

Brussels, 15 September 2020

## Request for uniform exemption of food samples imports for certification bodies and laboratories

Mr Van Goethem, Mr Bokor, Mr Saltagiannis,

We would kindly request you to develop a Delegated Regulation regarding the exemption from border controls of all food samples destined for analytical/laboratory purposes by testing, inspection and certification bodies.

Thereby, the EU would overcome the current situation, whereby authorities in different Member States – or sometimes within the same Member State – apply diverse interpretations of Regulation 2017/625 and Delegated Regulation 2019/2122 as regards food samples.

In particular, several authorities consider that article 4 of Regulation 2019/2122 does not apply to all food samples, because this Regulation makes reference to a definition of samples from Regulation 142/2011, whereby “research and diagnostic samples” refer only to “animal by-products and derived products”. On the contrary, food samples are a much broader category, covering all foodstuff according to the definition of Regulation 178/2002.

The ongoing legislative uncertainty is causing significant problems to the European food testing sector, as often certification bodies and laboratories are unable to import samples for testing under the conditions that applied before the implementation of Regulation 2017/625. This leads to delays in the supply chain. As such, it could potentially harm the role of the EU as a food safety pioneer, whose laboratories are preferred for testing food by international partners.

For example, currently there is no exemption on the entry of honey samples imported to be analyzed by TIC laboratories. Until the end of 2019, annual exemptions were granted according to Directive 97/78.

Making samples for laboratories enter through the usual border control procedure would cause significant competitive disadvantages for TIC laboratories based in the EU, as it is a longer process. This could make third country customers to turn to non-EU laboratories, even for honey that would be placed in the EU market.

Additionally, importers will also be negatively affected, as they manage their purchases with the help of samples. Honey often comes from third countries and importers’ activity also depends on samples’ dispatch and receipt. They would also increasingly trust statements of third country suppliers without having the possibility to carry out tests with TIC laboratories in the EU.

Therefore, we recommend adopting a Delegated Regulation that would clearly state that *all food samples destined solely for analysis, testing or diagnosis and any other check are exempted from controls by the competent authorities according to the provisions of article 27(1) of Regulation 142/2011.*

We stand at your disposal for any further information and examples. We would also be glad to schedule a discussion with your team and the relevant experts from TIC Council's membership.

Yours sincerely,

Drewin Nieuwenhuis  
EUROLAB Secretary General



Hanane Taidi  
Director General of TIC Council

