

Ref.: BEUC-X-2016-124/CPE/cm

15 November 2016

Re: Comments to revised draft regulatory measures (rev. 5) for acrylamide

Dear Mr. Verstraete,

Ahead of the 25th November meeting¹ between the European Commission and national experts where a discussion on the acrylamide proposals is scheduled, BEUC, the European Consumer Organisation, would like to reiterate our firm support in favour of **legally binding maximum levels for acrylamide in food**.

As they stand and in spite of significant improvements to their original version, the proposed acrylamide measures are unlikely to be effective in reducing levels of this harmful contaminant in food. Indeed in the absence of legal limits, the only obligation for food business operators will be to 'apply' the Codes of Practice (CoPs) relevant to their sector. Concretely, this means they will have to "**assess the suitability**" of various mitigation measures in relation to their specific products and process and implement those, if any, which they deem "*effective and reasonable*" to bring acrylamide levels down.

BEUC calls for an **obligation of results**. The setting of binding limits is the only option to objectively determine what genuinely is "*reasonably achievable*" and ensure that this target is met by all. For instance, it should not be possible for food business operators to justify not taking action on acrylamide simply by referring to considerations such as cost or product taste.

Moreover, in times of shrinking budgets for food official controls, **legal limits will also make it easier for Member States to enforce the new measures**. By contrast, we fear some Member States may struggle finding the resources to send inspectors to food factories and restaurant premises to systematically investigate the reasons why acrylamide indicative values are exceeded and whether or not this might be due to food operators not applying the CoPs. Eventually, this may result in insufficient enforcement.

Against this background, we support the following approach:

- The setting of **legally binding maximum limits** for acrylamide in food. These should be based on the most recent occurrence data on acrylamide concentrations in food. Existing "indicative values" are outdated and need immediate revision (before the new regulatory measures apply).

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¹ [Agenda](#) of the 25th November meeting of the Standing Committee on Plants, Animals, Food and Feed – section 'Toxicological Safety of the Food Chain'.

- The setting by the European Commission of **harmonised, minimum frequencies of controls** by national authorities. The notion of “*regular*” controls by Member States (Art. 4) is too vague. Minimum control frequencies will ensure that all consumers across Europe have the same level of protection against this harmful contaminant.
- **Sound and consistent Codes of Practices**, which make it clear to food businesses that they *have to* apply mitigation measures to avoid or minimise acrylamide formation. Language such as “*when reasonably possible*” or “*should consider*” gives too much leeway to food business operators to ignore the good practices and will also make it difficult for control authorities to verify that the CoPs are effectively applied.

In the event the CoPs approach would be retained, we would at the very minimum **support a “review clause” threatening the setting of binding limits** if no progress is achieved. However, Art. 6 should be reworded to make the incentive for action stronger:

- We support an annual discussion to take stock of the progress achieved, starting as early as a year after the entry into application of the new measures.
- However, progress needs to be measured in terms of whether or not acrylamide levels in sampled foods have consistently been found to meet the indicative values. Whether or not food business operators do apply the CoPs should not be the basis to measure progress. Indeed from the consumer perspective, what really matters is that we effectively see a decrease in acrylamide levels in food.
- Consumers should not have to wait three more years (as proposed in Art. 6 §3) for undefined “*other risk management measures*” (legal limits?) to be taken.

Finally, BEUC and our members would welcome collaborating with the European Commission in case an **EU-wide consumer awareness raising campaign** would be envisioned on how to limit acrylamide exposure from home cooking.

We thank you very much in advance for taking the above comments into consideration.

Kind regards,

Camille Perrin
Senior Food Policy Officer

Additional References – BEUC members’ articles

1. Test-Achats. Acrylamide : la cuisson joue un rôle. February 2014. Test-Achats n° 583.
2. OCU. Patatas fritas: mejores grasas que antes. June 2012. OCU-Compra Maestra n° 371.
3. Test-Achats. Rien ne vaut une frite maison. December 2008. Test-Achats n° 526.
4. Consumentenbond. Bak ze niet te bruin. April 2013. Gezondgids.
5. FRC. Bières artisanales : mises à mal par du malt importé. June 2016. FRC Mieux Choisir n° 89.
6. Altroconsumo. Irischi delle patatine. February 2014. Altroconsumo n° 278.