



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR HEALTH AND FOOD SAFETY

Food safety, sustainability and innovation
The Director

Brussels,
SANTE/E2/VV/amf (2024)10251871

Dear Ms Sumner and Ms Cingotti,

Subject: Foodwatch petition ‘No toxic mineral oil in our food’

I refer to the numerous emails to the Director-General for Health and Food Safety on the above-mentioned petition and our meeting on 28 January 2025, during which you handed over the petition, requesting a zero-tolerance approach against the presence of mineral oil aromatic hydrocarbons (MOAH) in all food categories.

As the health of EU citizens and the safety of the food they eat are key priorities for the European Commission, I fully share your concerns as regards the occurrence of MOAH in food, which include genotoxic and carcinogenic compounds and I note that your concerns are supported by a high number of citizens, who signed your online petition.

Let me recall that in view of the toxicity of MOAH, and prior to the publication of the EFSA opinion on mineral oil hydrocarbons in food in 2023¹, Member States have already taken enforcement action against MOAH in food on the basis of Article 14 of Regulation (EC) No 178/2002, the General Food Law. Furthermore, the Standing Committee on Plants, Animals, Food and Feed, section Novel Food and Toxicological Safety of the Food Chain of 21 April 2022 issued a statement on MOAH in food, by which the Member States agreed that if the quantified presence of MOAH in food including food for infants and young children is confirmed by an official control, the products concerned should be withdrawn and, if necessary, recalled from the market, to ensure a high level of human health protection.²

As you are aware, following the publication of the EFSA opinion in 2023, DG Health and Food Safety has immediately started discussions with the Member States on a proposal for setting maximum levels (MLs) for MOAH in a wide range of foods under the legal framework on contaminants in food. In accordance with Article 2 of Regulation (EEC) No

¹ <https://www.efsa.europa.eu/en/topics/topic/mineral-oil-hydrocarbons>

² https://food.ec.europa.eu/food-safety/chemical-safety/contaminants/catalogue_en

Ms Suzy Sumner and Ms Natacha Cingotti

Foodwatch

Email: suzy.sumner@foodwatch.eu, natacha.cingotti@foodwatch.org, action@foodwatch.org

315/93³ these maximum levels should be established at levels which are as low as can reasonably be achieved, when following good practices at all the stages of the production, while it is also necessary to avoid disruptions of food supply. This means that for the establishment of the maximum levels, the data for occurrence of MOAH in food obtained through monitoring by Member State authorities and business operators and the achievable analytical limits of quantification (LOQs), are taken into account.

DG Health and Food Safety proposed initially to set all MLs at the lowest analytically achievable concentration, the LOQ, as is requested by Foodwatch. Following a wide consultation of stakeholders, it became clear that for many foods, such MLs at the LOQ are indeed achievable. However, some food sectors consider that a large proportion of their foods cannot comply today with MLs at the LOQ and request some more time to implement changes at various stages of their production, in order to avoid the presence of MOAH in their products. In addition, several third countries have expressed concerns about certain MLs at the LOQ, in particular cocoa producing countries.

Also, considering the views expressed by the Member States, it has become clear that there is insufficient support by them for a proposal to immediately set all MLs for MOAH at the LOQ. Therefore, we have prepared a revised proposal for further discussion with the Member States which would for the vast majority of food categories set MLs at the LOQ, but for some maintain temporary higher MLs and a clear time plan for reducing them to the LOQ in a few years' time. This stepwise approach will be more effective for reducing the presence of MOAH in food, compared to further protracted discussions to set MLs at the LOQ for all foods, which would delay the adoption of a Regulation, as this requires a vote by Member States in the Standing Committee on Plant, Animals, Food and Feed leading to a favourable opinion by at least a qualified majority.

I am also aware that Foodwatch considers that the currently proposed application date of the future MLs, 1 January 2027, is too late. However, in view of the timelines for the required administrative steps for the adoption of a Regulation to establish MLs and the support needed by Member States, an application date of 1 January 2026 is not achievable. Furthermore, for the application and enforcement of MLs for MOAH, controls will need to be carried out. In view of the still limited analytical capability in the EU, some more time is needed for the official laboratories to validate the necessary methods. Once the MLs become applicable, foods in which these levels are exceeded cannot be placed on the market and the Member States will have to take the appropriate enforcement measures, such as market withdrawals and recalls.

Let me conclude by assuring you that DG Health and Food Safety is committed to complete the ongoing work for preparing and adopting a Regulation for setting MLs for MOAH in food as swiftly as possible.

³ <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A31993R0315>

In order to inform the citizens that signed the petition on the upcoming legislation on maximum levels for MOAH in food, I would like to request that you publish my reply on your website.

Yours sincerely,

Klaus Berend
Director

Cc: Ms. S. Gallina, Mr. L. Battistini, Mr. S. Pelsser, Mr F. Verstraete, Ms V. Vanheusden