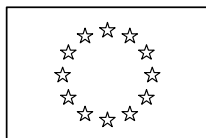


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THE EUROPEAN COMMISSION

Brussels,
C(2010)
SANCO/13329/2010

Draft

COMMISSION REGULATION (EU) No .../...

of

**amending Regulation (EC) No 1881/2006 setting maximum levels for certain
contaminants in foodstuffs as regards dioxins and dioxin-like PCBs**

(Text with EEA relevance)

(Memorandum from Mr J. DALLI)

Draft

COMMISSION REGULATION (EU) No .../...

of

amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards dioxins and dioxin-like PCBs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs² sets maximum levels dioxins and dioxin-like PCBs in a range of foodstuffs.
- (2) Recital on TEF 1998 → 2005
- (3) Recital on derogation for fish from the Baltic region
- (4) Recital on dioxins in liver / sheep-lamb liver.
- (5) Recital on foods with less than 1 % fat
- (6) Recital on foods for infants and young children
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council have opposed them.

HAS ADOPTED THIS REGULATION:

¹ OJ L 37, 13.2.1993, p. 1.

² OJ L 364, 20.12.2006, p. 5.

Article 1

Regulation (EC) No 1881/2006 is amended as follows:

(1) Article 7 is amended as follows

(a) Paragraph 4 is replaced by the following:

"4. By way of derogation from Article 1, Finland, Sweden *and Latvia* may authorise the placing on their market of wild caught salmon (*Salmo salar*) originating in the Baltic region and intended for consumption in their territory with levels of dioxins and/or dioxin-like PCBs higher than those set out in point 5.3 of the Annex, provided that a system is in place to ensure that consumers are fully informed of the dietary recommendations with regard to the restrictions on the consumption of wild caught salmon and products thereof from the Baltic region by identified vulnerable sections of the population in order to avoid potential health risks. Finland, Sweden *and Latvia* shall continue to apply the necessary measures to ensure that wild caught salmon and products thereof not complying with point 5.3 of the Annex are not marketed in other Member States. "

(b) The following paragraph 5 is added:

"5. By way of derogation from Article 1, Finland and Sweden may authorise the placing on their market of wild caught herring larger than 17 cm (*Clupea harengus membras*) originating in the Baltic region and intended for consumption in their territory with levels of dioxins and/or dioxin-like PCBs higher than those set out in point 5.3 of the Annex, provided that a system is in place to ensure that consumers are fully informed of the dietary recommendations with regard to the restrictions on the consumption of wild caught herring larger than 17 cm from the Baltic region by identified vulnerable sections of the population in order to avoid potential health risks. Finland and Sweden shall continue to apply the necessary measures to ensure that wild caught herring larger than 17 cm and products thereof not complying with point 5.3 of the Annex are not marketed in other Member States."

(2) The Annex, Section 5: Dioxins and PCBs is amended as follows

(a) The entries for Dioxins and PCBs (5) are replaced by the entries in the Annex to this Regulation.

(b) The text of footnote 31 is replaced by

" Dioxins (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), expressed as World Health Organisation (WHO) toxic equivalent using the WHO-toxic equivalency factors (WHO-TEFs)) and sum of dioxins and dioxin-like PCBs (sum of PCDDs, PCDFs and polychlorinated biphenyls (PCBs), expressed as WHO toxic equivalent using the WHO-TEFs). WHO-TEFs for human risk assessment based on the conclusions of the World Health Organization (WHO) - International Programme on Chemical Safety (IPCS) expert meeting which was held in Geneva in June 2005 (Martin van den Berg et al., The 2005 World Health Organization Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds. Toxicological Sciences 93(2), 223–241 (2006))

Congener	TEF value	Congener	TEF value
<i>Dibenzo-p-dioxins ("PCDDs")</i>		<i>"Dioxin-like" PCBs Non-ortho PCBs + Mono-ortho PCBs</i>	
2,3,7,8-TCDD	1	<i>Non-ortho PCBs</i>	
1,2,3,7,8-PeCDD	1	PCB 77	0.0001
1,2,3,4,7,8-HxCDD	0.1	PCB 81	0.0003
1,2,3,6,7,8-HxCDD	0.1	PCB 126	0.1
1,2,3,7,8,9-HxCDD	0.1	PCB 169	0.03
1,2,3,4,6,7,8-HpCDD	0.01	<i>Mono-ortho PCBs</i>	
OCDD	0.0003	PCB 105	0.00003
2,3,7,8-TCDF	0.1	PCB 114	0.00003
1,2,3,7,8-PeCDF	0.03	PCB 118	0.00003
2,3,4,7,8-PeCDF	0.3	PCB 123	0.00003
1,2,3,4,7,8-HxCDF	0.1	PCB 156	0.00003
1,2,3,6,7,8-HxCDF	0.1	PCB 157	0.00003
1,2,3,7,8,9-HxCDF	0.1	PCB 167	0.00003
2,3,4,6,7,8-HxCDF	0.1	PCB 189	0.00003
1,2,3,4,6,7,8-HpCDF	0.01		
1,2,3,4,7,8,9-HpCDF	0.01		
OCDF	0.0003		

Abbreviations used: "T" = tetra; "Pe" = penta; "Hx" = hexa; "Hp" = hepta; "O" = octa; "CDD" = chlorodibenzodioxin; "CDF" = chlorodibenzofuran; "CB" = chlorobiphenyl."

(c) The text of footnote 33 is replaced by

" The maximum level is not applicable for foods containing < 1 % fat. For foods containing less than 1 % fat, the finding of a level expressed on product basis higher than the maximum level expressed on product basis for a food containing 1 % fat is used as reference point for judging acceptability for the placing on the market of the food concerned"

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2011.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the Commission
The President*

ANNEX

"Section 5: Dioxins and PCBs"³¹

Foodstuffs		Maximum levels	
		Sum of dioxins (WHO-PCDD/F-TEQ) ³²	Sum of dioxins and dioxin-like PCBs (WHO-PCDD/F-PCB-TEQ) ³²
5.1	Meat and meat products (excluding edible offal) of the following animals ⁶ : - bovine animals and sheep - poultry - pigs	2.5 pg/g fat ³³ 1.75 pg/g fat ³³ 1.0 pg/g fat ³³	4.0 pg/g fat ³³ 3.0 pg/g fat ³³ 1.25 pg/g fat ³³
5.2	Liver of terrestrial animals referred to in 5.1. ⁶ with the exception of sheep, and derived products thereof,	4.5 pg/g fat ³³	10.0 pg/g fat ³³
5.3	Muscle meat of fish and fishery products and products thereof ^{(25) (34)} , with the exemption of - eel - wild caught char originating in the Baltic region - wild caught river lamprey originating in the Baltic region - wild caught trout originating in the Baltic region - fish liver and derived products - marine oils The maximum level for crustaceans applies to muscle meat from appendages and abdomen ⁽⁴⁴⁾ . In case of crabs and crab-like crustaceans (<i>Brachyura and Anomura</i>) it applies to muscle meat from appendages.	3.5 pg/g wet weight	6.5 pg/g wet weight
5.4	Muscle meat of eel (<i>Anguilla anguilla</i>) and products thereof	3.5 pg/g wet weight	10.0 pg/g wet weight
5.5	Fish liver and derived products thereof with the exception of marine oils referred to in point 5.6	--	20.0 pg/g wet weight ³⁸
5.6	Marine oils (fish body oil, fish liver oil and oils of other marine organisms intended for human consumption)	1.75 pg/g fat	6.0 pg/g fat
5.7	Raw milk ⁶ and dairy products ⁶ , including butter fat	2.5 pg/g fat ³³	5.5 pg/g fat ³³
5.8	Hen eggs and egg products ⁶	2.5 pg/g fat ³³	5.0 pg/g fat ³³
5.9	Fat of the following animals: - bovine animals and sheep - poultry - pigs	2.5 pg/g fat 1.75 pg/g fat 1.0 pg/g fat	4.0 pg/g fat 3.0 pg/g fat 1.25 pg/g fat

5.10	Mixed animal fats	1.5 pg/g fat	2.50 pg/g fat
5.12	Vegetable oils and fats	0.75 pg/g fat	1.25 pg/g fat
5.13	Foods for infants and young children	0.1 pg/g wet weight	0.2 pg/g wet weight