

Commission Regulation (EC) No 856/2005 of 6 June 2005 amending Regulation (EC) No 466/2001 as regards Fusarium toxins (Text with EEA relevance)

Article 1

Regulation (EC) No 466/2001 is amended as follows:

- (1) In Article 2, paragraph 3 is replaced by the following:
3. Without prejudice to Articles 3(1) and 4(3), the following shall be prohibited
- a to use products, which do not comply with the maximum levels set out in Annex I, as food ingredients for the production of compound or other foodstuffs;
 - b to mix products complying with the maximum levels with products exceeding the maximum levels set out in Annex I;
 - c to deliberately detoxify products by chemical treatments in the case of contaminants listed in section 2 (Mycotoxins) of Annex I.
- (2) In Article 5, the following paragraph 5 is added:
5. The Commission shall review points 2.4, 2.5, 2.6 and 2.7 of section 2 of Annex I by 1 July 2008 as regards the maximum limits for deoxynivalenol, zearalenone and fumonisin B₁+B₂ and with a view to including a maximum level for T-2 and HT-2 toxin in cereals and cereal products.
- For that purpose, the Member States and interested parties shall communicate each year to the Commission the results of investigations undertaken including occurrence data and the progress with regard to the application of prevention measures to avoid contamination by deoxynivalenol, zearalenone, T-2 and HT-2 toxin and fumonisin B₁+B₂.
- (3) Annex I is amended in accordance with the Annex to this Regulation.

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*.

It shall apply from 1 July 2006. This Regulation shall not apply to products which were placed on the market before 1 July 2006 in conformity with the provisions applicable. The burden of proving when the products were placed on the market shall be borne by the food business operator.

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

Done at Brussels, 6 June 2005.

For the Commission

Markos KYPRIANOU

Member of the Commission

Changes to legislation:

There are currently no known outstanding effects for the Commission Regulation (EC) No 856/2005.