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Delegations will find attached document D038124/04.

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

**of **XXX****

**amending Regulation (EC) No 1881/2006 as regards the maximum level of Ochratoxin A  
in *Capsicum* spp. spices**

(Text with EEA relevance)

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

of **XXX**

### amending Regulation (EC) No 1881/2006 as regards the maximum level of Ochratoxin A in *Capsicum* spp. spices

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

Whereas:

- (1) Commission Regulation (EC) No 1881/2006<sup>2</sup> sets a maximum level for ochratoxin A in *Capsicum* spp. spices.
- (2) Commission Regulation (EU) No 105/2010<sup>3</sup>, amending Regulation (EC) No 1881/2006, established a maximum level for Ochratoxin A in spices, achievable by applying good practices. To enable the spices producing countries to put in place prevention measures and in order to avoid disruptions of trade to an unacceptable extent, Commission Regulation (EU) No 105/2010 furthermore provided for a higher maximum level of 30 µg/kg for a limited period of time before the maximum level of 15 µg/kg becomes applicable. Commission Regulation (EU) 594/2012<sup>4</sup> extended this period for *Capsicum* spp. spices until 31 December 2014. Assessment on achievability by applying good practices in different producing regions in the world of lower levels of Ochratoxin A has been performed by the Commission services in cooperation with governmental experts from Member States. Although there is a significant improvement in the application of good practices in different producing regions, the envisaged lower maximum level of 15 µg/kg for Ochratoxin A is not achievable in *Capsicum* spp. spices on a constant basis, because of sometimes unfavourable weather conditions during growth and harvest. It is therefore appropriate to establish a new maximum level for Ochratoxin A in *Capsicum* spp. spices which is achievable by

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

<sup>2</sup> 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).

<sup>3</sup> Commission Regulation (EU) No 105/2010 of 5 February 2010 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A (OJ L 35, 6.2.2010, p. 7).

<sup>4</sup> Commission Regulation (EU) No 594/2012 of 5 July 2012 amending Regulation (EC) 1881/2006 as regards the maximum levels of the contaminants ochratoxin A, non dioxin-like PCBs and melamine in foodstuffs (OJ L 176, 6.7.2012, p. 43).

applying good practices and which still ensures a high level of human health protection.

- (3) The Annex to Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (4) As the higher maximum level of 30 µg/kg was applicable until 31 December 2014, it is appropriate to provide that maximum level established by this Regulation applies as from 1 January 2015.
- (5) 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*

The Annex of Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

#### *Article 2*

*Capsicum* spp. spices not complying with the maximum of Ochratoxin A level pursuant to point 2.2.11 of the Annex to Regulation (EC) No 1881/2006, as amended by this Regulation, which are lawfully placed on the market prior to 1 January 2015, may continue to be marketed after that date until their date of minimum durability or use-by-date.

#### *Article 3*

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 January 2015.

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*