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SANTE PLAN 2023/2345 Rev.7

ANNEX

to the

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

amending Regulation (EU) 2023/915 as regards maximum levels of mineral oil aromatic hydrocarbons in certain foodstuffs.

ANNEX

Annex I is amended as follows:

- (1) In Section 5: Processing contaminants of the Annex to Regulation (EC) No 2023/915, subsection 5.5 Mineral Oil Aromatic Hydrocarbons is added:

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5.5	Mineral Oil Aromatic Hydrocarbons ($\geq C_{10}$ to $\leq C_{50}$)	Maximum levels (mg/kg)	Remarks
5.5.1	Oilseeds and oilfruits	2,0	
5.5.2	Animal ⁽²⁾ and vegetable fats and oils		
5.5.2.1	Maize, rapeseed, sunflower, soybean and linseed oil and butter.	2,0	
5.5.2.2	Groundnut, sesame, coconut and cereal germ oil.	6,0 from 01/01/2027 4,0 from 01/01/2028 2,0 from 01/01/2030	
5.5.2.3	Grape seed, cottons seed, blackcurrant seed and argan oil	10,0 from 01/01/2027 5,0 from 01/01/2028 2,0 from 01/01/2030	

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5.5.2.4	Olive pomace oil	10,0 from 01/01/2028 5,0 from 01/01/2029 2,0 from 01/01/2030	
5.5.2.5	Oils produced from fishery products and algae.	10,0 from 01/01/2027 5,0 from 01/01/2030	
5.5.2.6	Oils and fats other than those listed in 5.5.2.1, 5.5.2.2, 5.5.2.3, 5.5.2.4 and 5.5.2.5.	4,0 from 01/01/2027 2,0 from 01/01/2028	This category includes cocoa butter. ⁽¹⁴⁾ Essential oils are not included in this category.
5.5.2.7	Products derived from fats and oils listed under 5.5.2.1 and 5.5.2.6 and products containing > 50% fat/ oil content, which only contain fats and oils listed under 5 under 5.5.2.1 and 5.5.2.6.	2,0 from 01/01/2028	Products derived from fats and oils are defined as products containing more than 80% of fats and oils. The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.3	Tree nuts	2,0	
5.5.4	Pulses	0,50	

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5.5.5	Cereal grains and products derived from cereals.		<p>Products derived from cereals are defined as products containing more than 80% of cereal products, excluding oils derived from cereals to which the maximum levels of category 5.5.2 apply.</p> <p>The maximum level does not apply to cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market as food. In case the remaining cereal residue is placed on the market as food, the maximum level applies, taking into account Article 3(1), (2) and (4).</p> <p>The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.</p>
5.5.5.1	Products with < 4% fat/oil content	0,50	
5.5.5.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	
5.5.6	Milk ⁽²⁾	0,50	
5.5.7	Dairy products ⁽²⁾		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.7.1	Products with < 4% fat/oil content	0,50	
5.5.7.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	

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5.5.7.3	Products with > 50% fat/oil content	2,0	
5.5.8	Cocoa beans and cocoa products ⁽¹⁴⁾		
5.5.8.1	Cocoa beans	2,0 from 01/01/2030	
5.5.8.2	Cocoa mass	2,0	
5.5.8.3	Cocoa powder and fat reduced cocoa powder	1,0	
5.5.9	Confectionary^(*), cocoa and chocolate products ⁽¹⁴⁾ other than those listed in 5.5.2.6, 5.5.8.2 and 5.5.8.3		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.9.1	Products with < 4% fat/oil content	0,50	
5.5.9.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	
5.5.9.3	Products with > 50% fat/oil content	2,0	
5.5.10	Spices, dried herbs, tea and herbal infusions that are used as an ingredient in food, dry instant tea and dry instant herbal infusions	5,0	

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5.5.11	Infant formulae⁽³⁾, follow-on formulae⁽³⁾, young-child formulae ⁽⁴⁾, food for special medical purposes intended for infants and young children ⁽³⁾, baby food ⁽³⁾, processed cereal-based food for infants and young children⁽³⁾ and drinks for infants and young children placed on the market and labelled as such.		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.11.1	Products with < 4% fat/oil content	0,50	
5.5.11.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	
5.5.11.3	Products with > 50% fat/oil content	2,0	
5.5.12	Food supplements	10,0 from 01/01/2027 5,0 from 01/01/2030	
5.5.13	Food additives	-	For food additives that are produced from food sources, the foods that are used as a source shall comply with the MLs set out in this Regulation.

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5.5.14	Processed and compound foods containing ingredients listed in categories 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 5.5.6, 5.5.7, 5.5.8, 5.5.9 and 5.5.10.		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.14.1	Products with < 4% fat/oil content	0,50 from 01/01/2030	
5.5.14.2	Products with \geq 4% and \leq 50% fat/oil content	1,0 from 01/01/2030	
5.5.14.3	Products with > 50% fat/oil content	2,0 from 01/01/2030	

 As referred to in Regulation (EC) No 1333/2008.

(2) In footnote 1 the text is replaced by the following:

‘Fruits, tree nuts, vegetables, cereals, pulses, oilseeds, oil fruits, teas, herbal infusions, cocoa beans and spices as listed in the relevant category as defined in Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1). For the purpose of this Regulation tree nuts are not covered by the maximum level for fruits.’

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