COMMISSION RECOMMENDATION (EU) 2022/1342

of 28 July 2022

on the monitoring of mercury in fish, crustaceans and molluscs

THE EUROPEAN COMMISSION,

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

Whereas:

(1) On 22 November 2012, the European Food Safety Authority ('the Authority') adopted an opinion on mercury and methylmercury in food ([1]). 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.

(2) 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 methylmercury ([2]). 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 one to two servings of seafood per week and up to three to four 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.

(3) On 19 December 2014, the Authority adopted a statement on the benefits of fish/seafood consumption compared to the risks of methylmercury in fish/seafood ([3]), where it concluded that, to achieve the benefits of fish consumption associated with one to four 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.

(4) Commission Regulation (EC) No 1881/2006 ([4]) sets maximum levels for mercury in muscle meat of fish, crustaceans, bivalve molluscs and food supplements.

(5) As recent occurrence data showed that there was a margin to lower the maximum levels for mercury in various fish species, the maximum levels for those fish species have been lowered by means of Commission Regulation (EU) 2022/617. ([5]) For other fish species such as shark and swordfish, despite some calls to increase the existing maximum levels, Regulation (EU) 2022/617 has maintaned them in view of the related health concerns, pending a further data collection and scientific assessment.

([1]) 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.

([2]) 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.

([3]) 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.

([4]) 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).

([5]) Commission Regulation (EU) 2022/617 of 12 April 2022 amending Regulation (EC) No 1881/2006 as regards maximum levels of mercury in fish and salt (OJ L 115, 13.4.2022, p. 60).

(6) Therefore, and in order to obtain detailed data on the effective impact of the lowered maximum levels for certain fish species on the overall consumer exposure to mercury, it is advisable that Member States report to the Authority on the occurrence of mercury in all fish species for both farmed and wild caught products from different production types.

(7) Furthermore, so far, most occurrence data are available for total mercury. As methylmercury is more toxic than inorganic mercury, occurrence data for both methylmercury and total mercury in the samples should be reported to help to calculate the ratio of methylmercury on total mercury in specific fish species. This would help to refine the exposure and risk assessments for mercury in food.

(8) Consumption advice for fish is an important risk management instrument in view of fully achieving the beneficial effects of fish consumption, whilst limiting the risks of mercury toxicity. However, the exposure data for specific fish species in the 2012 Authority opinion suggest a lack of knowledge or respect by consumers of the available consumption advice. It is therefore useful to recommend the development of national consumption advice by Member State competent authorities as well as an active communication of such an advice, leading to an increased awareness of such consumption advice. Due to the wide variety in fish species consumed across the Union, Member States should tailor consumption advice, taking into consideration their national pattern of fish consumption, especially the species of fish consumed. In the distribution of this national food consumption advice, Member States competent authorities should be assisted by all involved parties such as food business operators, relevant health care workers, universities, consumer organisations and other interested parties.

(9) In order to assess the impact of the consumption advice for fish on the consumer exposure, the Authority should carry out a survey on the effectiveness of the Member States' consumption advice.

(10) The collected occurrence data for mercury and the information on the effectiveness of the consumption advice will help to refine the consumer exposure assessment, which is needed for a future update of the consumer risk assessment for mercury. These assessments will allow to evaluate whether it might be appropriate to revise the maximum level for mercury in certain fish species.

HEREBY RECOMMENDS:

1. Member States should perform during the years 2022, 2023, 2024 and 2025 monitoring on the presence of methylmercury and total mercury in fish, crustaceans and molluscs. The monitoring should include a wide variety of fish-, crustacean- and mollusc species and should reflect consumption habits, in order to enable an accurate estimation of the consumer exposure to mercury. Data should be gathered for both farmed and wild caught products.

2. Member States should develop specific national consumption advice related to the consumption of fish, crustaceans and molluscs to fully achieve the beneficial effects of fish and seafood consumption, whilst limiting the risks of mercury toxicity. When developing this consumption advice, Member States should especially advise on the frequency of the consumption of fish, crustaceans and molluscs and the species consumed.

3. Member States, food business operators and other interested parties should communicate on a continuous basis the specific national consumption advice to the consumer as well as to relevant health care workers, working with the consumer groups most at risk.

4. Member States should inform the Commission and the Authority of their specific national consumption advice.

5. Member States should inform the Commission of their actions to communicate the national consumption advice to consumers and relevant health care workers.

6. Member States and food business operators should report on a regular basis to the Authority on the occurrence of total mercury and methylmercury in various fish, crustacean and mollusc species, with the information and in the electronic reporting format as set out by the Authority. When reporting the data, they should pay particular attention to specify the production type (wild, gathered or hunted versus farmed non organic production or farmed organic production).

Done at Brussels, 28 July 2022.

For the Commission
Stella KYRIAKIDES
Member of the Commission