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Delegations will find attached document D080868/03.

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EUROPEAN
COMMISSION

Brussels, **XXX**
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COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EC) No 1881/2006 as regards maximum levels of dioxins and
dioxin-like PCBs in certain foodstuffs**

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of dioxins and dioxin-like PCBs 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, including dioxins and dioxin-like polychlorinated biphenyls (PCBs), in foodstuffs.
- (2) The European Food Safety Authority ('the Authority') adopted in 2018 a scientific opinion on the risks for animal and public health related to the presence of dioxins and dioxin-like PCBs in feed and food³. The Authority established a tolerable weekly intake of 2 pg TEQ (toxic equivalence)/kg body weight/week for the sum of dioxins and dioxin-like PCBs. Estimates of chronic human dietary exposure to dioxins and dioxin-like PCBs based on the available occurrence data indicate a significant exceedance of the tolerable weekly intake for populations of all age groups.
- (3) The Authority recommended in its scientific opinion to re-evaluate the current WHO₂₀₀₅-TEFs (Toxic Equivalence Factors) in order to take into account new *in vivo* and *in vitro* data, in particular, as regards PCB-126.
- (4) The World Health Organisation (WHO) is currently performing a review of the WHO₂₀₀₅-TEF values, which is expected to be completed in 2023.
- (5) Pending the completion of that review and in order to provide for a high level of human health protection in the meantime, it is appropriate to establish maximum levels for dioxins and for the sum of dioxins and dioxin-like PCBs for foodstuffs not yet covered by Union legislation and for which occurrence data have been recently made available in the Authority's database, such as meat and meat products from caprine animals, horse, rabbit, wild boar, game birds and venison and liver of caprine animals, horse and game birds, and to extend the existing maximum level for hen eggs to all poultry eggs with the exception of goose eggs.

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 Scientific Opinion on the risk for animal and human health related to the presence of dioxins and dioxin-like PCBs in feed and food. EFSA Journal 2018;16(11):5333, 331 pp. <https://doi.org/10.2903/j.efsa.2018.5333>

- (6) Furthermore, given that not only muscle meat from appendages of crabs and crab-like crustaceans is consumed but also muscle meat from the abdomen of such crustaceans, in particular mitten crab, it is appropriate that the maximum levels also apply to the muscle meat of the abdomen of these crustaceans.
- (7) In addition, taking into account the available occurrence data and the importance to ensure a high level of human health protection, in particular for vulnerable groups of the population, it is appropriate to already lower the maximum levels for dioxins and the sum of dioxins and dioxin-like PCBs in milk and dairy products.
- (8) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (9) A reasonable period should be provided to allow for the food business operators to adapt to the maximum levels set out in this Regulation.
- (10) Taking into account that certain foodstuffs covered by this Regulation have a long shelf life, foodstuffs that were lawfully placed on the market before the date of application of this Regulation should be allowed to remain on the market.
- (11) 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 the Annex to this Regulation.

Article 2

Foodstuffs listed in the Annex that were lawfully placed on the market before 1 January 2023, may remain on the market 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 2023.

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