

*This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission. The information transmitted is intended only for the Member State or entity to which it is addressed for discussions and may contain confidential and/or privileged material.*

**SANTE PLAN 2023 2726 Rev.6**

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

**of XXX**

**amending Regulation (EC) No 333/2007 as regards the methods of sampling and analysis for the control of levels of mineral oil hydrocarbons in foodstuffs.**

**(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)<sup>1</sup>, and in particular Article 34(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 333/2007<sup>2</sup> lays down the methods of sampling and analysis to be used for the control of the levels of trace elements and processing contaminants in foodstuffs.

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<sup>1</sup> OJ L 95, 7.4.2017, p. 1.

<sup>2</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs (OJ L 88, 29.3.2007, p. 29).

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- (2) Commission Regulation (EU) 2023/915<sup>3</sup> sets out maximum levels for mineral oil aromatic hydrocarbons in certain foods and Recommendation (EU) 2024/XXX<sup>4</sup> (SANTE PLAN/2023/2727) [Publications Office: please insert the sequential number of C(2024)XXXX] lists indicative levels, beyond which the Commission recommends that Member States investigate the causes of contamination with mineral oil hydrocarbons in foodstuffs with high concentrations of mineral oil hydrocarbons. In order to ensure the reliability and consistency of official controls on mineral oil hydrocarbons in certain foods, detailed requirements should be set for the methods used for sampling and for laboratory analyses.
- (3) Regulation (EC) No 333/2007 should therefore be amended accordingly.
- (4) 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*

Regulation (EC) No 333/2007 is amended as follows:

- (1) Article 1 is replaced by the following:

#### *‘Article 1*

1. Sampling and analysis for the control of the levels of lead, cadmium, mercury, inorganic tin, inorganic arsenic, nickel, 3-monochloropropane-1,2-diol (3-MCPD), 3-MCPD fatty acid esters, glycidyl fatty acid esters, polycyclic aromatic hydrocarbons (PAH), mineral oil hydrocarbons (MOH) and perchlorate listed in Sections 3, 5 and 6 of Annex I to Regulation (EU) 2023/915<sup>1</sup> (\*) and for the control of the levels of acrylamide in accordance with Commission Regulation (EU) 2017/2158<sup>2</sup> (\*\*) shall be carried out in accordance with the Annex to this Regulation.
  2. Paragraph 1 shall apply without prejudice to the provisions of Regulation (EU) 2017/625<sup>3</sup> (\*\*\*).’
- (2) The Annex is amended in accordance with the Annex to this Regulation.

#### *Article 2*

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

<sup>3</sup> Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103).

<sup>4</sup> [Publications Office please insert reference to C(2024)XXXX]

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

(\*) Commission Regulation (EU) 2023/915 of 25 April 2023 on maximum levels for certain contaminants in food and repealing Regulation (EC) No 1881/2006 (OJ L 119, 5.5.2023, p. 103, ELI: <http://data.europa.eu/eli/reg/2023/915/oj>).

(\*\*) Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food (OJ L 304, 21.11.2017, p. 24, ELI: <http://data.europa.eu/eli/reg/2017/2158/oj>).

(\*\*\*) 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) (OJ L 95, 7.4.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/625/oj>).