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[...](2020) **XXX** draft

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of acrylamide in certain foodstuffs for infants and young children

(Text with EEA relevance)

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

of **XXX**

amending Regulation (EC) No 1881/2006 as regards maximum levels of acrylamide in certain foodstuffs for infants and young children

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 315/93 of 8 February 1993 laying down Community procedures for contaminants in food¹, and in particular Article 2(3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1881/2006² sets maximum levels for certain contaminants in foodstuffs.
- (2) In 2015, the Scientific Panel on Contaminants in the Food Chain (CONTAM) of the European Food Safety Authority ('the Authority') adopted the scientific opinion on acrylamide in food³. Based on animal studies, the Authority confirmed previous evaluations that acrylamide in food potentially increases the risk of developing cancer for consumers in all age groups. Since acrylamide is present in a wide range of everyday foods, this concern applies to all consumers. The current levels of dietary exposure to acrylamide across age groups indicate a concern with respect to its carcinogenic effects but children are the most exposed age group on a body weight basis.
- (3) It is therefore important that the levels of acrylamide in food are as low as reasonably achievable by applying mitigation measures by all food business operators.
- (4) Commission Regulation (EU) 2017/2158⁴ provides an obligation for food business operators to apply mitigation measures and carry out certain activities to reduce the levels of acrylamide in certain foodstuffs. It concerns foodstuffs where raw materials, such as cereals, potatoes and coffee beans contain the precursors asparagine and sugars which result in the formation of acrylamide when prepared at temperatures typically higher than 120 °C and low moisture. Benchmark levels were set to verify through sampling and analysis the effectiveness of the mitigation measures. Recital 15 of Regulation (EU) 2017/2158 indicates that complementary to those mitigation measures, the setting of maximum levels for acrylamide in certain foods is also to be considered. Given the possible health concern, in particular for infants and young children and since mitigation measures are available to achieve low levels of acrylamide, it is appropriate to establish maximum levels for the foods for infants and

¹ OJ L 37, 13.2.1993, p. 1.

² Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

³ EFSA Journal 2015;13(6):4104.

⁴ Commission Regulation (EU) 2017/2158 of 20 November 2017 establishing mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food (OJ L 304, 21.11.2017, p. 24).

young children covered by Regulation (EU) 2017/2158. The maximum levels are set at a strict level, that is achievable by applying all possible mitigation measures and that provides a high level of human health protection.

- (5) Regulation (EC) No 1881/2006 should therefore be amended accordingly.
- (6) Even if the obligation to apply mitigation measures and carry out certain activities to reduce the levels of acrylamide in certain foodstuffs is already laid down in Commission Regulation (EU) 2017/2158, it is appropriate to allow to food business operators some time to put, if necessary, in application additional mitigation measures to adapt to the new requirements set out in this Regulation. The date of application of this Regulation should therefore be deferred. In order to allow for a smooth transition, foodstuffs lawfully placed on the market before the date of application of this Regulation should be allowed to remain on the market for a short period of time.
- (7) 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

The Annex to Regulation (EC) No 1881/2006 is amended in accordance with the Annex to this Regulation.

Article 2

Foodstuffs listed in the Annex that were lawfully placed on the market before 1 January 2021 may remain on the market until 1 July 2021.

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 from 1 January 2021.

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

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN