

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.*

**SANTE PLAN 2023/1241 Rev.0**

**ANNEX**

**to the**

**COMMISSION REGULATION (EU) No .../...**

**amending Regulation (EU) No 2023/915 as regards maximum levels for inorganic arsenic in fish and other seafood.**

**ANNEX**

In Section 3: Metals and other elements of the Annex to Regulation (EU) No 2023/915, the second row is replaced by the following:

	Inorganic arsenic (sum of As(III) and As(V))	The maximum level for inorganic arsenic applies to products listed in 3.4.1 to 3.4.8.
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In Section 3: Metals and other elements of the Annex to Regulation (EU) No 2023/915, subsection 3.4 (Arsenic), entry 3.4.5 and the row above are replaced by the following:

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3.4.5	Muscle meat of the following fish		The maximum level applies to the wet weight. Where fish are intended to be eaten whole, the maximum level applies to the whole fish. In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.
3.4.5.1	Carp (species belonging to the <i>Cyprinidae</i> family) Char ( <i>Salvelinus species</i> ) Saithe ( <i>Pollachius virens</i> ) Cod ( <i>Gadus morhua</i> ) Haddock ( <i>Melanogrammus aeglefinus</i> ) Halibut ( <i>Hippoglossus species</i> ) <del>Herring (<i>Clupea species</i>)</del> Mackerel ( <i>Scomber species</i> ) Salmon and trout Salmon & Trout ( <i>Salmo species and Oncorhynchus species</i> ) Tusk ( <i>Brosme brosme</i> )	0,020	
3.4.5.2	Species other than those listed under 3.4.5.1	0,10	

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3.4.5.3	Shark (all species)	0,50	
3.4.6	Crustaceans		<p>The maximum level applies to the wet weight.</p> <p>The maximum level applies to muscle meat from appendages and abdomen, which means that the cephalothorax of crustaceans is excluded. In case of crabs and crab-like crustaceans (<i>Brachyura</i> and <i>Anomura</i>) the maximum level applies to the muscle meat from appendages.</p> <p>In case of dried, diluted, processed and/or compound food, Article 3(1) and (2) apply.</p>
3.4.6.1	Crabs and crab-like crustaceans ( <i>Brachyura</i> and <i>Anomura</i> ), prawns and shrimps of the <i>Palaemon</i> , <i>Penaeus</i> and <i>Pleoticus</i> species.	0,070	
3.4.6.2	<i>Crangon species</i>	0,10	
3.4.6.3	Crustaceans other than those listed under 3.4.6.1, 3.4.6.2 and 3.4.6.4	0,20	
3.4.6.4	Rock lobster ( <i>Jasus species</i> )	1,50	

**Kommenterede [VW(1)]:** ML of 0,10 mg/kg to be discussed for *Crangon crangon* or the entire group 3.4.6.1. Alternative: discuss to move *Crangon crangon* to the ML category of 0,20 mg/kg (3.4.6.2).

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3.4.7	Bivalve molluscs		The maximum level applies to the wet weight. In case of Pecten maximus, the maximum level applies to the adductor muscle and gonad only. In case of dried, diluted, processed and/or compound food, Articles 3(1) and (2) apply.
3.4.7.1	Scallops and oysters	0,10 mg/kg	
3.4.7.2	Bivalve molluscs other than those listed under 3.4.7.1 and 3.4.7.3.	0,35 mg/kg	
3.4.7.3	Greenshell mussels ( <i>Perna canalicula</i> )	0,50 mg/kg	
3.4.8	Cephalopods	0,050 mg/kg	The maximum level applies to the wet weight. The maximum level applies to the animal without viscera. In case of dried, diluted, processed and/or compound food, Articles 3(1) and (2) apply.
		Total arsenic	The maximum level applies to products listed in 3.4.9.
3.4.9	Salt	0,50	

**Kommenterede [VV(2):** In order to take into account seasonal aspects, it could be considered to move oysters to the ML category of 0.35 mg/kg.