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[...] (2019) **XXX** draft

ANNEX 1

**ANNEX**

**to the**

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

**amending Regulation (EC) 1881/2006 as regards maximum levels of 3-monochloropropane diol (3-MCPD), 3-MCPD fatty acid esters and glycidyl fatty acid esters in certain foods**

## ANNEX

In the Annex to Regulation (EC) No 1881/2006, Section 4 "3-monochloropropanediol (3-MCPD) and glycidyl fatty acid esters" is replaced by the following:

Section 4: 3-monochloropropane diol (3-MCPD), 3-MCPD fatty acid esters and glycidyl fatty acid esters

<b>Foodstuffs <sup>(1)</sup></b>		<b>Maximum level (µg/kg)</b>
<b>4.1</b>	<b>3-monochloropropane diol (3-MCPD)</b>	
4.1.1	Hydrolysed vegetable protein <sup>(30)</sup>	20
4.1.2	Soy sauce <sup>(30)</sup>	20
<b>4.2</b>	<b>Glycidyl fatty acid esters, expressed as glycidol</b>	
4.2.1.	Vegetable oils and fats, fish oils and oils from other marine organisms placed on the market for the final consumer or for use as an ingredient in food, with the exception of the foods referred to in 4.2.2 and of virgin olive oils <sup>(*)</sup>	1000 (***)
4.2.2.	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children <sup>(3)</sup>	500 (***), (*****)
4.2.3	Infant formula, follow-on formula and foods for special medical purposes intended for infants and young children <sup>(3)</sup> <sup>(29)</sup> and young-child formula <sup>(29)</sup> <sup>(**)</sup> (powder)	50 (***)
4.2.4	Infant formula, follow-on formula and foods for special medical purposes intended for infants and young children <sup>(3)</sup> <sup>(29)</sup> and young-child formula <sup>(29)</sup> <sup>(**)</sup> (liquid)	6.0 (***)
<b>4.3</b>	<b>Sum of 3-monochloropropane diol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD <sup>(****)</sup></b>	
4.3.1.	Vegetable oils and fats, fish oils and oils from other marine organisms placed on the market for the final consumer or for use as an ingredient in food falling within the following categories, with the exception of the foods referred to in 4.3.2 and of virgin olive oils <sup>(*)</sup> : - oils and fats from coconut, maize, rapeseed, sunflower, soybean, palm kernel and olive oils (composed of refined olive oil and virgin olive oil) <sup>(*)</sup> and mixtures of oils and fats with oils and fats only from this category; - other vegetable oils (including pomace olive oils <sup>(*)</sup> ), fish oils and oils from other marine organisms and mixtures of oils and fats with oils and fats only from this category; - mixtures of oils and fats from the two above mentioned categories.	1250  2500 --- (*****)
4.3.2.	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children <sup>(3)</sup>	750(*****)
4.3.3	Infant formula, follow-on formula and foods for special medical purposes intended for infants and young children <sup>(3)</sup> <sup>(29)</sup> and young-child formula <sup>(29)</sup> <sup>(**)</sup> (powder)	125
4.3.4	Infant formula, follow-on formula and foods for special medical	15

	purposes intended for infants and young children <sup>(3)</sup> <sup>(29)</sup> and young-child formula <sup>(29)</sup> <sup>(**)</sup> (liquid)	
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- (\*) As defined in Part VIII of Annex VII to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).
- (\*\*) ‘young child formula’ refers to milk-based drinks and similar protein-based products intended for young children . These products are outside the scope of Regulation (EU) 609/2013 (Report from the Commission to the European Parliament and the Council on young-child formulae (COM/2016/0169 final) (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016DC0169&qid=1559628885154&from=EN>))
- (\*\*\*) For fish oil and oils from other marine organisms and young-child formula, the maximum levels shall apply from 1 January 2021.
- (\*\*\*\*) The maximum levels shall apply from 1 January 2021.
- (\*\*\*\*\*) The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat. Therefore, the level of the sum of 3-monochloropropane diol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture, shall not exceed the level calculated in accordance with Article 2(1)(c) of Regulation (EC) 1881/2006. In case the quantitative composition is not known for the competent authority and the food business operator, not producing the mixture, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture shall in any case not exceed 2500 µg/kg.
- (\*\*\*\*\*) When the product is a mixture of different oils or fats of the same or of different botanical origins, the maximum level applies for the mixture. The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat in point 4.3.1.