

SAFE urges MEPs to back acrylamide law, reject veto

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Campaign group Safe Food Advocacy Europe (SAFE) is urging MEPs to support a draft delegated regulation requiring mitigation measures to reduce the carcinogenic processing contaminant acrylamide in starchy foods and reject a motion vetoing the proposal.



SAFE spoke out ahead of a 28 September vote in the European Parliament's Environment, Public Health and Food Safety Committee on a motion from Austrian centre right MEP Elisabeth Köstinger to oppose the draft Commission delegated regulation. SAFE has sent Committee members a four-page 'Response' to the draft motion in a bid to persuade them to support the Commission proposal and vote against.

"The Draft Regulation on acrylamide has considerably improved from the first version to better protect the health of European consumers. In addition, after the approval of this Regulation the Commission committed to draft a complementary legislation ensuring that the setting of maximum levels for acrylamide in certain food products will be considered," SAFE Secretary General Floriana Cimmarusti told *IEG Policy*.

Cimmarusti added: "We hope that the EP will vote in favour of this legislation, it is a first good step in the right direction."

The SAFE paper kicks off by rejecting Köstinger's claims that the Commission is stepping outside its implementing powers under the 2004 food hygiene regulation

(852/2004) in setting mandatory mitigation measures. The paper underlines: “Article 5 of this Regulation refers to the HACCP principles (Hazard Analysis Critical Control Point) which bind food business operators (FBOs) to take any measures necessary to prevent, eliminate or reduce to acceptable levels whatever hazards that might occur at any stage of production, processing and distribution of food.”

The paper moreover points out that under the regulation’s Article 5.5 the Commission, assisted by Member States in the Standing Committee on Plants, Animals, Food and Feed (PAFF), can lay down detailed arrangements to help companies put the HACCP principles into practice. “Consequently, the Commission is entitled to provide FBOs with mitigation measures for the reduction of acrylamide concentration in foodstuffs,” says SAFE.

SAFE further dismisses Köstinger’s view that acrylamide reduction is a matter best left to Member States under the subsidiarity principle, where law making is left to national or regional level unless there is cross-border, pan European impact, and to self-regulation by the sectors concerned.

The paper notes that “since 2011, Member States are only required to carry out investigations on the production and processing methods when the concentration of acrylamide in food exceeds the indicative value.” But, the paper goes on to argue, “the investigation means put into place by Member States are far from sufficient and demonstrate that the implementation of voluntary-basis measures to reduce acrylamide in foodstuffs by FBOs are unsuccessful. Consequently, the EU’s intervention would be more effective than the current self-regulation system.”

SAFE goes on to argue: “Acrylamide concentration in food being a matter of human health, it is thereby a transnational issue that has not been resolved by EU countries.”

Moreover, SAFE argues that having different rules in the Member States “may also lead to significant differences between the national legal systems and thereby putting barriers up to the free movement of food products.”

SAFE argues that the differences in requirements applied to small businesses and larger companies also ensures respect for the principle of proportionality, whereby a law should only be as restrictive as needed to achieve its goal.

The paper also notes that an information and awareness campaign that Köstinger wants to see instead of the regulation “is already highly encouraged” by the Commission. “Nevertheless, an awareness raising campaign needs to be accompanied with binding measures to reduce the levels of acrylamide in food products,” says SAFE, adding: “The lack of significant decrease of acrylamide levels in food under the self-regulation measures ... shows the necessity to establish thresholds and monitoring programmes, such as sampling, to ensure that EU consumer’s health remains the principle guiding the future legislation.”

SAFE continues that “by differentiating large FBOs from small FBOs regarding the measures on sampling, analysis and preparations, the Draft Regulation does not go beyond what is necessary to achieve the objectives set by the Treaties and the basic act.”

The paper makes clear: “Consequently, it does not generate an excessive bureaucracy nor an enormous burden for small FBOs such as bakeries and restaurants.”