

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

of **XXX**

amending Regulation (EU) 2023/915 on maximum levels for certain contaminants in food as regards

- maximum level to be applied to a food for which for a contaminant unintentionally different maximum levels are established for different uses
- the establishment of a maximum level for aflatoxins in tiger nuts
- maximum level for aflatoxins in maize and rice to be subjected to sorting or other physical treatment before placing on the market for the final consumer or use as ingredient in food
- maximum level for ochratoxin A in non-sulphured dried apricots and dried mulberries
- maximum level for hydrocyanic acid in apricot kernels
- comment/endnote that for breadcrumbs the ML for bakery wares is applicable (OTA, DON, ZEN, T2 and HT2 toxin)
- change in ML for DON in wheat bran placed on the market not for the final consumer
- higher ML for nickel in pecan nuts (*still to be decided*)
- Clarification of entry 3.6.12.2 (nickel): “Milk chocolate with  $\geq 30$  % total dry cocoa solids; chocolate” instead of “Milk chocolate with  $\geq 30$  % total dry cocoa solids and chocolate”
- the remark for the application of the maximum level for melamine

(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.*

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 <sup>(1)</sup>, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EU) 2023/915 <sup>(2)</sup> sets maximum levels for certain contaminants in food. Since the application of that Regulation, (...)
- (2) (general provision)
- (3) (ML aflatoxin in tiger nuts - dried)
- (4) (rice and maize subject to sorting or other physical treatment)
- (5) (ochratoxin A in non-sulphured dried apricots and dried mulberries)
- (6) (hydrocyanic acid in apricot kernels)
- (7) (breadcrumbs)
- (8) (DON in wheat bran not placed on the market for the final consumer).
- (9) (higher ML for nickel in pecan nuts) *still to be decided*
- (10) (clarification entry on milk chocolate/chocolate as regards ML nickel)
- (11) (melamine)
- (12) 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*

Regulation (EU) No 2023/915 is amended as follows:

- (1) In Article 4, the following point 5 is added

“5. In case for a contaminant, different maximum levels are established in Annex I for the same food for different uses of the food, the lowest maximum level is applicable to that food at a stage when the food is not yet undoubtedly marketed for the intended use”

- (2) Annex I is amended in accordance with the 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*.

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<sup>(1)</sup> OJ L 37, 13.2.1993, p.1.

<sup>(2)</sup> Commission Regulation (EU) No 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103).

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*

## ANNEX

Annex I to Regulation (EU) 2023/915 is amended as follows:

(1) in the entry for aflatoxins, in the table, point 1.1.13 is replaced by the following:

‘1.1.13	Maize and rice to be subjected to <b>cleaning, including scouring, dehulling or</b> sorting <del>or other physical treatment</del> before placing on the market for the final consumer or use as an ingredient in food	5,0	10,0	-	‘
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(2) in the entry for aflatoxins, in the table, the following point 1.1.20 is added:

‘1.1.20	<b>Tiger nuts (<i>Cyperus esculentus</i>) (dried)</b>	<b>5,0</b>	<b>10,0</b>	<b>-</b>	‘
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(3) in the entry for ochratoxin A, in the table, point 1.2.1.1 is replaced by the following:

‘1.2.1	Dried fruits		
1.2.1.1	Dried vine fruits (currants, raisins and sultanas), dried figs and <b>dried mulberries</b>	8,0	
<b>1.2.1.2</b>	<b>Dried non-sulphured apricots</b>	<b>5,0</b>	
1.2.1.3	Other dried fruits	2,0’	

(4) in the entry for ochratoxin A, in the table, point 1.2.11 is replaced by the following:

'1.2.11	Bakery wares <sup>(16)</sup> , cereal snacks and breakfast cereals		
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(5) in the entry for deoxynivalenol, in the table, point 1.4.5 is replaced by the following

'1.4.5	Milling products of cereals with the exception of products listed in 1.4.6 and 1.4.6a	600	Except milling products of rice.
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(6) in the entry for deoxynivalenol, in the table, point 1.4.6a is added after the point 1.4.6.3. is replaced by the following

'1.4.6a	Wheat bran placed on the market not for the final consumer	750/900	
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(7) in the entry for deoxynivalenol, in the table, point 1.4.7 is replaced by the following:

‘1.4.7	Bakery wares <sup>(16)</sup> , cereal snacks and breakfast cereals	400	Except rice products (products of which rice or processed products from rice are the only cereal ingredients).  Including small bakery wares. ‘
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(8) in the entry for zearalenone, in the table, point 1.5.4 is replaced by the following:

‘1.5.4	Bread, pastries, biscuits, cereal snacks and breakfast cereals except products listed in 1.5.5	400	Except rice products (products of which rice or processed products from rice are the only cereal ingredients).  Includes small bakery wares <sup>(16)</sup> . ‘
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(9) in the entry for T-2 and HT-2 toxins zearalenone, in the table, points 1.9.4 and 1.9.5 are replaced by the following:

‘1.9.4	Bakery wares <sup>(16)</sup> except products listed in 1.9.5, pasta, cereal snacks and breakfast cereals except products listed in 1.9.6, 1.9.7 and 1.9.8	20	Except rice products. Including small bakery wares. Pasta means pasta (dry) with a water content of approximately 12 %.
1.9.5	Bakery wares <sup>(16)</sup> containing at least 90 % milling products of oats	100	Except rice products. Including small bakery wares.’

(10) In the entry for hydrocyanic acid, in the table, point 2.3.4 is replaced by the following:

2.3.4	Unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer	35,0	The operator who places unprocessed whole, ground, milled, cracked, chopped apricot kernels on the market for the final consumer shall provide upon request from the competent authority evidence of compliance of the marketed product with the maximum level.
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(11) in the entry for nickel, in the table, point 3.6.1.2. is replaced by the following (*still to be decided*):

3.6.1.2.	Chestnuts, pine nuts, walnuts, Brazil nuts, cashew nuts and <i>pecan nuts</i>	10'	
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(12) In the entry for nickel, in the table, point 3.6.12.2. is replaced by the following:

3.6.12.2.	Milk chocolate with $\geq 30$ % total dry cocoa solids; Chocolate	7,0'	
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(13) in the entry for melamine, in the table, the remark in point 6.2.1 is deleted.

(14) The following endnote <sup>(16)</sup> is added

‘<sup>(16)</sup> For the purpose of this Regulation, bakery wares include pre-dusts, breadcrumbs for breaded coating and doughs usually applied for coating products such as meat, fish, poultry, potato products etc.’