

# WORLD TRADE ORGANIZATION

G/SPS/N/EEC/227  
16 December 2003

(03-6624)

Committee on Sanitary and Phytosanitary Measures

Original: English

## NOTIFICATION OF EMERGENCY MEASURES

<b>1. Member to Agreement notifying:</b> <u>EUROPEAN COMMUNITIES</u> <b>If applicable, name of local government involved:</b>
<b>2. Agency responsible:</b> General Directorate for Health and Consumer Protection
<b>3. Products covered (provide tariff item number(s) as specified in national schedules deposited with the WTO; ICS numbers should be provided in addition, where applicable):</b> Fruits of <i>Capsicum spp.</i> dried and crushed [CN 090420-90] and Curry powders [CN 091050] ICS: 67.220.10 (Spices and Condiments)
<b>4. Regions or countries likely to be affected, to the extent relevant or practicable:</b> European Communities (EC) member States and third countries trading with the EC
<b>5. Title, language and number of pages of the notified document:</b> SANCO/4341/2003 Draft Commission Decision on emergency measures with regard to adulteration by Sudan dyes of chilli and chilli products (Available in all EC languages, 6 pages)
<b>6. Description of content:</b> <ol style="list-style-type: none"><li>1. The urgent measures notified hereby provide that member States shall prohibit the import of chilli and chilli products specified, intended for human consumption unless an analytical report accompanying the consignment demonstrates that the product does not contain Sudan dyes (Sudan I, Sudan II, Sudan III, Sudan IV or Scarlet Red);</li><li>2. The competent authorities in the member States shall ensure that each consignment of chilli and chilli products is subject to documentary checks to ensure that the requirements of paragraph 1 are complied with; and</li><li>3. In the absence of such an analytical report, the importer established in the Community shall have the product tested to demonstrate that it does not contain Sudan dyes. Pending availability of the analytical report, the product shall be detained under official supervision for 15 working days.</li></ol>
<b>7. Objective and rationale:</b> <input checked="" type="checkbox"/> food safety, <input type="checkbox"/> animal health, <input type="checkbox"/> plant protection, <input type="checkbox"/> protect humans from animal/plant pest or disease, <input type="checkbox"/> protect territory from other damage from pests

8.	<p><b>Nature of the urgent problem(s) and reason for urgent action:</b></p> <ul style="list-style-type: none"> <li>Articles 53 and 54 of <i>Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L031, 01/02/2002 pp:1-24)</i> notified in G/SPS/N/EEC/110 (8 February 2001) provides that where it is evident that food or feed originating in the Community or imported from a third country is likely to constitute a serious risk to human health (...) the Commission (...) on its own initiative or at the request of a member State, in the case of food or feed imported from a third country should suspend the imports of the food or feed in question and lay down special conditions for the food or feed in question.</li> <li>A member State informed through the "Rapid Alert System for Food and Feed" the findings of the dye Sudan I in imported chilli products. The initial findings were confirmed by other findings in the European Union and point to an adulteration constituting a serious health risk.</li> <li>In implementation of <i>Commission Decision 2003/460/EC of 20 June 2003 on emergency measures regarding hot chilli and hot chilli products (O. J. L154, 21/06/2003 pp.:114 - 115)</i> notified in G/SPS/N/EEC/205 (23 June 2003), member States have carried out checks on the presence of the substance concerned and related substances in chilli and chilli products. There have been findings of Sudan I in chilli and chilli products. Other substances such as Sudan II, Sudan III and Scarlet Red (Sudan IV) have also been found in chilli and chilli products. A number of chilli products including curry powders are concerned. In compliance with article 50 of Regulation (EC) No 178/2002, all findings were notified through the Rapid Alert System for Food and Feed.</li> </ul> <p>Sudan dyes (Sudan I: CAS N° 842-07-9; Sudan II: CAS N° 3118-97-6; Sudan III: CAS N° 85-86-9; Sudan IV or Scarlet Red: CAS N° 85-83-6) have been classified as category 3 carcinogens by the International Agency for Research on Cancer (IARC).</p>
9.	<p><b>International standard, guideline or recommendation:</b></p> <p>[ ] Codex Alimentarius Commission, [ ] Office International des Epizooties, [ ] International Plant Protection Convention, [ X ] None</p> <p><b>If an international standard, guideline or recommendation exists, give the appropriate reference and briefly identify deviations:</b></p>
10.	<p><b>Relevant documents and language(s) in which these are available:</b> SANCO/4341/2003 Draft Commission Decision on emergency measures with regard to adulteration by Sudan dyes of chilli and chilli products (Available in all EC languages, 6 pages)</p>
11.	<p><b>Date of entry into force/period of application (as applicable):</b></p>
12.	<p><b>Agency or authority designated to handle comments:</b> [ ] National notification authority, [ X ] EC enquiry point, or address, fax number and E-mail address (if available) of other body:</p>
13.	<p><b>Texts available from:</b> [ ] National notification authority, [ X ] EC enquiry point, or address, fax number and E-mail address (if available) of other body: Analytical methods for the Screening of Sudan dyes can be provided by the EC Enquiry Point in request.</p>