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**Draft ROYAL DECREE APPROVING THE QUALITY STANDARD FOR BREAD (Version 23/05/2018)**

Bread and speciality bread products are governed by the harmonised horizontal legislation of the European Union on food, and by Royal Decree 1137/1984 of 28 March 1984 approving the Technical Health Regulations for the manufacture, distribution and sale of bread and speciality bread products. This standard implemented the regulation contained in the Spanish Food Code, approved by Decree 2484/1967 of 21 September 1967 on the above-mentioned products, under chapter XX ‘Flour and its derivatives’, section 4 ‘Bakery products’.

Given the numerous amendments made to the technical health regulations for bread and speciality bread products, and the advances in technology seen within the sector for the manufacture and marketing of these products since Royal Decree 1137/1984 was published, as well as changes in consumer trends, it is recommended that an in-depth review of the aforementioned regulations be carried out. This involves including definitions for new products, e.g. sourdough breads. Despite being made according to customary practices, something which is now important for consumers, these products had neither been defined nor included in said regulations.

It has also been deemed necessary to draw up regulations governing artisanal bread-making, defined as a process that involves primarily human over mechanical input, and with production only in small batches.

Given the importance of sales of bread either prepacked or non-prepacked, at the request of the consumer, governed by Royal Decree 126/2015 of 27 February 2015 approving the general standard on food information for non-prepacked food intended for sale to the final consumer and mass caterers, for food packed at points of sale at the request of the buyer and for food packed by owners of retail businesses, several aspects governing the sale of bread at points of sale have been included.

The fourth final provision of Law 28/2015 of 30 July 2015 on the protection of food quality authorises the government to approve quality standards for food products, with the aim, inter alia, of adapting to the European Union regulation and of simplifying, modernising and enhancing existing standards as well as improving the competitiveness of the sector, including advancements brought about by technological innovation.

For the above reasons, it is advisable to draft a standard repealing Royal Decree 1137/1984 of 23 May 1984 and the content of certain sections of the Spanish Food Code on bakery products.

This would help adapt the legislation on bread and speciality bread products to the current market demands, eliminating restrictions that can place Spanish operators at a disadvantage compared to manufacturers from other Member States; furthermore, for technical reasons, it would be beneficial to eliminate moisture limits since this would allow for the production of a greater variety of breads. This approach ensures fair competition among operators, which in turn helps improve competitiveness within the sector, thus enhancing innovation and the development of new products, as well as ensuring that consumers are given adequate information to facilitate their choice of purchase.

This royal decree has undergone the procedure under Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, and Royal Decree 1337/1999 of 31 July 1999 governing the provision of information in the area of technical rules and regulations and regulations related to Information Society services. It has also undergone the notification procedure provided for in Article 45 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers.

The Autonomous Communities and the entities representing the sectors concerned were consulted during the preparation of this standard, and the Interministerial Commission for Food Regulation (*Comisión Interministerial para la Ordenación Alimentaria*) issued a favourable report.

By virtue whereof, at the proposal of the Minister for Agriculture and Fisheries, Food and the Environment and the Minister for Health, Social Services and Equality, in accordance with the Council of State and following deliberation by the Council of Ministers at its meeting of ... …

I HEREBY DECREE THE FOLLOWING:

**Article 1.** *Purpose.*

The purpose of this standard is to lay down basic quality standards for the processing and distribution sale of bread and speciality bread products.

**Article 2.** *Definition of bread.*

Bread, without any further description, is the product that results from the baking of dough obtained from a mixture of wheat flour or other cereal, alone or in combination, and water, with or without the addition of salt, fermented with the help of baker's yeast or a starter.

**Article 3.** *Definition of standard bread.*

Bread as defined in Article 2, typically consumed within 24 hours after baking, made from wheat flour and to which only those additives and adjuvants authorised for this type of bread can be added.

**Article 4.** *Names of standard bread.*

Standard bread may be produced under the following names:

1. ‘*Pan bregado*’, ‘*pan de miga dura*’, ‘*pan español*’ or ‘*pan candeal*’ are obtained through a process that requires the use of refining cylinders. This type of bread has white crumbs with small, uniform alveoli.

The traditional varieties produced from this type of dough may be given different names, such as ‘*telera*’, ‘*lechuguino*’ and ‘*fabiola*’.

2. ‘*Pan de flama*’ (baguette) or ‘*pan de miga blanda*’ (soft-crumb bread) are breads obtained using a larger proportion of water than *pan bregado* and which typically do not require refining with cylinders. The alveoli in this type of bread are more irregular in terms of shape and size than in *pan bregado*.

The traditional varieties produced from this type of dough may be given different names such as baguette, ciabatta and farmhouse loaf, etc.

**Article 5.** *Definition of speciality bread.*

Speciality bread is that not included under the definition of standard bread and which meets any of the following conditions:

1. In terms of composition:

a) A special baking additive or adjuvant authorised for speciality breads has been added either to the dough or the flour.

b) A treated flour, as defined under the existing legislation, has been added.

c) Any ingredient referred to in Article 11(2)(a) has been added.

2. In terms of production:

Its production incorporates a special technological process different from those typically used to make standard bread, such as grating, baking in a mould, in special shapes or with the partial scalding of flour, etc.

**Article 6.** *Names of speciality breads.*

The names given to speciality breads may include, but are not limited to, the following:

1. ‘Wholemeal bread’ means bread produced with wholemeal or whole grain flour in accordance with the legislation in force.
2. Breads produced exclusively from wholemeal flour are named ‘*pan 100% integral* (100% wholemeal bread) or ‘*pan integral*’ (wholemeal bread). The name is supplemented with the name of the cereal(s) or edible seeds from which the flour(s) used derives.
3. Bread which is not exclusively produced from wholemeal flour shall include the wording ‘*elaborado con harina integral X %*’ (made with X% wholemeal flour), where ‘X’ refers to the percentage of wholemeal flour used. This percentage shall be calculated based on the total flour used in production. The name is supplemented with the name of the cereal(s) or edible seeds from which the flour(s) used derives.
4. Wholemeal bread may be produced using whole wheat semolina, whole grain groats or whole grains, which are to be calculated in the percentages referred to in subparagraphs (a) and (b) above.
5. The starter used in the production of ‘pan 100% integral’ (100% wholemeal bread) shall derive from wholemeal flour. The starter used to produce all other wholemeal bread may derive from non-wholemeal flour, in which case it shall not be taken into account to determine the percentage of wholemeal flour used.
6. The term ‘*integral*’ (wholegrain) may be used in place of ‘*de grano entero*’ (wholemeal).
7. ‘*Pan de Viena*’ (Vienna bread), ‘*pan de nieve*’ or ‘*pan bombón*’ are breads produced from a soft wheat flour dough which, in addition to the basic ingredients, may include one or more of the following: sugars, milk, fats and/or oils.
8. ‘*Pan tostado*’ is a bread which, after baking, is cut into slices, toasted and packed.
9. ‘*Biscote*’ means bread which, after baking in covered moulds, is cut into slices, toasted and packed.
10. ‘*Colines*’, ‘*regañás*’ or ‘*picos*’ are narrow pieces of bread that are dry, brittle and crunchy. They are made from a bread dough containing fats or oils, which is typically cut after being rolled, then fermented and baked.

They may come in different shapes and varieties and are given different traditional names.

1. Bread made from non-wheat flours.
2. ‘Bread made from non-wheat flour’ means bread that is produced entirely from a cereal other than wheat.

It is given the name ‘*pan 100% de*’ (100% X bread), where ‘X’ is replaced by the name of the cereal.

1. ‘Bread made from wheat flour and other flours’ means bread made from wheat flour with the flour of another cereal or edible seed from different plant species that do not belong to the family of grasses or legumes and are not oleaginous seeds such as amaranth, quinoa or buckwheat.

This type of bread is named ‘*pan de*’ (X bread), where ‘X’ is replaced by the name of the non-wheat cereal(s) or seeds, used in the following percentages of the overall flour mixture:

1. More than 50 % for spelt, rye, triticale, tritordeum, or

2. 20 % or more for oat, barley, corn, rice, sorghum, teff, quinoa, buckwheat or other flours.

1. ‘Multigrain bread’ is made with three or more different flours, at least two of which derive from cereals. Taking into account the indications in the following paragraph, each of the flours shall be included at a minimum proportion of 10 % and the total flour mixture must contain at least 30 % flours deriving from cereals.

Grains may also be used in the form of semolina, groats or whole grains, and shall be calculated in the same percentages as indicated above.

This shall be given the name ‘*pan multicereal*’ (multigrain bread), or it shall include the term ‘*multicereal*’ (multigrain) in its name.

1. ‘*Pan de molde*’ (tin loaf) means bread that is baked in a tin or mould.
2. ‘*Pan rallado*’ (breadcrumbs) are a product resulting from the industrial grating of bread. They may not be made using leftover bread obtained from eating establishments.
3. ‘Other speciality bread products’ refers to bread made with special added ingredients, a particular shape or following a special production process, and includes: ‘*pan bizcochado*’ (biscuit bread), ‘*pan dulce*’ (sweet bread), ‘*pan de frutas*’ (fruit bread), ‘*palillos*’ and ‘*bastones*’ (bread sticks), ‘*pan ácimo*’ (flatbread), ‘pan pita’ pita bread, ‘[name of cereal(s)] tortilla’, etc.

**Article 7.** *Definition of semi-finished products.*

Semi-finished products are those obtained by interrupting the production process referred to in the previous articles before the finished product is obtained.

These are classified as follows:

1. ‘Pre-baked bread’, which is the dough defined in Articles 2, 3 and 5 but which is removed from the oven before it has finished baking and is subsequently frozen or undergoes another authorised conservation process.

2. ‘Frozen dough’ refers to dough as defined in Articles 2, 3 and 5, which may or may not be allowed to ferment and may or may not be formed into a shape, and is subsequently frozen.

3. ‘Other semi-finished doughs’ are the doughs defined in Articles 2, 3 and 5, which may or may not be allowed to ferment and may or may not be formed into a shape, having undergone an authorised conservation process, other than freezing, which stops the fermentation process.

**Article 8.** *Definition of starter.*

This is a dough made up of wheat flour or another cereal flour (or a mixture thereof) and water, with or without the addition of salt, which undergoes a souring fermentation process intended to ensure the bread dough is fermented. The starter contains a souring microflora made up essentially of lactic bacteria and leavening. Authorised microorganisms may be added to it.

It may also be dehydrated if, after water is added, it contains a live flora of lactic bacteria and leavening which ensures the fermentation of the bread dough.

**Article 9.** *Definition of inactive starter.*

This is a starter in which microorganisms are found in a physiologically inactive state, having been subject to a drying, pasteurising or equivalent process, but which retain organoleptic properties that improve the quality of the final products.

**Article 10.** *Artisanal bread making.*

Bread shall be considered artisanally made when it is produced in accordance with the legislation applicable to artisan processes and all of the following conditions are met:

1. It has been produced in accordance with this Royal Decree.
2. The production process involves primarily human over mechanical input.
3. The dough is fermented in batches, except for doughs refined in cylinders. The batch fermentation of the dough takes place immediately after kneading and before it is separated.
4. Production never takes place on a large scale. Finished pieces are formed in such a way as to obtain a unique end product.
5. Production takes place under the guidance of a master baker or similar figure, or an artisan with proven experience.

**Article 11.** *Raw materials and other ingredients.*

All raw materials used as ingredients in bread production shall comply with the applicable provisions.

1. Raw materials: flour, water, bread yeast or starter, and salt.

2. Other ingredients:

a) The production of speciality breads may include the incorporation of the following ingredients into the dough (this list is non-exhaustive):

- Dry or wet wheat gluten

- Bran, semolina or groats

- Full-fat, concentrated, condensed, powdered, skimmed or semi-skimmed milk, or whey powder

- Eggs or egg products

- Legume flours

- Malt or malt extract flours, edible sugars and honey

- Edible fats and oils

- Cocoa, spices, condiments and seeds

- Raisins, fruits or other prepared or seasoned vegetables

b) Additives in the conditions and doses authorised under the legislation in force.

**Article 12.** *Baking adjuvants.*

The following may be used:

a) ‘Releasing agents’, including edible oils, beeswax, or any others agents authorised under the legislation in force, used in the minimum amount necessary to release products from moulds, plates and baking machinery.

b) ‘Enzymes’, including amylolytic (amylase), protease, glucoxidase and pentosanase enzymes, or any other enzymes authorised under the legislation in force, used at the minimum dosage necessary to obtain the desired effect.

**Article 13.** *Mandatory food information.*

Without prejudice to the European Union and national laws on food information for consumers, the legal naming of the products set out in this regulation shall be as indicated in Articles 4 and 6, except where Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs applies.

The names given in Article 6 may be combined, where applicable.

The indication and designation of ingredients shall be governed by the European Union and national laws on information of this nature, which state that the specific plant source must be indicated in the case of refined plant-based oils and fats.

**Article 14.** *Voluntary food Information.*

1. The use of the term ‘wholemeal’ outside the denomination and of the list of ingredients shall be governed by the following provisions:
2. Breads made exclusively with wholemeal flour may also use this term without indicating the percentage of wholemeal flour used.
3. Breads made not exclusively with wholemeal flour may use this term provided that it is accompanied by the percentage of wholemeal flour(s) used, calculated as provided for in Article 6(1).

The terms referred to in subparagraphs (a) and (b) must appear in the same size, colour and font. The font size shall have an x-height of at least 75% of the x-height of the name of the product and which is not smaller than the minimum font size required under Article 13(2) of Regulation (EU) No 1169/2011.

The term ‘wholegrain’ may be used in place of ‘wholemeal’.

1. Bread whose production process incorporates any of the ingredients set out in Article 11(2)(a) may include in its name, preceded by the preposition ‘with’, the name of that or those ingredients followed by the percentage thereof.
2. Bread produced using the artisanal production method, as defined in Article 10, may include the wording ‘artisanally made’.
3. Bread produced through the incorporation of a ‘starter’, as defined in Article 8, at a proportion of 15 per cent or more of the total weight of the kneaded dough and for which more than 15 uninterrupted hours elapse between the start of production of the starter to the start of baking, may include the wording ‘made with a starter’.

The kneaded dough comprises a mixture of flour, water, starter and, where applicable, salt, along with the bread yeast.

1. Where the bread production process includes fermentation of the dough, after kneading and prior to baking, at a temperature above 4 °C for at least eight hours, the wording ‘long-fermented’ may be included. If the fermentation includes the use of a starter, following the conditions set out in section 4, the wording ‘produced with a long-fermented starter’ may be included.
2. The wording ‘*pan de leña*’ or ‘*pan de horno de leña*’ (wood-fired bread) may only be used for bread baked entirely in an oven that burns wood for fuel.

**Article 15. Sale of bread at points of sale.**

1. Standard bread may only be sold within 24 hours of being baked. In exceptional cases it may be sold after 24 hours provided that the stocks of this type of bread are properly separated at the point of sale, with the packaging clearly stating that the time since baking exceeds 24 hours, placing signs in the windows or on the shelves where the bread is presented, and ensuring that the consumer has been verbally informed.

The storage of standard bread baked more than 24 hours prior on the same shelves as bread baked within the previous 24 hours is prohibited.

1. The food information provided for in Article 4(1) of Royal Decree 126/2015 of 27 February 2015, adopting the general standard on food information for non-prepacked food intended for sale to the final consumer and mass caterers, for food packed at the point of sale at the request of the buyer and for food packed by owners of retail businesses, shall be supplemented with the following indication:

- Unit weight.

This indication shall appear on the label or on the sign referred to in Article 6 of the above-mentioned general standard.

**First additional provision.** *Mutual recognition clause.*

The requirements of this quality standard shall not apply to products lawfully manufactured or sold in other Member States of the European Union or to products from countries of the European Free Trade Association, countries party to the Agreement on the European Economic Area or countries that have a customs association agreement with the European Union.

**Second additional provision.** *Public spending control.*

The measures contained in this standard must not result in an increase in funding or compensation or other personnel costs.

**Sole transitional provision.** *Sale of product stocks.*

Products manufactured and labels and labelled containers purchased before the entry into force of this royal decree that satisfy the provisions applicable at the time may be sold until their stocks are exhausted.

**Sole repealing provision.** *Repeal of regulations.*

Royal Decree 1137/1984 of 28 March 1984 approving the Technical Health Regulations for the manufacture, distribution and sale of bread and speciality bread products and sections 3.20.36 to 3.20.45 of section 4ª of chapter XX of Decree 2484/1967 of 21 September 1967 approving the text of the Spanish Food Code are repealed.

**First final provision.** *Attribution of powers.*

This royal decree is laid down pursuant to subparagraphs 13 and 16 of Article 149(1) of the Spanish Constitution, which grant the State exclusive power regarding the principles and coordination of general economic planning, and the principles and coordination of health, respectively.

**Second final provision.** *Entry into force.*

This royal decree shall enter into force on 2 January 2019.