

**CODEX COMMITTEE ON CONTAMINANTS IN FOOD**  
**17<sup>th</sup> Session**

**Panama City, 15-19 April 2024**

**European Union comments on**

**Agenda Item 5:**

**Request for comments on maximum levels for lead in certain food**  
**categories**

**(CX/CF 24/17/5 and CL 2024/02-CF)**

*European Union Competence*  
*European Union Vote*

The European Union (EU) welcomes and appreciates the work on the maximum levels (MLs) for lead by the electronic Working Group chaired by Brazil.

The EU would like comment in favour of the approach of applying the MLs to the entire concerned spice category with only exemptions for the spices listed in the remarks' column.

The EU would like to enquire why “anise” is listed in appendix II table I in the category of culinary herbs. Furthermore, the EU would suggest that for the category “spices, dried, fruits and berries” it is specified that anise concerns “star anise”, in order to avoid confusion.

As regards the proposed maximum levels (MLs) for the individual commodities, the EU would like to present the following position:

For **dried bark spices** the EU can support the proposed ML of 2.5 mg/kg.

For **dried flower spices** the EU can support the proposed ML of 0.4 mg/kg.

For **dried floral parts spices**

The EU would like to comment that the available data for saffron and dry capers would support a lower ML of 1.0 mg/kg. As regards the available data for cloves, it appears that the concentrations of lead in most samples are below 0.5 mg/kg, so the few samples with concentrations above 2 mg/kg could be considered to be outliers. With a view of setting MLs for lead at levels, which are as low as can reasonably be achieved, the EU would like to comment in favour of a lower ML of 1.0 mg/kg for all dried floral part spices.

For **dried fruits and berry spices other than Sichuan pepper** the EU can support the proposed ML of 0.6 mg/kg.

For **Sichuan pepper** the EU can support the proposed ML of 3.0 mg/kg.

For **dried rhizome, root and bulb spices excluding garlic and galangal**, the EU is of the opinion that on the basis of the available occurrence data and, taking into account the ‘As Low As Reasonably Achievable’ principle a lower ML of 1.5 mg/kg is appropriate. As dried garlic would be exempted from the ML for ‘spice, rhizomes, bulb and roots’ it is proposed to re-name the category to ‘spice, rhizomes and roots’.

For **dried seed spices** the EU can support the proposed ML of 0.8 mg/kg.

For **dried aril spices** the EU can support the proposed ML of 0.9 mg/kg.

#### For **fresh culinary herbs**

The EU is of the opinion that data statistics should be provided per species, especially for the herb species that have a naturally low water content, such as rosemary, thyme, oregano and sage. It should be checked whether the proposed ML of 0.2 mg/kg will not cause high non-compliance rates for these specific fresh herbs. The EU has limited data available which suggest an unacceptable rejection rate for fresh rosemary, thyme and oregano, in case an ML of 0.2 mg/kg would be agreed for fresh culinary herbs. If no sufficient GEMS data would be available for fresh rosemary, thyme, oregano and sage, it is proposed to only establish a Codex ML for those specific fresh herbs, for which sufficient data are available or not to establish a Codex ML for fresh culinary herbs. If no specific Codex ML would be established for fresh culinary herbs, the Codex ML for dry culinary herbs could still be applied to fresh culinary herbs, taking into account the water content of fresh and dry culinary herbs.

#### For **dried culinary herbs**

1500 EU samples for dried culinary herbs are available with the information is that these herbs were dried, so these samples should not have been disregarded. Additional information on EU samples can always be requested to EFSA ([data.collection@efsa.europa.eu](mailto:data.collection@efsa.europa.eu)). On the basis of the EU data set, it appears that a lower ML of 1.5 mg/kg would be appropriate for dried culinary herbs. Therefore, the EU would like to comment in favour of a lower ML of 1.5 mg/kg for dried culinary herbs.