



EUROPEAN
COMMISSION

Brussels, **XXX**
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[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

**laying down the methods of sampling and analysis for the control of the levels of plant
toxins in food and repealing Regulation (EU) 2015/705**

(Text with EEA relevance)

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COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

laying down the methods of sampling and analysis for the control of the levels of plant toxins in food and repealing Regulation (EU) 2015/705.

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation)¹, and in particular Article 34(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² sets maximum levels for certain plant toxins in food.
- (2) Sampling plays a crucial part in the precision of the determination of the levels of plant toxins in a certain lot given the heterogeneous distribution of plant toxins within a lot. It is therefore to establish sampling methods for the control of the levels of plant toxins in food.
- (3) Commission Implementing Regulation (EU) No **2022/XXXXX**³ lays down the methods of sampling to be used for the control of the levels of mycotoxins in food. Given that both plant toxins and mycotoxins are heterogeneously distributed within a lot, it is appropriate to apply the same methods of sampling.
- (4) It is also necessary to fix general performance criteria, which the method of analysis should comply with in order to ensure that control laboratories use methods of analysis with comparable levels of performance.

¹ OJ L 95, 7.4.2017, p. 1.

² 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).

³ Commission Implementing Regulation (EU) No **2022/ of xxx** laying down the methods of sampling and analysis for the control of mycotoxins in food and repealing Regulation (EC) 401/2006 (OJ L, p).

- (5) On the basis of the best available scientific information, the European Union Reference Laboratories on Mycotoxins and Plant toxins have determined the analytical performance criteria for the analysis of plant toxins in food.
- (6) In order to ensure compliance with the provisions in Article 4 of Regulation (EC) No 852/2004¹, food business operators should, when samples are taken to control the levels of plant toxins should ensure same level of representation as the sampling procedure provided for official control. Furthermore, analytical results are not reliable in certain cases when the performance criteria as provided in this Regulation are not applied by laboratories performing the analysis of samples taken by food business operators within the framework of Article 4 of Regulation (EC) No 852/2004. It is therefore appropriate to make the application of the performance criteria also obligatory for the analysis of those samples.
- (7) Commission Regulation (EU) 2015/705² lays down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs.
- (8) It is appropriate to apply the methods of sampling and the analytical performance criteria provided for in this Regulation for the control of plant toxins, also for the control of erucic acid in food. It is therefore appropriate to repeal Regulation (EU) 2015/705.
- (9) It is necessary to provide sufficient time to control laboratories to put in application the new requirements introduced by this Regulation, it is therefore appropriate to provide for a reasonable time until the new Regulation applies.
- (10) In order to ensure continuity in the performance of official controls and other regulatory activities on maximum levels of plant toxins and in order to avoid that methods need to be re-validated at once, it is appropriate to provide that methods of analysis which have been validated before the date of application of this Regulation may remain in use for a defined period.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Sampling for the control of the levels of plant toxins in foodstuffs shall be carried out in accordance with the methods set out in Annex I.

Article 2

Sample preparation and methods of analysis used for the control of the levels of plant toxins in foodstuffs shall comply with the criteria set out in Annex II.

¹ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139 30.4.2004, p. 1)

² Commission Regulation (EU) 2015/705 of 30 April 2015 laying down methods of sampling and performance criteria for the methods of analysis for the official control of the levels of erucic acid in foodstuffs and repealing Commission Directive 80/891/EEC (OJ L 113, 1.5.2015, p. 29)

Article 3

Regulation (EU) 2015/705 is hereby repealed. References to the repealed Regulation shall be construed as references to this Implementing Regulation.

Article 4

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 July 2023. However, methods of analysis which have been validated before the entry into application of this Regulation may remain in use until 31 December 2025, even if they do not comply with all specific requirements provided for in point 4.3 in Annex II to this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN