*The provisions in this document have not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions*



COMMISSION REGULATION (EU) …/…

of XXX

amending Regulation (EC) 1881/2006 as regards maximum levels of perchlorate in certain foods

(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 food[[1]](#footnote-1), and in particular Article 2(3) thereof,

Whereas:

1. Commission Regulation (EC) No 1881/2006[[2]](#footnote-2) sets maximum levels for certain contaminants in foodstuffs.
2. The European Food Safety Authority (EFSA) Panel on Contaminants in the Food Chain (CONTAM Panel) has provided a scientific opinion on the risks for public health related to the presence of perchlorate in food[[3]](#footnote-3) The CONTAM Panel concluded that the chronic dietary exposure to perchlorate is of potential concern, in particular for the high consumers in the younger age groups of the population with mild to moderate iodine deficiency. Furthermore, it is possible that short-term exposure to perchlorate is of concern for breast-fed infants and small children with low iodine intake.
3. The CONTAM Panel recommended that there is a need for more data on the occurrence of perchlorate in food in Europe, especially for vegetables, infant formula, milk and dairy products, to further reduce the uncertainty in the risk assessment.
4. Commission Recommendation (EU) 2015/682 was adopted with the objective to have more data on the occurrence of perchlorate in food to reduce the uncertainty in the exposure assessment.
5. Taking into account the new occurrence data, EFSA performed a human exposure assessment for perchlorate taking into account occurrence data in the EFSA database from samples taken after 1 September 2013 and published a scientific report on the “Dietary exposure assessment to perchlorate in the European population”[[4]](#footnote-4)
6. The CONTAM Panel considered the outcome of the above mentioned report on perchlorate in food at its 87th plenary meeting in November 2017[[5]](#footnote-5) and noted a substantial alignment of the exposure levels estimated in this report with those estimated in the opinion of the CONTAM Panel in 2014. Based on the previously established TDI of 0.3 µg/kg bw per day, the CONTAM Panel confirmed the conclusion that chronic and short-term exposure to perchlorate may pose a possible concern for human health.
7. It is therefore appropriate to set maximum levels in foodstuffs which contain significant levels of perchlorate and which contribute significantly to the human exposure or which are of relevance for the exposure of vulnerable groups of the population such as infant and young children.
8. Regulation (EC) No 1881/2006 should therefore be amended accordingly.
9. The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

Article 2

Foodstuffs listed in the Annex to this Regulation that were lawfully placed on the market before the entry into force of this Regulation may remain on the market until their date of minimum durability or use-by-date.

Article 3

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 as from 1 January 2020.

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

Done at Brussels,

For the Commission

The President

Jean-Claude JUNCKER

1. OJ L 37, 13.2.1993, p. 1. [↑](#footnote-ref-1)
2. Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5). [↑](#footnote-ref-2)
3. EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2014. Scientific Opinion on the risks to public health related to the presence of perchlorate in food, in particular fruits and vegetables. EFSA Journal 2014;12(10):3869, 106 pp. doi:10.2903/j.efsa.2014.3869 [↑](#footnote-ref-3)
4. EFSA (European Food Safety Authority), Arcella D, Binaglia M and Vernazza F, 2017. Scientific Opinion on the dietary exposure assessment to perchlorate in the European population. EFSA Journal 2017;15(10):5043, 24 pp. <https://doi.org/10.2903/j.efsa.2017.5043> [↑](#footnote-ref-4)
5. http://www.efsa.europa.eu/sites/default/files/event/171121-m.pdf [↑](#footnote-ref-5)