

Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs (Text with EEA relevance)

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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⁾, in particular Article 11(4),

Whereas:

- (1) Commission Regulation (EC) No 466/2001 of 8 March 2001 setting maximum levels for certain contaminants in foodstuffs⁽²⁾ provides for maximum limits for certain mycotoxins in certain foodstuffs.
- (2) Sampling plays a crucial part in the precision of the determination of the levels of mycotoxins, which are very heterogeneously distributed in a lot. It is therefore necessary to fix general criteria which the sampling method should comply with.
- (3) It is also necessary to fix general 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.
- (4) Commission Directive 98/53/EC of 16 July 1998 laying down the sampling methods and the methods of analysis for the official control of the levels for certain contaminants in foodstuffs⁽³⁾ establishes sampling methods and performance criteria for the methods of analysis to be used for the official control of levels of aflatoxins in foodstuffs.
- (5) Commission Directive 2002/26/EC of 13 March 2002 laying down the sampling methods and the methods of analysis for the official control of the levels of ochratoxin A in foodstuffs⁽⁴⁾, Commission Directive 2003/78/EC of 11 August 2003 laying down the sampling methods and the methods of analysis for the official control of the levels of patulin in foodstuffs⁽⁵⁾ and Commission Directive 2005/38/EC of 6 June 2005 laying down the sampling methods and the methods of analysis for the official control of the levels of *Fusarium*-toxins in foodstuffs⁽⁶⁾ similarly establish sampling methods and performance criteria for ochratoxin A, patulin and *Fusarium*-toxins respectively.

- (6) It is appropriate to apply whenever possible the same sampling method to the same product for the control of mycotoxins. Therefore, the sampling methods and performance criteria for the methods of analysis to be used for the official control of all mycotoxins should be brought together in a single legal act in order to make them easier to apply.
- (7) Aflatoxins are very heterogeneously distributed in a lot, in particular in a lot of food products with a large particle size such as dried figs or groundnuts. In order to obtain the same representativeness, for batches with food products with large particle size, the weight of the aggregate sample should be larger than in case of batches with food products with a smaller particle size. Since the distribution of mycotoxins in processed products is generally less heterogeneous than in the unprocessed cereal products, it is appropriate to provide for simpler sampling provisions for processed products.
- (8) Directives 98/53/EC, 2002/26/EC, 2003/78/EC and 2005/38/EC should therefore be repealed.
- (9) It is appropriate that the date of application of this Regulation coincides with the date of application of Commission Regulation (EC) No 856/2005 of 6 June 2005 amending Regulation (EC) No 466/2001 as regards Fusarium toxins⁽⁷⁾.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee for the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

- (1) [OJ L 165, 30.4.2004, p. 1](#), corrected by [OJ L 191, 28.5.2004, p. 1](#).
- (2) [OJ L 77, 16.3.2001, p. 1](#). Regulation as last amended by Regulation (EC) No 199/2006 ([OJ L 32, 4.2.2006, p. 34](#)).
- (3) [OJ L 201, 17.7.1998, p. 93](#). Directive as last amended by Directive 2004/43/EC ([OJ L 113, 20.4.2004, p. 14](#)).
- (4) [OJ L 75, 16.3.2002, p. 38](#). Directive as last amended by Directive 2005/5/EC ([OJ L 27, 29.1.2005, p. 38](#)).
- (5) [OJ L 203, 12.8.2003, p. 40](#).
- (6) [OJ L 143, 7.6.2005, p. 18](#).
- (7) [OJ L 143, 7.6.2005, p. 3](#).