

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.*

**SANTE 11184-2018 Rev0.**

**COMMISSION REGULATION (EU) .../...**

**of XXX**

**amending Regulation (EU) 1881/2006 as regards maximum levels of cadmium in certain foods.**

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<sup>1</sup>, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006<sup>2</sup> of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs sets maximum levels for cadmium in a range of foodstuffs.
- (2) The Scientific Panel on Contaminants in the Food Chain (Contam Panel) of the European Food Safety Authority (EFSA) adopted an opinion on cadmium in food on 30 January 2009<sup>3</sup>. The Contam Panel identified that cadmium is primarily toxic to the kidney, especially to the proximal tubular cells where it accumulates over time and may cause renal dysfunction. For the toxic effects on the kidneys, the CONTAM Panel established a tolerable weekly intake (TWI) for cadmium of 2.5 µg/kg b.w. EFSA concluded that the mean exposure for adults across the EU is close to, or slightly exceeding, the TWI and that subgroups such as vegetarians, children, smokers and people living in highly contaminated areas may exceed the TWI by about 2-fold. Therefore the CONTAM Panel concluded that the current exposure to Cd at the population level should be reduced.

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<sup>1</sup> OJ L 37, 13.2.1993, p. 1.

<sup>2</sup> 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).

<sup>3</sup> EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on cadmium in food. EFSA Journal 2009;980, 9.

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- (3) Taking into consideration the EFSA conclusions, new maximum levels for baby foods and chocolate/cocoa products have been established by means of Commission Regulation (EU) No 2014/488<sup>4</sup>. Furthermore, following the scientific opinions on cadmium of the Contam Panel, the Commission also investigated the possibilities to reduce some of the existing maximum levels for cadmium in foodstuffs that are major contributors to exposure such as cereals, vegetables and potatoes.
- (4) As the cadmium presence in foodstuffs is not uniform, but highly variable depending for instance on the geographical location of the growing area, on the availability of cadmium from soil, on different plant varieties with different patterns of cadmium accumulation and on anthropogenic factors such as agricultural use of sewage sludge, manure or phosphate fertilisers and other factors, the Commission considered that an immediate reduction of the existing maximum levels would be difficult to achieve. Therefore it adopted Commission Recommendation (EU) 2014/193/EU<sup>5</sup>, which recommends Member States to implement mitigation measures for cadmium in food and to regularly monitor the progress of the mitigation measures by collecting occurrence data on cadmium levels in food by February 2018.
- (5) An evaluation of the most recent occurrence data gathered after the implementation of the mitigation measures now shows that it would be appropriate to lower the MLs for cadmium in various foodstuffs.
- (6) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

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*

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.

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<sup>4</sup> Commission Regulation (EU) No 2014/488 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuffs (OJ L 138, 13.5.2014, p. 75).

<sup>5</sup> Commission Recommendation 2014/193/EU of 4 April 2014 on the on the reduction of the presence of cadmium in foodstuffs (OJ L 104, 8.4.2014, p. 80).

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Done at Brussels,