Regulation (EC) No 470/2009 of the European Parliament and of the Council of 6 May 2009 laying down Community procedures for the establishment of residue limits of pharmacologically active substances in foodstuffs of animal origin, repealing Council Regulation (EEC) No 2377/90 and amending Directive 2001/82/EC of the European Parliament and of the Council and Regulation (EC) No 726/2004 of the European Parliament and of the Council (Text with EEA relevance)

TITLE III

REFERENCE POINTS FOR ACTION

Article 18

Establishment and review

When it is deemed necessary in order to ensure the functioning of controls of food of animal origin imported or placed on the market in accordance with Regulation (EC) No 882/2004, the Commission may establish reference points for action for residues from pharmacologically active substances which are not subject to a classification in accordance with Article 14(2)(a), (b) or (c).

The reference points for action shall be reviewed regularly in the light of new scientific data relating to food safety, the outcome of the investigations and analytical tests referred to in Article 24 and technological progress.

Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 26(3). On imperative grounds of urgency, the Commission may have recourse to the urgency procedure referred to in Article 26(4).

Article 19

Methods for establishing reference points for action

1 The reference points for action to be established pursuant to Article 18 shall be based on the content of an analyte in a sample, which can be detected and confirmed by official control laboratories designated in accordance with Regulation (EC) No 882/2004 with an analytical method validated in accordance with Community requirements. The reference point for action should take into account the lowest residue concentration which can be quantified with an analytical method validated in accordance with Community requirements. The Commission shall be advised on the performance of analytical methods by the relevant Community reference laboratory.

2 Without prejudice to the second subparagraph of Article 29(1) of Regulation (EC) No 178/2002, the Commission shall, where appropriate, submit a request to EFSA for a risk assessment as to whether the reference points for action are adequate to protect human health. In those cases, EFSA shall ensure that the opinion is given to the Commission within 210 days of receipt of the request.

3 The principles of risk assessment shall be applied in order to guarantee a high level of protection of health. The risk assessment shall be based on methodological principles as well as scientific methods to be adopted by the Commission in consultation with EFSA.

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 26(3).

Article 20

Community contribution to the support measures for reference points for action

If the application of this Title requires the Community to finance measures in support of the establishment and functioning of reference points for action, Article 66(1)(c) of Regulation (EC) No 882/2004 shall apply.

Changes to legislation:
There are outstanding changes not yet made to Regulation (EC) No 470/2009 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/676 reg. 6(23)
- Art. 2(1) Art. 2 renumbered as Art. 2(1) by S.I. 2019/676 reg. 6(3)(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/676, reg. 6(3) omitted immediately before IP completion day by virtue of S.I. 2020/1461, regs. 1(2)(b), 3(4)(a))
- Art. 2(2) inserted by S.I. 2019/676 reg. 6(3)(b)
- Art. 4(3)(4) inserted by S.I. 2019/676 reg. 6(5)(d) (This amendment not applied to legislation.gov.uk. S.I. 2019/676, reg. 6(5)(d) omitted immediately before IP completion day by virtue of S.I. 2020/1461, regs. 1(2)(b), 3(4)(c)(ii))
- Art. 8(6) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 1 by S.I. 2020/1461 reg. 2(5)(a)(iv)
- Art. 8(7) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 1 by S.I. 2020/1461 reg. 2(5)(a)(v)(aa)
- Art. 8(7) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 1 by S.I. 2020/1461 reg. 2(5)(a)(v)(bb)
- Art. 8(8) omitted in earlier amending provision by virtue of S.I. 2019/865, Sch. 9 Pt. 1 by S.I. 2020/1461 reg. 2(5)(a)(vi)
- Art. 10(1)-(1C) Art. 10(1)-(1C) substituted for Art. 10(1) by S.I. 2019/865 reg. 18(4)(a)Sch. 9 Pt. 3
- Art. 10(1C) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 3 by S.I. 2020/1461 reg. 2(5)(c)
- Art. 14A inserted by S.I. 2019/865 reg. 18(6)Sch. 9 Pt. 4
- Art. 14A(1) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 4 by S.I. 2020/1461 reg. 2(5)(d)(i)
- Art. 14A(5) words substituted in earlier amending provision S.I. 2019/865, Sch. 9 Pt. 4 by S.I. 2020/1461 reg. 2(5)(d)(ii)