



Council of the
European Union

Brussels, 14 March 2024
(OR. en)

7486/24
ADD 1

DENLEG 21
FOOD 44
SAN 163

COVER NOTE

From:	European Commission
date of receipt:	7 March 2024
To:	General Secretariat of the Council
No. Cion doc.:	D094932/03
Subject:	ANNEX to the COMMISSION REGULATION (EU) .../... amending Regulation (EU) 2023/915 as regards maximum levels of nickel in certain foodstuffs

Delegations will find attached document D094932/03.

Encl.: D094932/03



EUROPEAN
COMMISSION

Brussels, **XXX**
PLAN/2022/367 ANNEX
(POOL/E2/2022/367/367-EN
ANNEX.docx) D094932/03
[...](2024) **XXX** draft

ANNEX

ANNEX

to the

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

**amending Regulation (EU) 2023/915 as regards maximum levels of nickel in certain
foodstuffs.**

ANNEX

In Section 3: ‘Metals and other elements’ of Annex I to Regulation (EU) 2023/915, the following entry is added:

‘3.6	Nickel	Maximum level (mg/kg)	Remarks
3.6.1	Tree nuts		The maximum level applies to the edible part. The maximum level does not apply to tree nuts for crushing and oil refining, provided that the remaining pressed tree nuts are not placed on the market as food. In case the remaining pressed tree nuts are placed on the market as food, the maximum level applies, taking into account Article 3(1) and (2).
3.6.1.1	Tree nuts except products listed in 3.6.1.2	3,5	
3.6.1.2	Chestnuts, pine nuts, walnuts, Brazil nuts, and cashew nuts	10	
3.6.2	Root and tuber vegetables and bulb vegetables	0,90	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part. For potatoes, the maximum level applies to peeled potatoes.
3.6.3	Fruiting vegetables	0,40	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.6.4	Brassica vegetables	0,50	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.

3.6.5	Leafy vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.6.5.1	Leafy vegetables except products listed in 3.6.5.2	0,50	
3.6.5.2	Fresh herbs	1,2	
3.6.6	Legume vegetables		The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.6.6.1	Legume vegetables except products listed in 3.6.6.2	1,0	
3.6.6.2	Soy beans/ edamame (<i>Glycine max</i>)	6,0	
3.6.7	Stem vegetables	0,40	The maximum level applies to the wet weight. The maximum level applies after washing and separating the edible part.
3.6.8	Seaweed		For dry seaweed the maximum level applies to the product as placed on the market. For fresh seaweed the maximum level applies after washing and separating the edible part. For fresh seaweed the maximum level applies on a dry matter basis. ^(*)
3.6.8.1	Seaweed except products listed in 3.6.8.2	30	

3.6.8.2	Wakame	40	
3.6.9	Pulses		
3.6.9.1	Pulses except products listed in 3.6.9.2	4,0	
3.6.9.2	Dry beans and dry lupins/ lupini beans	12	
3.6.10	Oilseeds		The maximum level does not apply to oilseeds for crushing and oil refining, provided that the remaining pressed oilseeds are not placed on the market as food. In case the remaining pressed oilseeds are placed on the market as food, the maximum level applies, taking into account Article 3(1) and (2).
3.6.10.1	Sunflower seed	8,0	
3.6.10.2	Peanuts	12	
3.6.10.3	Soy beans	15	
3.6.11	Cereals		The maximum level does not apply to cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market for the final consumer as food. In case the remaining cereal residue is placed on the market for the final consumer as food, the maximum level applies, taking into account Article 3(1) and (2).
3.6.11.1	Cereals except products listed in 3.6.11.2, 3.6.11.3, 3.6.11.4 and 3.6.11.5	0,80 As from 1 July 2026	

3.6.11.2	Durum wheat (<i>Triticum durum</i>) and rice except products listed in 3.6.11.3	1,5 As from 1 July 2026	
3.6.11.3	Husked rice	2,0 As from 1 July 2026	
3.6.11.4	Pseudo cereals and millet	3,0 As from 1 July 2026	
3.6.11.5	Oats	5,0 As from 1 July 2026	The maximum level applies to oats grains without the inedible husk. To calculate the maximum level for oats grains with the inedible husk a processing factor of 1,5 needs to be applied, resulting in an maximum level of 7,5 mg/kg for oats with the inedible husk.
3.6.12	Cocoa and chocolate products ⁽¹⁴⁾		
3.6.12.1	Milk chocolate with < 30 % total dry cocoa solids	2,5	
3.6.12.2	Milk chocolate with ≥ 30 % total dry cocoa solids and chocolate	7,0	
3.6.12.3	Cocoa powder and fat reduced cocoa powder placed on the market for the final consumer or as an ingredient in sweetened cocoa powder or powdered chocolate placed on the market for the final consumer (drinking chocolate)	15	

3.6.13	Infant formulae, follow-on formulae, food for special medical purposes intended for infants and young children ⁽³⁾ and young-child formulae ⁽⁴⁾		The maximum level applies to the product as placed on the market.
3.6.13.1	placed on the market as powder except products listed in 3.6.13.2	0,25	
3.6.13.2	placed on the market as powder and manufactured from soy protein isolates, alone or in a mixture with cow's milk proteins	0,40	
3.6.13.3	placed on the market as liquid	0,10	
3.6.14	Processed cereal-based food for infants and young children ⁽³⁾	3,0	The maximum level applies to the product as placed on the market.
3.6.15	Baby food ⁽³⁾ except products listed in 3.6.16.	0,50	The maximum level applies to the product as placed on the market.
3.6.16	Fruit juices ⁽⁹⁾ , fruit nectars ⁽⁹⁾ and vegetable juices including fruit juices ⁽⁹⁾ , fruit nectars ⁽⁹⁾ and vegetable juices intended as babyfood ⁽³⁾ .		
3.6.16.1	Fruit juices, fruit nectars and vegetable juices except products listed in 3.6.16.2	0,25	
3.6.16.2	Fruit juices and fruit nectars containing juices and nectars from passion fruits, cocoa fruits, and from small fruits and berries and coconut water	1,0	

(*) Dry matter is determined in accordance with Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs (OJ L 88, 29.3.2007, p. 29, ELI: <http://data.europa.eu/eli/reg/2007/333/oj>).’.