Commission Regulation (EU) 2015/1005 of 25 June 2015 amending Regulation (EC) No 1881/2006 as regards maximum levels of lead in certain foodstuffs (Text with EEA relevance)

COMMISSION REGULATION (EU) 2015/1005

of 25 June 2015

amending Regulation (EC) No 1881/2006 as regards maximum levels of lead 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 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.

(2) The Scientific Panel on Contaminants in the Food Chain (Contam Panel) of the European Food Safety Authority (EFSA) adopted an opinion on lead in food on 18 March 2010[(3)]. The Contam Panel identified developmental neurotoxicity in young children and cardiovascular effects and nephrotoxicity in adults as potential critical adverse effects of lead on which to base the risk assessment. It further indicated that protection of children and women of child-bearing age against the potential risk of neurodevelopmental effects is sufficient to protect all populations from the other adverse effects of lead. It is therefore appropriate to reduce the dietary exposure to lead in food by lowering existing maximum levels and setting additional maximum levels for lead in relevant commodities.

(3) Maximum levels already exist for infant formulae and follow-on formulae. In order to further guarantee a continued lowering of dietary exposure of infants and young children, existing maximum levels should be lowered and new maximum levels established for processed cereal-based foods and baby foods for infants and young children, food for special medical purposes for infants and young children and drinks, which are highly consumed by this vulnerable group of consumers.

(4) New occurrence data show that some of the existing exemptions from default maximum levels are no longer necessary as the default maximum levels can be complied with by following good practices or that lower maximum levels would be achievable. Specific maximum levels are therefore no longer necessary for brassica other than leafy brassica, fresh legumes, most of the berries and small fruits while existing maximum levels

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EU) 2015/1005. (See end of Document for details)*

should be lowered for cephalopods, most fruiting vegetables, most fruit juices, wine and aromatised wine.

(5) For salsify, compliance with current maximum levels is difficult. Since consumption of this commodity is low and effects on human exposure are negligible, it is appropriate to raise the maximum levels of lead for salsify.

(6) Erratic findings of high levels of lead in honey have triggered enforcement actions by Member States at differing levels of lead. Differences in rules adopted by the Member States may hinder the functioning of the common market, therefore a harmonised maximum level for lead in honey should be set.

(7) As consumption of tea and herbal infusions can be an important contributor to dietary exposure, a maximum level for these commodities should be established. However, in absence of data on dry tea leaves and dry parts of other plants for the preparation of herbal infusions allowing the establishment of such a maximum level, occurrence data should be collected in view of the possible establishment of a specific maximum level in the future.

(8) Legislation related to processed cereal-based foods, baby foods for infants and young children and dietary foods for special medical purposes has been replaced necessitating changes to certain endnotes.

(9) Member States and food business operators should be allowed time to adapt to the new maximum levels established by this Regulation. The date of application of the maximum levels of lead should therefore be deferred.

(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 the Annex to this Regulation.

Article 2

The maximum levels of lead set out in the Annex to Regulation (EC) No 1881/2006, as amended by this Regulation, shall apply from 1 January 2016. Foodstuffs not complying with these maximum levels which are lawfully placed on the market prior to 1 January 2016 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*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 June 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

The Annex to Regulation (EC) No 1881/2006 is amended as follows:

(1) Subsection 3.1 (Lead) is replaced by the following:

3.1	Lead	
3.1.1	Raw milk ([6]), heat-treated milk and milk for the manufacture of milk-based products	0,020
3.1.2	Infant formulae and follow-on formulae	
	marketed as powder ([8]) ([29])	0,050
	marketed as liquid ([8]) ([29])	0,010
3.1.3	Processed cereal-based foods and baby foods for infants and young children ([3]) ([29]) other than 3.1.5	0,050
3.1.4	Foods for special medical purposes ([9]) intended specifically for infants and young children	
	marketed as powder ([29])	0,050
	marketed as liquid ([29])	0,010
3.1.5	Drinks for infants and young children labelled and sold as such, other than those mentioned in 3.1.2 and 3.1.4	
	marketed as liquids or to be reconstituted following instructions of the manufacturer including fruit juices ([4])	0,030
	to be prepared by infusion or decoction ([29])	1,50
3.1.6	Meat (excluding offal) of bovine animals, sheep, pig and poultry ([6])	0,10
3.1.7	Offal of bovine animals, sheep, pig and poultry ([6])	0,50