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

Whereas:

1. Commission Regulation (EC) No 1881/2006[[2]](#footnote-3) sets maximum levels for certain contaminants in foodstuffs.
2. The European Food Safety Authority (‘the Authority’) adopted in 2018 a scientific opinion on the risks for animal and public health related to the presence of dioxins and dioxin-like PCBs in feed and food[[3]](#footnote-4). The Authority established a Tolerable Weekly Intake (TWI) of 2 pg TEQ/kg bw/week for the sum of dioxins and dioxin-like PCBs. Estimates of chronic human dietary exposure to dioxins and dioxin-like PCBs based on the available occurrence data, a significant exceedance of the TWI was observed for populations of all age groups.
3. The Authority recommended in the opinion to re-evaluate the current WHO2005-TEFs (TEF=Toxic Equivalence Factors) in order to take into account new *in vivo* and *in vitro* data. In particular, more insight into the relative potency of PCB-126 in humans is required.
4. The World Health Organisation (WHO) is currently performing a review of the WHO2005-TEF values, which is foreseen to be completed in 2023. Taking into account the conclusions of that scientific opinion, a comprehensive review of the maximum levels in feed and food is foreseen, once WHO has finalised its review and the updated TEF values are available.
5. However in order to provide for a high level of human health protection, it is appropriate to establish in the meantime maximum levels for dioxins and for the sum of dioxins and dioxin-like PCBs for foodstuffs not yet covered by EU legislation and for which in the meantime occurrence data have been made available in the EFSA database.
6. Furthermore, given that also the muscle meat of the abdomen of crabs and crab-like crustaceans, in particular mitten crab, is consumed, it is appropriate that the maximum levels also apply to the muscle meat of the abdomen of these crustaceans.
7. In addition taking into account the available occurrence data and the importance to ensure a high level of human health protection, in particular for vulnerable groups of the population, it is appropriate to lower already the maximum levels for dioxins and the sum of dioxins and dioxin-like PCBs in milk and dairy products.
8. Regulation (EC) No 1881/2006 should therefore be amended accordingly.
9. 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*.*
10. 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 January 2023, 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 January 2023.

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

1. OJ L 37, 13.2.1993, p. 1. [↑](#footnote-ref-2)
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-3)
3. Scientific Opinion on the risk for animal and human health related to the presence of dioxins and dioxin-like PCBs in feed and food. EFSA Journal 2018;16 (11):5333, 331 pp. <https://doi.org/10.2903/j.efsa.2018.5333> [↑](#footnote-ref-4)