



Brussels, XXX
[...]
[...] (2025) XXX draft

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

of XXX

amending Regulation (EU) 2023/915 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in certain foods

(Text with EEA relevance)

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amending Regulation (EU) 2023/915 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in certain foods

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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 (EU) 2023/915² sets maximum levels for certain contaminants in foodstuffs.
- (2) Reference to opinion of the Scientific Panel on Contaminants in the Food Chain ('the CONTAM Panel') of the European Food Safety Authority as regards PAHs
Reference to the fact that the MLs were established in 2011 and that the application of good smoking practices have resulted in a reduction of the levels of PAHs in smoked fish and fishery products.
Reference to RASFF notifications on the presence of high levels of PAH in freekeh and that it is therefore appropriate to set a maximum level.
- (3) Reference to the non-re-authorisation of smoke flavourings and to the increased use of certain smoked ingredients to give the smoke flavour to the food. It is therefore appropriate that the maximum level for PAHs applicable to foods smoked with conventional smoking processes are also applicable to the foods containing smoked ingredients.
- (4) Chorizo contains significant amounts of traditionally smoked paprika with the protected designation of origin 'Pimentón de la Vera'. The levels of PAHs in traditionally smoked 'Pimentón de la Vera' are so high that the chorizo does not comply with the maximum levels. It is therefore appropriate to temporarily exempt chorizo from the application of the maximum level. A research project of 4 years has been initiated to improve the smoking techniques for smoking 'Pimentón de la Vera' resulting in lower levels of PAHs. After the finalisation of the research project, the exemption from the maximum level of chorizo should be reviewed.

¹ OJ L 37, 13.2.1993, p. 1, ELI: <http://data.europa.eu/eli/reg/1993/315/oj>.

² Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103, ELI: <http://data.europa.eu/eli/reg/2023/915/oj>).

- (5) The traditionally smoked paprika with the protected designation of origin ‘Pimentón de la Vera’ is also used as ingredient in a number of locally produced and consumed meat and meat products. It is therefore appropriate to provide a derogation from the application of the maximum levels for PAHs for Spain for local production and consumption of certain meat and meat products, containing traditionally smoked paprika with the protected designation of origin ‘Pimentón de la Vera’.
- (6) Regulation (EU) 2023/915 should therefore be amended accordingly.
- (7) Taking into account that certain foods, for which a maximum level has been established or for which the maximum level has been lowered, have a long shelf life, it is appropriate that these foods that were lawfully placed on the market before the date of application of the maximum level for these foods are allowed to remain on the market.
- (8) 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) 2023/915 is amended as follows:

- (1) In Article 7, the following point 5 is added

“5. By way of derogation from Article 2, Spain may authorise the placing on their market for the final consumer of the following meat and meat products, containing traditionally smoked paprika with the protected designation of origin ‘Pimentón de la Vera’: ‘Morcón’, ‘Morcilla Patatera’, ‘Morcilla de calabaza’, ‘Farinato’, ‘Sobrasada’ and ‘Morcilla extremeña ibérica’

- (2) Article 10(1) is amended as follows:

- (a) the introductory phrase is replaced by the following:

‘Food lawfully placed on the market prior to the dates referred to in points (a) to (x) may remain on the market until their date of minimum durability or use-by date.’

- (b) the following point (x) is added:

‘(x) 1 January 2027 as regards the maximum levels for polycyclic aromatic hydrocarbons (PAHs) set out in points 5.1.6, 5.1.7, 5.1.8 and 5.1.17 of Annex I’

- (3) 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*.

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