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TARGETED STAKEHOLDER CONSULTATION ON THE REVIEW OF THE CURRENT BENCHMARK LEVELS, ESTABLISHMENT OF BENCHMARK LEVELS AND MAXIMUM LEVELS FOR ACRYLAMIDE IN FOOD

Discussions have taken place with the experts from the Member States in the working group “Industrial and Environmental Contaminants in Food” a working group of the Standing Committee on Plants Animals Food and Feed, section Novel Food and Toxicological Safety of the Food Chain on the following aspects related to the presence of acrylamide in food:

- **The review of existing benchmark levels** established by [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.
- The **establishment of new benchmark levels**, in particular for certain foods mentioned in [Commission Recommendation \(EU\) 2019/1888](#) of 7 November 2019 on the monitoring of the presence of acrylamide in certain foods
- The **establishment of maximum levels** in certain foods

Although the stage of progress of the discussion within the working group on the three different aspects is different, the targeted stakeholder consultation is done on the three aspects simultaneously. Taking into account the stage of progress of the discussion with the Member States on the three aspects until now, it can be foreseen that the discussion on the review of benchmark levels and the setting of benchmark levels for other foods shall be earlier concluded than the setting of maximum levels. In the interest of ensuring a high level of human health protection, it might therefore be appropriate to earlier adopt the lower and new benchmark levels whilst continuing the discussion on maximum levels instead of adopting simultaneously the lower benchmark levels, new benchmark levels and maximum levels but at a later stage (when the discussions on maximum levels are finalised). You are invited to provide your views on this.

For the reviewed benchmark levels and the new benchmark levels, the same approach has been applied as for the establishment of benchmark levels in 2017. The occurrence data taken into account for the suggested maximum levels were the data available in the EFSA database from the most recent years. For the new benchmark levels reference is made to existing mitigation measures for other product categories. Although not all mitigation measures of the section referred to are applicable to this new food category, it is considered that several mitigation measures of that section are also relevant for this new food category.

For the establishment of the maximum level the usual approach for setting of maximum levels has been followed, taking into account the occurrence data available in the EFSA database from the most recent years.

On the basis the available occurrence data, the Working Group has concluded to further consider the benchmark levels and maximum levels for acrylamide in certain foods as mentioned in the tables hereafter.

In case you would have comments as regards these suggested maximum levels for further consideration, I would be grateful to receive your comments accompanied with a justification by Friday 21 January 2022 at the latest preferably by email to me (Frans.Verstraete@ec.europa.eu)

In addition, I would be grateful if you could inform me if you would wish, in addition to your written comments, to be given the opportunity to present your comments at a (virtual) stakeholder forum that will probably be organised between 27 January and 4 February 2022.

Food	Benchmark level [µg/kg] Reg (EU) 2017/2158	<u>Suggested</u> Benchmark level [µg/kg]	<u>Suggested</u> Maximum level [µg/kg]
1. French fries (ready-to-eat) --> as placed on the market ready to eat or after preparation in the laboratory according to instructions on the label. (standardised frying procedure to be established)	500	500	850
2a. Potato crisps from fresh potatoes and from potato dough 2b. Potato-based crackers 2c. Other potato products from potato dough (such as potato based savoury snacks – moisture content < 5 %)	750	700	1000
3. Soft bread (cereal based) 3a. Wheat based bread 3b. Soft bread other than wheat based bread	50 100	50 75	75 125

Food	Benchmark level [µg/kg] Reg (EU) 2017/2158	<u>Suggested</u> Benchmark level [µg/kg]	<u>Suggested</u> Maximum level [µg/kg]
4. Breakfast cereals (excl. porridge, non-baked muesli , rolled flakes)			
4a. bran products and whole grain cereals, gun puffed grain coated	300	300	500
4b.wheat, spelt barley, and rye based products (including toasted flakes) (*) other than 4a	300	250	350
4c. maize, and rice based products (including toasted flakes) (*) other than 4a	150	150	250
4d. gun puffed grains uncoated (**)	---	450	600
4e. granola (baked crunchy muesli) other than 4a	---	125	200
(*) non-whole grain and/or non-bran based cereals. The cereal present in the largest quantity determines the category. (**) including breakfast cereals with gun-puffed grains as ingredient (in the largest quantity)			

Food	Benchmark level [µg/kg] Reg (EU) 2017/2158	<u>Suggested</u> Benchmark level [µg/kg]	<u>Suggested</u> Maximum level [µg/kg]
5. Fine bakery wares			
5a. Biscuits and wafers	350	300	500
5b. Crackers with the exception of potato based crackers (including savoury cereal based snacks)	400	300	500
5c. Crispbread and rusks	350	300	400
5d. Ginger bread	800	700	1000
5e. Other fine bakery wares (pastries and cakes)		200	300
6. Puffed cereal cakes			
6a. Puffed cereal cakes other than 6b		300	500
6b. Puffed cereal cakes based on wheat, spelt, barley and rye		450	600
7. Coffee			
7a. Roast coffee	400	400	500
7b. Instant (soluble) coffee	850	850	1000

Food	Benchmark level [µg/kg] Reg (EU) 2017/2158	<u>Suggested</u> Benchmark level [µg/kg]	<u>Suggested</u> Maximum level [µg/kg]
8. Coffee substitutes			
(a) coffee substitutes exclusively from cereals	500	450	600
(b) coffee substitutes from a mixture of cereals and cichory	(*)	(*)	(*)
(c) coffee substitutes exclusively from cichory	4000	3500	4500
(*) the benchmark level and maximum level to be applied to coffee substitutes from a mixture of cereals and cichory takes into account the relative proportion of these ingredients in the final product.			
9. Baby foods, processed cereal based foods for infants and young children excluding biscuits and rusks ⁽³⁾ ⁽²⁹⁾	40	40	50
10. Biscuits and rusks for infants and young children marketed for infants and young children ^(*) ⁽²⁹⁾	150	100	125

⁽³⁾ Foodstuffs listed in this category as defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).

⁽²⁹⁾ The maximum level refers to the product as sold

(*) This category includes the biscuits and rusks as defined in Regulation (EU) No 609/2013 and other biscuits and rusks marketed for infants and young children. “marketed for infants and young children” is to be understood the use of marketing tools (e.g. cartoons, free toys, alphabet/animal shapes, advertisements, etc.) to promote the sale of such products to infants and young children.

NEW BENCHMARK LEVELS

Food	Benchmark level	Corresponding mitigation measures Reg 2017/2158
Rösti	800 µg/kg	Mitigation measures Annex I, I + Ib
Other potato based dishes (heated in oven or frying) (including potato croquettes)	300 µg/kg	Mitigation measures Annex I, I + Ib
Root and tuber vegetable fries	500 µg/kg	Mitigation measures Annex I, I + Ib
Oxidized black olives	850 µg/kg	Mitigation measures Annex I
Fruit crisps/chips	250 µg/kg	Mitigation measures Annex I, I + Ia
Vegetable crisps other than potato and cereal crisps	700 µg/kg	Mitigation measures Annex I, I + Ia
Onion processed	700 µg/kg	Mitigation measures Annex I, I + Ia
Cocoa powder	450 µg/kg	Mitigation measures Annex I, V