Commission Regulation (EU) 2015/1137 of 13 July 2015 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) 2015/1137

of 13 July 2015

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

Whereas:

(1) Commission Regulation (EC) No 1881/2006[(2)] sets a maximum level for ochratoxin A in *Capsicum* spp. spices.

(2) Commission Regulation (EU) No 105/2010[(3)], 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, 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) No 594/2012[(4)] 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 achieavable 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 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 the maximum level established by this Regulation applies from 1 January 2015.

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1137. (See end of Document for details)*

(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 to1 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, 13 July 2015.

For the Commission

The President

Jean-Claude JUNCKER