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**COMMISSION REGULATION (EU) .../...**

**of **XXX****

**on the application of codes of good practice to reduce the presence of acrylamide in food**

(Text with EEA relevance)

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs<sup>1</sup>, and in particular Article 4 (4) thereof,

Whereas:

- (1) The Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority (EFSA) adopted an opinion on acrylamide in food<sup>2</sup>. The CONTAM Panel concluded that although the available human studies have not demonstrated acrylamide be a human carcinogen, the Margin of Exposure (MOEs) based on the current levels of dietary exposure to acrylamide across surveys and age groups indicate a concern with respect to carcinogenic effects.
- (2) It is therefore appropriate to reduce the presence of acrylamide as much as possible by applying measures to prevent and reduce formation of acrylamide in specific manufacturing practices. These measures are contained in Codes of Practice which have been developed by the relevant sector organisations. Codes of Practice were developed for potato based products, cereal based products, coffee and coffee substitutes and baby food by the sector organisations under the umbrella of FoodDrinkEurope and for plant bakery products by the International Association of Plant Bakers. Specific codes of practices have been elaborated for the eating out sector, hospitality industry and the craft, micro and small food enterprises.
- (3) Given the human health concerns related to the presence of acrylamide in food, it is appropriate to make the application of the Codes of Practice mandatory.
- (4) Food business operators should establish an ongoing monitoring programme of analysis for acrylamide levels to confirm that the application of the Code of Practice is effective to reduce the presence of acrylamide in food. Indicative values are established as benchmark to check the effectiveness of the Code of Practice applied. A more frequent sampling and analysis to

<sup>1</sup> OJ L 139, 30.4.2004, p. 1

<sup>2</sup> EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2015. Scientific Opinion on acrylamide in food. EFSA Journal 2015;13(6):4104, 321 pp. doi:10.2903/j.efsa.2015.4104 Available online: [www.efsa.europa.eu/efsajournal](http://www.efsa.europa.eu/efsajournal)

confirm that the application of the Code of Practice is effective to reduce the presence of acrylamide is necessary for the food business operators producing food products covered by Codes of Practices which contain less obligatory requirements for application of mitigation measures than the food business operators producing food products covered by Codes of Practices which contain more obligatory requirements for application of mitigation measures.

- (5) The successful application of the Codes of practice should result in lower levels of acrylamide and therefore the indicative levels should be regularly reviewed in view of a further reduction of the levels of acrylamide in food. A first review should take place immediately after the entry into force of this Regulation.
- (6) 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*

Food business operators shall apply the Codes of Practice referred to Annex I of this Regulation combined with the general requirements laid down in Annex II.

#### *Article 2*

The food business operators, referred to in Annex II, point 1, shall provide evidence of regular testing of their products to ensure that the application of the Code of Practice is effective in keeping acrylamide levels as low as reasonable achievable and the indicative values referred to in Annex III are to be used as benchmark.

#### *Article 3*

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 as from 4 months after the entry into force

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

Done at Brussels,

*For the Commission*  
*The President*  
*Jean-Claude JUNCKER*