

EN
E-002390/2024
Answer given by Mr Várhelyi
on behalf of the European Commission
(5.1.2025)

Following an Opinion of the European Food Safety Authority on the health risks related to mercury in food¹, the Commission established in 2008 maximum levels (MLs) for mercury in fish. In accordance with Article 2 of Regulation (EEC) 315/93², the MLs for contaminants in food are established on the basis of occurrence data, taking into account the ‘as low as reasonably achievable’ principle. The MLs for mercury in fish were revised based on the most recent occurrence data, which showed that there was no margin to further reduce the ML for tuna, and it was, therefore, maintained at 1.0 mg/kg³.

The Commission would like to recall that the enforcement of EU food safety rules is Member States’ competence, so it is up to them to decide on any necessary market withdrawals and recalls. For compliance decisions of a sample of canned tuna, a processing factor in accordance with Article 3 of Regulation (EU) 2023/915⁴ and measurement uncertainty in accordance with points D.1.3 and D.2 of the Annex to Regulation (EC) No 333/2007⁵ need to be taken into account.

The Commission acknowledges that the consumption of high amounts of fish that is highly contaminated with mercury might cause health risks while on the other hand, fish consumption has also beneficial health effects. Therefore, the Commission has published on its website general consumption advice⁶ related to fish contaminated with mercury and several Member States have issued further detailed consumption advice tailor made to the species which are consumed by their citizens.

¹ <https://efsa.onlinelibrary.wiley.com/doi/pdf/10.2903/j.efsa.2012.2985>

² <https://eur-lex.europa.eu/eli/reg/1993/315/oj>

³ Regulation (EU) 2023/915 has codified all existing maximum levels including the one for mercury in fresh tuna. <https://eur-lex.europa.eu/eli/reg/2023/915/oj>

⁴ <https://eur-lex.europa.eu/eli/reg/2023/915/oj>

⁵ <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32007R0333>

⁶ https://food.ec.europa.eu/food-safety/chemical-safety/contaminants/catalogue/mercury_en