

COMMISSION REGULATION (EC) No 221/2002
of 6 February 2002
amending Regulation (EC) No 466/2001 setting maximum levels for certain contaminants in
foodstuffs
(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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) Regulation (EEC) No 315/93 provides that maximum levels must be set for contaminants in foodstuffs in order to protect public health.
- (2) Commission Regulation (EC) No 466/2001 ⁽²⁾, as amended by Council Regulation (EC) No 2375/2001 ⁽³⁾, sets maximum levels for certain contaminants in foodstuffs to apply from 5 April 2002. In particular, Annex I thereto sets levels for lead, cadmium and mercury in certain fishery products.
- (3) It is essential, in order to protect public health, to keep contaminants at levels which are toxicologically acceptable. Maximum levels for lead, cadmium and mercury must be safe and as low as reasonably achievable (ALARA) based upon good manufacturing and agricul-

tural/fishery practices. On the basis of new analytical data it is necessary to revise the relevant provisions of Annex I to Regulation (EC) No 466/2001 for these contaminants in certain fishery products. The revised provisions maintain a high level of consumer health protection.

- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for Foodstuffs,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 466/2001 is amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

It shall apply from 5 April 2002.

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

Done at Brussels, 6 February 2002.

For the Commission

David BYRNE

Member of the Commission

⁽¹⁾ OJ L 37, 13.2.1993, p. 1.

⁽²⁾ OJ L 77, 16.3.2001, p. 1.

⁽³⁾ OJ L 321, 6.12.2001, p. 1.

ANNEX

Section 3 (Heavy metals) of Annex I to Regulation (EC) No 466/2001 is amended as follows:

(a) concerning lead (Pb), the points 3.1.4, 3.1.4.1 and 3.1.6 are replaced by the following:

Product	Maximum level (mg/kg wet weight)	Performance criteria for sampling	Performance criteria for methods of analysis
3.1.4. Muscle meat (*) of fish as defined in categories (a), (b) and (e) of the list of Article 1 of Council Regulation (EC) No 104/2000 (OJ L 17, 21.1.2000, p. 22), excluding fish species listed in 3.1.4.1	0,2	Directive 2001/22/EC	Directive 2001/22/EC
3.1.4.1. Muscle meat (*) of: bonito (<i>Sarda sarda</i>), common two-banded seabream (<i>Diplodus vulgaris</i>), eel (<i>Anguilla anguilla</i>), grey mullet (<i>Mugil labrosus labrosus</i>), grunt (<i>Pomadasys benneti</i>), horse mackerel or scad (<i>Trachurus trachurus</i>), sardine (<i>Sardina pilchardus</i>), sardinops (<i>Sardinops species</i>), spotted seabass (<i>Dicentrarchus punctatus</i>), tuna (<i>Thunnus species</i> and <i>Euthynnus species</i>), wedge sole (<i>Dicologlossa cuneata</i>)	0,4	Directive 2001/22/EC	Directive 2001/22/EC
3.1.6. Bivalve molluscs	1,5	Directive 2001/22/EC	Directive 2001/22/EC

(*) Where fish are intended to be eaten whole, the maximum level shall apply to the whole fish.'

(b) concerning cadmium (Cd), the points 3.2.5, 3.2.5.1 and 3.2.6 are replaced by the following:

Product	Maximum level (mg/kg wet weight)	Performance criteria for sampling	Performance criteria for methods of analysis
3.2.5. Muscle meat (*) of fish as defined in categories (a), (b) and (e) of the list of Article 1 of Regulation (EC) No 104/2000, excluding fish species listed in 3.2.5.1	0,05	Directive 2001/22/EC	Directive 2001/22/EC
3.2.5.1. Muscle meat (*) of: bonito (<i>Sarda sarda</i>), common two-banded seabream (<i>Diplodus vulgaris</i>), eel (<i>Anguilla anguilla</i>), European anchovy (<i>Engraulis encrasicolus</i>), grey mullet (<i>Mugil labrosus labrosus</i>), horse mackerel or scad (<i>Trachurus trachurus</i>), louvar or luvar (<i>Luvatus imperialis</i>), sardine (<i>Sardina pilchardus</i>), sardinops (<i>Sardinops species</i>), tuna (<i>Thunnus</i> and <i>Euthynnus species</i>), wedge sole (<i>Dicologlossa cuneata</i>)	0,1	Directive 2001/22/EC	Directive 2001/22/EC
3.2.6. Crustaceans, excluding brown meat of crab and excluding head and thorax meat of lobster and similar large crustaceans (<i>Nephropidae</i> and <i>Palinuridae</i>)	0,5	Directive 2001/22/EC	Directive 2001/22/EC

(*) Where fish are intended to be eaten whole, the maximum level shall apply to the whole fish.'

(c) concerning mercury (Hg), the point 3.3.1.1 is replaced by the following:

Product	Maximum level (mg/kg wet weight)	Performance criteria for sampling	Performance criteria for methods of analysis
'3.3.1.1. Anglerfish (<i>Lophius species</i>), Atlantic catfish (<i>Anarhichas lupus</i>), bass (<i>Dicentrarchus labrax</i>), blue ling (<i>Molva dipterygia</i>), bonito (<i>Sarda sarda</i>), eel (<i>Anguilla species</i>), emperor or orange roughy (<i>Hoplostethus atlanticus</i>), grenadier (<i>Coryphaenoides rupestris</i>), halibut (<i>Hippoglossus hippoglossus</i>), marlin (<i>Makaira species</i>), pike (<i>Esox lucius</i>), plain bonito (<i>Orcynopsis unicolor</i>), portuguese dogfish (<i>Centroscymines coelolepis</i>), rays (<i>Raja species</i>), redfish (<i>Sebastes marinus</i> , <i>S. mentella</i> , <i>S. viviparus</i>), sail fish (<i>Istiophorus platypterus</i>), scabbard fish (<i>Lepidopus caudatus</i> , <i>Aphanopus carbo</i>), shark (all species), snake mackerel or butterfish (<i>Lepidocybium flavobrunneum</i> , <i>Ruvettus pretiosus</i> , <i>Gempylus serpens</i>), sturgeon (<i>Acipenser species</i>), swordfish (<i>Xiphias gladius</i>), tuna (<i>Thunnus species</i> and <i>Euthynnus species</i>)	1,0 mg/kg	Directive 2001/22/EC	Directive 2001/22/EC