

**European Union comments for the  
CODEX COMMITTEE ON CONTAMINANTS IN FOOD  
10th Session**

**Rotterdam, the Netherlands, 4 – 8 April 2016**

**Agenda Item 8**

**Proposed draft maximum levels for cadmium in cocoa and cocoa-derived  
products  
(CX/CF 16/10/9)**

*European Union Competence  
European Union Vote*

The European Union (EU) takes note of the work by the electronic Working Group led by Ecuador and co-chaired by Brazil and Ghana on the proposed draft maximum levels for cadmium in chocolate and cocoa-derived products.

The EU agrees that occurrence data for cadmium should be used as a basis for the development of possible future maximum levels rather than complex calculations leading to theoretical maximum levels. Such occurrence data should be collected not only for different categories of chocolate, but also for primary and intermediate commodities that are important in global trade such as cocoa beans, cocoa liquor and cocoa powder. Occurrence data should represent all producing countries, rather than focusing on a specific geographic region.

Taking into consideration the existing Codex commodity standards CODEX STAN 87-1981, Rev. 1 – 2003 – STANDARD FOR CHOCOLATE AND CHOCOLATE PRODUCTS, the EU however sees no advantage to work on the categorisation for different types of chocolates.

As for the suggested maximum levels for cadmium in cocoa liquor and cocoa powder, the EU considers that the rationale for selecting these commodities is insufficiently clear. In addition, the suggested maximum levels would only have a very limited impact on the reduction of dietary exposure. The proposed maximum levels are so high that derived consumer products would not be sufficiently protective for vulnerable consumer groups such as children.

In combination with the very low non-compliance rate, the proposed maximum levels would lead to increased testing costs without any added value for consumer protection and international trade. For these reasons, the EU cannot support the proposed maximum levels.

The EU would like to point out that it would be impossible to produce chocolate complying with maximum levels entering into force in the EU on 1 January 2019 or currently in force in other countries around the world using cocoa liquor and cocoa powder that comply with the proposed maximum levels. The EU wishes to point out that the relevant maximum levels entering into force in the European Union on 1 January 2019 will remain unchanged. The EU further stresses that it considers the cocoa powder in Codex document CX/CF 16/10/9 and in

the EU Regulation to be distinct commodities as the first refers to international trade, whilst the cocoa powder in the EU Regulation is defined as "*Cocoa powder sold to the final consumer or as an ingredient in sweetened cocoa powder sold to the final consumer (drinking chocolate)*".

The EU reiterates its position that maximum levels should be established for primary and intermediate commodities that are traded in large quantities at global level, such as cocoa beans, cocoa liquor and cocoa powder rather than for final products, an approach that is also followed for other contaminants in the Codex Committee on Contaminants in Food.

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