Commission Regulation (EU) 2019/1870 of 7 November 2019 amending and correcting Regulation (EC) No 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foodstuffs (Text with EEA relevance)

COMMISSION REGULATION (EU) 2019/1870

of 7 November 2019

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(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[(1)], and in particular Article 2(3) thereof,

Whereas:

(1) Commission Regulation (EC) No 1881/2006[(2)] 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 food[(3)]. 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 oil[(4)].

(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.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2019/1870. (See end of Document for details)*

(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) 2016/127[(5)]. For reasons of clarity, the maximum level for erucic acid in infant formulae and follow-on formulae established by Regulation (EC) No 1881/2006 should be deleted.

(8) In Commission Regulation (EU) 2017/1237[(6)], 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.

***Changes to legislation:** There are currently no known outstanding effects for the Commission Regulation (EU) 2019/1870. (See end of Document for details)*

[X1 ANNEX I

Editorial Information

X1 Substituted by Corrigendum to Commission Regulation (EC) No 2019/1870 of 7 November 2019 amending and correcting Regulation (EC) No 1881/2006 as regards maximum levels of erucic acid and hydrocyanic acid in certain foodstuffs (Official Journal of the European Union L 289 of 8 November 2019).

In section 8 of the Annex to Regulation (EC) No 1881/2006, entry 8.1 is replaced by the following:

Foodstuffs([1])		**Maximum level (g/kg)**
'8.1	**Erucic acid, including erucic acid bound in fat**	
8.1.1	Vegetable oils and fats placed on the market for the final consumer or for use as an ingredient in food, with the exception of camelina oil, mustard oil and borage oil	20,0
8.1.2.	Camelina oil, mustard oil[a] and borage oil	50,0
8.1.3.	Mustard (condiment)	35,0

a With acceptance from the competent authority, the maximum level does not apply to mustard oil locally produced and consumed.'

ANNEX II

In section 8 of the Annex to Regulation (EC) No 1881/2006, entry 8.3 is replaced by the following:

Foodstuffs([1])		**Maximum level (mg/kg)**
'8.3	**Hydrocyanic acid, including hydrocyanic acid bound in cyanogenic glycosides**	
8.3.1	Unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on	20,0

a "Unprocessed products" as defined in Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on they hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

b "Placing on the market" and "final consumer" as defined in Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1).'**]**