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ANNEXES 1 to 3

ANNEXES

to the

Commission Regulation (EU)

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

**WORKING DOCUMENT – DOES NOT
NECESSARILY REPRESENT THE VIEWS OF
THE EUROPEAN COMMISSION SERVICES**

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ANNEX I

CODES OF GOOD PRACTICE

The following Codes of Practice have been endorsed by the Standing Committee on Plants, Animals, Food and Feed on XXX and are available in all EU languages on the website of the DG Health and Food Safety of the European Commission at (website)

1) Food business operators, with the exception of food business operators referred to in point 2 of this Annex, producing the following food products, for which it is known they contain significant levels of acrylamide, shall apply the for their sector relevant Code of Practice:

- products based on raw potatoes
 - sliced potato crisps
 - French fries and other cut (deep fried) potato products
- dough-based potato crisps, snacks and crackers
- cereal-based products
 - fine bakery wares (including ginger bread and crisp bread)
 - breakfast cereals
- coffee
- coffee substitutes mainly containing cereals
- coffee substitutes mainly containing chicory
- baby biscuits and infant cereals
- baby jar foods (low-acid and prune-based foods)
- bread and bread products

Foods other than those mentioned above are not known to contain significant levels of acrylamide, although the presence cannot be excluded. Food business operators producing these other food products shall manage the risk of acrylamide, if appropriate, by the application of the relevant hygiene requirements provided for in Regulation (EC) 853/2004.

2) Food business operators, which place on the market directly to the consumer ready-to-eat food shall apply one of the following Codes of Practice as applicable:

Code of Practice for managing acrylamide formation during the production of food in the hospitality industry.

Code of Practice for managing acrylamide formation during the production of food in craft, micro and small food enterprises

Code of Practice for managing acrylamide formation during the production of food in the eating out sector

ANNEX II

GENERAL REQUIREMENTS

1) Requirements for food business operators referred to in point 1 of Annex I:

a) Application of the general mandatory requirements referred to in point 3 of the Code of Practice for managing acrylamide formation in foods

b) In cases where raw material selection on the basis of acrylamide precursors is feasible and consequently included as a potential mitigation measure in the Code of Practice, clear acceptance, action and rejection criteria shall be established by the food business operator.

Acceptance criteria shall be underpinned by evidence which demonstrates that when they are used in combination with other relevant mitigation measures listed in the Code of Practice, and under normal circumstances, acrylamide levels can be expected to be in line with the relevant values to be used as benchmark referred to in Annex III to this Regulation.

Where incoming materials do not meet the acceptance criteria, but meet the action criteria owing to circumstances which are outside the control of the food business operator, appropriate process measures shall be applied in order to ensure that levels of acrylamide as low as reasonably achievable and below the relevant value to be used as benchmark referred to in Annex III to this Regulation are reached in the final product.

c) Food business operators shall ensure that they undertake representative sampling and analysis of their products for the presence of acrylamide to verify the effectiveness of mitigation measures.

Analysis of acrylamide can be replaced by measurement of product attributes (e.g. colour) or process parameters provided that a statistical correlation can be demonstrated between the product attributes or process parameters and the acrylamide level.

Food business operators shall ensure that a representative sample of each product type is taken for analysis of acrylamide concentration. A “product type” includes groups of products with the same or similar ingredients, recipe design, process design and/or process controls where these have a potential influence acrylamide levels in the finished product. Monitoring programmes shall prioritise product types that have the demonstrated potential to exceed the relevant value to be used as benchmark on a regular basis or periodically owing to significant variation in acrylamide levels.

Food business operators shall provide sufficient data to enable an assessment of the level of acrylamide and of the likelihood that the product type might exceed the relevant value to be used as benchmark. Based on this assessment, the food business operator shall specify appropriate frequencies for analysis for each product type. The assessment shall be repeated if a product or process is modified in a way that could lead to a change in the acrylamide level in the final product.

As a minimum, sampling and analysis shall be undertaken annually for products that have a known and well-controlled acrylamide level. Higher frequencies of analysis shall be specified by the food business operator for product types identified as having the potential to exceed the value to be used as benchmark.

If analysis indicates that a product has exceeded the value to be used as benchmark, or contains acrylamide at a level significantly higher than anticipated (taking into account previous analyses, ingredients, recipe design, and process design and process controls), then the food business operator shall carry out a review to confirm that all effective and reasonable mitigation measures are being appropriately applied and in case of exceedance of the value to be used as

benchmark shall take additional mitigation measures to ensure that acrylamide level in the finished product is below the value to be used as benchmark.

d) They shall make the analytical results obtained from the continuous program of analysis every year available on request to the competent authority together with corresponding product sub-category/ product-type descriptions of the products analysed. Details of mitigation measures taken to reduce levels of acrylamide shall be provided for those products exceeding the value to be used as benchmark

2) Requirements for food business operators referred to in point 2 of Annex I

a) When directly sourcing raw materials for the preparation of products offered to the consumer, food business operators shall ensure selection of raw materials whose characteristics contribute to the minimisation of acrylamide formation during production, as provided for in the relevant Codes of practice.

b) When sourcing prepared products to be offered directly to the consumer or which require further preparation immediately before point-of-sale, food business operators shall rely on suppliers to be compliant with the requirements laid down in the relevant Codes of practice.

c) They shall make the colour guides referred to in the relevant Codes of practice available and visible at their premises to their staff preparing the food.

ANNEX III

VALUES TO BE USED AS BENCHMARK

Values established in this Annex are intended to serve as benchmark to verify the effectiveness of the application of the Codes of Practice.

Food	value to be used as benchmark [µg/kg]
French fries (ready-to-eat)	600
Potato crisps from fresh potatoes and from potato dough Potato-based crackers	1000
Soft bread (a) Wheat based bread (b) Soft bread other than wheat based bread	80 150
Breakfast cereals (excl. porridge) - bran products and whole grain cereals, gun puffed grain - wheat and rye based products (*) - maize, oat, spelt, barley and rice based products (*) (* non-whole grain and/or non-bran based cereals. The cereal present in the largest quantity determines the category.	400 300 200

Biscuits and wafers	500
Crackers with the exception of potato based crackers	500
Crispbread	450
Ginger bread	1000
Products similar to the other products in this category	500
Roast coffee	450
Instant (soluble) coffee	900
Coffee substitutes	
(a) coffee substitutes mainly based on cereals	2000
(b) other coffee substitutes	4000
Baby foods, processed cereal based foods for infants and young children ¹ , excl. biscuits and rusks	50
Biscuits and rusks for infants and young children	200

¹ As defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L181, 29.6.2013, p. 35)