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Requirements for sampling and methods of analysis for autocontrols for the presence of mycotoxins and plant toxins

Legal basis: Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs

Article 4(4):

The criteria, requirements and targets referred to in paragraph 3, and associated sampling and analysis methods shall be laid down by the Commission. Those measures, designed to amend non-essential elements of this Regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

Article 1

Scope

The sampling and analysis by food business operators to comply with the requirements provided for in Article 4 of Regulation (EC) 852/2004 as regards the presence of mycotoxins and plant toxins in food shall be performed in accordance with the methods described in the Regulation.

Article 2

Sampling

Samples shall be taken to be representative for the sampled batch or lot. The representativeness can be ensured by taking sufficient incremental samples and sufficient large aggregate samples.

To be representative, the sample shall be taken according to

- the sampling rules as established in Annex I to Commission Regulation (EU) 2023/2782 for mycotoxins and in Annex I to Commission Regulation (EU) 2023/2783 for plant toxins, or equivalent.

- the sampling rules as established in relevant international standards such as EN ISO 24333, GAFTA Sampling Rules 124, ISO/FDIS 18390, EN ISO 5555, ISO 21294. It is important to ensure that the commodity to be sampled and the mycotoxin(s) and/or plant toxin(s) to be controlled are in the scope of sampling rules of the international standard. In case the commodity and/or mycotoxin(s) and plant toxin(s) are not explicitly in the scope of the standard, evidence must be provided proving that the sampling rules established by the international standard are also representative for the commodity to be sampled and for the mycotoxin(s) or plant toxin(s) controlled, not explicitly in the scope of the international standard.
- The sampling rules established by the sector organisations or by the food business operator. In these cases, the sampling rules must be described in detail and evidence must be provided that these sampling rules ensure the representativeness of the sample taken for the sampled batch/lot.

Article 3

Sample preparation

The complete aggregate sample shall be homogenised in accordance with the provisions of Commission Regulation (EU) 2023/2782 for mycotoxins and of Commission Regulation (EU) 2023/2783 for plant toxins

Article 4

Methods of analysis

1. The criteria provided for methods of analysis used for the control of the levels of mycotoxins in food in point 4.2. of Annex II to Commission Regulation (EU) 2023/2782 and for the control of the levels of plant toxins in food in point 4.2. in Annex II to Commission Regulation (EU) 2023/2783 shall be complied with.
2. The semi-quantitative screening methods used for the control of the levels of mycotoxins in food, must be validated in accordance with the provisions of point 4.2.2. of Annex II to Commission Regulation (EU) 2023/2782 and for the control of the levels of plant toxins in food must be validated in accordance with point 4.2.2 in Annex II to Commission Regulation (EU) 2023/2783.
3. The qualitative screening methods used for the control of the levels of mycotoxins in food, must be validated in accordance with the provisions of point 4.2.3. of Annex II to Commission Regulation (EU) 2023/2782 and for the control of the levels of plant toxins in food, must be validated in accordance with point 4.2.3 in Annex II to Commission Regulation (EU) 2023/2783.

Article 5

Estimation of analytical measurement uncertainty, recovery calculation and reporting of results

The analytical measurement uncertainty, recovery calculation and reporting of results shall be done in accordance with the provisions of point 4.3. of of Annex II to Commission Regulation (EU) 2023/2782 for mycotoxins and of point 4.3 in Annex II to Commission Regulation (EU) 2023/2783 for plant toxins.

Article 6

Compliance with maximum levels

The compliance of the sampled bath or lot with maximum levels is verified by the food business operator in accordance with the provisions on the acceptance of a lot or subplot as provided for in part II of Annex I to Commission Regulation (EU) 2023/2782 for mycotoxins and plant toxins in the different commodities.