

COMMISSION RECOMMENDATION
of 4 March 2002
on the reduction of the presence of dioxins, furans and PCBs in feedingstuffs and foodstuffs

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(Text with EEA relevance)

(2002/201/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 211 thereof,

Whereas:

- (1) For the time being, the acceptable levels of dioxins in feedingstuffs and foodstuffs must be assessed in the light of current background levels. The maximum levels, established for feedingstuffs by Council Directive 1999/29/EC of 22 April 1999 on the undesirable substances and products in animal nutrition ⁽¹⁾, as last amended by Directive 2001/102/EC ⁽²⁾, and for foodstuffs by Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs ⁽³⁾, as amended by Council Regulation (EC) No 2375/2001 ⁽⁴⁾, are fixed at a strict but feasible level, while taking account of background contamination. These maximum levels should prevent unacceptably high exposure levels among animals and the human population and the distribution of feedingstuffs and foodstuffs with an unacceptably high contamination.
- (2) On 30 May 2001 the Scientific Committee on Food (SCF) adopted an opinion on the Risk Assessment of Dioxins and Dioxin-like PCBs in Food; based on new scientific information which had become available since the adoption of the SCF opinion on this matter on 22 November 2000. The SCF fixed a tolerable weekly intake (TWI) for dioxins and dioxin-like PCBs of 14 pg World Health Organisation (WHO)-toxic equivalent (TEQ)/kg bodyweight. Exposure estimates indicate that a considerable proportion of the Community population has a dietary intake in excess of the tolerable intake.
- (3) The reduction of human exposure to dioxins through food consumption is therefore important and necessary to ensure consumer protection. More than 90 % of human dioxin exposure derives from food. Food of animal origin normally contributes about 80 % of overall exposure. The dioxin burden in animals derives mainly from feedingstuffs. As food contamination is directly related to feed contamination, an integrated approach should be followed to reduce dioxin incidence throughout the food chain, that is, from feed materials through food-producing animals to humans.
- (4) Measures should be implemented with the aim of further reducing the presence and release of dioxin contamination in order to limit the impact of environmental pollution on the contamination of feedingstuffs and foodstuffs. On 24 October 2001 the Commission adopted a Communication to the Council, the European Parliament and the Economic and Social Committee on a Community strategy for dioxins, furans and polychlorinated biphenyls (COM(2001) 593 final) ⁽⁵⁾. The strategy focuses on current and future measures to reduce the release of dioxins and PCBs into the environment.
- (5) Measures based solely on establishing maximum levels for dioxins and dioxin-like PCBs in feedingstuffs and foodstuffs would not be sufficiently effective in reducing the level of contamination in feedingstuffs and foodstuffs unless the levels were to be set so low that a large part of the feed and food supply was declared unfit for animal or human consumption. It is generally recognised that, in order to actively reduce the presence of dioxins in feedingstuffs and foodstuffs, maximum levels

⁽¹⁾ OJ L 115, 4.5.1999, p. 32.

⁽²⁾ OJ L 6, 10.1.2002, p. 45.

⁽³⁾ OJ L 77, 16.3.2001, p. 1.

⁽⁴⁾ OJ L 321, 6.12.2001, p. 1.

⁽⁵⁾ OJ C 322, 17.11.2001, p. 2.

should be accompanied by measures stimulating a pro-active approach, including the setting of action levels and target levels for feedingstuffs and foodstuffs in combination with measures to limit emissions. Action levels should be a tool for competent authorities and operators to highlight those cases where it is appropriate to identify a source of contamination and to take measures for its reduction or elimination, not only in the event of non-compliance with the provisions of Directive 1999/29/EC or Regulation (EC) No 466/2001 but also where significant levels of dioxins above the normal background level are found in feedingstuffs and foodstuffs. This approach should result in a gradual reduction of dioxin levels in feedingstuffs and foodstuffs and, ultimately, in the achievement of the target levels.

- (6) Although, from a toxicological point of view, any level should apply to dioxins, furans and dioxin-like PCBs, the maximum levels established in Directive 1999/29/EC and Regulation (EC) No 466/2001 are set only for dioxins and furans and not for dioxin-like PCBs, given the very limited data available on the prevalence of the latter. It is therefore necessary, in accordance with the recommendations of SCF and SCAN, to generate reliable data on the presence of dioxin-like PCBs in the widest possible range of feed materials, feedingstuffs and foodstuffs in order to obtain a reliable database in a relatively short period of time. This should allow a review of the maximum levels established by Directive 1999/29/EC and Regulation (EC) No 466/2001 and of the action levels set out in this Recommendation, with a view to including dioxin-like PCBs in the levels to be set.
- (7) The action levels should be reviewed by 31 December 2004 at the latest, once sufficient data on the presence of dioxin-like PCBs in feed materials, feedingstuffs and foodstuffs are available.
- (8) Alongside the review for the purpose of including dioxin-like PCBs, the action levels should be periodically adjusted in line with the downward trend in dioxin presence and the active approach pursued to gradually reduce their presence in feedingstuffs and foodstuffs.
- (9) The target levels indicate the contamination levels to be achieved in feed and food in order to ultimately bring human exposure for the majority of the population of the Community down to the TWI for dioxins and dioxin-like PCBs set by the SCF. They should be set in the light of more accurate information on the impact of environmental measures and the source directed measures at the level of feed and food on the reduction of the presence of dioxins and dioxin-like PCBs in the different feed materials, feedingstuffs and foodstuffs. The target levels should be set by 31 December 2004, when more information will be available and when the action levels are first revised with a view to the inclusion of dioxin-like PCBs.
- (10) It is of major importance that monitoring of all feed materials, feedingstuffs and foodstuffs is performed uniformly across the Community. Therefore detailed guidelines for the monitoring of dioxins and dioxin-like PCBs should be established within the framework of the Standing Committee for Feedingstuffs, for feedingstuffs, and the Standing Committee for Foodstuffs, for foodstuffs. These guidelines contain, *inter alia*, provisions concerning the minimum frequency of controls to be performed by each Member State, the feed materials, feedingstuffs and foodstuffs to be monitored and the way of reporting the results,

HEREBY RECOMMENDS:

1. That Member States perform, proportionate to their production, use and consumption of feed materials, feedingstuffs and foodstuffs, random monitoring of the presence of dioxins and dioxin-like PCBs in feed materials, feedingstuffs and foodstuffs. This monitoring should be carried out in accordance with the guidelines and frequency established by the Standing Committee on Feedingstuffs for feedingstuffs and by the Standing Committee for Foodstuffs for foodstuffs.

2. That in cases of non-compliance with the provisions of Directive 1999/29/EC and Regulation (EC) No 466/2001, and (subject to point 3) in cases where levels of dioxins in excess of the action levels specified in Annexes I and II are found, Member States, in cooperation with operators,
 - (a) initiate investigations to identify the source of contamination;
 - (b) check for the presence of dioxin-like PCBs;
 - (c) take measures to reduce or eliminate the source of contamination.
3. That Member States in which background levels of dioxin are particularly high set national action levels for their domestic production of feed materials, feedingstuffs and foodstuffs, such that for about 5 % of the results obtained in the monitoring referred to in point 1, an investigation is undertaken to identify the source of contamination.
4. That Member States inform the Commission and the other Member States of their findings, the results of their investigations and the measures taken to reduce or eliminate the source of contamination.
5. That Member States transmit the information referred to in point 4 by 31 December each year at the latest for foodstuffs and as part of the annual report to be submitted to the Commission pursuant to Article 22(2) of Council Directive 95/53/EC⁽¹⁾, as last amended by Directive 2001/46/EC of the European Parliament and of the Council⁽²⁾, for feedingstuffs, except where the information is of immediate relevance for the other Member States in which case it should be transmitted immediately.

Done at Brussels, 4 March 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 265, 8.11.1995, p. 17.

⁽²⁾ OJ L 234, 2.9.2001, p. 55.

ANNEX I

Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997))

FEED MATERIAL/FEEDINGSTUFF	ACTION LEVEL FOR DIOXINS (PCDD + PCDF) ⁽¹⁾	TARGET LEVEL ⁽¹⁾
	Maximum content relative to a feedingstuff with a moisture content of 12 %	Maximum content relative to a feedingstuff with a moisture content of 12 %
All feed materials of plant origin, including vegetable oils and byproducts	0,50 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Minerals Binders (kaolinitic clay, calcium sulphate dihydrate, vermiculite, natrolite-phonolite, synthetic calcium aluminates and clinoptilolite of sedimentary origin) Trace elements	0,50 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Animal fat, including milk fat and egg fat	1,2 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Other land animal products, including milk and milk products and egg and egg products	0,50 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Fish oil	4,5 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Fish, other marine animals, their products and by-products with the exception of fish oil ⁽³⁾	1,0 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Compound feedingstuffs, with the exception of feedingstuffs for fur animals, feedingstuffs for fish and feedingstuffs for pet animals	0,40 ng WHO-PCDD/F-TEQ/kg	⁽²⁾
Feedingstuffs for fish and feedingstuffs for pet animals	1,5 ng WHO-PCDD/F-TEQ/kg	⁽²⁾

⁽¹⁾ Upperbound concentrations; upperbound concentrations are calculated assuming that all values of the different congeners less than the limit of determination are equal to the limit of determination.

⁽²⁾ The target values will be set by 31 December 2004 simultaneously with the first revision of the action levels with a view of the inclusion of dioxin-like PCBs in the levels.

⁽³⁾ Fresh fish directly delivered and used without intermediate processing for the production of feedingstuffs for fur animals is exempted from the maximum limit. The products, processed animal proteins produced from these fur animals, cannot enter the food chain and the feeding thereof is prohibited to farmed animals which are kept, fattened or bred for the production of food.

ANNEX II

Dioxin (sum of polychlorinated dibenzo-para-dioxins (PCDDs) and polychlorinated dibenzofurans (PCDFs) expressed in World Health Organisation (WHO) toxic equivalents, using the WHO-TEFs (toxic equivalency factors, 1997)

PRODUCT	ACTION LEVEL FOR DIOXINES (PCDD + PCDF) ⁽¹⁾ (pg WHO-PCDD/F-TEQ/g fat or product) ⁽¹⁾	TARGET LEVEL ⁽¹⁾
Meat and meat products ⁽⁴⁾ originating from		
— ruminants (bovine animals, sheep)	2 pg WHO-PCDD/F-TEQ-TEQ/g fat ⁽³⁾	⁽²⁾
— poultry and farmed game	1,5 pg WHO-PCDD/F-TEQ/g fat ⁽³⁾	⁽²⁾
— pigs	0,6 pg WHO-PCDD/F-TEQ/g fat ⁽³⁾	⁽²⁾
Liver and derived products	4 pg WHO-PCDD/F-TEQ-TEQ/g fat ⁽³⁾	⁽²⁾
Muscle meat of fish and fishery products ⁽⁵⁾ and products thereof	3 pg PCDD/F-TEQ-TEQ/g fresh weight	⁽²⁾
Milk ⁽⁶⁾ and milk products, including butter fat	2 pg WHO-PCDD/F-TEQ/g fat ⁽³⁾	⁽²⁾
Hen eggs and egg products ⁽⁷⁾	2,0 pg WHO-PCDD/F-TEQ/g fat ⁽³⁾	⁽²⁾
Oils and fats		
— Animal fat		
— from ruminants	2 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
— from poultry and farmed game	1,5 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
— from pigs	0,6 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
— mixed animal fat	1,5 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
— Vegetable oil	0,5 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
— Fish oil intended for human consumption	1,5 pg WHO-PCDD/F-TEQ/g fat	⁽²⁾
Fruits	0,4 ng WHO-PCDD/F-TEQ/kg product	⁽²⁾
Vegetables	0,4 ng WHO-PCDD/F-TEQ/kg product	⁽²⁾
Cereals	0,4 ng WHO-PCDD/F-TEQ/kg product	⁽²⁾

⁽¹⁾ Upperbound concentrations; upperbound concentrations are calculated assuming that all values of the different congeners less than the limit of determination are equal to the limit of determination.

⁽²⁾ The target level will be set before 31 December 2004 simultaneously with the first review of the action levels with a view of the inclusion of dioxin-like PCBs in the levels to be set.

⁽³⁾ The action levels are not applicable for food products containing < 1 % fat.

⁽⁴⁾ Meat of bovine animals, sheep, pig, poultry and farmed game as defined in Article 2(a) of Council Directive 64/433/EEC (OJ L 121, 29.7.1964, p. 2012/64), as last amended by Directive 95/23/EC (OJ L 243, 11.10.1995, p. 7) and Article 2(1) of Council Directive 71/118/EEC (OJ L 55, 8.3.1971, p. 23), as last amended by Directive 97/79/EC (OJ L 24, 30.1.1998, p. 31) and Article 2(2) of Council Directive 91/495/EC (OJ L 268, 24.9.1991, p. 41), as last amended by Directive 94/65/EC (OJ L 368, 31.12.1994, p. 10), excluding edible offal as defined in Article 2(e) of Directive 64/433/EEC and Article 2(5) of Directive 71/118/EEC.

⁽⁵⁾ Muscle meat of fish and fishery products as defined in category (a), (b), (c), (e) and (f) of the list in Article 1 of Council Regulation (EC) No 104/2000 (OJ L 17, 21.1.2000, p. 22). The maximum level applies to crustaceans excluding the brown meat of crab and to cephalopods without viscera.

⁽⁶⁾ Milk (raw milk, milk for the manufacture of milk-based products and heat treated milk as defined by Council Directive 92/46/EEC (OJ L 268, 14.9.1992, p. 1), as last amended by Council Directive 94/71/EC (OJ L 368, 31.12.1994, p. 33).

⁽⁷⁾ Hen eggs and egg products as defined by Article 2 of Council Directive 89/437/EEC (OJ L 212, 22.7.1989, p. 87). Free range or semi-intensive eggs as defined by Article 18 of Commission Regulation (EEC) No 1274/91 (OJ L 121, 16.5.1991, p. 1).