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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) 2023/915 as regards maximum levels of the sum of furan, 2-methylfuran and 3-methylfuran in processed cereal-based food for infants and young children and in baby food
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Delegations will find attached document D111625/02.

Encl.: D111625/02



Brussels, **XXX**
PLAN/2018/3821 D111625/02
[...] (2025) **XXX** draft

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

of **XXX**

amending Regulation (EU) 2023/915 as regards maximum levels of the sum of furan, 2-methylfuran and 3-methylfuran in processed cereal-based food for infants and young children and in baby food

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EU) 2023/915 as regards maximum levels of the sum of furan, 2-methylfuran and 3-methylfuran in processed cereal-based food for infants and young children and in baby food

(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 (EU) 2023/915² sets maximum levels for certain contaminants in foodstuffs.
- (2) Furan and alkylfurans, which include methylfurans such as 2-methylfuran and 3-methylfuran, are process contaminants that are formed in foods during thermal processing.
- (3) In 2017, the Scientific Panel on Contaminants in the Food Chain (‘the CONTAM Panel’) of the European Food Safety Authority (‘the Authority’) adopted a scientific opinion on the risks that the presence of furan and methylfurans in food poses to public health³. In its opinion the CONTAM Panel concluded that the current levels of exposure to furan indicate a health concern. As for methylfurans, it concluded that they may add significantly to the overall exposure to furan and alkylfurans and that, therefore, they are of increased health concern. However, as data are lacking on the presence of methylfurans in food, the CONTAM Panel recommended /collecting additional data in this area.
- (4) In 2022, the Commission adopted a Recommendation⁴ for the monitoring by Member States, in collaboration with food business operators, of furan, 2-methylfuran and 3-methylfuran in food, in particular in coffee, jarred baby food (including baby food in containers, tubes and pouches), ready-to-eat soups, potato-based crisps, fruit juices, breakfast cereals, biscuits, crackers and crispbread.

¹ OJ L 37, 13.2.1993, p. 1, ELI: <http://data.europa.eu/eli/reg/1993/315/oj>.

² Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103, ELI: <http://data.europa.eu/eli/reg/2023/915/oj>).

³ EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), Scientific opinion on the risks for public health related to the presence of furan and methylfurans in food. EFSA Journal 2017;15(10):5005, 142 pp. <https://doi.org/10.2903/j.efsa.2017.5005>.

⁴ Commission Recommendation (EU) 2022/495 of 25 March 2022 on monitoring the presence of furan and alkylfurans in food (OJ L 100, 28.3.2022, p. 60, ELI: <http://data.europa.eu/eli/reco/2022/495/oj>).

- (5) In 2024, there were several notifications in the Rapid Alert System for Food and Feed (RASFF) on the presence of certain levels of furan, 2-methylfuran and 3-methylfuran in baby food that are of health concern.
- (6) Taking into account the conclusions of the scientific opinion of the CONTAM Panel, the availability of the occurrence data and the RASFF notifications, it is appropriate to establish maximum levels for the presence of furan, 2-methylfuran and 3-methylfuran in processed cereal-based food for infants and young children and in baby food.
- (7) Regulation (EU) 2023/915 should therefore be amended accordingly.
- (8) To enable economic operators to prepare for the new rules in processed cereal-based food for infants and young children and in baby food, it is appropriate to provide for a reasonable time until the new rules start to apply. It is also appropriate to provide for a transitional period in regard to food containing furan, 2-methylfuran or 3-methylfuran, which is lawfully placed on the market before the date of application of this Regulation.
- (9) 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

Regulation (EU) 2023/915 is amended as follows:

(1) Article 10(1) is amended as follows:

(a) the introductory phrase is replaced by the following:

‘Food lawfully placed on the market prior to the dates referred to in points (a) to (s) may remain on the market until their date of minimum durability or use-by date.’;

(b) the following point (s) is added:

‘(s) 1 January 2028 as regards the maximum levels for sum of furan, 2-methylfuran and 3-methylfuran, expressed as furan, set out in point 5.6 of Annex I’

(2) Annex I 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*.

It shall apply from 1 January 2028.

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