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COMMISSION RECOMMENDATION (EU) XXXX/XXXX

of **XXX**

on the monitoring of metals and iodine in algae, halophytes and products based on algae (SANTE PLAN 2026-XXXX-Rev1).

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

Whereas:

- (1) Cadmium, inorganic arsenic, lead, nickel and iodine are commonly found in seaweed.
- (2) In view of the various health risks, which were identified by the European Food Safety Authority ('the Authority') for cadmium, inorganic arsenic and lead, by means of Recommendation (EU) 2018/464¹, the Commission recommended Member States to analyse in 2018, 2019 and 2020 cadmium, inorganic arsenic and lead in seaweed and halophytes.
- (3) Taking into account the occurrence data that were collected under that Recommendation in Annex I to Commission Regulation (EU) 2023/915² maximum levels for cadmium, inorganic arsenic and lead in seaweed were established.
- (4) In 2002 the Scientific Committee for Food established a tolerable upper intake level (UL) for iodine intake of 600 µg/day for adults and of 200 µg a day for children of 1-3 years. As it indicated that the ingestion of iodine-rich algal products can lead to dangerously excessive iodine intakes, it was also recommended to gather occurrence data for iodine in seaweed and halophytes under Recommendation (EU) 2018/464.
- (5) By means of Commission Recommendation (EU) 2016/1111³ Member States were recommended to monitor the presence of nickel in food in 2016, 2017 and 2018.
- (6) Taking into account the occurrence data gathered under that Recommendation as well as the availability of new scientific information, on 24 September 2020 the Authority

¹ Commission Recommendation (EU) 2018/464 of 19 March 2018 on the monitoring of metals and iodine in seaweed, halophytes and products based on seaweed (OJ L 78, 21.3.2018, p. 16, ELI: <http://data.europa.eu/eli/reco/2018/464/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>).

³ Commission Recommendation (EU) 2016/1111 of 6 July 2016 on the monitoring of nickel in food (OJ L 183, 8.7.2016, p. 70, ELI: <http://data.europa.eu/eli/reco/2016/1111/oj>).

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adopted an update of the risk assessment of nickel in food and drinking water.⁴ Following this opinion maximum levels for nickel were established in the Annex to Regulation (EU) 2023/915 for various foods, amongst which seaweed.

- (7) For halophytes and microalgae, insufficient occurrence data were available to assess the need for possible maximum levels for cadmium, inorganic arsenic, lead and nickel. Therefore, it should be recommended to collect further occurrence data for metals in these foods.
- (8) Currently limited occurrence data are available for metals in food products containing algae. As such data would be useful for establishing specific maximum levels for these foods, more occurrence data should be collected.
- (9) For iodine in algae, including microalgae and halophytes and in food products containing algae further data should be collected in order to allow discussions on the need for possible future maximum levels for iodine.
- (10) In order to ensure that the samples are representative for the sampled lot and that the analytical results are reliable and comparable, Commission Regulation (EC) No 333/2007⁵ should be followed.
- (11) Because certain food processing activities can help to reduce the concentrations of metals and iodine in algae, further information should be collected on the effectiveness of these processes.
- (12) In order to provide guidance for the application of processes for the reduction of iodine levels in algae and algae containing foods, it is appropriate to recommend an indicative level for the concentration of iodine in algae placed on the market to the final consumer and in foods containing algae. This indicative level should not affect the possibility to place any food on the market, but measures to reduce the iodine levels should be applied, when the concentration of iodine exceeds this level.
- (13) Consumption advice for iodine in algae is an important risk management instrument in view of limiting the risks of exposure to high iodine concentrations from algae. It is therefore useful to recommend the development of national consumption advice by Member State competent authorities as well as the active communication of such an advice, leading to an increased awareness of such consumption advice. Due to the variety in algae species consumed across the Union, Member States should tailor the consumption advice, taking into consideration their national pattern of algae consumption, especially the species of the consumed algae.

⁴ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific Opinion on an update of the risk assessment of nickel in food and drinking water. EFSA Journal 2020;18(11):6268, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2020.6268>.

⁵ Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs (OJ L 88, 29.3.2007, p. 29), ELI: <http://data.europa.eu/eli/reg/2007/333/oj>.

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HEREBY RECOMMENDS:

1. Member States, in collaboration with food business operators, should monitor during the years 2027, 2028 and 2029 the presence of cadmium, inorganic arsenic, lead, nickel and iodine in algae, including microalgae and halophytes and in food products containing algae.
2. Information should be collected on measures that can be taken, to reduce the concentrations of metals and iodine in algae and products containing algae, such as but not restricted to washing or soaking in cold or warm sweet or seawater, blanching in sweet or sea water or applying structural changes to the algae such as cutting, ultrasound or pulsed electrical field treatment. These studies should be carried out on untreated and treated algae from the same batch and the temperature, duration of the treatment, the type of water and the PH should be recorded, where relevant.
3. For the monitoring of food, the sampling procedures as laid down in Commission Regulation (EC) No 333/2007 should be followed, in order to ensure that the samples are representative for the sampled lot.
4. Further measures to reduce the iodine levels are recommended to be taken when the indicative level of 1.0 gram/kilogram is exceeded for dry algae placed on the market to the final consumer. For fresh algae placed on the market to the final consumer this indicative level applies on a dry matter basis. For food containing algae as an ingredient and placed on the market to the final consumer, it is recommended to take into account the following aspects, when applying the indicative level set out in this point:
 - (a) changes of the concentration of the contaminant caused by drying or dilution processes;
 - (b) changes of the concentration caused by processing;
 - (c) the relative proportions of the ingredients in the product;
 - (d) the analytical limit of quantification.Member States are recommended not to restrict the placing on the market of food only because this indicative level is exceeded.
5. Member States should develop specific national consumption advice related to the consumption of algae in view of limiting the risks of exposure to high iodine concentrations. When developing this consumption advice, Member States should especially advise on the frequency of the consumption of algae and the species consumed.
6. 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.

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7. Member States and food business operators should provide the monitoring data to the Authority on a regular basis, together with the information and in the electronic reporting format as set out by the Authority, for compilation into one database. When reporting data, the Latin name of the algae species should be indicated and whether fresh or dried algae or processed products were analysed. Where possible, also the origin of the products (wild or cultivated), the date and location of harvest and possible information on the label of the end products should be reported.

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