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Delegations will find attached document D040232/03.

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EUROPEAN  
COMMISSION

Brussels, **XXX**  
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**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**amending Regulation (EC) No 333/2007 as regards the analysis of inorganic arsenic,  
lead and polycyclic aromatic hydrocarbons and certain performance criteria for  
analysis**

(Text with EEA relevance)

# COMMISSION REGULATION (EU) .../...

of **XXX**

**amending Regulation (EC) No 333/2007 as regards the analysis of inorganic arsenic, lead and polycyclic aromatic hydrocarbons and certain performance criteria for analysis**

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules<sup>1</sup>, and in particular Article 11(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 333/2007<sup>2</sup> lays down the methods of sampling and analysis for the official control of levels of certain contaminants in foodstuffs.
- (2) The maximum levels for certain contaminants in food have been established by Commission Regulation (EC) No 1881/2006<sup>3</sup>. Commission Regulation (EU) 2015/1006<sup>4</sup> amended Regulation (EC) No 1881/2006 to set maximum levels for inorganic arsenic, consequently it is appropriate to lay down specific procedures related to analysis for inorganic arsenic.
- (3) The EN standard 13804 related to the determination of elements and their chemical species has been updated, it is therefore appropriate to update the reference to that standard accordingly.
- (4) The maximum levels for polycyclic aromatic hydrocarbons (PAH) in cocoa beans and derived products have to be established on a fat basis. Proficiency tests performed by the European Union Reference Laboratory for PAH indicate divergences in the

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<sup>1</sup> OJ L 165, 30.4.2004, 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 official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs (OJ L 88, 29.3.2007, p. 29).

<sup>3</sup> 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).

<sup>4</sup> Commission Regulation (EU) 2015/1006 of 25 June 2015 amending Regulation (EC) No 1881/2006 as regards maximum levels of inorganic arsenic in foodstuffs (OJ L 161, 26.6.2015, p. 14).

determination of the fat content. It is therefore appropriate to harmonise the approach for the determination of the fat content.

- (5) Following advice of the European Union Reference Laboratory for heavy metals in feed and food, it is appropriate to amend the definition of the limit of quantification and the performance criteria related to the limit of detection for the methods of analysis for lead, cadmium, mercury and inorganic tin.
- (6) It is appropriate that the provisions related to the methods of sampling and analysis also apply outside the frame of official controls.
- (7) Regulation (EC) No 333/2007 should therefore be amended accordingly.
- (8) 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) The title is replaced by the following:

'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';
- (2) In Article 1, paragraph 1 is replaced by the following:

'1. Sampling and analysis for the control of the levels of lead, cadmium, mercury, inorganic tin, inorganic arsenic, 3-MCPD and polycyclic aromatic hydrocarbons ("PAH") listed in Sections 3, 4 and 6 of the Annex to Regulation (EC) No 1881/2006 shall be carried out in accordance with the Annex to this Regulation.';
- (3) The Annex is amended in accordance with the Annex to this Regulation.

#### *Article 2*

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*