

# RECOMMENDATIONS

## COMMISSION RECOMMENDATION (EU) 2019/1888

of 7 November 2019

### on the monitoring of the presence of acrylamide in certain foods

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Commission Regulation (EU) 2017/2158 <sup>(1)</sup> introduces specific obligations for operators which produce and place on the market certain foodstuffs to establish a programme for own sampling and analysis of the levels of acrylamide in the foodstuffs and apply specific mitigation measures in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark levels established by that Regulation.
- (2) Regulation (EC) No 882/2004 of the European Parliament and of the Council <sup>(2)</sup> establishes the obligation for competent authorities to perform official controls to verify compliance with rules aiming, in particular, (a) at preventing, eliminating or reducing to acceptable levels risks to humans and animals, either directly or through the environment and (b) guaranteeing fair practices in feed and food trade and protecting consumer interests, including feed and food labelling and other forms of consumer information. Official controls should be carried out also to verify compliance with obligations established in accordance with Regulation (EU) 2017/2158.
- (3) It is acknowledged that there are insufficient data available on the presence of acrylamide in certain foods referred to in Article 1(2) of Regulation (EU) 2017/2158, despite the obligations laid down in Article 4 of that Regulation and the results of official controls carried out. There are insufficient data available on the presence of acrylamide also in foods not falling within the scope of Regulation (EU) 2017/2158, but which might contain significant levels of acrylamide and/or could be relevant contributors to the dietary exposure to acrylamide.
- (4) To ensure a high level of human health protection, it is therefore appropriate that competent authorities and food business operators, within their sphere of competence, without prejudice to the obligations established by Regulation (EU) 2017/2158 and on the basis of Regulation (EC) No 882/2004, monitor the presence of acrylamide in such food in view of the adoption of possible risk management measures, which should complement those already provided by Regulation (EU) 2017/2158.
- (5) In view of guiding the competent authorities and food business operators as regards the foods to be monitored a non-exhaustive list of food categories/foods is established.
- (6) With the adoption of Regulation (EU) 2017/2158 and this Recommendation, Commission Recommendations 2010/307/EU <sup>(3)</sup> and 2013/647/EU <sup>(4)</sup> become obsolete and should therefore be repealed,

<sup>(1)</sup> 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).

<sup>(2)</sup> Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165 30.4.2004, p. 1).

<sup>(3)</sup> Commission Recommendation 2010/307/EU of 2 June 2010 on the monitoring of acrylamide levels in food (OJ L 137, 3.6.2010, p. 4).

<sup>(4)</sup> Commission Recommendation 2013/647/EU of 8 November 2013 on investigations into the levels of acrylamide in food (OJ L 301, 12.11.2013, p. 15).

HAS ADOPTED THIS RECOMMENDATION:

- (1) Without prejudice to obligations set out on the basis of Regulation (EC) No 882/2004, competent authorities in the Member States should monitor regularly the presence of acrylamide and its levels in food, in particular in the food listed in the Annex.

Without prejudice to obligations set out in Regulation (EU) 2017/2158, food business operators should monitor regularly the presence of acrylamide and its levels in food, in particular in the food listed in the Annex.

- (2) Member States and food business operators should transmit to the European Food Safety Authority (EFSA) by 1 October of each year, the data collected during the previous year through their monitoring activities for compilation into one database, in line with the requirements of EFSA's Guidance on Standard Sample Description (SSD) for Food and Feed and the additional EFSA's specific reporting requirements <sup>(5)</sup>.

- (3) In order to ensure that the samples are representative, Member States should follow the sampling procedures laid down in part B of the Annex to Commission Regulation (EC) No 333/2007 <sup>(6)</sup>.

The sampling procedure applied by the food business operator may deviate from the provisions of Regulation (EC) No 333/2007 but should remain representative for the lot.

- (4) Member States should carry out the analysis of acrylamide in accordance with the criteria laid down in Regulation (EC) No 333/2007.

Food business operators should ensure that the analysis of acrylamide is carried out in accordance with the requirements and criteria provided for in Annex III to Regulation (EU) 2017/2158.

- (5) Recommendations 2010/307/EU and 2013/647/EU are hereby repealed.

Done at Brussels, 7 November 2019.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

---

<sup>(5)</sup> <http://www.efsa.europa.eu/en/consultations/call/180307>

<sup>(6)</sup> 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 (OJ L 88, 29.3.2007, p. 29).

## ANNEX

## NON-EXHAUSTIVE LIST OF FOOD FOR MONITORING OF THE PRESENCE OF ACRYLAMIDE

**Potato products**

- Rösti
- Croquettes, pommes duchesse, pommes noisettes, ...
- Potato casserole (and vegetable casserole)
- Potato and meat meal
- Potato and cheese meal

**Bakery products**

- Rolls (hamburger rolls, whole wheat rolls, milk rolls, ...)
- Pita bread, Mexican tortillas
- Croissants
- Doughnuts
- Speciality bread (such as pumpernickel bread, ciabatta with olives, onion bread, ...)
- Pancakes
- Crisp cookies from thin strip of dough and deep fried
- Churros

**Cereal products**

- Rice crackers
- Maize crackers
- Cereal snacks (such as extruded maize and/or wheat products)
- Honey roasted muesli

**Other**

- Vegetable crisps/fries
  - Roasted nuts
  - Roasted oilseeds
  - Dried fruits
  - Roasted cocoa beans and derived cocoa products
  - Olives in brine
  - Coffee substitutes not based on chicory or cereals
  - Fudge, caramel, nougat, ...
-