



EUROPEAN
COMMISSION

Brussels, **XXX**
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[...](2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of polycyclic aromatic hydrocarbons (PAHs) in traditionally smoked meat and meat products and traditionally smoked fish and fishery products

(Text with EEA relevance)

**WORKING DOCUMENT – DOES NOT NECESSARILY
REPRESENT THE VIEWS OF THE COMMISSION
SERVICES**

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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 (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs² sets maximum levels for polycyclic aromatic hydrocarbons (PAHs) in food, including smoked meat and meat products and smoked fish and fish products
- (2) Maximum levels for PAHs must be safe and as low as reasonably achievable (ALARA) based upon good manufacturing and agricultural/fishery practices. In 2011, data for smoked fish and smoked meat have shown that lower maximum levels were achievable. Nevertheless, adaptations of smoking technology were necessary in some cases. Therefore, for smoked meat and meat products and smoked fish and fishery products a transition period of three years was granted before the lower maximum levels become applicable as from 1 September 2014.
- (3) However recent evidence has been provided demonstrating that, despite the application of good smoking practices to the extent possible; the lower levels are not achievable in several Member States in certain cases of traditionally smoked meat and fish products, as in these cases the smoking practices cannot be changed without changing significantly the organoleptic characteristics. Consequently these traditionally smoked products would disappear from the market resulting in the closure of many small and medium size enterprises ((SMEs).
- (4) Therefor it is appropriate to provide derogation from the application of the lower maximum levels as from 1 September 2014 for the affected Member States for 3 years for local production and consumption of traditionally smoked meat and meat products and /or fish and fishery products. This derogation should cover generally all these

¹ OJ L 37, 13.2.1993, p. 1.

² OJ L 364, 20.12.2006, p. 5.

types of products without giving any specific names. The current applicable maximum levels should continue to apply to these smoked products;

- (5) The affected Member States should be requested to continue to monitor the presence of PAHs in these products and to establish programmes to implement good smoking practices where possible. The Food and Veterinary Office (FVO) could provide assistance on this and also perform audits to confirm that all efforts have been done to apply good practices, within the limits of what is economically feasible and also what is possible without losing typical organoleptic characteristics;
- (6) Within 3 years, based on all information provided, the situation should be re-assessed which could result in a more limited and detailed list of smoked meat and meat products, fish and fish products for which then a derogation for local production and consumption can be continued to be granted not limited in time.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1881/2006 is amended by adding following paragraphs 6 and 7 to Article 7:

“6. By way of derogation from Article 1, Spain, Croatia, Cyprus, Latvia, Poland, Portugal, Slovak Republic, Finland and Sweden may authorise the placing on their market of traditionally smoked meat and smoked meat products, smoked in their territory and intended for consumption in their territory with levels of polycyclic aromatic hydrocarbons (PAHs) not compliant with the maximum levels set out in point 6.1.4. of the Annex, provided that these smoked products comply with the maximum levels applicable before 1 September 2014, i.e. 5.0 µg/kg for benzo(a)pyrene and 30.0 µg/kg for the sum of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene.

These Member States shall continue to monitor the presence of PAHs in these products and to establish programmes to implement good smoking practices where possible, within the limits of what is economically feasible and what is possible without losing typical organoleptic characteristics.

Within 3 years from the application of the Regulation, the situation shall be re-assessed, based on all information provided, in view of determining a list of smoked meat and smoked meat products for which the derogation for local production and consumption shall be continued not limited in time.

7.. By way of derogation from Article 1, Estonia, The Netherlands and Sweden may authorise the placing on their market of traditionally smoked fish and smoked fishery products, smoked in their territory and intended for consumption in their territory with levels of polycyclic aromatic hydrocarbons (PAHs) not compliant with the maximum levels set out in point 6.1.5. of the Annex, provided that these smoked products comply with the maximum levels applicable before 1 September 2014, i.e. 5.0 µg/kg for benzo(a)pyrene and 30.0 µg/kg for the sum of benzo(a)pyrene, benz(a)anthracene, benzo(b)fluoranthene and chrysene.

These Member States shall continue to monitor the presence of PAHs in these products and to establish programmes to implement good smoking practices where possible, within the limits of what is economically feasible and what is possible without losing typical organoleptic characteristics.

Within 3 years from the application of the Regulation, the situation shall be re-assessed, based on all information provided, in view of determining a list of smoked fish and smoked fishery products for which the derogation for local production and consumption shall be continued not limited in time.”

Article 2
Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply as from 1 September 2014

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)