

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 3 December 2013

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

(Text with EEA relevance)

(2013/711/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 and for 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⁽¹⁾ and for food by Commission Regulation (EC) No 1881/2006⁽²⁾.

(3) In order to stimulate a proactive approach to reduce the presence of dioxins and dioxin-like PCBs in food, action levels for dioxins and dioxin-like PCBs in food have been set by Commission Recommendation 2011/516/EU⁽³⁾ and for dioxins and dioxin-like PCBs in feed by Directive 2002/32/EC.

(4) Action levels are a tool for competent authorities and operators to highlight cases where it is appropriate to identify a source of contamination and to take measures for its reduction or elimination.

(5) 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.

(6) It is now appropriate to recommend that the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in free-range eggs, organic eggs, lamb and sheep liver, Chinese mitten crab, dried herbs and clays as food supplement be subject to an increased monitoring.

(7) It is furthermore appropriate to specify that the action levels expressed on product basis refer to wet weight.

(8) Recommendation 2011/516/EU should therefore be replaced by a new 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.

2. In addition to the monitoring referred to in point 1, Member States should monitor specifically the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in the following products:

(a) free range and organic eggs;

(b) liver of sheep and lamb;

⁽¹⁾ Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed (OJ L 140, 30.5.2002, p. 10).

⁽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⁾ Commission Recommendation 2011/516/EU of 23 August 2011 on the reduction of the presence of dioxins, furans and PCBs in feed and food (OJ L 218, 24.8.2011, p. 23).

- (c) Chinese mitten crab, with regard to:
- (i) muscle meat from appendages (separately);
 - (ii) brown meat (separately);
 - (iii) the total product (by calculation taking into account the levels found in muscle meat from appendages and brown meat and their relative proportion);
- (d) dried herbs (feed and food);
- (e) clays sold as food supplement.
3. 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, in cooperation with operators:
- (a) initiate investigations to identify the source of contamination;
- (b) take measures to reduce or eliminate the source of contamination.
4. Member States should submit all the occurrence data of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in feed and food to the European Food Safety Authority (EFSA). 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.

This Recommendation replaces Recommendation 2011/516/EU.

Done at Brussels, 3 December 2013.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

For the purposes of this Annex the following definitions apply:

- (a) 'Dioxins + furans (WHO-TEQ)' means the 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);
- (b) 'Dioxin-like PCBs (WHO-TEQ)' means the sum of polychlorinated biphenyls (PCBs), expressed as WHO toxic equivalent using the WHO-TEFs;
- (c) 'WHO-TEFs' means the World Health Organisation toxic equivalence factors for human risk assessment based on the conclusions of the World Health Organization (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 Organization 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⁾	0,50 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	1,50 pg/g wet weight	2,50 pg/g wet weight
Raw milk ⁽²⁾ and dairy products ⁽²⁾ , including butter fat	1,75 pg/g fat ⁽³⁾	2,00 pg/g fat ⁽³⁾
Hen eggs and egg products ⁽²⁾	1,75 pg/g fat ⁽³⁾	1,75 pg/g fat ⁽³⁾
Clays as food supplement	0,50 pg/g wet weight	0,35 pg/g wet weight
Fruits, vegetables (including fresh herbs) and cereals ⁽⁴⁾	0,30 pg/g wet weight	0,10 pg/g wet weight

⁽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.

⁽⁴⁾ For dried fruits and dried vegetables (including dried herbs) the action level is 0,5 pg/g for dioxins + furans and 0,35 pg/g for dioxin-like PCBs, expressed on the product as sold.