*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 consultation and discussion.*

ANNEX

In Section 8 of the Annex to Regulation (EC) No 1881/2006, the following entry is added:

|  |  |
| --- | --- |
| Foodstuffs (1) | Maximum level (\*)(µg/kg) |
| **‘8.4** | **Pyrrolizidine alkaloids**  |  |
| 8.4.1. | Herbal infusions (dried product) (\*\*) (\*\*\*) with the exception of the herbal infusions referred to in 8.4.2 and 8.4.4.  | 200  |
| 8.4.2. | Herbal infusions exclusively composed of Rooibos, Anise, Lemon balm, Chamomile *(Matricaria chamomilla)*, thyme, peppermint, Lemon verbena (dried product) (\*\*) (\*\*\*) with the exception of the herbal infusions referred to in 8.4.4. | 400  |
| 8.4.3. | Tea (*Camellia sinensis)* and flavoured tea (\*\*\*\*)(*Camellia sinensis)* (dried product) (\*\*\*) with the exception of the tea referred to in 8.4.4. | 150  |
| 8.4.4. | Tea (*Camellia sinensis)* and herbal infusions for infants and young children (dried product) | 75 |
| 8.4.5. | Tea (*Camellia sinensis)* and herbal infusions for infants and young children (liquid) | 1.0 |
| 8.4.6 | Food supplements containing herbal ingredients (\*\*) (\*\*\*\*\*) with the exception of the food supplements referred to in 8.4.7. (39) | 400 |
| 8.4.7. | Pollen based food supplements (39)Pollen and pollen products (39) | 500 |
| 8.4.8. | Borage (fresh, frozen) placed on the market for the final consumer (\*\*) | 750 |
| 8.4.9. | Dried herbs with the exception of the dried herbs referred to in 8.4.10 (\*\*) | 400 |
| 8.4.10 | Dried herbs exclusively composed of borage, lovage, marjoram and oregano (*dried*) (\*\*) | 1000 |
| 8.4.11 | Cumin seeds (seed spice) | 400 |

(\*) The maximum level refers to the lowerbound sum of the following 21 pyrrolizidine alkaloids

* intermedine/lycopsamine, intermedine-N-oxide/lycopsamine-N-oxide,
* senecionine/senecivernine, senecionine-N-oxide/senecivernine-N-oxide,
* seneci(o)phylline, seneciphylline-N-oxide,
* retrorsine, retrorsine-N-oxide,
* Echimidine, echimidine-N-oxide,
* lasiocarpine, lasiocarpine-N-oxide,
* Senkirkine
* europine, europine-N-oxide,
* heliotrine and heliotrine-N-oxide.

and the following additional 14 pyrrolizidine alkaloids known to co-elute with one or more of the above identified 21 pyrrolizidine alkaloids, making use of certain currently used analytical methods

Indicine, echinatine, rinderine (possible co-elution with lycopsamine/intermedine )

Indicine-N-oxide, echinatine-N-oxide, rinderine-N-toxine (possible co-elution with lycopsamine-N-oxide/intermedine-N-oxide)

Integerrimine (possible co-elution with senecivernine)

Integerrimine-N-oxide (possible co-elution with senecivernine-N-oxide)

Heliosupine (possible co-elution with echimidine)

Heliosupine-N-oxide (possible co-elution with echimidine-N-oxide)

Spartioidine (possible co-elution with seneciphylline)

Spartioidine-N-oxide (possible co-elution with seneciphylline-N-oxide)

Usaramine (possible co-elution with retrorsine)

Usaramine N-oxide (possible co-elution with retrorsine N-oxide)

Given that these 14 pyrrolizidine alkaloids are possibly co-eluting they are not to be individually and separately identified and quantified. In case these pyrrolizidine alkaloids or some of them can be individually and separately identified with the used method of analysis, they have to be quantified and included in the sum.

(\*\*) without prejudice to more restrictive national rules in certain Member States on the placing of the market of pyrrolizidine alkaloid containing plants.

(\*\*\*) the terms “herbal infusions (dried product)” and “Tea (Camellia sinensis) (dried product)” refer to

* dried herbs/tea (in sachets or in bulk) used for the preparation of herbal tea/tea
* Instant herbal teas/teas

(\*\*\*\*) flavoured tea is tea with flavourings and certain food ingredients with flavouring properties, as defined in Regulation (EC) No 1334/2008. of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods of the Council of 16 December 2008 for use in and on foods.

For teas with fruits and other herbs, the provisions of article 2 of Regulation (EC) 1881/2006 apply

(\*\*\*\*\*) Herbal ingredients include extracts also from *Camellia sinensis*