EUROPEAN
COMMISSION

Brussels, XXX
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COMMISSION REGULATION (EU) …/…

of XXX

amending Regulation (EU) 2019/1871 as regards the application of reference points for action for nitrofurans and their metabolites

(Text with EEA relevance)

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amending Regulation (EU) 2019/1871 as regards the application of reference points for action for nitrofurans and their metabolites

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council[1], and in particular Article 18 thereof,

Whereas:

(1) Commission Regulation (EU) 2019/1871[2] establishes reference points for action ('RPA') for certain non-allowed pharmacologically active substances present in food of animal origin, for which no maximum residue limits have been laid down.

(2) In view of new scientific developments, some Member States are able to detect nitrofurans (and their metabolites) other than those mentioned in the Annex to that Regulation. It should be clarified that the RPA are also applicable to such substances.

(3) Certain foods of animal origin are exempt from the enforcement of the RPA as regards semicarbazide under the conditions set out in the footnotes to the table in the Annex to Regulation (EU) 2019/1871. Article 5 of that Regulation states that food of animal origin containing residues of a pharmacologically active substance in a concentration at or above the RPA, are to be considered not to comply with Union legislation and are not to enter the food chain. Since the footnotes cover only findings above the RPA, they should be amended to cover also cases where the occurrence of semicarbazide is at the level of the RPA.

(4) Regulation (EU) 2019/1871 should be amended accordingly.

(5) 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 table in the Annex to Regulation (EU) 2019/1871 is replaced by the following:

[1] OJ L 152, 16.6.2009, p. 11, ELI: http://data.europa.eu/eli/reg/2009/470/oj.

[2] Commission Regulation (EU) 2019/1871 of 7 November 2019 on reference points for action for non-allowed pharmacologically active substances present in food of animal origin and repealing Decision 2005/34/EC (OJ L 289, 8.11.2019, p. 41, ELI: http://data.europa.eu/eli/reg/2019/1871/oj).

‘**Substance**	**RPA (µg/kg)**	**Other provisions**
Chloramphenicol	0,15	
Malachite green	0,5	0,5 µg/kg for the sum of malachite green and leucomalachite green
Nitrofurans and their metabolites	0,5 ([1])([2])	0,5 µg/kg for each of the nitrofurans or metabolites of furazolidone (AOZ or 3-amino-2-oxazolidinone), furaltadone (AMOZ or 3-amino-5-methylmorpholino-2-oxazolidinone), nitrofurantoin (AHD or 1-aminohydantoin), nitrofurazone (SEM or semicarbazide) and nifursol (DNSH or 3,5-dinitrosalicylic acid hydrazide). In case other nitrofurans or nitrofuran metabolites are analysed, the RPA is also applicable to those other nitrofurans or nitrofuran metabolites.

([1]) Due to the natural occurrence of SEM in crayfish at levels at or above the RPA, only levels of other nitrofurans and their metabolites at and above the RPA are a clear indication of the illegal use of nitrofurans and their metabolites. The RPA of 0,5 µg/kg for SEM in crayfish shall only be applied when the illegal use of nitrofurazone or SEM on crayfish has been established, i.e. at least one of the other nitrofuran metabolites has been detected.

([2]) Due to the occurrence of SEM at levels at or above the RPA as the consequence of processing in gelatine, collagen, collagen hydrolysate, hydrolysed cartilage products, spray dried blood products, whey and milk protein concentrates, caseinates and milk powder (excluding infant formulae and follow-on formulae), only levels of other nitrofurans and their metabolites at and above the RPA are a clear indication of the illegal use of nitrofurans and their metabolites. The RPA of 0,5 µg/kg for SEM in gelatine, collagen, collagen hydrolysate, hydrolysed cartilage products, spray dried blood products, whey and milk protein concentrates, caseinates and milk powder (excluding infant formulae and follow-on formulae) shall only be applied, when the illegal use of nitrofurazone or SEM has been established, i.e. at least one of the other nitrofuran metabolites has been detected.’.

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.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN