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

of **XXX**

**amending Regulation (EC) No 1881/2006 as regards maximum levels of mercury in fish
and salt**

(Text with EEA relevance)

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amending Regulation (EC) No 1881/2006 as regards maximum levels of mercury in fish and salt

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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 certain contaminants, including mercury, in foodstuffs.
- (2) On 22 November 2012, the European Food Safety Authority ('the Authority') adopted an opinion on mercury and methylmercury in food³. In that opinion, the Authority established a tolerable weekly intake ('TWI') for inorganic mercury of 4 µg/kg body weight ('b.w.') and for methylmercury of 1.3 µg/kg b.w. (both expressed as mercury) and concluded that the 95th percentile dietary exposure is close to or above the TWI for all age groups. High fish consumers, which might include pregnant women, may exceed the TWI by up to approximately six-fold. Unborn children constitute the most vulnerable group. The opinion concluded that exposure to methylmercury above the TWI is of concern, but advised taking into account the beneficial effects of fish consumption, if measures to reduce methylmercury exposure were considered.
- (3) On 27 June 2014, the Authority adopted an opinion on the health benefits of seafood consumption in relation to the health risks associated with exposure to methylmercury⁴. In that opinion, the Authority reviewed the role of seafood in European diets and evaluated the beneficial effects of seafood consumption in relation to health outcomes, including the effects of seafood consumption during pregnancy on functional outcomes of children's neurodevelopment and the effects of seafood consumption on cardiovascular disease risk in adults. The Authority concluded that consumption of about 1 to 2 servings of seafood per week and up to 3 to 4 servings per week during pregnancy has been associated with better functional outcomes of neurodevelopment in children compared to no consumption of seafood. Such amounts have also been associated with a lower coronary heart disease mortality in adults.

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 the risk for public health related to the presence of mercury and methylmercury in food. EFSA Journal 2012;10(12):2985.

⁴ EFSA NDA Panel (EFSA Panel on Dietetic Products, Nutrition and Allergies), 2014. Scientific Opinion on health benefits of seafood (fish and shellfish) consumption in relation to health risks associated with exposure to methylmercury. EFSA Journal 2014;12(7):3761.

- (4) On 19 December 2014, the Authority adopted a statement on the benefits of fish/seafood consumption compared to the risks of methylmercury in fish/seafood⁵, where it concluded that, to achieve the benefits of fish consumption associated with 1 to 4 fish servings per week and to protect against neurodevelopmental toxicity of methylmercury, the consumption of fish/seafood species with a high content of mercury should be limited.
- (5) Taking into account the outcome of the Authority's scientific opinions and statement, the maximum levels for mercury should be reviewed, to reduce further the dietary exposure to mercury in food.
- (6) As recent occurrence data show that there would be a margin to lower the maximum levels for mercury in various fish species, the maximum levels for those fish species should be modified accordingly.
- (7) In view of the related health concerns, the level of mercury for shark and swordfish should be maintained at the current level, pending further data collection, scientific assessment and knowledge on the effectiveness of consumption advice in reducing the exposure.
- (8) The Codex Alimentarius sets a maximum level of 0.1 mg/kg for mercury in salt⁶. It is appropriate to set the same maximum level in the Union legislation.
- (9) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (10) Taking into account that certain foodstuffs covered by this Regulation have a long shelf life, it is appropriate to provide for a transitional period during which such foodstuffs not complying with the new maximum levels and lawfully placed on the market before the date of entry into force of this Regulation, may remain on the market.
- (11) 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

The foodstuffs listed in the Annex, lawfully placed on the market before the entry into force of this Regulation, may remain on the market until the date of minimum durability or use-by-date.

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*.

⁵ EFSA Scientific Committee, 2015. Statement on the benefits of fish/seafood consumption compared to the risks of methylmercury in fish/seafood. EFSA Journal 2015;13(1):3982.

⁶ Codex General Standard for Contaminants and Toxin in Foods and Feeds – GSCTFF (CODEX STAN 193-1995).

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