

COMMISSION REGULATION (EU) 2021/1323**of 10 August 2021****amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in certain foodstuffs****(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 food ⁽¹⁾, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽²⁾ sets maximum levels for cadmium (Cd) in a range of foodstuffs.
- (2) On 30 January 2009, the European Food Safety Authority ('the Authority') adopted an opinion on cadmium in food ⁽³⁾. The Authority concluded that cadmium is primarily toxic to the kidney, especially to the proximal tubular cells where it accumulates over time and may cause renal dysfunction. In view of the toxic effects of cadmium on the kidneys, the Authority established a tolerable weekly intake for cadmium of 2,5 µg/kg body weight. The Authority further concluded that the mean exposure for adults across the Union is close to, or slightly exceeds, the tolerable weekly intake. It also concluded that subgroups such as vegetarians, children, smokers and people living in highly contaminated areas may exceed the tolerable weekly intake by about 2-fold. Therefore, the CONTAM Panel concluded that the current exposure to cadmium at the population level needs to be reduced. Following that opinion, the Authority issued, on 17 January 2012, a scientific report where it confirmed that children and adults at the 95th percentile exposure could exceed the health-based guidance values ⁽⁴⁾.
- (3) Taking into account the Authority's opinion and scientific report, new maximum levels for baby foods and chocolate/cocoa products were established under Commission Regulation (EU) No 488/2014 ⁽⁵⁾.
- (4) However, the Commission considered that an immediate reduction of the existing MLs was not appropriate at the time. Therefore, it adopted Commission Recommendation 2014/193/EU ⁽⁶⁾, which called on Member States to ensure that the already available mitigation methods were communicated and promoted to farmers and started or continued to be implemented, to regularly monitor the progress of the mitigation measures by collecting occurrence data on cadmium levels in foodstuffs and to report the data, in particular on cadmium levels close to or exceeding the maximum levels, by February 2018.
- (5) An evaluation of the most recent occurrence data gathered after the implementation of the mitigation measures shows that it is now achievable to reduce the presence of cadmium in many foodstuffs. Therefore, it is appropriate to lower the existing maximum levels for cadmium or to establish maximum levels for those foodstuffs.
- (6) Regulation (EC) No 1881/2006 should therefore be amended accordingly.

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽³⁾ EFSA Panel on Contaminants in the Food Chain (CONTAM); Scientific opinion on cadmium in food. *EFSA Journal* 2009(980) 1-139, <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2009.980>.

⁽⁴⁾ Scientific Report of EFSA on Cadmium dietary exposure in the European population. *EFSA Journal* 2012;10(1), 2551 [37 pp.], <https://efsa.onlinelibrary.wiley.com/doi/epdf/10.2903/j.efsa.2012.2551>.

⁽⁵⁾ Commission Regulation (EU) No 488/2014 of 12 May 2014 amending Regulation (EC) No 1881/2006 as regards maximum levels of cadmium in foodstuffs (OJ L 138, 13.5.2014, p. 75).

⁽⁶⁾ Commission Recommendation 2014/193/EU of 4 April 2014 on the on the reduction of the presence of cadmium in foodstuffs (OJ L 104, 8.4.2014, p. 80).

- (7) Given that cadmium is an indirect genotoxic carcinogen, and consequently its presence is a higher risk for public health, products containing cadmium, which do not comply with the new maximum levels, and which were placed on the market before the entry into force of this Regulation, should only be allowed to remain on the market for a limited period of time.
- (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

The Annex to Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

Article 2

Foodstuffs listed in the Annex that were lawfully placed on the market before the entry into force may remain on the market until 28 February 2022.

Article 3

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, 10 August 2021.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Section 3: Metals of the Annex to Regulation (EC) No 1881/2006, subsection 3.2 (Cadmium) is replaced by the following:

	Foodstuffs ⁽¹⁾	Maximum level (mg/kg wet weight)
3.2	Cadmium	
3.2.1	Fruits ⁽²⁷⁾ and tree nuts ⁽²⁷⁾	
3.2.1.1	Citrus fruits, pome fruits, stone fruits, table olives, kiwi fruits, bananas, mangoes, papayas and pineapples	0,020
3.2.1.2	Berries and small fruits, except raspberries	0,030
3.2.1.3	Raspberries	0,040
3.2.1.4	Fruits, except those listed under 3.2.1.1, 3.2.1.2 and 3.2.1.3	0,050
3.2.1.5	Tree nuts ^(*)	
3.2.1.5.1	Tree nuts, except those listed under 3.2.1.5.2	0,20
3.2.1.5.2	Pine nuts	0,30
3.2.2	Root and tuber vegetables ⁽²⁷⁾	
3.2.2.1	Root and tuber vegetables, except those listed under 3.2.2.2, 3.2.2.3, 3.2.2.4, 3.2.2.5 and 3.2.2.6. For potatoes, the maximum level applies to peeled potatoes.	0,10
3.2.2.2	Radishes	0,020
3.2.2.3	Tropical roots and tubers, parsley roots, turnips	0,050
3.2.2.4	Beetroots	0,060
3.2.2.5	Celeriac	0,15
3.2.2.6	Horseradish, parsnips, salsify	0,20
3.2.3	Bulb vegetables ⁽²⁷⁾	
3.2.3.1	Bulb vegetables, except garlic	0,030
3.2.3.2	Garlic	0,050
3.2.4	Fruiting vegetables ⁽²⁷⁾	
3.2.4.1	Fruiting vegetables, except aubergines	0,020
3.2.4.2	Aubergines	0,030
3.2.5	Brassica vegetables ⁽²⁷⁾	
3.2.5.1	Brassica, other than leafy brassica	0,040
3.2.5.2	Leafy brassica	0,10
3.2.6	Leaf vegetables and herbs ⁽²⁷⁾	
3.2.6.1	Leaf vegetables, except those listed under point 3.2.6.2	0,10
3.2.6.2	Spinaches and similar leaves, mustard seedlings and fresh herbs	0,20
3.2.7	Legume vegetables ⁽²⁷⁾	0,020

3.2.8	Stem vegetables ⁽²⁷⁾	
3.2.8.1	Stem vegetables, other than those listed under point 3.2.8.2 and 3.2.8.3	0,030
3.2.8.2	Leeks	0,040
3.2.8.3	Celeries	0,10
3.2.9	Fungi ⁽²⁷⁾	
3.2.9.1	Cultivated fungi, other than those listed under point 3.2.9.2	0,050
3.2.9.2	<i>Lentinula edodes</i> (Shiitake mushroom) and <i>Pleurotus, ostreatus</i> (Oyster mushroom)	0,15
3.2.9.3	Wild fungi	0,50
3.2.10	Pulses and proteins from pulses	
3.2.10.1	Pulses, except proteins from pulses	0,040
3.2.10.2	Proteins from pulses	0,10
3.2.11	Oilseeds (*)	
3.2.11.1	Oilseeds, except those listed under 3.2.11.2, 3.2.11.3, 3.2.11.4, 3.2.11.5 and 3.2.11.6	0,10
3.2.11.2	Rape seeds	0,15
3.2.11.3	Peanuts and soy beans	0,20
3.2.11.4	Mustard seeds	0,30
3.2.11.5	Linseed and sunflower seed	0,50
3.2.11.6	Poppy seed	1,20
3.2.12	Cereals (**)	
3.2.12.1	Cereals other than those listed under 3.2.12.2, 3.2.12.3, 3.2.12.4 and 3.2.12.5	0,10
3.2.12.2	Rye and barley	0,050
3.2.12.3	Rice, quinoa, wheat bran and wheat gluten	0,15
3.2.12.4	<i>Triticum durum</i> (durum wheat)	0,18
3.2.12.5	Wheat germ	0,20
3.2.13	Specific cocoa and chocolate products as listed below ⁽⁴⁹⁾	
3.2.13.1	— Milk chocolate with < 30 % total dry cocoa solids	0,10
3.2.13.2	— Chocolate with < 50 % total dry cocoa solids; milk chocolate with ≥ 30 % total dry cocoa solids	0,30
3.2.13.3	— Chocolate with ≥ 50 % total dry cocoa solids	0,80
3.2.13.4	— Cocoa powder sold to the final consumer or as an ingredient in sweetened cocoa powder sold to the final consumer (drinking chocolate)	0,60
3.2.14	Products of animal origin – terrestrial animals ⁽⁶⁾	
3.2.14.1	Meat (excluding offal) of bovine animals, sheep, pig and poultry	0,050

3.2.14.2	Horsemeat, excluding offal	0,20
3.2.14.3	Liver of bovine animals, sheep, pig, poultry and horse	0,50
3.2.14.4	Kidney of bovine animals, sheep, pig, poultry and horse	1,0
3.2.15	Products of animal origin- fish, fish products and any other marine and freshwater food products	
3.2.15.1	Muscle meat of fish ⁽²⁴⁾ ⁽²⁵⁾ , excluding species listed under points 3.2.15.2, 3.2.15.3 and 3.2.15.4	0,050
3.2.15.2	Muscle meat of the following fish ⁽²⁴⁾ ⁽²⁵⁾ : mackerel (<i>Scomber species</i>), tuna (<i>Thunnus species</i> , <i>Katsuwonus pelamis</i> , <i>Euthynnus species</i>), bichique (<i>Sicyopterus lagocephalus</i>)	0,10
3.2.15.3	Muscle meat of the following fish ⁽²⁴⁾ ⁽²⁵⁾ : bullet tuna (<i>Auxis species</i>)	0,15
3.2.15.4	Muscle meat of the following fish ⁽²⁴⁾ ⁽²⁵⁾ : anchovy (<i>Engraulis species</i>), swordfish (<i>Xiphias gladius</i>), sardine (<i>Sardina pilchardus</i>)	0,25
3.2.15.5	Crustaceans ⁽²⁶⁾ : muscle meat from appendages and abdomen ⁽⁴⁴⁾ . In case of crabs and crab-like crustaceans (<i>Brachyura</i> and <i>Anomura</i>) muscle meat from appendages.	0,50
3.2.15.6	Bivalve molluscs ⁽²⁶⁾	1,0
3.2.15.7	Cephalopods (without viscera) ⁽²⁶⁾	1,0
3.2.16	Infant formulae, follow-on formulae and foods for special medical purposes intended for infants and young children ⁽³⁾ ⁽²⁹⁾ and young child formulae ⁽²⁹⁾ ⁽⁵⁷⁾	
3.2.16.1	— marketed as powder and manufactured from cow's milk proteins or from cow's milk protein hydrolysates	0,010
3.2.16.2	— marketed as liquid and manufactured from cow's milk proteins or from cow's milk protein hydrolysates	0,005
3.2.16.3	— marketed as powder and manufactured from soya protein isolates, alone or in a mixture with cow's milk proteins	0,020
3.2.16.4	— marketed as liquid and manufactured from soya protein isolates, alone or in a mixture with cow's milk proteins	0,010
3.2.17	Young child formulae ⁽²⁹⁾ ⁽⁵⁷⁾	
3.2.17.1	— marketed as powder and manufactured from plant protein isolates other than soya protein isolates, alone or in a mixture with cow's milk proteins	0,020
3.2.17.2	— marketed as liquids and manufactured from plant protein isolates other than soya protein isolates, alone or in a mixture with cow's milk proteins	0,010

3.2.18	Processed cereal-based foods and baby foods for infants and young children ⁽³⁾ ⁽²⁹⁾	0,040
3.2.19	Drinks for infants and young children labelled and sold as such, other than those mentioned in 3.2.16 and 3.2.17	
3.2.19.1	Marketed as liquids or to be reconstituted following instructions of the manufacturer including fruit juices ⁽⁴⁾	0,020
3.2.20	Food supplements ⁽³⁹⁾	
3.2.20.1	Food supplements, except food supplements listed in point 3.2.20.2	1,0
3.2.20.2	Food supplements consisting exclusively or mainly of dried seaweed, products derived from seaweed, or of dried bivalve molluscs	3,0
3.2.21	Salt	0,50

(*) The maximum levels do not apply to tree nuts or oilseeds for crushing and oil refining, provided that the remaining pressed tree nuts or oilseeds are not placed on the market as food. In case the remaining pressed tree nuts or oilseeds are placed on the market as food, the maximum levels apply, taking into account Articles 2(1) and 2(2) of this Regulation.

(**) The maximum levels do not apply to cereals used for malt for beer or distillates production, provided that the remaining malt is not placed on the market as food. In case the remaining malt is placed on the market as food, the maximum levels apply, taking into account Articles 2(1) and 2(2) of this Regulation.'