

# REGULATIONS

## COMMISSION IMPLEMENTING REGULATION (EU) 2022/2418

of 9 December 2022

amending Regulation (EC) No 333/2007 as regards the methods for analysis for the control of the levels of trace elements and processing contaminants in foodstuffs

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) <sup>(1)</sup>, and in particular Article 34(6) thereof,

Whereas:

- (1) Commission Regulation (EC) No 333/2007 <sup>(2)</sup> lays down the methods of sampling and analysis to be used for the official control of the levels of trace elements and processing contaminants in foodstuffs.
- (2) On the basis of the best available scientific information, the European Union Reference Laboratories in the field of contaminants in feed and food have elaborated a Guidance Document on the estimation of the Limit of Detection (LOD) and Limit of Quantification (LOQ) for measurements in the field of contaminants in feed and food <sup>(3)</sup>. As this Guidance Document contains the best up to date technological knowledge, its conclusions should be reflected in the requirements for LOQs for analytical methods for arsenic set out in Regulation (EC) No 333/2007.
- (3) Regulation (EC) No 333/2007 should therefore be amended accordingly.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

### Article 1

The Annex to Regulation (EC) No 333/2007 is amended in accordance with the Annex to this Regulation.

<sup>(1)</sup> OJ L 95, 7.4.2017, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs (OJ L 88, 29.3.2007, p. 29).

<sup>(3)</sup> Wenzl, T., Haedrich, J., Schaechtele, A., Robouch, P., Stroka, J., *Guidance Document on the Estimation of LOD and LOQ for Measurements in the Field of Contaminants in Feed and Food*; EUR 28099, Publications Office of the European Union, Luxembourg, 2016, ISBN 978-92-79-61768-3; doi:10.2787/8931.

*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 shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 December 2022.

*For the Commission*  
*The President*  
Ursula VON DER LEYEN

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## ANNEX

In point C.3.3.1. of the Annex to Regulation (EC) No 333/2007, 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 <sub>t</sub> )	HORRAT <sub>t</sub> less than 2			
Reproducibility (RSD <sub>R</sub> )	HORRAT <sub>R</sub> 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	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
	Inorganic arsenic and total arsenic	ML ≤ 0,03 mg/kg	0,03 < ML < 0,1 mg/kg	ML is ≥ 0,1 mg/kg
		≤ ML	≤ two thirds of the ML	≤ two thirds of the ML