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COMMISSION

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ANNEX

ANNEX

to the

Commission Regulation

amending Regulation (EU) 2023/915 as regards maximum levels of 3-monochloropropanediol (3-MCPD), 3-MCPD fatty acid esters and glycidyl fatty acid esters in certain foods.

ANNEX

In Annex I, section 5, subsections 5.3 ‘Sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD’ and 5.4 ‘Glycidyl fatty acid esters, expressed as glycidol’ are replaced by the following:

‘5.3	Sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, expressed as 3-MCPD	Maximum levels (µg/kg)	Remarks
			For the sum of 3-monochloropropanediol (3-MCPD) and 3-MCPD fatty acid esters, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
5.3.1	Vegetable oils and fats, fish oils and oils from other marine organisms except products listed in 5.3.2 placed on the market for the final consumer or for use as an ingredient in food falling within the following categories:		Except virgin olive oils ⁽⁷⁾ .
5.3.1.1	oils and fats from coconut, maize, rapeseed, sunflower, soybean, palm kernel and olive oils (composed of refined olive oil and virgin olive oil) ⁽⁷⁾ . and mixtures of oils and fats with oils and fats only from this category	1250	Except virgin olive oils ⁽⁷⁾ .
5.3.1.2	other vegetable oils, fish oils and oils from other marine organisms and mixtures of oils and fats with oils and fats only from this category	2500	Including refined olive oil ⁽⁷⁾ and pomace olive oils ⁽⁷⁾ .

5.3.1.3	mixtures of oils and fats from products listed in 5.3.1.1 and 5.3.1.2	-	<p>The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat. Therefore, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture, shall not exceed the level calculated in accordance with Article 3(1), point (c).</p> <p>In case the quantitative composition is not known for the competent authority and the food business operator, not producing the mixture, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture shall in any case not exceed 2 500 µg/kg.</p>
5.3.2	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children ⁽³⁾	750 500 as from 1 January 2027	When the product is a mixture of different oils or fats of the same or of different botanical origins, the maximum level applies for the mixture. The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat in point 5.3.1.
5.3.3	Infant formulae, follow-on formulae and food for special medical purposes intended for infants and young children ⁽³⁾ and young-child formulae ⁽⁴⁾		The maximum level applies to the product as placed on the market.
5.3.3.1	placed on the market as powder	80	
5.3.3.2	placed on the market as liquid	12	
5.3.4.	Baby food ⁽³⁾ Processed cereal based food for infants and young children ⁽³⁾	50 as from 1 January 2027	The maximum level applies to the product as placed on the market.

5.3.5	Compound food containing more than 5 % fat and containing added vegetable oils and fats and/or fish oils and/or oils from other marine organisms except <ul style="list-style-type: none"> - products listed in 5.3.3. and 5.3.4. - fried battered meat and fish 		<p>The maximum levels refer to the fat content.</p> <p>The fat content is as declared on the label or in case the labelled fat content is not available, as extracted for analysis.</p>
5.3.5.1	Containing only oils and fats listed in 5.3.1.1.	1250 µg/kg fat	
5.3.5.2	Containing only oils and fats listed in 5.3.1.2.	2500 µg/kg fat	
5.3.5.3	Containing mixtures of oils and fats referred to in 5.3.1.3.		<p>The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat. Therefore, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture, shall not exceed the level calculated in accordance with Article 3(1), point (c).</p> <p>In case the quantitative composition is not known for the competent authority and the food business operator, not producing the mixture, the level of the sum of 3-MCPD and 3-MCPD fatty acid esters, expressed as 3-MCPD in the mixture shall in any case not exceed 2 500 µg/kg.</p>

5.4	Glycidyl fatty acid esters, expressed as glycidol	Maximum levels (µg/kg)	Remarks
		The maximum level refers to the sum of glycidyl esters, 3-MBPD fatty acid esters and 3-MIPD fatty acid esters.	In case of use of a direct method to determine glycidyl esters, for the sum of glycidyl esters, 3-MBPD fatty acid esters and 3-MIPD fatty acid esters, maximum levels refer to lower bound concentrations, which are calculated on the assumption that all the values below the limit of quantification are zero.
5.4.1	Vegetable oils and fats, fish oils and oils from other marine organisms placed on the market for the final consumer or for use as an ingredient in food except products listed in 5.4.2	1000	Except virgin olive oils ⁽⁷⁾ .
5.4.2	Vegetable oils and fats, fish oils and oils from other marine organisms destined for the production of baby food and processed cereal-based food for infants and young children ⁽³⁾	500 250 as from 1 January 2027	When the product is a mixture of different oils or fats of the same or of different botanical origins, the maximum level applies for the mixture. The oils and fats used as ingredient for the mixture shall comply with the maximum level established for the oil and fat in point 5.4.1.
5.4.3	Infant formulae, follow-on formulae and food for special medical purposes intended for infants and young children ⁽³⁾ and young-child formulae ⁽⁴⁾		The maximum level applies to the product as placed on the market.
5.4.3.1	placed on the market as powder	50	
5.4.3.2	placed on the market as liquid	6,0	

5.4.4	Baby food ⁽³⁾ Processed cereal based food for infants and young children ⁽³⁾	25 As from 1 January 2027	The maximum level applies to the product as placed on the market.
5.4.5	Compound food containing more than 5 % fat and containing added vegetable oils and fats and/or fish oils and/or oils from other marine organisms except products listed in 5.4.3. and 5.4.4.	1000	The MLs refer to the fat content. The fat content is as declared on the label or in case the labelled fat content is not available, as extracted for analysis.'