

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 8 November 2013

on investigations into the levels of acrylamide in food

(Text with EEA relevance)

(2013/647/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) The food industry, the Member States and the Commission have undertaken extensive efforts since 2002 in order to investigate pathways of formation and to reduce the levels of acrylamide in processed foods.

(2) The organisation FoodDrinkEurope, which represents the European food and drink industry, developed a 'toolbox' ⁽¹⁾ containing tools that can be used selectively by food producers in line with their particular needs to lower acrylamide levels in their products. In addition short brochures containing information about the most important tools for each sector were developed. That activity was supported by and contributed to by regulators.

(3) Acrylamide levels in some foodstuffs appeared to be significantly higher than the levels in comparable products of the same product category. Therefore the Commission considered it appropriate that Member States' competent authorities carry out investigations by examining the production and processing methods used by food business operators. To that end, the Commission adopted on 10 January 2011 a Recommendation on investigations into the levels of acrylamide in food ⁽²⁾ ('the 2011 Recommendation').

(4) Pursuant to the 2011 Recommendation, Member States are encouraged to carry out investigations if the

acrylamide level found in a specific foodstuff exceeds the indicative values set out in the Annex to that Recommendation.

(5) Acrylamide levels in food have been monitored by Member States from 2007 to 2009 pursuant to Commission Recommendation 2007/331/EC ⁽³⁾, and as from 2010 pursuant to Commission Recommendation 2010/307/EU ⁽⁴⁾. That monitoring exercise is targeted to those foodstuffs that are known to contain high acrylamide levels and/or contribute significantly to the human dietary intake.

(6) The monitoring results for the years 2007 to 2010 have been compiled by the European Food Safety Authority ('EFSA') in the Scientific Report on 'Update on acrylamide levels in food from monitoring years 2007-2010' ⁽⁵⁾ of 18 October 2012. EFSA concluded that there was no consistent trend across food groups towards lower levels of acrylamide and that a decrease in acrylamide levels was shown in only a few food categories while in other food categories an increase in the levels could be observed.

(7) On the basis of the results of the investigations obtained during the years 2011 and 2012 and on the basis of the monitoring results obtained pursuant to Recommendations 2007/331/EC and 2010/307/EU, it is appropriate to modify certain indicative values provided for in the Annex to the 2011 Recommendation.

(8) The 2011 Recommendation should therefore be replaced by a new Recommendation.

⁽¹⁾ The 'toolbox', developed by FoodDrinkEurope contains 14 different parameters ('tools'), grouped together in 4 main categories ('toolbox compartments') that can be used selectively by food producers in line with their particular needs in order to lower acrylamide levels in their products. The 4 compartments refer to agronomical factors, the food recipe, processing and final preparation. The toolbox can be found at the following link:
http://ec.europa.eu/food/food/chemicalsafety/contaminants/ciaa_acrylamide_toolbox09.pdf

⁽²⁾ http://ec.europa.eu/food/food/chemicalsafety/contaminants/recommendation_10012011_acrylamide_food_en.pdf

⁽³⁾ Commission Recommendation 2007/331/EC of 3 May 2007 on the monitoring of acrylamide levels in food (OJ L 123, 12.5.2007, p. 33).

⁽⁴⁾ Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food (OJ L 137, 3.6.2010, p. 4).

⁽⁵⁾ European Food Safety Authority; Update on acrylamide levels in food from monitoring years 2007 to 2010. EFSA Journal 2012; 10(10):2938. [38 pp.] doi:10.2903/j.efsa.2012.2938. Available online: www.efsa.europa.eu/efsajournal

- (9) Investigations should continue to include the food business operator's Hazard Analysis and Critical Control Points (HACCP) or a similar system ⁽¹⁾ with a view to exploring with the food business operator whether relevant processing steps susceptible for the formation of acrylamide have been identified and whether appropriate measures have been taken to control them. In doing so, the competent authorities should assess the extent to which currently known options for the minimisation of acrylamide levels, e.g. those proposed in the Code of Practice for acrylamide adopted by the Codex Alimentarius Commission and in the acrylamide 'toolbox' developed by FoodDrinkEurope, have been implemented by the food business operator.
- (10) Indicative values set by this Recommendation are only intended to indicate the need for an investigation. They are not safety thresholds. Therefore, enforcement action and/or the issuing of a Rapid Alert should only be undertaken on the basis of a sound risk assessment carried out on a case by case basis, but not merely because an indicative value is exceeded.
- (11) On the basis of the results of the investigations obtained during the years 2013 and 2014 pursuant to this Recommendation and on the basis of the monitoring results obtained pursuant to Recommendation 2010/307/EU and the outcome of the updated risk assessment performed by the EFSA on the presence of acrylamide in food, the Commission will assess the situation after an EFSA risk assessment becomes available and decide about the need for other appropriate measures,
- HAS ADOPTED THIS RECOMMENDATION:

1. Member States should, with the active involvement of food business operators, carry out further investigations into the production and processing methods used by food producers in cases where the level of acrylamide in a foodstuff, tested in the monitoring exercise carried out pursuant to Recommendation 2010/307/EU, exceeds the acrylamide indicative value set for the respective food category in the Annex to this Recommendation.

2. For the purposes of point 1, the level of acrylamide should be assessed without considering the analytical measurement uncertainty.
3. The investigations referred to in point 1 should include the verification of food business operator's Hazard Analysis and Critical Control Points (HACCP) based procedures with a view to verify:
 - (a) whether the food business operator has identified in the HACCP system or in a similar system the relevant processing steps which may lead to the formation of acrylamide; and
 - (b) whether appropriate mitigation measures have been taken by the food business operator.
4. The investigations referred to in point 1 should in particular elucidate the extent to which currently known options for the minimisation of acrylamide levels, e.g. those mentioned in the Code of Practice for acrylamide adopted by the Codex Alimentarius Commission and the acrylamide 'toolbox' FoodDrinkEurope, have been implemented by the food business operator.
5. Member States should report the findings to the Commission by 31 October 2014 and by 30 April 2015.
6. This Recommendation replaces the Recommendation of 10 January 2011 on investigations into the levels of acrylamide in food.

Done at Brussels, 8 November 2013.

For the Commission
Tonio BORG
Member of the Commission

⁽¹⁾ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

ANNEX

Indicative acrylamide values based on the EFSA monitoring data from 2007-12

| Foodstuff | Indicative value [µg/kg] | Comment |
|--|-----------------------------|---|
| French fries ready-to-eat | 600 | Product sold as ready-to-eat, as defined in Part C.1 of the Annex to Recommendation 2010/307/EU |
| Potato crisps from fresh potatoes and from potato dough | 1 000 | Product as sold, as defined in Parts C.2 and C.10 of the Annex to Recommendation 2010/307/EU |
| Potato-based crackers | | |
| Soft bread | | Product as sold, as defined in Part C.4 of the Annex to Recommendation 2010/307/EU |
| (a) Wheat based bread | 80 | |
| (b) Soft bread other than wheat based bread | 150 | |
| Breakfast cereals (excl. porridge) | | Product as sold, as defined in Part C.5 of the Annex to Recommendation 2010/307/EU |
| — bran products and whole grain cereals, gun puffed grain (gun puffed only relevant if labelled) | 400 | |
| — wheat and rye based products (*) | 300 | |
| — maize, oat, spelt, barley and rice based products (*) | 200 | |
| Biscuits and wafers | 500 | Product as sold, as defined in Part C.6 of the Annex to Recommendation 2010/307/EU |
| Crackers with the exception of potato based crackers | 500 | |
| Crispbread | 450 | |
| Ginger bread | 1 000 | |
| Products similar to the other products in this category | 500 | |
| Roast coffee | 450 | Product as sold, as defined in Part C.7.1 of the Annex to Recommendation 2010/307/EU |
| Instant (soluble) coffee | 900 | Product as sold, as defined in Part C.7.2 of the Annex to Recommendation 2010/307/EU |
| Coffee substitutes | | Product as sold, as defined in Part C.7.3 of the Annex to Recommendation 2010/307/EU |
| (a) coffee substitutes mainly based on cereals | 2 000 | |
| (b) other coffee substitutes | 4 000 | |
| Baby foods, other than processed cereal based foods (**) | | Product as sold, as defined in Part C.8 of the Annex to Recommendation 2010/307/EU |
| (a) not containing prunes | 50 | |
| (b) containing prunes | 80 | |
| Biscuits and rusks for infants and young children | 200 | Product as sold, as defined in Part C.9.1 of the Annex to Recommendation 2010/307/EU |
| Processed cereal based foods for infants and young children (***), excl. biscuits and rusks | 50 | Product as sold, as defined in Part C.9.2 of the Annex to Recommendation 2010/307/EU |

(*) Non-whole grain and/or non-bran based cereals. The cereal present in the largest quantity determines the category.

(**) As defined in Article 1(2)(b) of Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (OJ L 339, 6.12.2006, p. 16).

(***) As defined in Article 1(2)(a) of Directive 2006/125/EC.