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No. Cion doc.:	D(2023) 92110/2
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Regulation (EU) 2023/915 as regards the maximum levels of perchlorate in beans ( <i>Phaseolus vulgaris</i> ) with pods

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Delegations will find attached document D(2023) 92110/2.

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Encl.: D(2023) 92110/2



Brussels, **XXX**  
PLAN/2023/1986 Rev1  
(POOL/E2/2023/1986/1986R1-EN.docx)  
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[...] (2023) **XXX** draft

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

**of **XXX****

**amending Regulation (EU) 2023/915 as regards the maximum levels of perchlorate in  
beans (*Phaseolus vulgaris*) with pods**

(Text with EEA relevance)

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

of **XXX**

**amending Regulation (EU) 2023/915 as regards the maximum levels of perchlorate in beans (*Phaseolus vulgaris*) with pods**

(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<sup>1</sup>, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EU) 2023/915<sup>2</sup> sets maximum levels for certain contaminants, including perchlorate, in food.
- (2) On 30 September 2014, the European Food Safety Authority adopted a scientific opinion on perchlorate in food, in particular fruits and vegetables, and concluded that its presence in certain foodstuffs, including beans (*Phaseolus vulgaris*) with pods, was a health concern<sup>3</sup>.
- (3) Maximum levels for perchlorate in a wide range of food were established by Commission Regulation (EU) 2020/685<sup>4</sup> and these maximum levels were integrated in Commission Regulation (EU) 2023/915. Although comprehensive occurrence data were not available for all subcategories of fruits and vegetables at the time of establishment of these levels, general strict maximum level was set for all fruits and vegetables, including beans, to ensure a high level of human health protection.
- (4) However, extensive recent occurrence data on the levels of perchlorate present in beans show that the maximum level is not achievable in beans (*Phaseolus vulgaris*) with pods in major production areas in the Union, even if good practices are applied.

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<sup>1</sup> OJ L 37, 13.2.1993, p. 1.

<sup>2</sup> 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).

<sup>3</sup> Scientific opinion on the risks to public health related to the presence of perchlorate in food, in particular fruits and vegetables. EFSA Journal 2014;12(10):3869, <https://doi.org/10.2903/j.efsa.2014.3869>.

<sup>4</sup> Commission Regulation (EU) 2020/685 of 20 May 2020 amending Regulation (EC) No 1881/2006 as regards maximum levels of perchlorate in certain (OJ L 160, 25.5.2020, p. 3)

- (5) It is therefore appropriate to increase the maximum level for perchlorate in beans (*Phaseolus vulgaris*) with pods according to the principle that maximum levels are to be established at levels as low as reasonably achievable following good practices.
- (6) Regulation (EU) 2023/915 should therefore be amended accordingly.
- (7) 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*

Annex I to Regulation (EU) 2023/915 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*.

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