

UEAPME¹ Position Paper on the draft Commission Regulation on the application of codes of good practice to reduce the presence of acrylamide in food

Brussels, 29 August 2016 bmd

Concerning the proposed Commission Regulation on the application of codes of good practice to reduce the presence of acrylamide in food UEAPME would request the following points to be considered and amendments made as necessary.

1) **“Place on the market directly to the consumer” & “ready-to-eat food” - Annex I (2)** A lot of craft businesses sell their products mainly in their own shops while having a small listing in the regional shelves of local supermarkets. Such listings do not change the nature of the small craft producer and do not make him able to comply with the more stringent requirements for producers defined in Annex I (2).

These products occasionally include products which are not ready-to-eat but need to be baked either in the shop or by the consumer. This does not change the nature of the production nor the smaller businesses ability to comply. An additional requirement of providing an appropriate baking advice on the packaging may be suitable.

We would recommend the phrasing to be amended as follows: Annex II (2) *“Food business operators, which place on the market directly to the consumer ready-to-eat food or to local retail establishments directly supplying the final consumer, operating in the eating out sector, hospitality industry, craft, micro- and small food enterprises ...”*

2) **Definition of food business operators under Annex I (2)** The definition of food business operators (“FBOs”) in Annex I (2) should be extended to include medium sized businesses. Craft food production is very personnel intensive. While a company may be structured like a small company, it may still require more than 50 employees to fulfil its work. This does not mean that such businesses are able to comply with the more stringent obligations required of large FBOs. Particularly the very stringent acrylamide analysis of their entire product range, which in some bakeries regularly means around 300 products, would cripple many medium sized businesses. Their only option would be to dismiss a small number of employees to drop below the employee limit and/ or to drastically reduce their product range. Neither a loss of jobs nor reduced product diversity can be desirable.

3) **Application of the Codes of Practice – Annex I** Both the smaller and the larger producers should only be required to comply with one of the Codes of Practice which applies to a certain product category rather than to any and all Codes which may refer to said products. This is an unnecessary burden to place on any business. The phrasing should therefore be altered to read (for both sub-paragraphs (1) & (2): *“Food business operators, ..., shall apply one of the following Codes of Practice, which applies to their product group.”*

¹ UEAPME subscribes to the European Commission’s Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

4) **Evidence of regular testing of their products - Article 2** While this does not apply to craft & small producers, it is still of value to discuss the sampling requirement in Article 2.

It is sensible to establish the content of acrylamide in the products once and to repeat the tests when the recipe or the production processes are changed. However, as long as these conditions do not change, there is no point in requiring monthly retesting of the products, where the levels lie below the indicative levels, as the acrylamide levels will remain the same. It does not seem correct to require FBOs which already produce at low acrylamide levels to bear the costs of an ongoing monitoring system and/or further reduce acrylamide levels, where they have already taken all reasonable steps.

As such the reporting requirement will also be less strenuous for both the FBO and the competent authority.

5) **Provision of Colour guides to personnel and consumers - Annex II (2) (b) & (c)** A clarification regarding the colour guides would be helpful. Where a Code of Practice refers to more than one food product and contains multiple colour guides, it should be made clear, that only the colour guides applicable to products actually sold should be displayed, e.g.: Annex II (2)(b): *“They shall make the relevant colour guides referred to in the Code of Practice...”*

6) **Recital 4** The intention of recital 4 is not clear from the text. *“A more frequent sampling and analysis to confirm that the application of the Code of Practice... is necessary for the food business operators producing food products covered by Codes of Practices which contain less obligatory requirements...”*

This seems to indicate that small businesses are to test their products more stringently than large ones. This is thankfully not borne out in the Regulation Articles and cannot have been the intention. This section should be clarified, to remove any risk of misunderstandings.

Summary:

- Application of one code of practice per product range and food business operator.
- Craft, micro, small and medium sized enterprises should be able to refer to the UEAPME code of practice.
- Relevant colour guides could be made available for staff (not for customers).

For more information, please contact UEAPME, Birte Day, +32 2 30 75 99 and b.day@ueapme.com

