



2024/1808

2.7.2024

COMMISSION REGULATION (EU) 2024/1808

of 1 July 2024

amending Regulation (EU) 2023/915 as regards the application date of lower maximum levels for ergot sclerotia and ergot alkaloids in food

(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 (EU) 2023/915 ⁽²⁾ sets maximum levels for certain contaminants, including ergot sclerotia and ergot alkaloids, in food.
- (2) Lower maximum levels for ergot sclerotia in unprocessed rye grains and ergot alkaloids in milling products of barley, wheat, spelt and oats (with an ash content lower than 900 mg/100 g dry matter), rye milling products and rye placed on the market for the final consumer are to apply from 1 July 2024 pursuant to points 1.8.1.2, 1.8.2.1 and 1.8.2.3 of the table in Annex I to Regulation (EU) 2023/915.
- (3) The Commission consulted Member States and interested parties in order to monitor progression towards those lower maximum levels and to assess those levels in the light of changes in agricultural practices, as well as in climatic and environmental factors.
- (4) Following a detailed examination of the information provided, it is concluded that the lower maximum levels are not yet achievable for ergot sclerotia in unprocessed rye grains and for ergot alkaloids in milling products of wheat (with an ash content lower than 900 mg/100 g dry matter), rye milling products and rye placed on the market for the final consumer because of an increase in the prevalence of ergot sclerotia and ergot alkaloids in cereals due to climatic conditions.
- (5) It is therefore appropriate to defer the application of the lower maximum levels for ergot sclerotia in unprocessed rye grains for 1 year and for ergot alkaloids in milling products of wheat (with an ash content lower than 900 mg/100 g dry matter), rye milling products and rye placed on the market for the final consumer for 4 years.
- (6) In order to allow for a smooth transition and not disrupt the trade of food from cereals harvested before the dates on which the lower maximum levels apply, food lawfully placed on the market before those dates, compliant with the maximum levels applicable at the time of placing on the market, should be allowed to remain on the market until their date of minimum durability or use-by date.
- (7) Regulation (EU) 2023/915 should therefore be amended accordingly.
- (8) 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, ELI: <http://data.europa.eu/eli/reg/1993/315/oj>.

⁽²⁾ Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103, ELI: <http://data.europa.eu/eli/reg/2023/915/oj>).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2023/915 is amended as follows:

- (1) Article 10(1) is amended as follows:
 - (a) the introductory phrase is replaced by the following:

‘Food lawfully placed on the market prior to the dates referred to in points (a) to (n) may remain on the market until their date of minimum durability or use-by date’;
 - (b) the following points are added:
 - ‘(l) 1 July 2024 as regards the maximum levels for ergot alkaloids set out in point 1.8.2.1 of Annex I;
 - (m) 1 July 2025 as regards the maximum levels for ergot sclerotia set out in point 1.8.1.2 of Annex I;
 - (n) 1 July 2028 as regards the maximum levels for ergot alkaloids set out in points 1.8.2.1a and 1.8.2.3 of Annex I.’;
- (2) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 1 July 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex I to Regulation (EU) 2023/915 is amended as follows:

(1) in the entry for ergot sclerotia, in the table, point 1.8.1.2 is replaced by the following:

'1.8.1.2	Unprocessed rye grains	0,5 0,2 as from 1 July 2025'	
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(2) in the entry for ergot alkaloids, in the table, point 1.8.2 is amended as follows:

(a) point 1.8.2.1 is replaced by the following:

'1.8.2.1	Milling products of barley, spelt and oats (with an ash content lower than 900 mg/100 g dry matter)	100 50 as from 1 July 2024'	
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(b) the following point 1.8.2.1a is inserted after point 1.8.2.1:

'1.8.2.1a	Milling products of wheat (with an ash content lower than 900 mg/100 g dry matter)	100 50 as from 1 July 2028'	
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(c) point 1.8.2.3 is replaced by the following:

'1.8.2.3	Rye milling products Rye placed on the market for the final consumer	500 250 as from 1 July 2028'	
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