



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 7 March 2014
(OR. en)**

7395/14

AGRILEG 58

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Marianne KLINGBEIL f.f., Director
date of receipt:	6 March 2014
To:	Mr Uwe CORSEPIUS, Secretary-General of the Council of the European Union
No. Cion doc.:	D030040/04
Subject:	COMMISSION REGULATION (EU) No .../. of XXX amending Regulation (EC) No 152/2009 as regards the determination of the levels of dioxins and polychlorinated biphenyls

Delegations will find attached document D030040/04.

Encl.: D030040/04



Brussels, **XXX**
SANCO/11950/2013 Rev. 1
(POOL/G1/2013/11950/11950R1-
EN.doc) D030040/04
[...](2014) **XXX** draft

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Regulation (EC) No 152/2009 as regards the determination of the levels of
dioxins and polychlorinated biphenyls**

(Text with EEA relevance)

COMMISSION REGULATION (EU) No .../..

of **XXX**

amending Regulation (EC) No 152/2009 as regards the determination of the levels of dioxins and polychlorinated biphenyls

(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 rules¹, and in particular Article 11(4) thereof,

Whereas:

- (1) Commission Regulation (EC) No 152/2009² includes methods for the determination of the levels of polychlorinated dibenzo-p-dioxins (PCDDs), polychlorinated dibenzofurans (PCDFs) and dioxin-like polychlorinated biphenyls (PCBs) in feed.
- (2) Requirements should be set out concerning screening methods which identify the samples with significant levels of PCDD/Fs and dioxin-like PCBs (preferably selecting samples exceeding action thresholds and ensuring the selection of samples exceeding maximum levels) and which have a high throughput. With respect to the maximum levels, the false-compliant rate of those screening methods should be below 5%.
- (3) Where the results achieved with the screening method exceed the cut-off value, the original sample should be analysed by means of a method capable of identifying and quantifying the PCDD/Fs and dioxin-like PCBs contained in the sample. Hereinafter such methods are referred to as 'confirmatory methods'. Technical progress and developments have shown that the use of gas chromatography/tandem mass spectrometry (GC-MS/MS) should be allowed for use as a confirmatory method for checking compliance with the maximum level, in addition to gas chromatography/high resolution mass spectrometry (GC-HRMS).

¹ OJ L 165, 30.4.2004, p. 1.

² Commission Regulation (EC) No 152/2009 of 27 January 2009 laying down the methods of sampling and analysis for the official control of feed (OJ L 54, 26.2.2009, p. 1).

- (4) Following the experience gained with the application of the rules currently in place, an amendment is appropriate to the current provisions as regards the necessity of duplicate analysis, the judgement of compliance in case of duplicate analysis and the requirement on the acceptable difference between upperbound and lowerbound results.
- (5) Regulation (EC) No 152/2009 should therefore be amended accordingly.
- (6) 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:

Article 1

Part B of Annex V to Regulation (EC) No 152/2009 is amended in accordance with the Annex to this Regulation.

Article 2

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 is binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
José Manuel BARROSO