



EU legislation impacting Cereal & Cereal based products

Biscuit People - PULA, Croatia – 3rd to 6th April 2019

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THIS PRESENTATION

- CAOBISCO
- EU regulations impacting cereal & cereal based products
- Conclusions

12,708
companies



8,4

billions Euros of Exports

10% of the total value of
food exports from the
European Union



Annual turnover:

72 billion €

317.755
direct
employees

Production

11,7
million tonnes

Import
value of
€ 1,9
billion

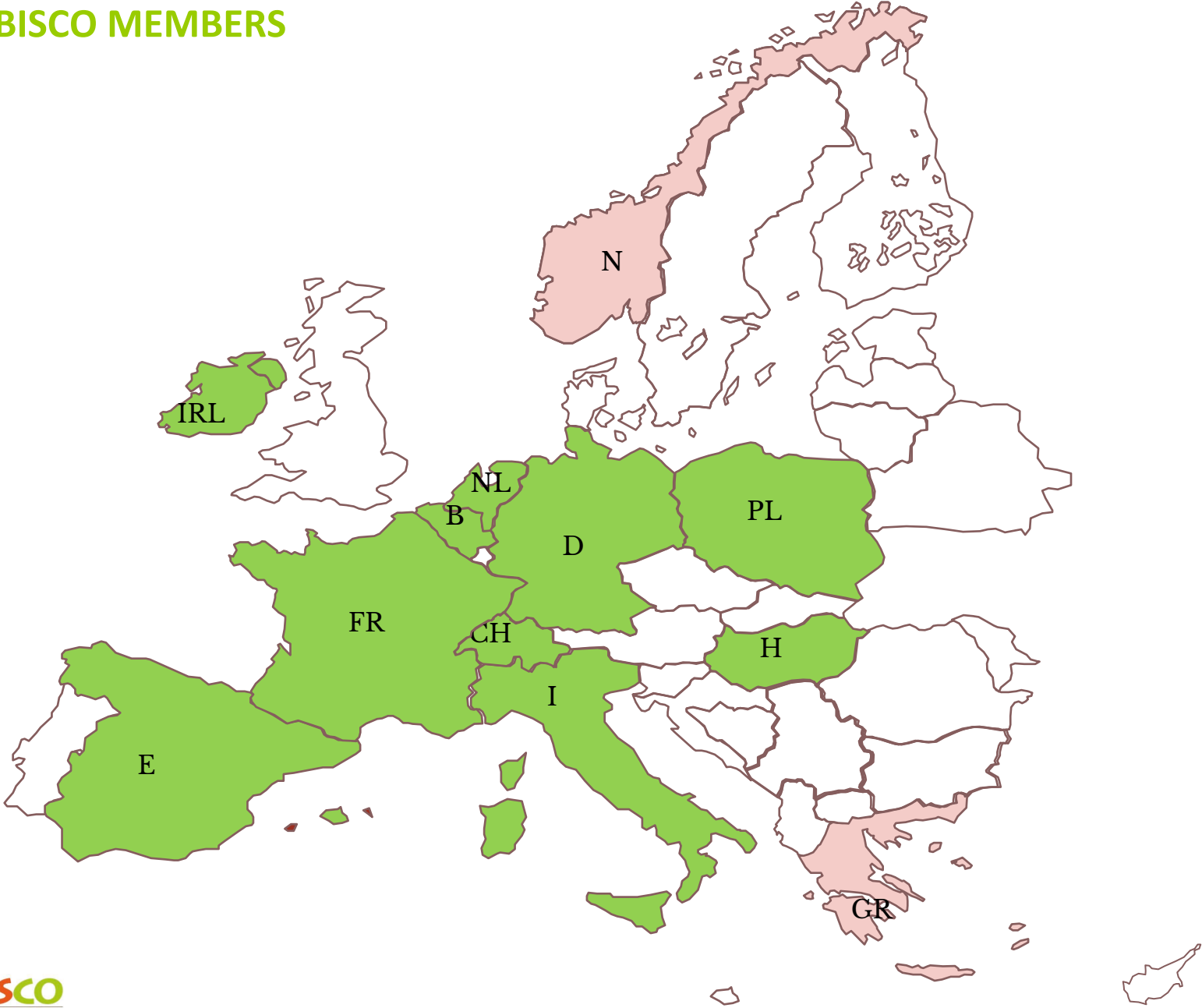




**Large users of European
agricultural materials**

**Use 50% of the
world
production of
cocoa beans**

CAOBISCO MEMBERS



DIRECT MEMBER COMPANIES



MARS



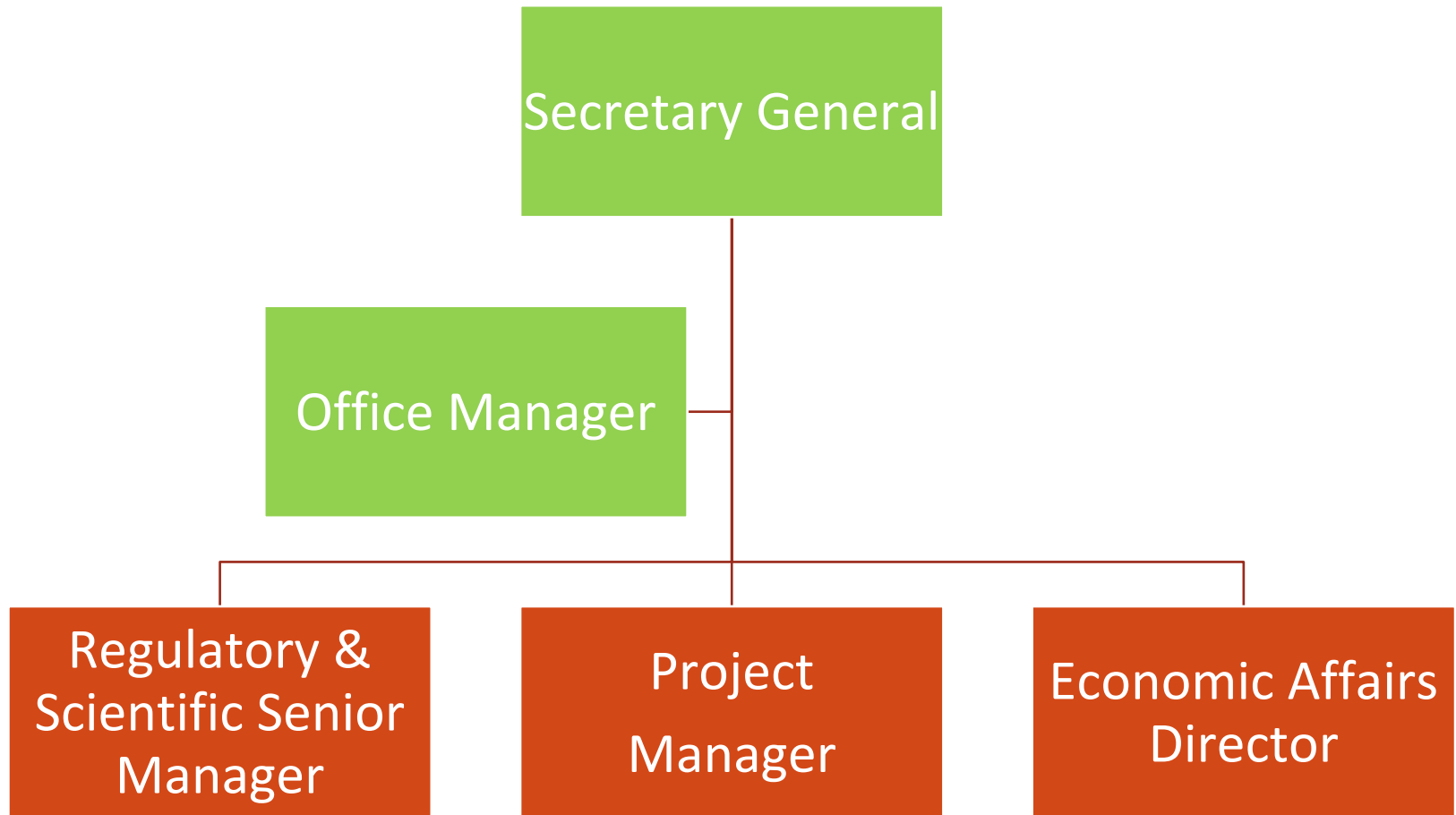
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CAOBISCO NETWORK



Underlying the success of the Association

- Recognised stakeholder for chocolate, confectionary and fine bakery wares products;
- The work done in the EU is important for other regions;
- Responsible & progressive industry;
- Power of internal network;
- Cooperation with external stakeholders.



Some of the current Projects linked to the Regulatory Committee

- Cocoa Research Fund (jointly coordinated with ECA & FCC)
 - Project 1: “Mitigation of Cadmium (Cd) Bioaccumulation in Theobroma Cacao L.”
 - Project 2: “Cocoa Beans: Chocolate & Cocoa Industry Quality Requirements”
 - Project 3: “Integrated approach to improving yield efficiency and resilience to climate change through better use of cocoa genetic resources”
 - Project 4: “Main sources of Mineral oil hydrocarbon contamination and entry points into the cocoa supply chain”
- **Authorisation of use of Intense Sweeteners in Fine Bakery Wares;**
- Authorisation of use of Polyols in Energy Reduced Confectionery:

Some of the Economic Affairs activities linked to the Regulatory Committee

- Warning labels in Chile, Uruguay and Peru;
- Additives authorization in Japan;
- Health certification in China.

Health certification in China

Chinese demand for a health certificate for the export on low-risk foods

- Addendum for transition period until 1st of October 2019
- CAOBISCO active in meetings with FDE and EC to try and declassify its products as low-risk foods
- EU-China discussions on the categorisation of high- and low risk foods. Proposal to bring it to CODEX
- **State of Play**
 - China will not apply measure as of 1/10
 - Codex Meeting 14-15/3 – informal talks with all Codex members
 - Aim is to table issue at July Codex Committee

CAOBISCO Activities on Food Safety

- ✓ Monitor **food safety concerns** and other quality issues
- ✓ Address **EU regulatory challenges**
- ✓ Develop **research-based solutions**
- ✓ Ensure **industry positioning** is substantiated with sound data

Joint Residues Library on cocoa contaminants

Internal tool:

for members to **monitor levels** of contaminants and residues (vs. Maximum Residue Levels)
for industry to interact with producing countries when high levels are noted

External tool:

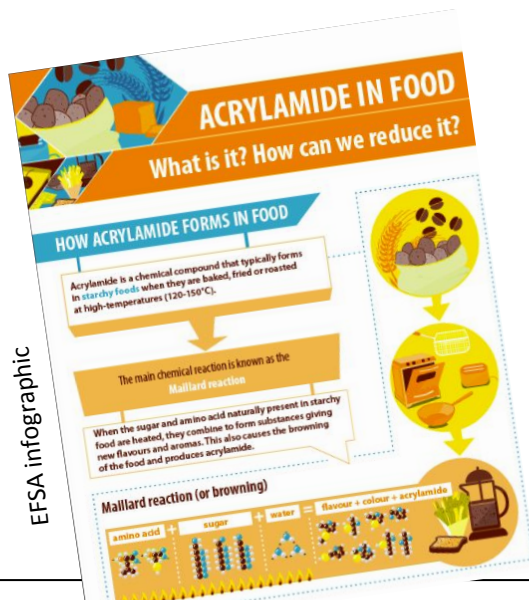
To better represent and defend the interests of the European cocoa and chocolate industry vis-à-vis other stakeholders = **sound scientific data to substantiate positions (possibility to provide timely data at key junctures of discussions on new limits)**

EU regulations impacting cereal & cereal based products

Acrylamide

AA is a chemical shown to be present in food as a result of cooking practices. In particular, starchy foods have been shown to be affected, such as potato and cereal products which have been **deep-fried, roasted or baked at high temperatures.**

CAOBISCO has been working on this issue and developing a **toolbox** closely with FoodDrinkEurope for many years already.



Acrylamide

Commission Regulation (EU) 2017/2158 on mitigation measures and benchmark levels for the reduction of the presence of acrylamide in food entered into force on 11 December 2017. **It is applicable since 11 April 2018.**

- **Mandatory application by all concerned FBO of mitigation measures to reduce the presence acrylamide in food. The mitigation measures to be applied take into account the size and the nature of establishment, with the clear objective to achieve a reduction by setting strict levels to be used as a benchmark.**
- Complementary, maximum levels for certain foods to be set in a second phase.

Benchmark levels

It is to be acknowledged that **for specific foods** within such a broad food category there could be specific production, geographic or seasonal conditions or product characteristics for which **it is not possible to achieve the benchmark levels, despite the application of all relevant mitigation measures.**

In such situations, the FBO should be able to show the evidence that he applied the relevant mitigation measures.

Furthermore it is stressed the application of mitigation measures and benchmark levels should not result in a prohibition of certain traditional culinary practices and/or certain traditional foods.

Acrylamide - benchmark levels $\mu\text{g}/\text{Kg}$

food	BL - $\mu\text{g}/\text{kg}$
Biscuits and wafers	350
Crackers with the exception of potato based crackers	400
Crispbread	350
Ginger bread	800
Products similar to the other products in this category	300

Source European Commission

Non-exhaustive list of food for monitoring of the presence of acrylamide

June 2018: EC and MS endorsed a draft Commission Recommendation on the monitoring of acrylamide in certain foodstuffs. A non-exhaustive list of food categories/foods to be monitored is provided, including:

Bakery products: 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: Roasted nuts; Roasted oilseeds; Dried fruits; Roasted cocoa beans and derived cocoa products; Fudge, caramel, nougat, ...

Acrylamide – NEXT STEPS

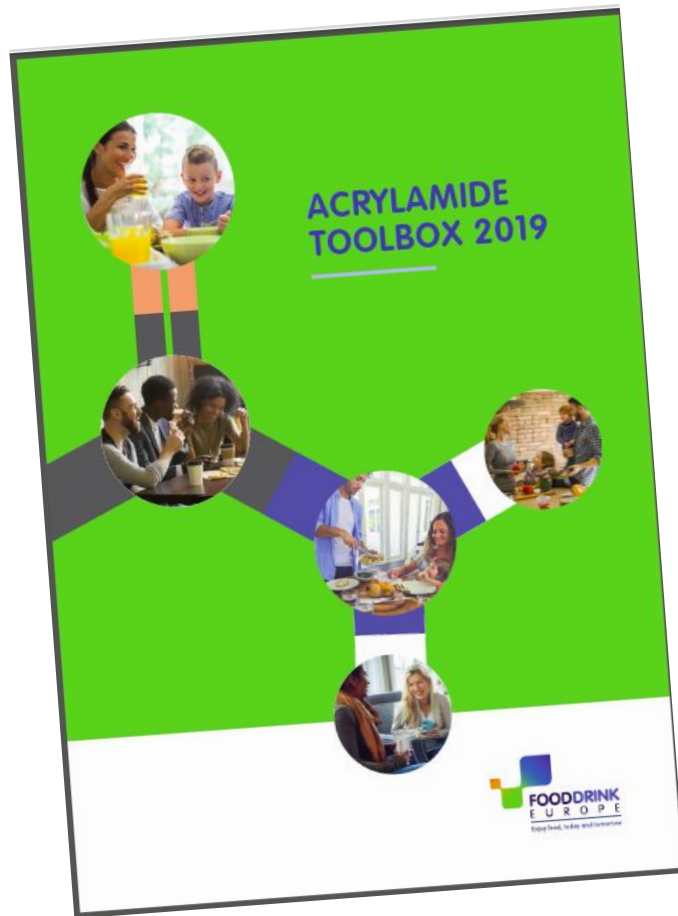
- ✓ Imminent publication of the recommendation on the monitoring of acrylamide in certain foodstuffs
- ✓ ML target stakeholder consultation : At this moment, maximum levels have been considered for biscuits and rusks **for infants and young children, other cereal-based foods for infants and young children and baby food.**
- ✓ In a following stage, the discussion on the setting of maximum levels of acrylamide in other foods will be initiated.

Acrylamide

Pressure from consumer organisations:

- to lower the benchmark levels
- to bring closer to the values for baby biscuits those for 'biscuits and wafers' that, although not intended for them, are likely to be consumed by children under 3
- to replace benchmark levels by legally binding acrylamide limits

FoodDrinkEurope Acrylamide toolbox - published



FURAN

Furan is a **process contaminant** which **naturally occurs in foods and beverages that are heated for example through a cooking process**, irrespective of whether the food is prepared in a kitchen or in a food factory. It is a colourless, heterocyclic compound with high volatility, boiling at 31°C.

In October 2017 the EFSA opinion on furan was published.

Based on the EFSA opinion risk management measures are expected to relate to both furan and methyl furans. Discussions on regulatory measures, will take place throughout 2019.

Grains and grains based products are among the key contributors for the exposure.

MCPD and GE

- Esters of 2- and 3-monochloropropane-1,2-diol (MCPDE) and glycidyl esters are important contaminants of processed edible oils used as foods or food ingredients. Both MCPDE and GE are **process contaminants generated during the refining step of edible oils.**
- In May 2016 a new EFSA Scientific Opinion was published.
- In October the EC and MS discussed the 3-MCPDE and GE topic. They clarified the scope of the proposal and decided not to come with the legislation before the JEFCA opinion.

Glycidyl esters

February 2018 – Regulation 2018/290:

Maximum levels of glycidyl fatty acid esters in vegetable oils and fats, infant formula, follow-on formula and foods for special medical purposes intended for infants and young children

ANNEX		
In the Annex to Regulation (EC) No 1881/2006, Section 4: 3-monochloropropane-1,2-diol (3-MCPD) is replaced by the following:		
*Section 4: 3-monochloropropanediol (3-MCPD) and glycidyl fatty acid esters		
Foodstuffs ⁽¹⁾		Maximum level (µg/kg)
4.1	3-monochloropropanediol (3-MCPD)	
4.1.1	Hydrolysed vegetable protein ⁽³⁰⁾	20
4.1.2	Soy sauce ⁽³⁰⁾	20
4.2	Glycidyl fatty acid esters expressed as glycidol	
4.2.1.	Vegetable oils and fats placed on the market for the final consumer or for use as an ingredient in food with the exception of the foods referred to in 4.2.2	1 000
4.2.2.	Vegetable oils and fats destined for the production of baby food and processed cereal-based food for infants and young children ⁽³⁾	500
4.2.3	Infant formula, follow-on formula and foods for special medical purposes intended for infants and young children (powder) ⁽¹⁾ ⁽²⁹⁾	75 until 30.6.2019 50 as from 1.7.2019
4.2.4	Infant formula, follow-on formula and foods for special medical purposes intended for infants and young children (liquid) ⁽¹⁾ ⁽²⁹⁾	10,0 until 30.6.2019 6,0 as from 1.7.2019*

MCPDE

- Regulation Draft proposal: The text is being discussed internally in the Commission legal services. Once finalised, a draft text will be proposed for public consultation (4 weeks), with an adoption at meeting foreseen in April/June. Expected consultation with the new Parliament from late July 2019 and eventual publication in the Official Journal by end 2019.
- Majority of MS in favour of split levels for vegetable fats and oils. Categories and footnotes are still being refined.

MCPDE

- Majority of MS in favour of split levels for vegetable fats and oils. Categories and footnotes are still being refined.

MCPD fatty acid esters, expressed as 3-MCPD

4.3.1. Vegetable oils and fats and fish oils placed on the market for the final consumer or for use as an ingredient in food falling within the following categories, with the exception of the foods referred to in 4.3.2 -: - oil and fats from coconut, maize, rapeseed, sunflower, soybean and palm kernel and mixtures of oils and fats with oils and fats only from this category - other vegetable oils and fish oil and mixtures of oils and fats with oils and fats only from this category - mixtures of oils and fats from the two categories	1250 2500 2500 (**)
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NICKEL

- Ni is a widespread component of Earth's surface. Its presence in food and drinking water is determined by both natural and anthropogenic factors, the latter generically identifiable with industrial and technological sources.
- Chocolate & chocolate based products are reported to have generally higher levels of Nickel as well as sugar, confectionery, cereal and cereal based products.
- The EC Recommendation to MS (EU) 2016/1111 on the monitoring of the presence of nickel in feed & food was published in OJ in July 2016. The Recommendation invited Member States, with the involvement of food business operators, to perform monitoring of the presence of nickel in food during 2016, 2017 and 2018.

Monitoring recommendation - NICKEL

- The Commission indicated that 15 MSs provided data (80% of which comes from one MS). The recommendation for monitoring for nickel ended in 2018.
- The Commission has requested EFSA to revise its earlier opinion on Ni in food and drinking water, with deadline September 2020.

MINERAL OIL

The presence of mineral oil hydrocarbons (MOH) is seen as a **cross-contaminant issue related primarily to migration from food contact material, but also the intentional and authorized uses of certain additives contribute to the exposure to mineral oils.**

Another source is accidental contamination e.g.: unintentional contamination along the processing chain i.e. parts leaking lubricating oil.

In 2012, the European Food Safety Authority (EFSA) issued an opinion on mineral oils, which was [updated in 2013](#). This opinion concludes that there is a potential concern associated with the exposure to MOSH and MOAH through food.

MINERAL OIL

In January 2017, the EC has adopted the Recommendation (EU) 2017/84 on the monitoring of mineral oil hydrocarbons (MOH) in food and in materials and articles intended to come into contact with food.

The Recommendation directs Member States, with the active involvement of FBOs as well as manufacturers, processors and distributors of food contact materials and others, to monitor the presence of MOHs during 2017 and 2018 in specific categories such as: bread and rolls, **fine bakery ware**, breakfast **cereals**, confectionery (including chocolate) and cocoa, ices and desserts, oilseeds, pasta, **products derived from cereals**, ... as well as food contact materials used for those products.

MINERAL OIL

- Due to discussion on official methods, the monitoring recommendation has been extended until October 2019.
- Published recently:
 - FoodDrinkEurope toolbox
 - JRC guidance



CHLORATES

- Apart from its former use in plant protection products, chlorate is also a substance that is formed as by-product resulting from the use of chlorine disinfectants in food and drinking water processing. These uses lead to detectable residues of chlorate in food.
- EFSA collected between 2014 and 2018 monitoring data to investigate the presence of residues of chlorate in food and drinking water. Those **data indicated that chlorate residues are present at levels that frequently exceed the default MRL of 0.01 mg/kg** and that the levels vary depending on the source and the product. It follows from those findings that even if good hygiene practices are used, in order to ensure an adequate hygiene of food products, **it is currently not possible to achieve levels of chlorate residues compliant with the current MRL of 0.01 mg/kg.**

CHLORATES

- Public consultation: 64 replies received
- Many MS asked to rethink again the initiative – key aspects remain very controversial and not easily solvable e.g. presence of chlorate in « transformed processed products that have been produced with water compliant with legislation ».
- All will be postponed at least by September 2019

CHLORATES: FDE/CAOBISCO/ECA responses to the public consultation – common points:

- **Regulation (EC) 396/2005 is not the appropriate legal framework;**
- The possible presence of chlorate residues in food has been found to come from multiple sources, such as water use, disinfection, additives and processing aids, ...not the result of pesticides
- We urge the regulators to delay discussions on changes to pesticide MRLs until the finalisation of the review of the Drinking Water Directive;
- We welcome discussions on the setting of achievable Maximum Limits for chlorate, under the appropriate legal framework and having sufficiently assessed the various origins of chlorates in the different sectors of the food industry. **The discussion must also take into account the microbiological safety of foods (risk-benefit assessment) and the compromises that would certainly occur should the use of chlorine-based disinfectants need to be reduced or replaced.**

Other topic ongoing under food safety

H2-HT2

Ergot Alkaloids

Recommendation on alternaria...

ADDITIVES - FOOD IMPROVEMENT AGENTS

Nano materials/titanium dioxide

- The main technological function of non-nano- TiO_2 is as **food colour**, an important factor of perceived quality of goods by consumers.
- Examples of products/uses:
 - Small shapes for decoration of cakes, biscuits etc. (e.g. stars, hearts or confetti). The TiO_2 in these applications is used for the whitening effect.
- To print in white (pure E171) or in gold (E171 with mica)
- To reinforce the contrast of other colors when they are transferred on chocolate products (especially on dark chocolate)
- To ensure the stability of colors whatever the uses of customers (freezing and defrosting, storage in fridges, baking...).

Nano materials/titanium dioxide

French Authorities about to ban Titanium Dioxide (E171), an **authorised food additive**.

- Consequences of banning E171 in France:
 - Negative financial & operational impact on manufacturers in France and on those manufacturers across the EU, who supply to the French market;
 - Negative impact on trade of our products in the Single Market
- CAOBISCO met with DG SANTE to discuss possible impact of such measure, but EC alone cannot prevent it.

FOOD LABELLING AND STANDARDS

FIC REGULATION – origin labelling

The main developments on origin labelling are regarding Regulation 775/2018, which was adopted end of May 2018 and **will apply as of April 1st 2020**. The European Commission (EC) have agreed to work on guidelines on general with Member States (MS).

The Commission wants to have the guidelines completed by November 2019 for operators to have 6 months to be able to adapt before the application on April 1st 2020

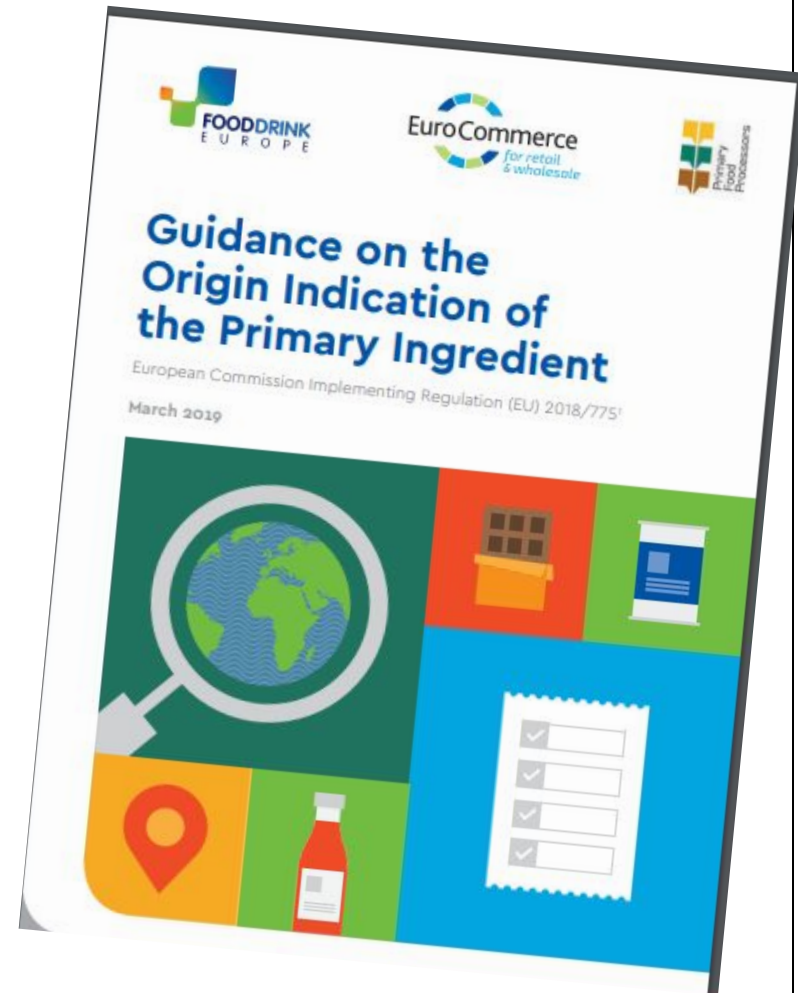
Important issue - 'made in' declaration

- The current interpretation of DG SANTE threatens the situation for food products labelled with a small, not emphasised 'made in' back of pack, usually situated close to the name and address of the food business operator, correctly made according to Article 23 – 26 of Regulation (EEC) No 2913/92 (the Customs Code, now Article 59 – 63 Regulation (EU) No 952/2013).
- Although not mandatory within the European Union, the 'made in' is indeed obligatory in key export markets, such as Switzerland, the USA, Canada or China. This must also be the case where the food bearing the statement is marketed in other countries where the statements are not mandatory, but the same packaging is used. **This information relates to the place of preparation.**

Important issue - 'made in' declaration

Should 'made in' information be understood as an indication of origin within the meaning of Art. 26 (3) FIR, then all manufacturers would either have to indicate the place of provenance of the primary ingredient (if different from the origin of the food) or produce individual packaging for exports into such countries.

This is beyond the means of the majority of SMEs.



CONCLUSIONS (1)

- Challenges ahead:
 - **Food safety:** FBOs ready and open to collaborate and work together;
 - **Internal market:** more difficult to tackle, cooperation among sectors is very important
 - **Food labelling and standards:** FBOs need to be ready to support EFSA on the different calls

CONCLUSIONS (2)

Important to acknowledge:

The European Union has established the most comprehensive regulations for food and cereal safety to facilitate world trade and protect consumer health:

- Continuous development on EFSA opinions
- Continue monitoring scientific and legislative/regulatory developments

Close cooperation is needed in the whole supply chain!

CAOBISCO

Chocolate, Biscuits & Confectionery of Europe

Thank you!



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