

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2021/2244

of 7 October 2021

supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council with specific rules on official controls as regards sampling procedures for pesticides residues in food and feed

(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) ⁽¹⁾, and in particular point (a) of Article 19(2) thereof,

Whereas

- (1) Regulation (EU) 2017/625 lays down rules for the performance of official controls and other official activities by the competent authorities of the Member States to verify compliance with Union legislation, inter alia, in the area of food safety at all stages of production, processing and distribution. It provides for specific rules on official controls in relation to substances whose use may result in residues of those substances in food and feed.
- (2) Regulation (EU) 2017/625 deletes Article 27(1) of Regulation (EC) No 396/2005 of the European Parliament and of the Council ⁽²⁾, which however remains applicable until 14 December 2022 unless an earlier date is set by a delegated act. That Article 27(1) lays down specific requirements for the performance of official controls as regards sampling procedures for the analysis of pesticide residues in food and feed.
- (3) Article 19(1) of Regulation (EU) 2017/625 lays down the specific requirements on official controls in relation to the residues of relevant substances in food and feed to be performed at any stage of production, processing and distribution.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

- (4) The aim of monitoring pesticide residues in food and feed is to ensure compliance with the maximum residue levels established by Regulation (EC) No 396/2005 as well as to assess the consumer exposure to pesticides residues. It requires food and feed samples to be taken in a sufficient number and range to ensure that they are representative of the market. It also requires those samples to be taken at the most appropriate sampling point in the food chain.
- (5) It is therefore appropriate to supplement Article 19(1) of Regulation (EU) 2017/625 by laying down rules for the performance of the official controls as regards the relevant sampling procedures for pesticide residues in food and feed.
- (6) As the rules laid down in Article 27(1) of Regulation (EC) No 396/2005 regarding official controls for sampling will no longer apply as from 15 December 2022, this Regulation should apply from that date,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of the official controls on pesticide residues, as provided for in Article 19(1) of Regulation (EU) 2017/625, each Member State shall take a sufficient number and range of samples of food and feed to ensure that the results are representative of the market, taking into account the results of previous multiannual national control programmes.

The sampling provided for in the first paragraph shall be carried out as close to the point of supply as is reasonable.

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*.

It shall apply from 15 December 2022.

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

Done at Brussels, 7 October 2021.

For the Commission
The President
Ursula VON DER LEYEN