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 (Text with EEA relevance)

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

(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[(1)], and in particular Article 11(4) thereof,

Whereas:

(1) Commission Regulation (EC) No 1881/2006[(2)] sets maximum levels for erucic acid in vegetable oils and fats intended as such for human consumption, foods containing added vegetable oils and fats, infant formulae and follow-on formulae.

(2) Commission Directive 80/891/EEC[(3)] establishes a method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and in foodstuffs containing added oils and fats. This method of analysis has become obsolete and needs to be replaced.

(3) It is appropriate not to establish a specific method of analysis but to establish performance criteria with which the method of analysis used for official control has to comply. Furthermore rules should be laid down concerning the method of sampling.

(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

1 Sampling and analysis for the official control of the levels of erucic acid set in sections 8 of the Annex to Regulation (EC) No 1881/2006 shall be carried out in accordance with the Annex to this Regulation.

2 Paragraph 1 shall apply without prejudice to the provisions of Regulation (EC) No 882/2004.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2015/705. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

Directive 80/891/EEC is repealed.

References to the repealed Directive shall be construed as references to this Regulation.

Article 3

This Regulation shall enter into force on the twentieth 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, 30 April 2015.

For the Commission

The President

Jean-Claude JUNCKER

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ANNEX

PART A:

DEFINITONS

For the purposes of this Annex, the following definitions shall apply:

'lot'	:	an identifiable quantity of food delivered at one time and determined by the official to have common characteristics, [such as origin, variety, type of packing, packer, consignor or markings].
'sublot'	:	designated part of a large lot in order to apply the sampling method on that designated part. Each sublot must be physically separated and identifiable;
'incremental sample'	:	a quantity of material taken from a single place in the lot or sublot;
'aggregate sample'	:	the combined total of all the incremental samples taken from the lot or sublot; aggregate samples shall be considered as representative of the lots or sublots from which they are taken;
'laboratory sample'	:	a sample intended for the laboratory.

PART B:

SAMPLING METHODS

B.1. **GENERAL PROVISIONS**

B.1.1. **Personnel**

Sampling shall be performed by an authorised person designated by the Member State.

B.1.2. **Material to be sampled**

Each lot or sublot which is to be examined shall be sampled separately.

B.1.3. **Precautions to be taken**

In the course of sampling, precautions shall be taken to avoid any changes which would affect the levels of erucic acid, adversely affect the analytical determination or make the aggregate samples unrepresentative.

B.1.4. **Incremental samples**

As far as possible incremental samples shall be taken at various places distributed throughout the lot or sublot. Departure from such procedure shall be recorded in the record provided for under point B.1.8 of this Annex

B.1.5. **Preparation of the aggregate sample**

The aggregate sample shall be made up combining the incremental samples.

B.1.6. **Samples for enforcement, defence and referee purposes**

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The samples for enforcement, defence and referee purposes shall be taken from the homogenised aggregate sample unless this conflicts with the rules of the Member States as regards the rights of the food business operators.

B.1.7. **Packaging and transmission of samples**

Each sample shall be placed in a clean, inert container offering adequate protection from contamination, from loss of analytes by adsorption to the internal wall of the container and against damage in transit. All necessary precautions shall be taken to avoid any change in composition of the sample which might arise during transportation or storage.

B.1.8. **Sealing and labelling of samples**

Each sample taken for official use shall be sealed at the place of sampling and identified in accordance with the rules of the Member States.

A record shall be kept of each sampling, permitting each lot or sublot from which the sample has been taken to be identified unambiguously. That record shall indicate all of the following:

(i) reference to the number of lot from which the sample has been taken;

(ii) the date and place of sampling;

(iii) any additional information likely to be of assistance to the analyst.

B.2. **SAMPLING PLANS**

B.2.1. **Division of lots into sublots**

Large lots shall be divided into sublots on condition that the sublot may be separated physically. The weight or number of sublots of products traded in bulk consignments shall be as given in Table 1. The weight or number of sublots of other products shall be as given in Table 2. Taking into account that the weight of the lot is not always an exact multiple of the weight of the sublots, the weight of the sublot indicated in Tables 1 and 2 may be exceeded by a maximum of 20 %.

B.2.2. **Number, weight and volume of incremental samples**

The aggregate sample shall be at least 1 kg or 1 litre except where this is not possible e.g. when the sample consists of one package or unit.

The minimum number of incremental samples to be taken from the lot or sublot shall be as given in Table 3.

In the case of bulk liquid products the lot or sublot shall be thoroughly mixed insofar as possible and insofar it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of contaminants is assumed within a given lot or sublot. It is therefore sufficient to take three incremental samples from a lot or sublot to form the aggregate sample.

The incremental samples shall be of similar weight or volume. The weight or volume of an incremental sample shall be at least 100 grams or 100 millilitres, resulting in an aggregate sample of at least about 1 kg or 1 litre. Departure from this method shall be recorded in the record provided for under point B.1.8 of this Annex.

TABLE 1

Subdivision of lots into sublots for products traded in bulk consignments

Lot weight (tonne)	Weight or number of sublots

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≥ 1 500	500 tonnes
> 300 and < 1 500	3 sublots
≥ 100 and ≤ 300	100 tonnes
< 100	—

TABLE 2

Subdivision of lots into sublots for other products

Lot weight (tonne)	Weight or number of sublots
≥ 15	15-30 tonnes
< 15	—

TABLE 3

Minimum number of incremental samples to be taken from the lot or sublot

Weight or volume of lot/sublot (in kg or litre)	Minimum number of incremental samples to be taken
< 50	3
≥ 50 and ≤ 500	5
> 500	10

If the lot or sublot consists of individual packages or units the number of packages or units which shall be taken to form the aggregate sample is given in Table 4.

TABLE 4

Number of packages or units (incremental samples) which shall be taken to form the aggregate sample if the lot or sublot consists of individual packages or units

Number of packages or units in the lot/ sublot	Number of packages or units to be taken
≤ 25	at least 1 package or unit
26 — 100	about 5 %, at least 2 packages or units
> 100	about 5 %, at maximum 10 packages or units

Where sampling using the method set out in this chapter B.2 would lead to unacceptable commercial consequences (e.g. because of packaging forms, damage to the lot, etc.) or would be practically impossible, an alternative method of sampling may be applied provided that it is sufficiently representative for the sampled lot or sublot and is fully documented in the report provided for under point B.1.8.

B.3. SAMPLING AT RETAIL STAGE

Sampling of foodstuffs at retail stage shall be done where possible in accordance with the sampling provisions set out in point B.2.2.

Where sampling using the method set out in point B.2.2 would lead to unacceptable commercial consequences (e.g. because of packaging forms, damage to the lot, etc.) or would be practically