

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2016/688

of 2 May 2016

on the monitoring and management of the presence of dioxins and PCBs in fish and fishery products from the Baltic region

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 ⁽¹⁾ establishes maximum levels for dioxins, for the sum of dioxins and dioxin-like PCBs and for non-dioxin-like PCBs in fish and fishery products. Derogations are provided in that Regulation to Finland, Sweden and Latvia for placing on their domestic market and intended for consumption in their territory of wild caught salmon, wild caught Baltic herring larger than 17 cm, wild caught char, wild caught river lamprey, wild caught trout and products derived from these fishes, originating in the Baltic region exceeding the maximum level.
- (2) Certain fish and fishery products from the Baltic region exceed regularly the maximum levels. It is not possible to control every single batch of fish and fishery products for compliance with the maximum levels. Therefore in order to ensure that only fish and fishery products in compliance with EU legislation are placed on the market, a list of fish from the Baltic region for which non-compliance can be expected has been established. This list has been established on the basis of available data and has to be regularly updated. For the fish and fishery products from the Baltic region for which compliance cannot be ensured based on the available occurrence data, specific risk management measures have been determined to ensure that only fish and fishery products compliant with EU legislation are placed on the market.
- (3) It is necessary to continue to monitor the presence of dioxins and PCBs in fish and fishery products from the Baltic region. It is appropriate to recommend a minimum number of samples of fish and fishery products to be analysed in a coordinated way, based on the amount of catch,

HAS ADOPTED THIS RECOMMENDATION:

1. Denmark, Germany, Poland, Latvia, Estonia, Lithuania, Finland and Sweden should, with the active involvement of food business operators, perform monitoring for the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in fish and fishery products such as liver from the Baltic region, in accordance with Annex I to this Recommendation.
2. In order to ensure that the samples are representative for the sampled lot, Member States and food business operators should follow the sampling procedures laid down in Commission Regulation (EU) No 589/2014 ⁽²⁾.
3. The method of analysis used for the monitoring of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs has to comply with the criteria laid down in Regulation (EU) No 589/2014.

⁽¹⁾ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

⁽²⁾ Commission Regulation (EU) No 589/2014 of 2 June 2014 laying down methods of sampling and analysis for the control of levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 252/2012 (OJ L 164, 3.6.2014, p. 18).

4. Member States should ensure that the analytical results are provided on a regular basis (every 6 months) in the EFSA data submission format to EFSA in line with the requirements of EFSA's Guidance on Standard Sample Description (SSD) for Food and Feed ⁽¹⁾ and the additional EFSA's specific reporting requirements.

- Samples can be individual fishes or pooled samples but in case of pooled samples, fish must be of the same size and be caught in the same ICES zone/region.

For Baltic herring, salmon, (sea) trout and sprat, specific additional reporting requirements apply (insofar not yet explicitly foreseen in the usual reporting format):

- Catch zone, preferably ICES zone (other indication such as FAO zone or name of the part of the Baltic Sea is acceptable insofar ICES zone is not available). In case of fish from lakes or rivers, name of the lake or river to be given.

Data without precise indication of the zone where they were caught can be provided with an indication as precise as possible where they were caught.

- Date of the catch.
- Size of the fish/age of the fish/weight of the fish
 - Measurement of the size of the fish to be performed as specified in Council Regulation (EC) No 2187/2005 ⁽²⁾. Size and weight are the most important parameters. Age can be provided if known.
- Information on the matrix analysed (muscle meat, liver, ...).
- Fat content of the fish/fishes in the sample.
- Information on the processing (trimmed, smoked or otherwise processed).
- Any other relevant information (e.g. on the nature of the sample in case usual columns do not provide sufficient detail: e.g. single fish result).

5. Available data from samples taken from the year 2009 onwards, and which have not yet been submitted to the EFSA database, should be provided to the EFSA in the EFSA data submission format, insofar possible.

6. Based on the current available data, information on the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain fish species from a certain age, size and geographical region (ICES zone) and in particular as regards their compliance with the maximum level established in Regulation (EC) No 1881/2006, is provided in Annex II.

7. In order to ensure that only fish and fishery products, compliant with EU legislation, are placed on the EU market, risk management measures as outlined in Annex III are recommended to be applied as regards fish from the Baltic region. Member States referred to in point 1 may take national measures to implement the risk management measures recommended in Annex III.

Done at Brussels, 2 May 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

⁽¹⁾ <http://www.efsa.europa.eu/en/datex/datexsubmitdata.htm>

⁽²⁾ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

ANNEX I

- (1) Minimum number of samples of Baltic herring (*Clupea harengus membras*) recommended to be taken in 2016 for analysis of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs, preferably in ICES zones 28-1, 28-2, 29, 30, 31 and 32.

	DE	DK	EE	FIN	LT	LV	PL	SE	Tot
Herring	7	5	7	20	4	4	9	14	70

- (2) Minimum number of samples of European sprat (*Sprattus sprattus*) recommended to be taken in 2017 for analysis of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs, preferably in ICES zones 29, 30, 31 and 32.

	DE	DK	EE	FIN	LT	LV	PL	SE	Tot
Sprat	5	8	8	5	5	9	18	12	70

- (3) Minimum number of samples of salmon (*Salmo salar*) and trout (*Salmo trutta*, *Oncorhynchus mykiss*) recommended to be taken in 2018 for analysis of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs.

	DE	DK	EE	FIN	LT	LV	PL	SE	Tot
Salmon/trout	5	12	5	15	5	5	11	12	70

- (4) Minimum number of samples recommended to be taken yearly from 2016 until 2018 for analysis of the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs.

	DE	DK	EE	FIN	LT	LV	PL	SE	Tot
Several fish species (*)	10	10	10	10	10	10	10	10	80

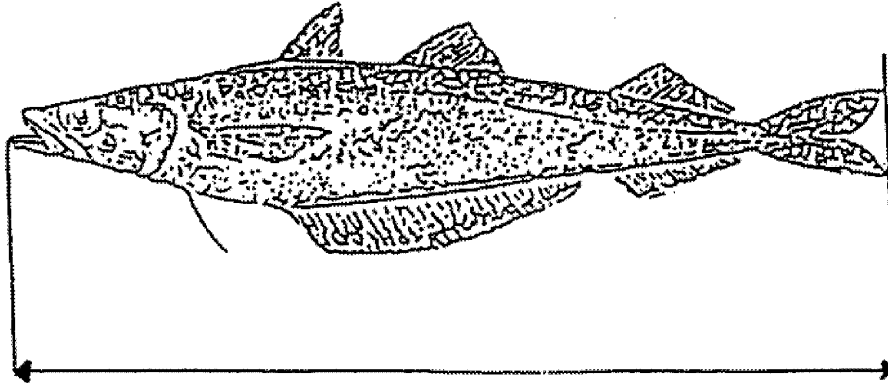
(*) Atlantic cod (*Gadus morhua*), European plaice (*Pleuronectes platessa*), European river lamprey (*Lampetra fluviatilis*), char (*Salvelinus* sp.), white bream (*Blicca bjoerkna*), European eel (*Anguilla Anguilla*), freshwater bream (*Abramis brama*), European flounder (*Platichthys flesus*), European perch (*Perca fluviatilis*), northern pike (*Esox lucius*), pike-perch (*Sander lucioperca*), roach (*Rutilus rutilus*), vendace (*Coregonus Albula*), garfish (*Belone belone*), European smelt (*Osmerus eperlanus*), turbot (*Psetta maxima*), vimba bream (*Vimba vimba*), whitefish (*Coregonus* sp.) and whiting (*Merlangius merlangus*).

ANNEX II

Information on the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain fish species from a certain age, size and geographical region (ICES zone) and in particular as regards their compliance with the maximum level established in Regulation (EC) No 1881/2006.

1. *Size of the fish*

The size of any fish referred to in this annex shall be measured as shown in the figure below from the tip of the snout to the end of the tail fin.



2. *Minimum sizes of certain fish species allowed to be caught in the Baltic region for sustainability reasons (Regulation (EC) No 2187/2005)*

- Salmon (*Salmo salar*) (whole Baltic region except ICES 31): minimum size is 60 cm (consequently fish < 2 kg not allowed to be caught).
- Salmon (*Salmo salar*) (ICES 31): minimum size is 50 cm (consequently fish < 2 kg not allowed to be caught).
- Sea trout (*Salmo trutta*) (ICES 22, 23, 24 and 25 and ICES 29, 30, 31 and 32): minimum size is 40 cm (consequently fish < 2 kg not allowed to be caught).
- Sea trout (*Salmo trutta*) (ICES 26, 27 and 28): minimum size is 50 cm (consequently fish < 2 kg not allowed to be caught).

3. *Information on the presence of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain fish species from a certain age, size and geographical region (ICES zone)*

3.1. *Baltic herring*

In ICES 22, 23, 24, 25, 26 and 27: Baltic herring regardless the size assumed to be compliant with maximum level.

In ICES 28-1, 29, 30, 31 and 32: Baltic herring ≤ 17 cm assumed to be compliant and Baltic herring > 17 cm suspected to be non-compliant.

In ICES 28-2: Baltic herring ≤ 21 cm assumed to be compliant and Baltic herring > 21 cm suspected to be non-compliant.

3.2. *Salmon*

Salmon from ICES 22 and 23 comes from the North Atlantic and not from the Baltic region and is therefore not part of these conclusions as regards presence of dioxins and PCBs and common risk management measures.

Salmon < 2 kg assumed compliant (but not allowed to be caught for sustainability reasons — according to Regulation (EC) No 2187/2005; minimum size 60 cm and for ICES 31: 50 cm).

In ICES 24, 25, 26:

- salmon more than 2 kg up to 5,5 kg: compliant after trimming (trimming results in about 30 % reduction of dioxin/dioxin-like PCB content — experience only in ICES 24, 25, 26),
- smaller salmon (2-4 kg) not trimmed: suspected non-compliance, although majority of salmon compliant,
- larger salmon (4-5,5 kg): suspected to be non-compliant for the majority of the salmon,
- trimmed salmon < 5,5 kg: compliant,
- salmon trimmed and ventral part removed < 7,9 kg: compliant.

In ICES 27, 28, 29, 30, 31 and 32:

- salmon > 2 kg (larger than 60 cm): suspected to be non-compliant.

3.3. Trout

(Sea) trout < 2 kg assumed compliant (but not allowed to be caught for sustainability reasons according to Regulation (EC) No 2187/2005; minimum size for ICES 22, 23, 24, 25, 29, 30, 31 and 32: 40 cm and for ICES 26, 27 and 28: 50 cm).

In ICES 22, 23, 24, 25, 26:

- (sea) trout more than 2 kg up to 4,5 kg: compliant after trimming and removal ventral part,
- smaller (sea) trout (2-4 kg): suspected non-compliance, although majority of (sea) trout compliant,
- larger (sea) trout: suspected to be non-compliant for the majority of the (sea) trout.

In ICES 27, 28, 29, 30, 31 and 32:

- all (sea) trout > 2 kg (larger than 40/50 cm) suspected to be non-compliant.

3.4. Sprat

In ICES zones 22, 23, 24, 25, 26, 27 and 28: assumed to be compliant.

In ICES zones 29, 30, 31 and 32: if sprats are smaller than 12,5 cm and less than 5 years, then assumed to be compliant. If larger than 12,5 cm, then suspected to be non-compliant.

3.5. Cod liver

Non-compliance is suspected.

3.6. River lamprey

In ICES 28: non-compliance suspected.

In ICES 32: assumed to be compliant.

3.7. Other fish species

Char is not traded and local catch falls under derogation (Sweden/Finland).

Other fish species are assumed to be compliant.

ANNEX III

Risk management measures recommended to be taken by the competent authorities to ensure that fish from the Baltic region placed on the market in the EU complies with the maximum levels as established in Regulation (EC) No 1881/2006.1. *General recommended risk management measures*

- Traceability is of major importance.
- For trade of herring, salmon, sea trout and sprat to other EU Member States or marketing on the domestic market not falling under a derogation, the ICES zone where the fish has been caught should be mentioned on the accompanying documents. Where necessary it should be clearly mentioned that the lot has been sampled and analysed for dioxins, for the sum of dioxins and dioxin-like PCBs and for non-dioxin-like PCBs in accordance with EU legislation and has been found compliant with EU legislation. The analytical bulletin can be enclosed or should be made available upon request.
- In case it is not possible to provide precise information on the ICES zone where the fish has been caught, for the trade of herring > 17 cm, salmon, sea trout and sprat > 12,5 cm to other EU Member States or marketing on the domestic market not falling under a derogation, the lot of fish should always be sampled and analysed for dioxins, for the sum of dioxins and dioxin-like PCBs and for non-dioxin-like PCBs in accordance with EU legislation for checking compliance with EU legislation. This should be clearly stated in the accompanying documents. The analytical bulletin can be enclosed or should be made available upon request.
- Authority at port of landing is responsible for doing the necessary controls to ensure compliance.
- Documented evidence should be available as regards the fate of the fish which cannot be marketed for human consumption.

2. *Specific recommended risk management measures*

2.1. Baltic herring

- Baltic herring from ICES 22, 23, 24, 25, 26 and 27 → can be marketed for human consumption.
- Baltic herring from ICES 28-1, 29, 30, 31, 32:
 - Sweden and Finland:
 - Without sorting, Baltic herring can be marketed on domestic market only.
 - For trade to other EU Member States: obligatory sorting of herring in ≤ 17 cm and > 17 cm before placing on the market (as the sorting is done by width, this is approximate, but this is no problem):
 - Baltic herring ≤ 17 cm can be marketed for human consumption,
 - Baltic herring > 17 cm can be marketed or processed for human consumption for the domestic market only, or can be marketed outside the domestic market only if analysis of the individual lot has demonstrated compliance.
 - Germany, Denmark, Estonia, Latvia, Lithuania and Poland:
 - obligatory sorting of the Baltic herring in ≤ 17 cm and > 17 cm before placing on the market (as the sorting is done by width, this is approximate, but this is no problem):
 - Baltic herring ≤ 17 cm can be marketed for human consumption,
 - Baltic herring > 17 cm cannot be marketed or processed for human consumption, unless analysis of the individual lot has demonstrated compliance.

- Baltic herring from ICES 28-2:
 - Sweden and Finland:
 - Without sorting, Baltic herring can be marketed on domestic market only.
 - For trade to other EU Member States: obligatory sorting of Baltic herring in ≤ 21 cm and > 21 cm (as the sorting is done by width, this is approximate, but this is no problem):
 - Baltic herring ≤ 21 cm can be marketed or processed for human consumption,
 - Baltic herring > 21 cm can be marketed or processed for human consumption for the domestic market only, or can be marketed outside the domestic market only if analysis of the individual lot has demonstrated compliance.
 - Germany, Denmark, Estonia, Latvia, Lithuania and Poland:
 - obligatory sorting of the Baltic herring ≤ 21 cm and > 21 cm before placing on the market (as the sorting is done by width, this is approximate, but this is no problem):
 - Baltic herring ≤ 21 cm can be marketed for human consumption,
 - Baltic herring > 21 cm cannot be marketed or processed for human consumption, unless analysis of the individual lot has demonstrated compliance.

2.2. Salmon

- Salmon from ICES 24, 25 and 26:
 - Sweden, Finland and Latvia:
 - Salmon can be marketed for domestic market (derogation),
 - Trade to other EU Member States countries: only possible if analysis of the individual lot has shown compliance with EU legislation.
 - Germany, Denmark, Estonia, Lithuania and Poland:
 - Salmon larger than 2 kg can be marketed for human consumption only if analysis of the individual lot has shown compliance with EU legislation,
 - Salmon weighing less than 5,5 kg is compliant after trimming (procedure applied in Denmark and Poland only for ICES 24, 25 and 26) and salmon more than 5,5 kg up to 7,9 kg is compliant after trimming and removing ventral part (procedure applied in Poland for ICES 24, 25 and 26),
 - Trimmed salmon $> 5,5$ kg and salmon trimmed and ventral part removed $> 7,9$ kg can be marketed for human consumption only if analysis of the individual lot has shown compliance with EU legislation.
- Salmon from ICES 27, 28, 29, 30, 31 and 32:
 - Sweden, Finland and Latvia:
 - Salmon can be marketed for domestic market (derogation),
 - Trade to other EU Member States countries: only possible if analysis of individual lot has shown compliance with EU legislation.
 - Germany, Denmark, Estonia, Lithuania and Poland:
 - Salmon can be marketed for human consumption only if analysis of the individual lot has shown compliance with EU legislation.

2.3. (Sea) trout

- (sea) trout from ICES 22, 23, 24, 25 and 26:
 - Sweden and Finland:
 - (sea) trout can be marketed for domestic market (derogation),
 - Trade to other EU Member States countries: only possible if analysis of the individual lot has shown compliance with EU legislation.
 - Germany, Denmark, Estonia, Latvia, Lithuania and Poland:
 - (sea) trout weighing more than 2 kg: trout can be marketed for human consumption only if analysis of the individual lot has shown compliance with EU legislation,
 - (sea) trout trimmed and ventral part removed < 4,5 kg: compliant (procedure applied in Poland for ICES 22-23-24-25-26),
 - (sea) trout trimmed and ventral part removed > 4,5 kg can be marketed for human consumption if analysis of the individual lot has shown compliance with EU legislation.
- (sea) trout from ICES 27, 28, 29, 30, 31 and 32:
 - Sweden and Finland:
 - (sea) trout can be marketed for domestic market (derogation),
 - Trade to other EU Member States countries: only possible if analysis of the individual lot has shown compliance with EU legislation.
 - Germany, Denmark, Estonia, Latvia, Lithuania and Poland:
 - (sea) trout can be marketed for human consumption only if analysis of the individual lot has shown compliance with EU legislation.

2.4. Sprat

- Sprat from ICES 22, 23, 24, 25, 26, 27, 28 can be marketed for human consumption
- Sprat from ICES 29, 30, 31, 32:
 - Obligatory sorting in sprats $\leq 12,5$ cm and sprats $> 12,5$ cm,
 - Sprats $\leq 12,5$ cm can be marketed for human consumption,
 - Sprats $> 12,5$ cm cannot be marketed or processed for human consumption, unless analysis of the individual lot has demonstrated compliance.

2.5. Cod liver

Cod liver from cod caught in the Baltic region is suspected not to be compliant and therefore every lot should be analysed to show compliance before being placed on the EU market.
