

COMMISSION REGULATION (EU) 2022/1364**of 4 August 2022****amending Regulation (EC) No 1881/2006 as regards maximum levels of hydrocyanic acid 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 food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for certain contaminants, including hydrocyanic acid, in foodstuffs.
- (2) Hydrocyanic acid is a highly toxic substance. While it is not present in food at toxicologically relevant levels, it is released when plant-derived foods containing cyanogenic glycosides are chewed or otherwise processed and those glycosides enter into contact with hydrolytic enzymes. As hydrocyanic acid always forms as a mixture of non-dissociated acid and dissociated cyanide ions, the health-based guidance value is calculated for this mixture, referred to as 'cyanide'.
- (3) In 2019, the European Food Safety Authority ('the Authority') adopted an update of the scientific opinion on the evaluation of the health risks related to the presence of cyanogenic glycosides in foods other than raw apricot kernels ⁽³⁾. The Authority concluded that a human exposure below the acute reference dose (ARfD) of 20 µg cyanide/kg body weight (bw) should not produce acute adverse effects. If certain foods such as linseed, almonds and cassava with high levels of cyanogenic glycosides are consumed, the ARfD for cyanide could be exceeded. It is therefore appropriate to set maximum levels of hydrocyanic acid, including hydrocyanic acid bound in cyanogenic glycosides for these foods. When ground linseed as such is consumed, the bioavailability of hydrocyanic acid and human exposure levels to it are higher than when whole linseeds are consumed or when they are heat-treated. It is therefore appropriate to set stricter levels for whole linseed, which can be ground by the consumer, before consumption and ground linseed placed on the market for the final consumer when intended to be consumed raw.
- (4) Maximum levels for hydrocyanic acid should therefore be set in certain foodstuffs to ensure a high level of human health protection.
- (5) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (6) To enable economic operators to prepare for the new rules introduced by this Regulation, it is appropriate to provide for a reasonable time until the new maximum levels apply. It is also appropriate to provide for a transitional period for foodstuffs lawfully placed on the market before the date of application of this Regulation.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽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⁾ Scientific opinion/Evaluation of the health risks related to the presence of cyanogenic glycosides in foods other than raw apricot kernels', EFSA Journal, Vol 17, No 4, European Food Safety Authority, 2019, pp. 78; <https://doi.org/10.2903/j.efsa.2019.5662>

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, lawfully placed on the market before 1 January 2023, may remain on the market until their 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*.

It shall apply from 1 January 2023.

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

Done at Brussels, 4 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Section 8 of the Annex to Regulation (EC) No 1881/2006, entry 8.3 is replaced by the following:

	Foodstuffs ⁽¹⁾	Maximum level (mg/kg)
‘8.3	Hydrocyanic acid, including hydrocyanic acid bound in cyanogenic glycosides	
8.3.1	Unprocessed whole ⁽⁶⁰⁾ , ground, milled, cracked, chopped linseed with the exception of foodstuffs listed in 8.3.2 ⁽⁵⁴⁾	250
8.3.2	Unprocessed whole, ground, milled, cracked, chopped linseed placed on the market for the final consumer ⁽⁵⁴⁾ ⁽⁵⁵⁾ (*)	150
8.3.3	Unprocessed whole, ground, milled, cracked, chopped almonds placed on the market for the final consumer ⁽⁵⁴⁾ ⁽⁵⁵⁾ (*)	35
8.3.4	Unprocessed whole, ground, milled, cracked, chopped apricot kernels placed on the market for the final consumer ⁽⁵⁴⁾ ⁽⁵⁵⁾	20
8.3.5	Cassava root (fresh, peeled)	50
8.3.6	Cassava flour and tapioca flour	10

(*) The maximum level does not apply to unprocessed whole, ground, milled, cracked, chopped linseed and unprocessed whole, ground, milled, cracked, chopped bitter almonds placed on the market for the final consumer in small quantities where the warning ‘Only to be used for cooking and baking. Do not consume raw!’ appears in the principal field of vision of the label (using the font size specified in Article 13(2) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers (OJ L 304 22.11.2011, p. 18)). The unprocessed whole, ground, milled, cracked, chopped linseed with the warning message has to comply with the maximum level provided for in 8.3.1.’