

Forskrift om endring av forskrift om prøvetaking og analyse for offentlig kontroll av visse forurensende stoffer i næringsmidler

Hjemmel: Fastsatt av Mattilsynet XX.XX 2021 med hjemmel i lov 19. desember 2003 nr. 124 om matproduksjon og mattrygghet mv. (matloven) § 9, § 16 og § 33, jf. delegeringsvedtak 19. desember 2003 nr. 1790 og delegeringsvedtak 5. mai 2004 nr. 884.

EØS-henvisninger: EØS-avtalen vedlegg II Kap XII nr. 54zzzp (forordning (EU) nr. 2021/705)

I

I forskrift 3. juli 2015 nr. 871 om prøvetaking og analyse for offentlig kontroll av visse forurensende stoffer i næringsmidler gjøres følgende endringer:

EØS-henvisningsfeltet skal lyde:

EØS-avtalen vedlegg II kap. XII nr. 54zzzl (forordning (EF) nr. 401/2006 endret ved forordning (EU) nr. 178/2010 og forordning (EU) nr. 519/2014), nr. 54zzzo (forordning (EF) nr. 1882/2006), nr. 54zzzp (forordning (EF) nr. 333/2007 endret ved forordning (EU) nr. 836/2011, forordning (EU) 2016/582, forordning 2019/2093 og forordning (EU) 2021/705), nr. 108 (forordning (EU) 2015/705), nr. 125 (forordning (EU) 2017/644) og kap. XIX nr. 1 (direktiv 98/34/EF).

II

Endringene i forskriften trer i kraft straks.

Endringer som gjøres under avsnittet «Forordninger»

I den konsoliderte versjonen av forordning (EF) nr. 333/2007 gjøres følgende endringer:

Innledningsteksten skal lyde:

Nedenfor gjengis til informasjon den norske oversettelsen av forordning (EF) nr. 333/2007. Dette er grunnrettsakten. Grunnrettsakten er endret ved forordning (EU) nr. 836/2011, forordning (EU) 2016/582, forordning (EU) 2019/2093 og forordning (EU) 2021/705. Alle endringene av grunnrettsakten er innarbeidet nedenfor.

Alle endringer av grunnrettsakten samt de endringene og tilleggene som følger av EØS-tilpasningen av grunnrettsakten er innarbeidet nedenfor.

I konsolideringsoversikten tilføyes følgende:

► **M4** Kommisjonsforordning (EU) 2021/705

Følgende endringer konsolideres som M4 (når forskriften fastsettes vil teksten ha blitt oversatt til norsk).

I forordning (EF) nr. 333/2007 gøres følgende ændringer:

► **M4**

ANNEX

The Annex to Regulation (EC) No 333/2007 is amended as follows:

(1) point B.2.2. is replaced by the following:

B.2.2. Number of incremental samples

For food, other than food supplements, dried spices or herbs, dried fungi, algae or lichen, the aggregate sample shall be at least 1 kilogram or 1 litre, except where it is not possible, e.g. when the sample consists of 1 package or unit.

For food supplements, dried spices or herbs, dried fungi, algae or lichen the aggregate sample shall be at least 100 grams or 100 millilitres.

For food, other than food supplements, the minimum number of incremental samples to be taken from the lot or subplot shall be in accordance with Table 3.

In the case of bulk liquid products, the lot or subplot shall be thoroughly mixed in so far as possible and in so far it does not affect the quality of the product, by either manual or mechanical means immediately prior to sampling. In this case, a homogeneous distribution of contaminants shall be assumed within a given lot or subplot. Therefore the number of incremental samples from a lot or subplot to form the aggregate sample shall be three.

Where the lot or subplot consists of individual packages or units, for food, other than food supplements, the number of packages or units (incremental samples) to be taken to form the aggregate sample shall be in accordance with Table 4a.

The incremental samples shall be of similar weight/volume. For food, other than food supplements, dried spices or herbs, dried fungi, algae or lichen, the weight/volume of an incremental sample shall be at least 100 grams or 100 millilitres, resulting in an aggregate sample of at least about 1 kilogram or 1 litre.

For dried spices or herbs, dried fungi, algae or lichen, the weight/volume of an incremental sample shall be at least 35 grams or 35 millilitres, resulting in an aggregate sample of at least 100 grams or 100 millilitres.

The maximum levels for inorganic tin apply to the contents of each can, but for practical reasons an aggregate sampling approach may be used. If the result of the test for an aggregate sample of cans is less than but close to the maximum level of inorganic tin and if it is suspected that individual cans might exceed the maximum level, then further investigations shall be conducted.

For food supplements the minimum number and size of the incremental samples shall be in accordance with Table 4b.

Where it is not possible to carry out the method of sampling set out in this point B.2. because of the unacceptable commercial consequences (e.g. because of packaging forms, damage to the lot) or where it is practically impossible to apply the method of sampling provided for in this point B.2., an alternative method of sampling may be applied provided that it is sufficiently representative for the sampled lot or subplot and is fully documented. This shall be recorded in the record provided for in point B.1.8.

Table 1

Subdivision of lots into sublots for products traded in bulk consignments

| Lot weight (ton) | Weight or number of sublots |
|-------------------|-----------------------------|
| ≥ 1 500 | 500 tonnes |
| > 300 and < 1 500 | 3 sublots |
| ≥ 100 and ≤ 300 | 100 tonnes |
| < 100 | — |

Table 2

Subdivision of lots into sublots for products not traded in bulk consignments

| Lot weight (ton) | Weight or number of sublots |
|------------------|-----------------------------|
| ≥ 15 | 15-30 tonnes |
| < 15 | — |

Table 3

Minimum number of incremental samples to be taken from the lot or subplot of food, other than food supplements

| Weight or volume of lot/sublot (in kilogram or litre) | Minimum number of incremental samples to be taken |
|-------------------------------------------------------|---------------------------------------------------|
| < 50 | 3 |
| ≥ 50 and ≤ 500 | 5 |
| > 500 | 10 |

Table 4a

Number of packages or units (incremental samples) to be taken to form the aggregate sample where the lot or subplot consists of individual packages or units of food, other than food supplements

| Number of packages or units in the lot/sublot | Number of packages or units to be taken |
|-----------------------------------------------|--------------------------------------------|
| ≤ 25 | at least 1 package or unit |
| 26-100 | about 5 %, at least 2 packages or units |
| > 100 | about 5 %, at maximum 10 packages or units |

Table 4b

The minimum number and size of the incremental samples for food supplements

| Lot size (number of packages) | Number of packages (incremental samples) to be taken for sample | Size of the incremental sample |
|-------------------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------|
| 1-50 | 1 | Entire content of the package |
| 51-250 | 2 | Entire content of the package |
| 251-1 000 | 4 | From each retail package taken for sample, half of the content of the package |

| | | |
|------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| > 1 000 | 4 + 1 packages per 1 000 retail packages with a maximum of 25 retail packages | ≤ 10 packages: from each retail package, half of the content of the package > 10 packages: from each package, an equal amount is taken to result in a sample with the equivalent of the content of 5 packages |
| Unknown (only applicable for e-commerce) | 1 | Entire content of the package' |

(2) in point C.3.3.1., point (a) is replaced by the following:

'(a) Performance criteria for methods of analysis for lead, cadmium, mercury, inorganic tin and inorganic arsenic

Table 5

| Parameter | Criterion | | | |
|-------------------------------------|-------------------------------------------------|------------------------|------------------------|-----------------------|
| Applicability | Foods specified in Regulation (EC) No 1881/2006 | | | |
| Specificity | Free from matrix or spectral interferences | | | |
| Repeatability (RSD _r) | HORRAT _r less than 2 | | | |
| Reproducibility (RSD _R) | HORRAT _R less than 2 | | | |
| Recovery | The provisions of point D.1.2. apply | | | |
| LOD | = three tenths of LOQ | | | |
| LOQ | Inorganic tin | ≤ 10 mg/kg | | |
| | Lead | ML ≤ 0,02 mg/kg | 0,02 < ML < 0,1 mg/kg | ML ≥ 0,1 mg/kg |
| | | ≤ ML | ≤ two thirds of the ML | ≤ one fifth of the ML |
| | Cadmium, mercury, inorganic arsenic | ML ≤ 0,02 mg/kg | 0,02 < ML < 0,1 mg/kg | ML is ≥ 0,1 mg/kg |
| ≤ two fifths of the ML | | ≤ two fifths of the ML | ≤ one fifth of the ML' | |