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Delegations will find attached document D071843/04.

Encl.: D071843/04



Brussels, **XXX**
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[...](2021) **XXX** draft

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

of XXX

**amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in
certain foodstuffs**

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium 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 food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² sets maximum levels for cadmium (Cd) in a range of foodstuffs.
- (2) On 30 January 2009, the European Food Safety Authority ('the Authority') adopted an opinion on cadmium in food³. The Authority concluded that cadmium is primarily toxic to the kidney, especially to the proximal tubular cells where it accumulates over time and may cause renal dysfunction. In view of the toxic effects of cadmium on the kidneys, the Authority established a tolerable weekly intake for cadmium of 2,5 µg/kg body weight. The Authority further concluded that the mean exposure for adults across the Union is close to, or slightly exceeds, the tolerable weekly intake. It also concluded that subgroups such as vegetarians, children, smokers and people living in highly contaminated areas may exceed the tolerable weekly intake by about 2-fold. Therefore, the CONTAM Panel concluded that the current exposure to cadmium at the population level needs to be reduced. Following that opinion, the Authority issued, on 17 January 2012, a scientific report where it confirmed that children and adults at the 95th percentile exposure could exceed the health-based guidance values.⁴
- (3) Taking into account the Authority's opinion and scientific report, new maximum levels for baby foods and chocolate/cocoa products were established under Commission Regulation (EU) No 2014/488⁵.
- (4) However, the Commission considered that an immediate reduction of the existing MLs was not appropriate at the time. Therefore, it adopted Commission Recommendation

¹ OJ L 37, 13.2.1993, p. 1.

² Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

³ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific opinion on cadmium in food. *EFSA Journal* 2009(980) 1-139, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2009.980>.

⁴ Scientific Report of EFSA on Cadmium dietary exposure in the European population. *EFSA Journal* 2012;10(1), 2551 [37 pp.], <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2012.2551>.

⁵ Commission Regulation (EU) No 2014/488 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuffs (OJ L 138, 13.5.2014, p. 75).

(EU) 2014/193/EU⁶, which called on Member States to ensure that the already available mitigation methods were communicated and promoted to farmers and started or continued to be implemented, to regularly monitor the progress of the mitigation measures by collecting occurrence data on cadmium levels in foodstuffs and to report the data, in particular on cadmium levels close to or exceeding the maximum levels, by February 2018.

- (5) An evaluation of the most recent occurrence data gathered after the implementation of the mitigation measures shows that it is now achievable to reduce the presence of cadmium in many foodstuffs. Therefore, it is appropriate to lower the existing maximum levels for cadmium or to establish maximum levels for those foodstuffs.
- (6) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (7) Given that cadmium is an indirect genotoxic carcinogen, and consequently its presence is a higher risk for public health, products containing cadmium, which do not comply with the new maximum levels, and which were placed on the market before the entry into force of this Regulation, should only be allowed to remain on the market for a limited period of time.
- (8) 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

Foodstuffs listed in the Annex that were lawfully placed on the market before the entry into force may remain on the market until [*publication office please introduce the date 6 months after entry into force*].

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,

For the Commission
The President
Ursula VON DER LEYEN

⁶ Commission Recommendation 2014/193/EU of 4 April 2014 on the on the reduction of the presence of cadmium in foodstuffs (OJ L 104, 8.4.2014, p. 80).