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Delegations will find attached document D071844/04.

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

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

of **XXX**

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

(Text with EEA relevance)

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

of **XXX**

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 food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² sets maximum levels for lead (Pb) in a range of foodstuffs.
- (2) On 18 March 2010, the European Food Safety Authority ('the Authority') adopted an opinion on lead in food³. The Authority identified that lead can cause developmental neurotoxicity in young children and cardiovascular issues and nephrotoxicity in adults. The risk assessment for lead was based on these potentially critical adverse effects. The Authority concluded that there was no evidence for a threshold for a number of critical endpoints, including developmental neurotoxicity and adult nephrotoxicity. Therefore, it was not appropriate to derive a tolerable weekly intake. The Authority expressed a concern that there was potential that the current levels of dietary exposure to lead might affect neurodevelopment in foetuses, infants and children.
- (3) The Authority's conclusions were confirmed by the conclusions of the report of the Joint FAO/WHO Expert Committee on Food Additives and Contaminants (FAO/WHO) in 2010.⁴
- (4) Taking into account the most recent occurrence data, the Codex Alimentarius Commission at its 41th Session ('CAC41') lowered the Codex maximum level for lead in salt (excluding salt from marshes) from 2 mg/kg to 1 mg/kg.
- (5) Taking into account the most recent occurrence data, the Codex Alimentarius Commission at its 42nd Session ('CAC42') lowered the Codex maximum levels of 0,5 mg/kg for edible offal to 0,2 mg/kg for edible offal from cattle, 0,15 mg/kg for edible offal from pigs and 0,1 mg/kg for edible offal from poultry. It also lowered the maximum levels for "wine made from grapes" from 0,2 mg/kg to 0,1 mg/kg and set a

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 CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2010. Scientific Opinion on lead in food. EFSA Journal 2010;8(4):1570, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2010.1570>

⁴ Evaluation of Certain Food Additives and Contaminants. Seventy-third report of the joint FAO/WHO Expert Committee on Food Additives. WHO Technical Report Series 960.

maximum level for fortified/liqueur “wines made from grapes” at 0,15 mg/kg. Both maximum levels apply to wine made from grapes harvested after the date the CAC42 adopted the maximum levels.

- (6) In light of these developments and of the most recent occurrence data, the dietary exposure to lead in food should be reduced within the Union by lowering the existing maximum levels or setting additional maximum levels for foodstuffs for which lower levels of lead are reasonably achievable, namely offal, certain foods for infants and young children, salt and wild fungi. For the same reasons, the maximum levels for lead in wines should be reduced and a maximum level for liqueur wine should be established as regards those products produced from future harvests. Finally, for those same reasons, but also to help fight fraudulent practices, such as the addition of lead chromate to turmeric, maximum levels for spices should be established.
- (7) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (8) Given that lead is a weak indirect genotoxic carcinogen, and consequently its presence is a higher risk for public health, products not complying with the new maximum levels for lead and placed on the market before the entry into force of this Regulation should only be allowed to remain on the market for a short period of time.
- (9) 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 of this Regulation may remain on the market until [*publication office please introduce the date 6 months after the 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