

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 2 June 2010

on the monitoring of acrylamide levels in food

(Text with EEA relevance)

(2010/307/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) Commission Recommendation 2007/331/EC of 3 May 2007 on the monitoring of acrylamide levels in food⁽¹⁾ sets out a three year monitoring programme (2007-2009) for acrylamide in certain foodstuffs.
- (2) The results for 2007 have been compiled by the European Food Safety Authority (hereinafter the 'EFSA') in the Scientific Report on 'Results on the monitoring of acrylamide levels in food'⁽²⁾, issued on 30 April 2009. The report also includes acrylamide results for 2003-2006 collected from the Member States and compiled by the Commission's Joint Research Centre's Institute for Reference Materials and Measurements. The results for the years 2008 and 2009 are not yet available. Once they will be available, the Scientific Report will be updated.
- (3) The Confederation of the Food and Drink Industry (CIAA) developed a 'toolbox' containing tools that can be used selectively by food producers in line with their particular needs to lower acrylamide levels in their products.
- (4) The EFSA report of 30 April 2009 concluded that there was no consistent trend across food groups towards lower levels of acrylamide and that it was not clear at that stage if the acrylamide toolbox had achieved its desired effects.

- (5) Efforts by food industry and Member States to investigate pathways of formation and ways to reduce acrylamide levels in foodstuffs are ongoing. In order to be able to monitor the impact of those efforts, it is appropriate to continue the collection of data.
- (6) Experience in the application of Recommendation 2007/331/EC has shown that the monitoring programme needs some adaptations, e.g. as regards the classification of foodstuffs.
- (7) It is important that the monitoring results are reported once a year to the EFSA which will ensure the compilation of those data into a database.
- (8) This recommendation should not be limited in time, but the need for monitoring should be assessed on a regular basis,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should perform, in accordance with the Annex to this Recommendation, the monitoring of acrylamide levels in the foodstuffs referred to in that Annex.
2. Member States should provide to the EFSA by 1 June of each year and for the first time by 1 June 2011 the data for the previous year in the format as set out by EFSA for compilation into one database.
3. In order to ensure that the samples are representative for the sampled lot, Member States should follow the sampling procedures laid down in part B of the Annex to Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the official control of the levels of lead, cadmium, mercury, inorganic tin, 3-MCPD and benzo(a)pyrene in foodstuffs⁽³⁾.

⁽¹⁾ OJ L 123, 12.5.2007, p. 33.

⁽²⁾ EFSA Scientific Report (2009) 285.

⁽³⁾ OJ L 88, 29.3.2007, p. 29.

4. Member States should carry out the analysis of acrylamide in accordance with the criteria laid down in points 1 and 2 of Annex III to Regulation (EC) No 882/2004 of the European Parliament and the Council of 29 April 2004 on official controls to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾.

Done at Brussels, 2 June 2010.

For the Commission
John DALLI
Member of the Commission

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

ANNEX

A. Sampling points and procedure

1. The sampling of the products should be carried out at market level (e.g. at supermarkets, smaller shops, bakeries, French fries outlets and restaurants), where there is a good traceability, or at production sites. Products with origin in one of the Member States should be sampled wherever possible ⁽¹⁾.
2. Sampling and analysis should be carried out before the expiry date of the sample.

B. Products, sample numbers and frequencies, analytical requirements

1. The table below gives an overview on the recommended minimum number of samples to analyse annually for each product category. Member States are invited to take more samples when possible. The distribution of samples per Member State is based on population figures with a minimum sample number of 4 per product category and Member State.
2. The sample numbers refer to the minimum number of samples to be taken annually. Where specific conditions apply (e.g. sampling twice yearly) this is specified in Section C.
3. Since each product category comprises a wide variety of products with different specifications, additional information should be provided for each of the products sampled (as specified in Section C). In order to see time trends it is important that products with the same specifications (e.g. same type of bread) are sampled every year where possible.
4. If in products with the same specification results below the limit of quantification (LOQ) are obtained repeatedly, the product may be exchanged with another product provided that it falls in the same product category and a description of the product is given.
5. To ensure comparability of analytical results methods should be chosen that can achieve an LOQ of 30 µg/kg (most intense ion/ion transition) for bread and foods for infants and young children and 50 µg/kg for potato products, other cereal products, coffee and other products. Results should be reported corrected for recovery.

⁽¹⁾ In exceptional cases a specific product may only be on the market as imported from a third country. In such cases samples of the imported product can be taken.

Minimum Sample numbers per product category

Country of sale	French fries sold as ready to eat	Potato crisps	Pre-cooked French fries/potato products for home cooking	Soft bread	Breakfast cereals	Biscuits, crackers, crisp bread and similar	Coffee and coffee substitutes	Baby foods (other than processed cereal based)	Processed cereal based foods for infants and young children	Other products	Total
(0)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
AT	4	4	4	4	4	4	4	4	4	8	44
BE	4	4	4	4	4	4	4	4	4	8	44
CY	4	4	4	4	4	4	4	4	4	4	40
CZ	4	4	4	4	4	4	4	4	4	8	44
DE	24	24	24	24	24	24	24	24	24	14	230
DK	4	4	4	4	4	4	4	4	4	8	44
ES	14	14	14	14	14	14	14	14	14	14	140
EE	4	4	4	4	4	4	4	4	4	4	40
EL	4	4	4	4	4	4	4	4	4	8	44
FR	20	20	20	20	20	20	20	20	20	14	194
FI	4	4	4	4	4	4	4	4	4	8	44
HU	4	4	4	4	4	4	4	4	4	8	44
IT	20	20	20	20	20	20	20	20	20	14	194
IE	4	4	4	4	4	4	4	4	4	8	44
LU	4	4	4	4	4	4	4	4	4	4	40
LT	4	4	4	4	4	4	4	4	4	4	40
LV	4	4	4	4	4	4	4	4	4	4	40
MT	4	4	4	4	4	4	4	4	4	4	40
NL	6	6	6	6	6	6	6	6	6	8	62
PT	4	4	4	4	4	4	4	4	4	8	44
PL	14	14	14	14	14	14	14	14	14	14	140
SE	4	4	4	4	4	4	4	4	4	8	44
SI	4	4	4	4	4	4	4	4	4	4	40
SK	4	4	4	4	4	4	4	4	4	8	44
UK	20	20	20	20	20	20	20	20	20	14	194
BG	4	4	4	4	4	4	4	4	4	8	44
RO	8	8	8	8	8	8	8	8	8	8	80
Total	202	202	202	202	202	202	202	202	202	224	2 042

C. Minimum additional information to be provided for each product

The minimum additional information which should be provided for each product sampled is specified in points 1 to 10. Member States are invited to provide more detailed information.

1. French fries, sold as ready-to-eat, comprising the following subcategories:

1.1. French fries from fresh potatoes

1.2. French fries from potato dough

Ready-to-eat products should be sampled at small outlets, fast food chains and restaurants. Sampling should take place twice a year in March and November ⁽¹⁾, resulting in the total number of samples specified in the table.

Specific information to be provided:

- starting material fresh potatoes (subcategory 1.1) or pre-fabricates (potato dough) (subcategory 1.2),
- addition of other ingredients.

2. Potato crisps, comprising the following subcategories:

2.1. Potato crisps from fresh potatoes

2.2. Potato crisps from potato dough (formed crisps, stacked crisps)

Sampling should take place twice a year in March and November ⁽¹⁾, resulting in the total number of samples specified in the table.

Specific information to be provided:

- starting material fresh potatoes (subcategory 2.1) or pre-fabricates (potato dough) (subcategory 2.2),
- frying process: batch fried or continuously fried,
- addition of other ingredients, flavours or additives.

3. Pre-cooked French fries/potato products for home cooking, comprising the following subcategories:

3.1. Fries baked in the oven (oven fries)

3.2. Deep fried fries

The category includes products sold fresh or frozen. Sampling should take place twice a year in March and November ⁽¹⁾, resulting in the total number of samples specified in the table.

Analysis of each sample should be carried out on the product after preparation (e.g. frying, baking, etc.). The preparation should take place in the laboratory according to the instructions on the label.

Specific information to be provided:

- subcategory to which the product belongs (as mentioned above),
- starting material fresh potatoes or pre-fabricates (potato dough),
- product sold fresh or frozen,
- conditions used for preparation according to the label,
- addition of other ingredients.

⁽¹⁾ In case the foodstuff is produced from potato pre-fabricates sampling twice a year is not necessary.

4. *Soft bread*

Specific information to be provided:

- type of soft bread, e.g. wheat, rye, multigrain bread, bread with other ingredients, etc.

The choice of the type of bread to be sampled should reflect the dietary habits of the Member State concerned.

5. *Breakfast cereals (excluding muesli and porridge)*

Specific information to be provided:

- type of grain,
- other ingredients (e.g. sugar, nuts, honey, chocolate).

If muesli and porridge have been analysed, they should be reported under group 10 'Other products'.

6. *Biscuits, crackers, crisp bread and similar (excluding pastry and cake), comprising the following subcategories:*

6.1. *Crackers* (e.g. cream crackers, soda crackers, snack crackers)

6.2. *Crisp bread* (fermented/non-fermented)

6.3. *Wafers* (e.g. for ice cream)

6.4. *Ginger bread*

6.5. *Other (specify)*

Specific information to be provided:

- subcategory to which the product belongs (as mentioned above).

The choice of the products to be sampled should reflect the dietary habits of the Member State concerned.

7. *Coffee and coffee substitutes, comprising the following subcategories:*

7.1. *Roast coffee*

7.2. *Instant (soluble) coffee*

7.3. *Coffee substitutes*

Specific information to be provided:

- subcategory to which the product belongs (as mentioned above),
- for roast coffee the degree of roasting, (e.g. medium, dark), type of beans if available, information whether the product is sold as ground coffee or as beans, decaffeinated/not decaffeinated,
- for instant (soluble) coffee: decaffeinated/not decaffeinated,
- for coffee substitutes: the starting material (e.g. barley, rye, chicory).

Samples of coffee and coffee substitutes should be analysed as sold to ensure comparability of data.

If feasible, in a second step, the beverage may be analysed as prepared for consumption. The conditions of preparation (as indicated on the label) should be specified (e.g. amount coffee, amount of water used, details of equipment used, brewing temperature, etc.). If limited analytical capacity is available, the analysis of the sample as sold should be given priority.

8. *Baby foods, other than processed cereal based foods* ⁽¹⁾

Foods containing potatoes, root vegetables or cereals as main ingredients (except products falling under the category processed cereal based foods), should be targeted.

Specific information to be provided:

- main ingredients.

9. *Processed cereal based foods for infants and young children* ⁽²⁾, comprising the following subcategories:

9.1. Biscuits and rusks for infants and young children

9.2. Other processed cereal based foods for infants and young children

The samples should be analysed as sold to ensure comparability of data.

Specific information to be provided:

- subcategory to which the product belongs (as mentioned above),
- description of the product,
- type of grains, other ingredients.

10. *Other products*

This category includes potato products, cereal products, cocoa products other than those products specified in one of the categories above (e.g. potato rösti, cereal based savoury snacks (e.g. corn curls, tortilla chips, popcorn), muesli, porridge, pastry and cake, etc.).

The choice of the products to be sampled should reflect the dietary habits of the Member State concerned.

The products may need to be analysed after cooking according to the label. If so, the conditions used should be specified.

Specific information to be provided:

- product name and detailed product description (e.g. major ingredients),
- conditions used for preparation according to the label.

⁽¹⁾ As defined in Article 1(2)(b) of Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (OJ L 339, 6.12.2006, p. 16).

⁽²⁾ As defined in Article 1(2)(a) of Directive 2006/125/EC.