

European Union comments for the
CODEX COMMITTEE ON CONTAMINANTS IN FOOD
14th Session

Virtual session, 3-7 and 13 May 2021

Agenda Item 6:

Maximum levels for cadmium in chocolates containing or declaring ≥30% to <50% total cocoa solids on a dry matter basis and cocoa powder (100% total cocoa solids on a dry matter basis) (at Step 4)

(Codex Circular Letter CL 2021/11-CF)

European Union Competence
European Union Vote

The European Union (EU) welcomes the work on the development of maximum levels (MLs) for cadmium in chocolates and cocoa-derived products by the electronic Working Group chaired by Ecuador and co-chaired by Ghana.

The EU appreciates the 2021 JECFA exposure assessment of cadmium from all sources, which facilitates a science-based continuation of the discussion.

JECFA confirmed that children are the consumer groups, which undergo the highest exposure to cadmium. Even though JECFA concludes that for most consumers the exposure remains below the PTMI, the EFSA risk assessment¹ concludes differently, because in the EU a TWI is established, which is 50% lower than the toxicological reference value established by JECFA². JECFA now concluded that cocoa products with high cadmium concentrations can contribute up to 9.4% of the exposure of European children of 3-9 years old and for Europeans consuming only cocoa products from the LAC region, cocoa products can even be the main contributors to the cadmium exposure (39.4% of the cadmium exposure). This justifies the need to restrict the exposure of consumers to cadmium from chocolate and cocoa products.

¹In 2009 the EFSA CONTAM Panel derived a Tolerable Weekly Intake (TWI) of 2.5 µg/kg body weight (bw) per week and concluded that the mean exposure for adults across Europe is close to, or slightly exceeding, the TWI of 2.5 µg/kg bw. Subgroups such as vegetarians, children, smokers and people living in highly contaminated areas may exceed the TWI by about 2-fold. Scientific Opinion of the Panel on Contaminants in the Food Chain on a request from the European Commission on cadmium in food. The EFSA Journal, 980, 1-139.

²In 2011 The EFSA CONTAM Panel published a statement in 2011 summarising the main differences between the EFSA and JECFA assessments (EFSA, 2011) and concluded that the TWI of 2.5 µg/kg bw per week had to be maintained in order to ensure a high level of protection of consumers. Statement on tolerable weekly intake for cadmium. The EFSA Journal, 9(2):1975, [19pp.].

In view of the fact that in the EU for many consumers the TWI is already exceeded and that cocoa products are an important contributor to the exposure, the EU considers it important to establish strict MLs for these products, in order to ensure a high level of human health protection for all consumer groups and especially for the more vulnerable young consumers.

As already commented by the EU at CCCF13, the EU does not agree to apply the proportional approach for the MLs for cocoa powder and chocolate containing less than 50% of cocoa solids, as these products are regularly consumed by children, while the darker chocolates are not, due to their bitter taste. Furthermore, the EU notes that the conclusions taken for the world wide data are driven by a large proportion of data from the LAC region and that data from other cocoa producing regions such as Africa and Asia are much underrepresented. It is also not clear whether the data originate from recent years and whether mitigation practices were applied to limit the cadmium concentrations in the crops.

For the reasons explained above the EU wishes to express its reservation as regards the proposed MLs of 0.5-0.7 mg/kg for chocolate and chocolate products containing or declaring $\geq 30\%$ to $< 50\%$ total cocoa solids on a dry matter basis. The EU is of the opinion that a stricter ML of 0.30 mg/kg is needed to ensure a sufficient protection of all consumers, in particular children.

The EU would also like to express its reservation as regards the proposed MLs of 1.3-3.0 mg/kg for cocoa powder (100% total cocoa solids on a dry matter basis) ready for consumption. The EU is of the opinion that a stricter ML of 0.60 mg/kg is needed, to ensure a sufficient protection of all consumers, in particular children. As an alternative, as cocoa powder is a commodity, which is of less significance for international trade, the EU could agree not to set a Codex ML for cocoa powder. The EU does not agree with the proposed option of considering all data for powdered products for the establishment of an ML for cocoa powder, as the cadmium concentrations in mixtures of cocoa powder and sugar depend on the amount of pure cocoa powder in the product.

The EU is of the opinion that the ALARA principle should be applied on data, which were obtained from crops on which good practices were applied. Therefore, the EU wishes to highlight the importance of finalising as soon as possible the draft Code of practice for the prevention and reduction of cadmium contamination in cocoa beans, currently under discussion, in order to enable its implementation without any further delay. The focus needs to be on the implementation of good practices, which will lead to the reduction of cadmium contamination in cocoa beans and their products and will help achieve levels that ensure a high level of human health protection, in particular of children, a vulnerable group of the population.