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PLAN/2023/2345 ANNEX CIS
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to the

COMMISSION REGULATION (EU) .../...

amending Regulation (EU) 2023/915 as regards maximum levels of mineral oil aromatic hydrocarbons in certain foodstuffs.

ANNEX

Annex I is amended as follows:

- (1) in Section 5: Processing contaminants of the Annex to Regulation (EC) No 2023/915, subsection 5.5 Mineral Oil Aromatic Hydrocarbons is added:

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5.5	Mineral Oil Aromatic Hydrocarbons ($\geq C_{10}$ to $\leq C_{50}$)	Maximum levels (mg/kg)	Remarks
5.5.1	Oilseeds and oil fruits	2,0	
5.5.2	Animal ⁽²⁾ and vegetable fats and oils		
5.5.2.1	Maize, rapeseed, sunflower, soybean and linseed oil and dairy butter and fat.	2,0	
5.5.2.2	Groundnut, sesame, coconut and cereal germ oil.	6,0 from 01/01/2027 4,0 from 01/01/2028 2,0 from 01/01/2030	
5.5.2.3	Grape seed, cotton seed, blackcurrant seed and argan oil	10,0 from 01/01/2027 5,0 from 01/01/2028 2,0 from 01/01/2030	

5.5.2.4	Olive pomace oil and refined olive pomace oil ⁽⁷⁾	10,0 from 01/01/2028 5,0 from 01/01/2029 2,0 from 01/01/2030	
5.5.2.5	Fish oils and oils from other marine organisms and algae	10,0 from 01/01/2027 5,0 from 01/01/2030	
5.5.2.6	Oils and fats other than those listed in 5.5.2.1, 5.5.2.2, 5.5.2.3, 5.5.2.4 and 5.5.2.5.	4,0 from 01/01/2027 2,0 from 01/01/2028	This category includes cocoa butter. ⁽¹⁴⁾ Essential oils and crude olive pomace oil are not included in this category.
5.5.2.7	Products derived from fats and oils listed under 5.5.2.1 and 5.5.2.6 and products containing > 50% fat/ oil content, which only contain fats and oils listed under 5.5.2.1 and 5.5.2.6.	2,0 from 01/01/2028	Products derived from fats and oils are defined as products containing > 80% of fats and oils. The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.3	Tree nuts	2,0	
5.5.4	Pulses	0,50	

5.5.5	Cereal grains and products derived from cereals.		Products derived from cereals are defined as products containing > 80% of cereal products, excluding oils derived from cereals to which the maximum levels of category 5.5.2 apply. The maximum level does not apply to cereals used for the production of beer or distillates, provided that the remaining cereal residue is not placed on the market as food. In case the remaining cereal residue is placed on the market as food, the maximum level applies, taking into account Article 3(1), (2) and (4). The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.5.1	Cereal grains	0.50	
5.5.5.2	Products derived from cereals with < 4% fat/oil content	0,50	
5.5.5.3	Products derived from cereals with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	
5.5.6	Milk ⁽²⁾	0,50	
5.5.7	Dairy products ⁽²⁾ other than those listed under 5.5.2.1.		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.7.1	Products with < 4% fat/oil content	0,50	
5.5.7.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	

5.5.7.3	Products with > 50% fat/oil content	2,0	
5.5.8	Cocoa beans and cocoa products ⁽¹⁴⁾		
5.5.8.1	Cocoa beans	2,0 from 01/01/2030	
5.5.8.2	Cocoa mass	2,0	
5.5.8.3	Cocoa powder and fat reduced cocoa powder	1,0	
5.5.9	Confectionery , cocoa and chocolate products ⁽¹⁴⁾ other than those listed in 5.5.2.6, 5.5.8.2 and 5.5.8.3		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.9.1	Products with < 4% fat/oil content	0,50	
5.5.9.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0	
5.5.9.3	Products with > 50% fat/oil content	2,0	
5.5.10	Spices, dried herbs, dry tea and dry herbal infusions that are used as an ingredient in food, dry instant tea and dry instant herbal infusions	10,0 from 01/01/2027 5,0 from 01/01/2030	

5.5.11	Infant formulae⁽³⁾, follow-on formulae⁽³⁾, young-child formulae ⁽⁴⁾, food for special medical purposes intended for infants and young children ⁽³⁾, baby food ⁽³⁾, processed cereal-based food for infants and young children⁽³⁾ and drinks for infants and young children placed on the market and labelled as such.		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority.
5.5.11.1	Products with < 4% fat/oil content	0,50	
5.5.11.2	Products with ≥ 4% and ≤ 50% fat/oil content	1,0	
5.5.11.3	Products with > 50% fat/oil content	2,0	
5.5.12	Food supplements	10,0 from 01/01/2027 5,0 from 01/01/2030	
5.5.13	Food additives	-	For food additives that are produced from foods for which a maximum level is established under this Regulation, the foods that are used as a source shall comply with the maximum levels set out in this Regulation.
5.5.14	Processed and compound foods containing ingredients listed in categories 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 5.5.6, 5.5.7, 5.5.8, 5.5.9 and 5.5.10.		The fat/oil content refers to the declared fat/oil content or, in absence of a declared fat/oil content, to the fat/oil content as determined by the competent authority. For tea and herbal infusions these maximum levels only apply to instant tea, instant herbal infusions and tea and herbal infusions that are used as an ingredient in food and not to other tea and herbal infusions.

5.5.14.1	Products with < 4% fat/oil content	0,50 from 01/01/2030	
5.5.14.2	Products with $\geq 4\%$ and $\leq 50\%$ fat/oil content	1,0 from 01/01/2030	
5.5.14.3	Products with > 50% fat/oil content	2,0 from 01/01/2030	

 As referred to in food category 05 in Part D of Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16, ELI: <http://data.europa.eu/eli/reg/2008/1333/oj>).

(2) in footnote 1, the text is replaced by the following:

‘Fruits, tree nuts, vegetables, cereals, pulses, oilseeds, oil fruits, teas, herbal infusions, cocoa beans and spices as listed in the relevant category as defined in Annex I to Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1, ELI: <http://data.europa.eu/eli/reg/2005/396/oj>). For the purposes of this Regulation tree nuts are not covered by the maximum level for fruits.’