

**COMMISSION IMPLEMENTING REGULATION (EU) 2022/685****of 28 April 2022****amending Regulation (EC) No 333/2007 as regards the sampling requirements for fish and terrestrial animals****(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 control of the levels of trace elements and processing contaminants in foodstuffs.
- (2) In Part B of the Annex to Regulation (EC) No 333/2007 specific provisions for the sampling of large fish arriving in large lots are established and pursuant to those the middle part of such fish is to be sampled. As this may have in some cases a high impact on the product, alternative sampling requirements need to be provided for, in order to allow also sampling at the head or the tail. Furthermore, uniform requirements need to be set on the part of the fish to be sampled, depending on different size of the fish, as such requirements ensure a better comparability of analytical results throughout the Union.
- (3) In relation to the amended sampling requirements for fish, also the definition of 'lot' should be amended and a definition of 'comparable size or weight' should be provided.
- (4) In Annex IV to Council Directive 96/23/EC <sup>(3)</sup> requirements are set out for the sampling of terrestrial animals and aquaculture products for the analysis of residues and contaminants. Directive 96/23/EC has been repealed by Regulation (EU) 2017/625, but under Article 150 of that Regulation, that Directive remains applicable until 14 December 2022. Taking into account the end of those transitional measures relating to the application of Directive 96/23/EC, such requirements need to be set out in Regulation (EC) No 333/2007 to apply from 15 December 2022.
- (5) Regulation (EC) No 333/2007 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

<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> Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (OJ L 125, 23.5.1996, p. 10).

HAS ADOPTED THIS REGULATION:

*Article 1*

The Annex to Regulation (EC) No 333/2007 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*.

The Annex shall apply from 15 December 2022.

This Regulation shall be binding in its entirety and applicable in all Member States.

Done at Brussels, 28 April 2022.

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

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## ANNEX

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

(1) Part A is amended as follows:

(a) the definition of 'lot' is replaced by the following:

“‘lot’: an identifiable quantity of food delivered at one time and determined by the official to have common characteristics (such as origin, variety, species, catchment area, type of packing, packer, consignor or markings);”;

(b) the following definition is added:

“‘comparable size or weight’: the difference in size or weight does not exceed 50 %.”;

(2) Part B is amended as follows:

(a) point B.2.3 is replaced by the following:

**‘B.2.3. Specific provisions for the sampling of lots containing whole fish of comparable size or weight**

The number of incremental samples to be taken from the lot is set out in Table 3. The aggregate sample uniting all incremental samples shall be at least 1 kilogram (see point B.2.2).

- Where the lot to be sampled contains small fish (individual fish weighing < 1 kilogram), the whole fish is taken as incremental sample to form the aggregate sample. Where the resulting aggregate sample weighs more than 3 kilograms, the incremental samples may consist of the middle parts of the fish, weighing each at least 100 grams, forming the aggregate sample. The whole part to which the maximum level is applicable, is used for homogenisation of the sample.

The middle part of the fish is where the centre of gravity is. This is located in most cases at the dorsal fin (in case the fish has a dorsal fin) or halfway between the gill opening and the anus.

- Where the lot to be sampled contains larger fish (individual fish weighing ≥ 1 kilogram), the incremental sample consists of the middle part of the fish. Each incremental sample weighs at least 100 grams.

For fish of intermediate size (≥ 1 kilogram and < 6 kilograms) the incremental sample is taken as a slice of the fish from backbone to belly in the middle part of the fish.

For very large fish (≥ 6 kilograms), the incremental sample is taken from the right side (frontal view) dorso-lateral muscle meat in the middle part of the fish. Where the taking of such a piece of the middle part of the fish would result in a significant economic damage, the taking of three incremental samples of at least 350 grams each may be considered as being sufficient independent of the size of the lot or alternatively three incremental samples of at least 350 grams each from an equal part (175 grams) of the muscle meat close to the tail part and the muscle meat close to the head part of each fish may be considered as being sufficient independent of the size of the lot.”;

(b) the following points are added:

**‘B.2.4. Specific provisions for sampling of lots of fish containing whole fish of different size and/or weight**

The provisions of point B.2.3 as regards sample constitution shall apply.

Where a size or weight class/category is predominant (about 80 % or more of the lot), the sample is taken from fish with the predominant size or weight. This sample is to be considered as being representative for the whole lot.

Where no particular size or weight class/category predominates, then it shall be ensured that the fish selected for the sample are representative for the lot. Specific guidance for such cases is provided in “Guidance document on sampling of whole fish of different size and/or weight” (\*).

**B.2.5. Specific provisions for the sampling of terrestrial animals**

For meat and offal of porcine, bovine, ovine, caprine and equine animals a sample of 1 kilogram shall be taken from at least one animal. If needed to obtain a sample quantity of 1 kilogram, equal sample quantities shall be taken from more than one animal.

For poultry meat equal quantities shall be sampled from at least three animals in order to obtain an aggregate sample of 1 kilogram. For poultry offal equal quantities shall be sampled from at least three animals in order to obtain an aggregate sample of 300 grams.

For meat and offal of farmed game animals and wild terrestrial animals a sample of 300 grams shall be taken from at least one animal. If needed to obtain a sample quantity of 300 grams, equal sample quantities shall be taken from more than one animal.

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(\*) <https://ec.europa.eu/food/safety/chemical-safety/contaminants/sampling-and-analysis>;

(3) point C.2.1 is replaced by the following:

**C.2.1. Precautions and general considerations**

The basic requirement is to obtain a representative and homogeneous laboratory sample without introducing secondary contamination.

The whole part to which the maximum level is applicable shall be used for homogenisation of the sample.

For products other than fish all of the sample material received by the laboratory shall be used for the preparation of the laboratory sample.

For fish all of the sample material received by the laboratory shall be homogenised. From the homogenised aggregate sample, a representative part/ quantity shall be used for the preparation of the laboratory sample.

Compliance with maximum levels laid down in Regulation (EC) No 1881/2006 shall be established on the basis of the levels determined in the laboratory samples.

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