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To:	General Secretariat of the Council
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Subject:	COMMISSION REGULATION (EU) No .../.. of XXX 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

Delegations will find attached document D034437/03.

Encl.: D034437/03



Brussels, **XXX**
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[...](2014) **XXX** draft

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

of **XXX**

**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) No .../..

of **XXX**

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

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² 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/EEC³ 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,

¹ OJ L 165, 30.4.2004, p. 1.

² Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs OJ L 364, 20.12.2006, p. 5.

³ Commission Directive 80/891/EEC of 25 July 1980 relating to the Community method of analysis for determining the erucic acid content in oils and fats intended to be used as such for human consumption and foodstuffs containing added oils or fats (OJ L 254, 27.9.1980, p. 35).

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.

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,

For the Commission
The President
Jean-Claude JUNCKER