and Measures in Place for the Determination of Aflatoxin Levels in Peanuts Intended for Export into the European Union" DG (SANCO)/3392/2001 –MR Final. 27/11/02.