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SANTE PLAN 2023 1673 Rev4.

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

of XXX

amending Regulation (EU) 2023/915 as regards maximum levels for cadmium, inorganic arsenic and lead in seaweed.

(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 food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EU) 2023/915² sets maximum levels for cadmium, inorganic arsenic and lead for various foodstuffs.
- (2) In view of the occurrence of cadmium, inorganic arsenic and lead in seaweed and halophytes and in view of the various health risks which were identified by the European Food Safety Authority ('the Authority') for these metals, by means of Recommendation (EU) 2018/464³, the Commission recommended Member States to analyse in 2018, 2019 and 2020 cadmium, inorganic arsenic and lead in seaweed and halophytes.
- (3) In 2023 the Authority published its scientific report on the dietary exposure to heavy metals and iodine via the consumption of seaweeds and halophytes in the European

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>).

³ 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>).

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population.⁴ The Authority concluded that the consumption of seaweeds can lead to a significantly increased additional exposure to cadmium, inorganic arsenic and lead, for which the intake from a diet without seaweed already exceeds the health-based guidance values.

- (4) In order to continue lowering the exposure of the population to cadmium, inorganic arsenic and lead in seaweed, it is therefore appropriate to establish maximum levels for cadmium, inorganic arsenic and lead in seaweed.
- (5) Regulation (EU) 2023/915 should therefore be amended accordingly.
- (6) Taking into account that certain foodstuffs covered by this Regulation have a long shelf life and in order to prevent food waste, seaweeds that were lawfully placed on the market before the date of entry into force of this Regulation, should be allowed to remain on the market until their date of minimum durability or use-by date.
- (7) A reasonable period should be provided to allow food business operators to adapt to the maximum levels set out in this Regulation.
- (8) 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

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 (v) may remain on the market until their date of minimum durability or use-by date.’;
 - (b) the following point is added:
‘[Publications office, please add the following letter (v)] [Publications office, please include the *date of application* of this Regulation] as regards the maximum levels for lead, cadmium and inorganic arsenic set out in points 3.1.29, 3.2.22 and 3.4.9 of Annex I;
- (2) Annex I is amended in accordance with the Annex to this Regulation.

⁴ Dietary exposure to heavy metals and iodine intake via consumption of seaweeds and halophytes in the European population, EFSA Journal 2023; 21(1):7798, <https://doi.org/10.2903/j.efsa.2023.7798>.

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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*.

It shall apply from 1 January 2028.

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

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