

SAFE – Response to consultation

on the draft Commission regulation establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food

SAFE – *Safe Food Advocacy Europe* would like to thank the European Commission (EC) for this opportunity to give some feedback regarding its draft regulation establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food.

The health issues pertaining to acrylamide presence in food, being indeed well documented (recital 5), should be clearly addressed through a binding legislation that effectively helps reduce acrylamide's presence in food. While SAFE acknowledges the several improvements that have been made compared to earlier drafts of the regulation, it must stress several issues that remain in the current draft and may hinder the achievement of the overall objective.

Among these improvements, SAFE particularly welcomes the sensible reduction of the benchmark levels set out in annex IV, as previous numbers were often higher than levels that can currently be found inside various products on the market.

Yet, despite encouraging developments, SAFE must highlight the following concerns:

- Though the EC clearly mentions another text should follow this regulation, which would set maximum levels for acrylamide in certain foods (recital 15), based on Council Regulation (EEC) No 315/93 on contaminants, the wording neither provides a clear idea of the time-frame ("following the entry into force") nor clarity on whether the text will actually get written ("should be considered"). SAFE insists the final version of the regulation should be unambiguous on the legislator's intentions to indeed draft the ensuing text pertaining to certain foods (e.g. baby foods), while giving more indications on when it intends to do so;
- The current draft does not provide sufficient incentives for food business operators whose products bear to high acrylamide levels to comply and reduce them. Indeed, though they are invited to apply the mitigation measures detailed in the annexes, their compliance is not ensured, as nowhere in the text can be found references to any sort of penalty, such as a product's withdrawal from the market;
- Similarly, the continuous general reliance on food business operators' self-monitoring, as detailed in article 3, does not seem to be a sufficient incentive for them to effectively put in place mitigation measures provided for in the annexes; therefore, SAFE would like the involvement of public authorities more clearly laid out in the regulation;
- Finally, the suggestion made in Annex III (part II, point 1) that "*Analysis of acrylamide can be replaced by measurement of product attributes (e.g. colour) or process parameters*" would leave room for much uncertainty, as it remains unclear how such measurement could abide by scientific standards, and thus be of any value.

In view of the points mentioned above, SAFE reaffirms that only legally binding maximum levels of acrylamide will have the desired influence on food business operators' practices and products, thus ensuring EU citizens' health. For this reason, we underline the necessity of rapidly drafting the second text mentioned by the Commission in the recital 15.

SAFE once again would like to thank the European Commission for this opportunity to discuss this regulation and the afferent health issues. We hope our contribution will be of good use and that the final version of the text will respond to SAFE's concerns about the protection of citizens' health.