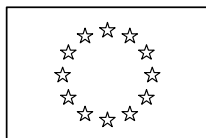


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THE EUROPEAN COMMISSION

Brussels,
C(2010)
SANCO/13331/2010

Draft

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

of

**amending Regulation (EC) No 1881/2006 setting maximum levels for certain
contaminants in foodstuffs as regards non 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 non 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 for certain
contaminants in a range of foodstuffs.
- (2) Recital on EFSA opinion on non dioxin-like PCBs
- (3) Recital on the choice of the sum of 6 indicator PCBs
- (4) Recital on the approach and future review based on a more robust database
- (5) Recital on derogation for fish from the Baltic region
- (6) Recital on foods with less than 1 % fat
- (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.

¹ OJ L 37, 13.2.1993, p. 1.

² OJ L 364, 20.12.2006, p. 5.

HAS ADOPTED THIS REGULATION:

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 and/or with levels of non-dioxin-like PCBs higher than those set out in point 7.3 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 and/or 7.3 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 and/or with levels of non-dioxin-like PCBs higher than those set out in point 7.3 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 and or point 7.3 of the Annex are not marketed in other Member States."

(2) The Annex is amended by adding the Section 7: Non Dioxin-like PCBs in Annex to this Regulation

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 7: Non dioxin-like PCBs

FOOD	MAXIMUM LEVELS SUM OF PCB 28, PCB52, PCB101, PCB138, PCB153 and PCB180 (ICES – 6) ¹
7.1. Meat and meat products (excluding edible offal) of bovine animals, sheep, poultry and pigs ⁶	40 ng/g fat ³³
7.2. Liver of terrestrial animals, referred to in 7.1 with the exception of sheep, and derived products	40 ng/g fat ³³
7.3. Muscle meat of fish and fishery products and products thereof ^{(25) (34)} , with the exemption of <ul style="list-style-type: none"> - wild caught eel - wild caught fresh water fish, with the exception of diadromous fish species caught in fresh water - 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 <p>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.</p>	75 ng/g fresh weight
7.4 Muscle meat of wild caught fresh water fish, with the exception of diadromous fish species caught in fresh water, and products thereof ⁽²⁵⁾ .	125 ng/g fresh weight
7.5. Muscle meat of wild caught eel (<i>Anguilla anguilla</i>) and products thereof	300 ng/g fresh weight
7.6. Fish liver and derived products thereof	200 ng/g fresh weight
7.7. Marine oils (fish body oil, fish liver oil and oils of other marine organisms intended for human consumption).	200 ng/g fresh weight
7.8 Raw milk ⁶ and dairy products ⁶ , including butter fat	40 ng/g fat ³³
7.9. Hen eggs and egg products ⁶	40 ng/g fat ³³
7.10. Oils and fats other than marine oils referred to in point 7.7	40 ng/g fat
7.11. Foods for infants and young children	1.0 ng/g fresh weight"