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Subject: COMMISSION REGULATION (EU) .../... of XXX amending and correcting
Regulation (EC) 1881/2006 as regards maximum levels of erucic acid and
hydrocyanic acid in certain foodstuffs

Delegations will find attached document D060604/05.

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Brussels, **XXX**
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[...](2019) **XXX** draft

COMMISSION REGULATION (EU)/...

of **XXX**

**amending and correcting Regulation (EC) 1881/2006 as regards maximum levels of
erucic acid and hydrocyanic acid in certain foodstuffs**

(Text with EEA relevance)

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

of **XXX**

amending and correcting Regulation (EC) 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foodstuffs

(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 certain contaminants in foodstuffs, including for erucic acid in certain foodstuffs.
- (2) On 21 September 2016, the Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority (EFSA) adopted a scientific opinion on erucic acid in feed and food³. EFSA established a tolerable daily intake (TDI) of 7 mg/kg body weight (bw) per day for erucic acid. The highest dietary exposure levels were observed for infants and other children with exposure levels above the TDI. This may indicate a risk for young individuals with high erucic acid exposure.
- (3) Data on the presence of erucic acid in vegetable oils and fats indicate that for most vegetable oils and fats, lower levels can be achieved by applying good practices, e.g. by using varieties low in erucic acid. Therefore, it is appropriate to lower the maximum level for vegetable oils, with the exception of camelina oil, mustard oil and borage oil, to the level established by Codex Alimentarius for low-erucic acid rapeseed oil⁴.
- (4) For camelina oil, mustard oil and borage oil, evidence has been provided demonstrating that it is not possible to achieve lower levels by applying good practices as for these species there are no varieties of which the vegetable oils extracted from these plants contain levels of erucic acid lower than the maximum level proposed for the other vegetable oils. Therefore and given that these oils are of less significance for the human exposure than other vegetable oils, the maximum level for erucic acid in camelina oil, mustard oil and borage oil should remain the same. Furthermore, in order to avoid the closure of small and micro size enterprises in certain Member States, it is appropriate to exempt mustard oil produced and consumed locally in small quantities of the application of the maximum level, with acceptance of the competent authority.

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).

³ EFSA Journal 2016;14(11):4593

⁴ Standard for named vegetable oils (CODEX STAN 210-1999), Codex Alimentarius

- (5) Given that the maximum level for vegetable oils and fats applies also to vegetable oils used as ingredient in food, there is no need to establish a maximum level for erucic acid in foods containing added vegetable oils and fats.
- (6) Given the high concentration of erucic acid in mustard there is a risk of significant exposure to erucic acid through consumption of mustard. Therefore, it is appropriate to establish a maximum level for erucic acid in mustard.
- (7) A maximum level for erucic acid in infant formulae and follow-on formulae has already been established by Commission Delegated Regulation (EU) 2016/127⁵. For reasons of clarity, the maximum level for erucic acid in infant formulae and follow-on formulae established by Commission Regulation (EC) 1881/2006 should be deleted.
- (8) In Commission Regulation (EU) 2017/1237⁶, no unit of measurement is set for the maximum level for hydrocyanic acid. It is therefore appropriate to correct this error in order to provide legal certainty.
- (9) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (10) 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 to Regulation (EC) No 1881/2006 is amended in accordance with Annex I to this Regulation.

Article 2

The Annex to Regulation (EC) No 1881/2006 is corrected in accordance with Annex II to this Regulation.

Article 3

Foodstuffs listed in the Annex to this Regulation that were lawfully placed on the market before the entry into force of this Regulation may remain on the market until their date of minimum durability or use-by-date.

Article 4

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.

⁵ Commission Delegated Regulation (EU) 2016/127 of 25 September 2015 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements on information relating to infant and young child feeding (OJ L 25, 2.2.2016, p. 1).

⁶ Commission Regulation (EU) 2017/1237 of 7 July 2017 amending Regulation (EC) No 1881/2006 as regards a maximum level of hydrocyanic acid in unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer (OJ L 177, 8.7.2017, p. 36).

Done at Brussels,

*For the Commission
The President
Jean-Claude JUNCKER*