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COVER NOTE

From:	European Commission
date of receipt:	13 January 2015
To:	General Secretariat of the Council
No. Cion doc.:	D036761/02
Subject:	COMMISSION REGULATION (EU) No .../.. of XXX amending Regulation (EC) No 1881/2006 as regards the maximum level of non dioxin-like PCBs in wild caught spiny dogfish (<i>Squalus acanthias</i>)

Delegations will find attached document D036761/02.

Encl.: D036761/02



Brussels, **XXX**
SANCO/11891/2014
(POOL/E3/2014/11891/11891-EN.doc)
D036761/02
[...](2014) **XXX** draft

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards the maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*)

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards the maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*)

(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 food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² sets maximum levels for dioxins, dioxin-like polychlorinated biphenyls (PCBs) and non dioxin-like PCBs in fish and fishery products.
- (2) Stakeholder associations provided data on the presence of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*). From those data it can be observed that the current maximum level of 75 ng/g wet weight is not achievable on many occasions following good fishery practices under normal catch and growing conditions. The provided data demonstrate that the current maximum level is not in line with the principle that maximum levels for contaminants are set at a level as low as reasonably achievable. It is therefore appropriate to increase the current maximum level of non dioxin-like PCBs in wild caught spiny dogfish (*Squalus acanthias*), without endangering public health.
- (3) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

¹ OJ L 37, 13.2.1993, p. 1.

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).

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

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
Jean-Claude JUNCKER