COMMISSION REGULATION (EC) No 221/2002
of 6 February 2002
amending Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in foodstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food (1), and in particular Article 2(3) thereof,

Whereas:

(1) Regulation (EEC) No 315/93 provides that maximum levels must be set for contaminants in foodstuffs in order to protect public health.


(3) It is essential, in order to protect public health, to keep contaminants at levels which are toxicologically acceptable. Maximum levels for lead, cadmium and mercury must be safe and as low as reasonably achievable (ALARA) based upon good manufacturing and agricultural/fishery practices. On the basis of new analytical data it is necessary to revise the relevant provisions of Annex I to Regulation (EC) No 466/2001 for these contaminants in certain fishery products. The revised provisions maintain a high level of consumer health protection.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS REGULATION:

Article 1
Annex I to Regulation (EC) No 466/2001 is amended in accordance with the Annex to this Regulation.

Article 2
This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Communities.
It shall apply from 5 April 2002.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 6 February 2002.

For the Commission

David BYRNE
Member of the Commission

Section 3 (Heavy metals) of Annex I to Regulation (EC) No 466/2001 is amended as follows:

(a) concerning lead (Pb), the points 3.1.4, 3.1.4.1 and 3.1.6 are replaced by the following:

<table>
<thead>
<tr>
<th>Product</th>
<th>Maximum level (mg/kg wet weight)</th>
<th>Performance criteria for sampling</th>
<th>Performance criteria for methods of analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>'3.1.4. Muscle meat (*) of fish as defined in categories (a), (b) and (e) of the list of Article 1 of Council Regulation (EC) No 104/2000 (OJ L 17, 21.1.2000, p. 22), excluding fish species listed in 3.1.4.1</td>
<td>0.2</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
<tr>
<td>3.1.4.1. Muscle meat (*) of: bonito (Sarda sarda), common two-banded seabream (Diplodus vulgaris), eel (Anguilla anguilla), grey mullet (Mugil labrosus labrosus), grunt (Pomadasys benneti), horse mackerel or scad (Trachurus trachurus), sardine (Sardina pilchardus), sardinops (Sardinops species), spotted seabass (Dicentrarchus punctatus), tuna (Thunnus species and Euthynnus species), wedge sole (Dicologoglossa cancata)</td>
<td>0.4</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
</tbody>
</table>

(*) Where fish are intended to be eaten whole, the maximum level shall apply to the whole fish.

(b) concerning cadmium (Cd), the points 3.2.5, 3.2.5.1 and 3.2.6 are replaced by the following:

<table>
<thead>
<tr>
<th>Product</th>
<th>Maximum level (mg/kg wet weight)</th>
<th>Performance criteria for sampling</th>
<th>Performance criteria for methods of analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>'3.2.5. Muscle meat (*) of fish as defined in categories (a), (b) and (e) of the list of Article 1 of Regulation (EC) No 104/2000, excluding fish species listed in 3.2.5.1</td>
<td>0,05</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
<tr>
<td>3.2.5.1. Muscle meat (*) of: bonito (Sarda sarda), common two-banded seabream (Diplodus vulgaris), eel (Anguilla anguilla), European anchovy (Engraulis encrasicholus), grey mullet (Mugil labrosus labrosus), horse mackerel or scad (Trachurus trachurus), louvar or luvar (Luvanus imperialis), sardine (Sardina pilchardus), sardinops (Sardinops species), tuna (Thunnus and Euthynnus species), wedge sole (Dicologoglossa cancata)</td>
<td>0,1</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
<tr>
<td>3.2.6. Crustaceans, excluding brown meat of crab and excluding head and thorax meat of lobster and similar large crustaceans (Nephropidae and Palinuridae)</td>
<td>0,5</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
</tbody>
</table>

(*) Where fish are intended to be eaten whole, the maximum level shall apply to the whole fish.
(c) concerning mercury (Hg), the point 3.3.1.1 is replaced by the following:

<table>
<thead>
<tr>
<th>Product</th>
<th>Maximum level (mg/kg wet weight)</th>
<th>Performance criteria for sampling</th>
<th>Performance criteria for methods of analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘3.3.1.1. Anglerfish (Lophius species), Atlantic catfish (Anarhichas lupus), bass (Dicentrarchus labrax), blue ling (Molva dipterygia), bonito (Sarda sarda), eel (Anguilla species), emperor or orange roughy (Hoplostethus atlanticus), grenadier (Coryphaenoides rupestris), halibut (Hippoglossus hippoglossus), marlin (Makaira species), pike (Esox lucius), plain bonito (Orcynopsis unicolor), portuguese dogfish (Centroscymnes coelopis), rays (Raja species), redfish (Sebastes marinus, S. mentella, S. viviparus), sail fish (Istiophorus platypterus), scabbard fish (Lepidopus caudatus, Aphanopus carbo), shark (all species), snake mackerel or butterfish (Lepidocybium flavobrunneum, Ruvettus pretiosus, Gymnus serpens), sturgeon (Acipenser species), swordfish (Xiphias gladius), tuna (Thunnus species and Euthynnus species)</td>
<td>1,0 mg/kg</td>
<td>Directive 2001/22/EC</td>
<td>Directive 2001/22/EC</td>
</tr>
</tbody>
</table>