

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 (Text with EEA relevance)

Article 1

Scope

1 Without prejudice to the applicable provisions of the Union law in food area, food business operators which produce and place on the market foodstuffs listed in paragraph 2 shall in accordance with Article 2 apply the mitigation measures set out in Annexes I and II, in view of achieving levels of acrylamide as low as reasonably achievable below the benchmark levels set out in Annex IV.

2 Foodstuffs referred to in paragraph 1 are as follows:

- a French fries, other cut (deep fried) products and sliced potato crisps from fresh potatoes;
- b potato crisps, snacks, crackers and other potato products from potato dough;
- c bread;
- d breakfast cereals (excluding porridge);
- e fine bakery wares: cookies, biscuits, rusks, cereal bars, scones, cornets, wafers, crumpets and gingerbread, as well as crackers, crisp breads and bread substitutes. In this category a cracker is a dry biscuit (a baked product based on cereal flour);
- f coffee:
 - (i) roast coffee;
 - (ii) instant (soluble) coffee;
- g coffee substitutes;
- h baby food and, processed cereal-based food intended for infants and young children as defined in Regulation (EU) No 609/2013 of the European Parliament and of the Council⁽¹⁾.

Article 2

Mitigation measures

1 Food business operators, which produce and place on the market foodstuffs listed in Article 1(2) shall apply mitigation measures provided for in Annex I.

2 By way of derogation from paragraph 1, food business operators producing foodstuffs listed in Article 1(2), which perform retail activities, and/or directly supply only local retail establishments shall apply mitigation measures provided for in Part A of Annex II.

3 Food business operators referred to in paragraph 2 which operate in facilities under direct control and that are operating under one trademark or commercial license, as a part of, or franchise of, a larger, interconnected operation and under the instructions of the food business operator that centrally supplies the foodstuffs referred to in Article 1(2), shall apply additional mitigation measures set out in Part B of Annex II.

4 When the benchmark levels are exceeded, food business operators shall review the mitigation measures applied and adjust processes and controls with the aim to achieve levels

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of acrylamide as low as reasonable achievable below the benchmark levels set out in Annex IV. Food business operators shall hereby take into account the safety of foodstuffs, specific production and geographic conditions or product characteristics.

Article 3

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) the definitions of ‘food’, ‘food business operator’, ‘retail’ ‘placing on the market’ and ‘final consumer’ laid down in Articles 2 and 3 of Regulation (EC) No 178/2002 of the European Parliament and of the Council⁽²⁾;
- (2) ‘benchmark levels’ means performance indicators used to verify the effectiveness of the mitigation measures and are based on experience and occurrence for broad food categories.

Article 4

Sampling and analysis

- 1 Food business operators referred to in Article 2(1) shall establish a programme for their own sampling and analysis of the levels of acrylamide in the foodstuffs listed in Article 1(2).
- 2 Food business operators referred to in Article 2(1) shall keep a record of the applied mitigation measures set out in Annex I.
- 3 Food business operators referred to in Article 2(3) shall keep a record of the applied mitigation measures set out in Part A and B of Annex II.
- 4 Food business operators referred to in Article 2(1) and (3) shall perform sampling and analysis to determine the level of acrylamide in foodstuffs in accordance with the requirements set out in Annex III and shall record the results of the sampling and analysis.
- 5 If the sampling and analysis results indicate that the levels are not below the benchmark levels of acrylamide set out in Annex IV, food business operators referred to in Article 2(1) and (3) shall review without delay the mitigation measures in accordance with Article 2(4).
- 6 By way of derogation, this Article does not apply to food business operators referred to in Article 2(2). Those food business operators shall be able to provide evidence of the application of mitigation measures set out in part A of Annex II.

Article 5

Review of the levels of acrylamide

The benchmark levels of acrylamide presence in foodstuffs set out in Annex IV shall be reviewed by the Commission every three years and the first time within three years after the entry into application of this Regulation.

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The review of the benchmark levels shall be based on the occurrence data of acrylamide from the Authority's database, related to the review period and provided to the Authority's database by competent authorities and food business operators.

Article 6

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 11 April 2018.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 20 November 2017.

For the Commission

The President

Jean-Claude JUNCKER

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- (1) 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](#)).
- (2) Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ([OJ L 31, 1.2.2002, p. 1](#)).

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