

EN

SANCO/00875/2007 – rev 4

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
SANCO/00875/2007 –rev 4

Draft

COMMISSION REGULATION

of

**amending Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels
for certain contaminants in foodstuffs as regards ochratoxin A.**

(Text with EEA relevance)

(Memorandum from Ms A VASSILIOU)

Draft

COMMISSION REGULATION

of

amending Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A.

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 in foodstuffs.
- (2) The European Food Safety Authority (EFSA) has, on a request from the Commission, adopted an updated scientific opinion relating to ochratoxin A (OTA) in food on 4 April 2006³, taking into account new scientific information and derived a tolerable weekly intake (TWI) of 120 ng/kg b.w.
- (3) It is foreseen in Regulation (EC) No 1881/2006 that the appropriateness of setting a maximum level for OTA in foodstuffs such as dried fruit other than dried vine fruit, cocoa and cocoa products, spices, meat products, green coffee, beer and liquorice, as well as a review of the existing maximum levels, in particular for OTA in dried vine fruit and grape juice, has to be considered in the light of the recent EFSA scientific opinion.

¹ OJ L 37, 13.2.1993, p. 1. Regulation as amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council (OJ L 284, 31.10.2003, p. 1).

² OJ L

³ Opinion of the Scientific Panel on contaminants in the Food Chain of the EFSA on a request from the Commission related to ochratoxin A in food.

http://www.efsa.europa.eu/etc/medialib/efsa/science/contam/contam_opinions/1521.Par.0001.File.dat/c_ontam_op_ej365_ochratoxin_a_food_en1.pdf

- (4) Based upon the opinion, it was considered that the existing maximum levels are appropriate to protect public health and have to be retained. As regards the foodstuffs not yet covered by Regulation (EC) 1881/2006, it was considered necessary and appropriate for the protection of public health to establish maximum levels for ochratoxin A in those foodstuffs that are a significant contributor to the exposure of OTA (for the whole population, or for vulnerable group of the population, or for significant part of the population) or for those foodstuffs that are not necessarily a significant contributor to the exposure of OTA but there is evidence that very high levels of OTA in these commodities can be found. A maximum level is appropriate to be set in these cases to avoid that these very highly contaminated commodities could enter the food chain.
- (5) It was considered, based upon the available information, not necessary for the protection of public health to set a maximum level of OTA in dried fruit other than dried vine fruit, cocoa and cocoa products, meat products, including edible offal and blood products and liqueur wines as they are not a significant contributor to OTA exposure or no very high levels of OTA has been found in these commodities to a significant extent. In the case of green coffee and beer, the presence of OTA is already controlled at another more appropriate stage of the production chain (respectively roasted coffee and malt).
- (6) Very high levels of OTA has been observed at several occasions in spices and liquorice. It is therefore appropriate to set a maximum level for spices and liquorice.
- (7) There is recent evidence that in some main producing countries of spices exporting to the EU no prevention measures and official controls are in place to control the presence of ochratoxin A in spices. In order to protect public health, it is appropriate to establish without delay a maximum level for ochratoxin A in spices. To enable the producing countries to put prevention measures in place and not to disrupt trade to an unacceptable extent, a higher maximum level, applicable within short notice, is established for a limited period of time set, before the maximum level reflecting the level achievable by applying good practices enters into application.
- (8) It is appropriate to continue the monitoring of OTA in foodstuffs for which no maximum level has been set and in case of regular findings of unusually high levels of OTA, the setting of a maximum level for OTA in these foodstuffs might be considered as yet appropriate taking into account these new findings.
- (9) Regulation (EC) 1881/2001 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health and neither the European Parliament nor the Council has opposed them.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1881/2006 is amended as follows:

(1) In the Annex, section 2: Mycotoxins, the following entry 2.2.11 is deleted

"2.2.11	Green coffee, dried fruit other than dried vine fruit, beer, cocoa and cocoa products, liqueur wines, meat products, spices and liquorice	-"
---------	---	----

(2) In the Annex, section 2: Mycotoxins, the following entries 2.2.11 and 2.2.12 are inserted after the entry 2.2.10.

"2.2.11 Spices Following species of spices: <i>Capsicum spp</i> (dried fruits thereof, whole or ground, including chillies, chilli powder, cayenne and paprika) <i>Piper spp</i> (fruits thereof, including white and black pepper) <i>Myristica fragrans</i> (nutmeg) <i>Zingiber officinale</i> (ginger) <i>Curcuma longa</i> (turmeric) Mixtures of spices containing one of the abovementioned spices	30 µg/kg as from 01.07.2010 until 30.06.2012 15 µg/kg as from 01.07.2012
2.2.12. Liquorice (<i>Glycyrrhiza glabra</i> , <i>Glycyrrhiza inflata</i> and other species) 2.2.12.01 Liquorice root, ingredient for herbal infusion 2.2.12.02 Liquorice extract (*), for use in food in particular beverages and confectionary	20 µg/kg 80 µg/kg

(*) The maximum level applies to the pure and undiluted extract, obtained whereby 1 kg of extract is obtained from 3 to 4 kg liquorice root).

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*.

It shall apply from 1 July 2010.

This Regulation shall not apply to products which were placed on the market before 1 July 2010 in conformity with the provisions applicable. The burden of proving when the products were placed on the market shall be borne by the food business operator.

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

Done at Brussels, [...]

For the Commission
Androulla VASSILIOU
Member of the Commission

