

Commission Regulation (EU) No 178/2010 of 2 March 2010 amending Regulation (EC) No 401/2006 as regards groundnuts (peanuts), other oilseeds, tree nuts, apricot kernels, liquorice and vegetable oil (Text with EEA relevance)

COMMISSION REGULATION (EU) No 178/2010

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(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⁾, in particular Article 11(4),

Whereas:

- (1) Commission Regulation (EC) No 1881/2006 of 19 December 2006 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) 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⁽³⁾ establishes the criteria for the sampling for the control of the levels of mycotoxins.
- (4) It is necessary to amend certain provisions for sampling aflatoxins in certain foodstuffs to take into account developments in Codex Alimentarius and to take into account recently established maximum levels of mycotoxins for new categories of foodstuffs.
- (5) Codex Alimentarius established a new sampling plan for groundnuts (peanuts), almonds, hazelnuts and pistachios intended for further processing and a new sampling plan for almonds, hazelnuts and pistachios 'ready-to-eat'⁽⁴⁾.
- (6) To facilitate the enforcement of the maximum levels of aflatoxins, it is appropriate to apply the sampling provisions as provided for by Codex Alimentarius for peanuts, almonds, hazelnuts and pistachios intended for further processing as well to other tree nuts which are intended for further processing and the sampling provisions as provided for by Codex for almonds, hazelnuts and pistachios 'ready-to-eat' to other tree nuts and groundnuts (peanuts) 'ready-to-eat'. The sampling procedure for tree nuts should also

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be applied to apricot kernels. Part D of the Annex I to Regulation (EC) No 401/2006 should therefore be amended accordingly to provide only for the sampling procedure for dried figs which should remain unchanged and the new sampling procedure for groundnuts (peanuts), other oilseeds, apricot kernels, tree nuts should be provided in a separate Part of the Annex.

- (7) Maximum levels have been established for aflatoxins in oilseeds other than groundnuts (peanuts)⁽⁵⁾ and for ochratoxin A in spices, liquorice root and liquorice extract⁽⁶⁾. It is appropriate to provide for specific sampling provisions for these new categories of foodstuffs and to refer to existing provisions where applicable.
- (8) The sampling of vegetable oils for the control of mycotoxins has specific characteristics and it is therefore appropriate to provide for specific sampling rules.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

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- (1) [OJ L 165, 30.4.2004, p. 1.](#)
- (2) [OJ L 364, 20.12.2006, p. 5.](#)
- (3) [OJ L 70, 9.3.2006, p. 12.](#)
- (4) Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) http://www.codexalimentarius.net/download/standards/17/CXS_193e.pdf
- (5) Commission Regulation (EU) No 165/2010 of 26 February 2010 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards aflatoxins ([OJ L 50, 27.2.2010, p. 8.](#))
- (6) Commission Regulation (EU) No 105/2010 of 5 February 2010 amending Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs as regards ochratoxin A ([OJ L 35, 6.2.2010, p. 7.](#))

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