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| Chapter  Item  (To be completed in the ‘Official State Gazette’) |  |
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| Royal Decree /2019 of , approving the quality standard for bread. |

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 their publication, 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.

At the same time, the profound changes in the bread consumption habits of recent decades have also made it necessary to extend the concept of standard bread, since this bread, considered to be the usual daily bread, is no longer limited to that made from wheat flour, but rather includes bread made from flours of other cereals, including wholemeals. In this regard, more nutritionally complete bread is included in the definition of standard bread. In addition, in accordance with the mandate set out in Article 36 of Law 17/2011 of 5 July 2011 on food security and nutrition, to promote healthy eating from all public administrations, a maximum limit on the salt content of standard bread is incorporated into the standard, progressing towards the reduction path that the sector has been carrying out within the framework of the NAOS Strategy (Nutrition, Physical Activity and Prevention of Obesity) of the Spanish Agency for Food Safety and Nutrition.

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. Furthermore, the names included in this standard shall also be those used for bread marketed in such establishments, pursuant to Article 4 of the above-mentioned Royal Decree.

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 28 March 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 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, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

The content of this Royal Decree meets the principles of sound regulation set out in Article 129 of Law 39/2015 of 1 October 2015 on the common administrative procedure in public administrations. Thus, by virtue of the principles of necessity and effectiveness, this rule is justified by the need to establish an adequate organisation of the bread sector, with the repeal of Royal Decree 1137/1984 of 28 March and the adoption of a new quality standard, the most appropriate way to achieve it. Likewise, the principles of efficiency and proportionality have been taken into account by laying down a regulation and limiting administrative burdens to only those absolutely necessary for achieving the intended purposes. In line with the principle of transparency, as well as the public hearing, the Autonomous Communities were consulted during the processing of this provision, as were the entities representing the sectors concerned and consumers. Finally, the Royal Decree adheres to the principle of legal certainty, maintaining coherence with the rest of the applicable legal system and giving operators the necessary transitional periods to adapt to the standard.

By virtue whereof, at the proposal of the Minister for Agriculture, Fisheries and Food and the Minister for Health, Consumer Affairs and Social Welfare, in accordance with the Council of State and following deliberation by the Council of Ministers at its meeting on 2019,

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 in Spain.

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 flour and water, with or without the addition of salt, fermented with the help of baker's yeast or a starter.

In addition, the ingredients listed in this standard may be added into the bread dough.

Article 3. *Definition of standard bread.*

Bread as defined in the first paragraph of Article 2, typically consumed within 24 hours after baking, made from flour or wholemeal flour of cereals. It may include in its composition cereal bran.

Article 4. *Names of standard bread.*

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

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.

3. ‘Wholemeal bread’ means bread produced with wholemeal or whole grain flour in accordance with the legislation in force.

a) 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) from which the flour(s) used derives.

b) 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) from which the flour(s) used derives.

c) 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.

d) 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.

e) The term ‘integral’ (wholegrain) may be used in place of ‘de grano entero’ (wholemeal).

f) The use of the name ‘pan integral’ on the labelling of bread other than that described in subparagraph (a) is prohibited.

4. Bread made from cereal flour: is made from cereal flour other than wheat and, where appropriate, wheat flour.

a) Bread made from flour of other cereals: is bread made exclusively from flour of a cereal other than wheat. They shall be called ‘100 % pan de’ (100% ... bread) or ‘pan de’ (... bread) followed by the name of the cereal.

b) Bread made from two or more cereal flours: is bread made from two or more cereal flours, which may include wheat.

They shall be referred to as ‘pan de’ (... bread) followed by the name of the cereal or cereals which the operator wishes to highlight of those used in the preparation. After the name of each cereal, the percentage that the flour represents of the total flour added to the bread shall be indicated.

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

b) Any ingredient referred to in Article 11(3) that has been added.

2. In terms of production:

A special technological process different from those typically used to make standard bread has been incorporated into its production, 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. Bread made from cereal flour and other flours: is the bread referred to in Article 4.4 to which edible seeds of different plant species have been added which do not belong to the family of grasses or legumes and are not oilseeds, such as amaranth, quinoa, buckwheat or common buckwheat, among others.

They shall be referred to as ‘pan de’ (... bread) followed by the name of the cereals or seeds which the operator wishes to highlight of those used in the preparation. After the name of each cereal or seed, the percentage that the flour represents of the total flour added to the bread shall be indicated.

2. ‘Multigrain bread’ is made with three or more different flours, at least two of which derive from cereals. Each of the three majority flours shall be at least 10 % and cereal flour may not account for less than 30 % of the total flour mixture.

Semolina, groats or whole grains may also be used in its production, and they shall be calculated using the above-mentioned percentages.

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

3. ‘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.

4. ‘Pan tostado’ is a bread which, after baking, is cut into slices, toasted and packed.

5. ‘Biscote’ means bread which, after baking in covered moulds, is cut into slices, toasted and packed.

6. ‘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.

7. ‘Pan de molde’ (tin loaf) means bread that is baked in a tin or mould.

8. ‘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.

9. ‘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 sourdough culture.*

This is an active 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 wild yeast.

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:

a) It has been produced in accordance with this Royal Decree.

b) The production process involves primarily human over mechanical input.

c) 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.

d) Production never takes place on a large scale. Finished pieces are formed, partially or totally, in a manual way so as to obtain a unique end product.

e) Production takes place under the guidance of a master baker or similar figure, or an artisan with proven knowledge or experience.

Article 11. *Raw materials and other ingredients.*

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

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

2. Other ingredients in standard bread:

a) Bran.

b) Semolina, groats and whole grains, only in wholegrain bread.

c) The maximum salt content allowed in the standard bread, as a finished product, must be 1.31 grams per 100 grams of bread (13.1 g of salt per kilogram of bread or the corresponding 0.52 g of sodium per 100 g of bread) if analysed by determination of chlorides or 1.66 grams of salt per 100 grams of bread (16.6 g of salt per kilogram of bread or the corresponding 0.66 g of sodium per 100 g of bread), if analysed by determination of total sodium.

3. Ingredients in special breads: as well as the ingredients in standard bread, the following, non-exhaustive list of ingredients may be added to the dough:

a) Dry or wet wheat gluten.

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

c) Eggs or egg products.

d) Flours of grains or seeds from plants other than cereals.

e) Malt or malt extract flours, edible sugars and honey.

f) Edible fats and oils.

g) Cocoa, spices, condiments and seeds.

h) Raisins, fruits or other prepared or seasoned vegetables.

4. 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 ‘integral’ in wholemeal bread and the name of cereals or seeds used in the manufacture of the breads referred to in Articles 4.4 and 6.1 outside the name and list of ingredients, shall be governed by the following:

a) Wholemeal breads made from exclusively wholemeal flour and the breads referred to in Article 4.4, made from a single cereal may use the term ‘integral’ and the name of the cereal respectively, without indicating the percentage of flour used.

b) Wholemeal breads made from flour which is not exclusively wholemeal and the breads referred to in Articles 4.4 and 6.1 made from cereal flour or other seeds may use, respectively, the term ‘integral’ and the names of the cereals or seeds used, provided that they are accompanied, with the same size, thickness, colour and font, by the percentage of the flours used.

The font size of the terms referred to in paragraphs (a) and (b) above shall have a height of x corresponding to at least 75 % of the height of the product name and not less than the minimum size required by Article 13(2) 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 and amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 Text with EEA relevance.

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

2. Bread whose production process incorporates any of the ingredients set out in Article 11(3) may include in its name, preceded by the preposition ‘with’, the name of that or those ingredients followed by the percentage thereof.

3. Bread produced using the artisanal production method, as defined in Article 10, may include the wording ‘artisanally made’.

4. Breads whose production process includes yeast and fermentation of the dough after kneading and prior to baking at a temperature above 4 °C for at least eight hours may include the wording ‘long-fermented’.

5. Breads made by incorporating a starter as defined in Article 8 in a proportion of 5 % or more of the total weight of the flour in the final dough and without the addition of additives, may indicate the words ‘made with sourdough starter’, provided that the following conditions are met:

a) The starter prepared to ensure the fermentation of the bread dough, prior to being incorporated into it, must have a pH of less than 4.2 and a total titratable acidity greater than 6, expressed as the millilitres of NaOH 0.1 M required to carry pH 8.5, 10 grams of starter.

b) The bread dough, before baking, and the bread after its baking shall have a pH of less than 4.8.

The pH indexes indicated shall be the result only of the biological acidifying action of the microflora present in the starter.

Baker’s yeast may be incorporated in the last kneading phase at a maximum dose of 0.2% of the weight of total flour used in the final dough.

6. 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 this time period 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.

2. The food information provided for in Article 4(1) of Royal Decree 126/2015 of 27 February, 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 indication of the 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. *Single market clause.*

‘Goods lawfully marketed in another Member State of the European Union or in Turkey, or originating and lawfully marketed in an EFTA State that is a contracting party to the EEA Agreement, are presumed to be compatible with this Royal Decree. This Royal Decree is being implemented pursuant to Regulation (EC) No 764/2008 of the European Parliament and of the Council of 9 July 2008 laying down procedures relating to the application of certain national technical rules to products lawfully marketed in another Member State and repealing Decision No 3052/95/EC.

Second additional provision. *No increase in public expenditure.*

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

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

Products which fall within the scope of this quality standard produced before the entry into force of this Royal Decree and which do not satisfy its provisions may be sold until their stocks are exhausted, including labels and labelled packaging previously acquired, provided they satisfy the provisions applicable before its entry into force.

Second transitional provision. *Maximum salt content.*

The maximum salt content limit laid down in Article 11(2) shall be mandatory from 1 April 2022.

Sole repealing provision. *Repeal of regulations.*

Royal Decree 1137/1984 of 28 March 1984 approving the Technical Health Regulations for the production, distribution and sale of bread and speciality bread products and sections 3.20.36 to 3.20.45 of section 4 of chapter XX of Decree 2484/1967 of 21 September 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. *Implementation authority*

The Ministers of Agriculture, Fisheries and Food and Health, Consumer Affairs and Social Welfare may, within their respective competences, make the necessary provisions for the implementation of the provisions of this Royal Decree and, where appropriate, for the updating of the quality standard, where necessary, in order to bring its content into line with European Union standards.

Third final provision. *Entry into force.*

This royal decree shall enter into force on 1 July 2019.

TO BE SUBMITTED TO THE COUNCIL OF MINISTERS

Madrid, on 2019

THE MINISTER FOR AGRICULTURE, FISHERIES AND FOOD

THE MINISTER FOR HEALTH, CONSUMER AFFAIRS AND SOCIAL WELFARE

Luis Planas Puchades María Luisa Carcedo Roces