RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 23 August 2011

on the reduction of the presence of dioxins, furans and PCBs in feed and food

(Text with EEA relevance)

(2011/516/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) Several measures have been adopted as parts of an overall strategy to reduce the presence of dioxins, furans and PCBs in environment, feed and food.

(2) Maximum levels for dioxins, the sum of dioxins and dioxin-like PCBs have been set for feed by Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed [1] and for food by Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs [2].

(3) Action levels for dioxins and dioxin-like PCBs in food have been set by Commission Recommendation 2006/88/EC of 6 February 2006 on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs [3] in order to stimulate a pro-active approach to reduce the presence of dioxins and dioxin-like PCBs in food. These action levels are a tool for competent authorities and operators to highlight those cases where it is appropriate to identify a source of contamination and to take measures for its reduction or elimination. Given that the sources of dioxins and dioxin-like PCBs are different, it is appropriate that separate action levels are determined for dioxins on the one hand and for dioxin-like PCBs on the other hand.

(4) Action thresholds for dioxins and dioxin-like PCBs in feed have been established by Directive 2002/32/EC.

(5) The World Health Organisation (WHO) held an expert workshop on 28 to 30 June 2005 concerning the re-evaluation of the values of the toxic equivalency factors (TEFs) established by WHO in 1998. A number of TEF values were changed, notably for PCBs, octachlorinated congeners and pentachlorinated furans. The data on the effect of the new TEF values and the recent occurrence are compiled in the European Food Safety Authority's (EFSA) scientific report 'Results of the monitoring of dioxin levels in food and feed' [4]. Therefore, it is appropriate to review the action levels taking into account the new TEF values.

(6) Experience has shown that in some foodstuffs when the action levels are exceeded, it is not necessary to perform investigations. In these cases the exceeding of the action level is not related to a specific source of contamination that can be reduced or eliminated, but to the overall environmental pollution. Therefore, it is appropriate not to set action levels for these foodstuffs.

(7) In these circumstances, Recommendation 2006/88/EC should be replaced by this Recommendation,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should perform, proportionate to their production, use and consumption of feed and food, random monitoring of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in feed and food.

2. In cases of non-compliance with the provisions of Directive 2002/32/EC and Regulation (EC) No 1881/2006, and in cases where levels of dioxins and/or dioxin-like PCBs in excess of the action levels specified in the Annex to this Recommendation as regards food and in Annex II to Directive 2002/32/EC as regards feed are found, Member States should, in cooperation with operators,

[1] OJ L 140, 30.5.2002, p. 10.
[2] OJ L 364, 20.12.2006, p. 5.
[3] OJ L 42, 14.2.2006, p. 26.
[4] EFSA Journal 2010; 8(3):1385, http://www.efsa.europa.eu/en/efsajournal/doc/1385.pdf

(a) initiate investigations to identify the source of contamination;

(b) take measures to reduce or eliminate the source of contamination.

3. Member States should inform the Commission and the other Member States of their findings, the results of their investigations and the measures taken to reduce or eliminate the source of contamination.

Recommendation 2006/88/EC is hereby repealed as from 1 January 2012.

Done at Brussels, 23 August 2011.

For the Commission
John DALLI
Member of the Commission

ANNEX

Dioxins (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs), expressed as World Health Organisation (WHO) toxic equivalent using the WHO-toxic equivalency factors (WHO-TEFs)) and dioxin-like polychlorinated biphenyls (PCBs), expressed as WHO toxic equivalent using the WHO-TEFs. WHO-TEFs for human risk assessment based on the conclusions of the World Health Organisation (WHO) – International Programme on Chemical Safety (IPCS) expert meeting which was held in Geneva in June 2005 (Martin van den Berg et al., The 2005 World Health Organisation Re-evaluation of Human and Mammalian Toxic Equivalency Factors for Dioxins and Dioxin-like Compounds. Toxicological Sciences 93(2), 223–241 (2006))

Food	Action level for dioxins + furans (WHO-TEQ) (1)	Action level for dioxin-like PCBS (WHO-TEQ) (1)
Meat and meat products (excluding edible offal) (2) of the following animals:		
— bovine animals and sheep,	1,75 pg/g fat (3)	1,75 pg/g fat (3)
— poultry,	1,25 pg/g fat (3)	0,75 pg/g fat (3)
— pigs.	0,75 pg/g fat (3)	0,5 pg/g fat (3)
Mixed fats	1,00 pg/g fat (3)	0,75 pg/g fat (3)
Muscle meat of farmed fish and farmed fishery products	1,5 pg/g wet weight	2,5 pg/g wet weight
Raw milk (2) and dairy products (2), including butter fat	1,75 pg/g fat (3)	2,0 pg/g fat (3)
Hen eggs and egg products (2)	1,75 pg/g fat (3)	1,75 pg/g fat (3)
Fruits, vegetables and cereals	0,3 pg/g product	0,1 pg/g product

(1) Upperbound concentrations: upperbound concentrations are calculated assuming that all the values of the different congeners less than the limit of quantification are equal to the limit of quantification.
(2) Foodstuffs listed in this category as defined in Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).
(3) The action levels are not applicable for food products containing < 2 % fat.