

Brussels, XXX
SANTE/10002/2022
[...](2022) XXX draft

COMMISSION REGULATION (EU) .../...

of XXX

**amending Regulation (EC) No 1881/2006 as regards maximum levels of hydrocyanic
acid in certain foodstuffs**

(Text with EEA relevance)

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.

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of hydrocyanic acid in certain foodstuffs

(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 1881/2006² sets maximum levels for certain contaminants, including hydrocyanic acid, in foodstuffs.
- (2) Free hydrocyanic acid is actually not present in food at toxicologically relevant concentrations and the risks are related to the release of hydrocyanic acid from cyanogenic glycosides present in plant-derived food. When plant derived foods are chewed or otherwise processed, hydrolytic enzymes and cyanogenic glycosides come in contact and the highly toxic hydrocyanic acid is formed. Hydrocyanic acid always exists as a mixture of non-dissociated acid and its dissociated form (cyanide ions) in aqueous biological fluids. Therefore the term cyanide has been used to derive the health based guidance value, inclusively representing the inorganic forms of cyanide, i.e. the undissociated hydrocyanic acid and the dissociated cyanide ion.
- (3) In 2019, the European Food Safety Authority ('the Authority') adopted an update of the scientific opinion on the evaluation of the health risks related to the presence of cyanogenic glycosides in foods other than raw apricot kernels³. The Authority concluded that the Acute Reference Dose (ARfD) of 20 µg cyanide/kg bw should be protective for acute effects of cyanide from cyanogenic glucosides, regardless of the dietary source. In case of consumption of certain foods such as linseed, almonds and cassava with high levels of cyanogenic glycosides (hydrocyanic acid), it cannot be excluded that the ARfD is exceeded. It is therefore appropriate to set maximum levels for these foods. The bioavailability of hydrocyanic acid and the human exposure is higher in ground linseed consumed as such than when consumed as whole linseeds or after heat treatment.
- (4) Regulation (EC) No 1881/2006 should therefore be amended accordingly.

¹ OJ L 37, 13.2.1993, p. 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).

³ Scientific opinion on the evaluation of the health risks related to the presence of cyanogenic glycosides in foods other than raw apricot kernels. EFSA Journal 2019;17(4):5662, 78 pp. <https://doi.org/10.2903/j.efsa.2019.5662>

- (5) To enable economic operators to prepare for the new rules introduced by this Regulation, it is appropriate to provide for a reasonable time until the new maximum levels apply. It is also appropriate to provide for a transitional period for foodstuffs lawfully placed on the market before the date of application of this Regulation.
- (6) 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, lawfully placed on the market before 1 October 2022, 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 from 1 October 2022.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN