Message 103

Communication from the Commission - TRIS/(2025) 0748

Directive (EU) 2015/1535

Notification: 2024/0698/CZ

Forwarding of the observations of a Member State (Italy) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

MSG: 20250748.EN

1. MSG 103 IND 2024 0698 CZ EN 19-03-2025 17-03-2025 IT COMMS 5.2 19-03-2025

2. Italy

3A. Ministero delle imprese e del Made in Italy
Dipartimento Mercato e Tutela
Direzione Generale Consumatori e Mercato
Divisione II. Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi
00187 Roma - Via Molise, 2

3B. Ministero della Salute
Direzione Generale per l'igiene e la sicurezza degli alimenti e la nutrizione

4. 2024/0698/CZ - C50A - Foodstuffs

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Following the examination of the draft technical regulation laying down the “Decree on requirements for starch, legumes, oilseeds and derived products”, corresponding to notification No 2024/0698/CZ, the Directorate-General for Food Hygiene, Food Safety and Nutrition of the Ministry of Health submitted the following assessments:

Article 2(b) containing opium alkaloid content: “The sum of the opium alkaloids morphine and 0.2 times the alkaloid codeine;”;

it is considered appropriate to replace with opium alkaloid content: “the sum of morphine and 0.2 times codeine”: morphine and codeine are opium alkaloids;

Oilseeds and products derived from oilseeds § 6, point (3).

(3) “Only seeds of the opium poppy Papaver somniferum L. of the oily type, from varieties with an opium alkaloid content not exceeding 0.8% of the dry weight of the poppy capsule and an opium alkaloid content on the surface of the poppy seed not exceeding 20 mg/kg, may be used for the production of foodstuffs or placed on the market. Poppy seeds intended for the final consumer must comply with the requirements of the Regulation on maximum levels for certain contaminants in food regarding their content of opium alkaloids(4)”.

In this respect, it should be noted that Regulation (EU) 2023/915 does not set any maximum limit for opium alkaloids for oilseeds not intended for the final consumer, nor does it set any maximum limit for opium alkaloids for the dried poppy

capsule.
The EU Regulation provides for maximum limits for opium alkaloids only for seeds intended for the final consumer. Therefore, in contrast to the EU standard, the Czech proposal would link poppy seeds used as food ingredients or to produce food derivatives/processed foods to a maximum limit for opium alkaloids on both seeds and dry capsules. This would in fact restrict the circulation of poppy seeds in the EU.

The EU regulation also sets maximum limits for opium alkaloids in bakery products (with poppy seeds or poppy seed products) and requires that the OSA that supplies poppy seeds to the bakery product manufacturer provide information so that the manufacturer can comply with the maximum limits for opium alkaloids in bakery products.

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