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**European Union comments for the
CODEX COMMITTEE ON CONTAMINANTS IN FOOD
9th Session**

New Delhi, India, 16 – 20 March 2015

Agenda Item 6

**Proposed draft maximum levels for cadmium in chocolate and cocoa-
derived products
(CX/CF 15/9/6)**

*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 Ghana and Brazil on the proposed draft maximum levels for cadmium in chocolate and cocoa-derived products.

The EU regrets that constructive remarks made in the electronic working group have repeatedly not been taken into account in the elaboration of the final document. The EU would like to reiterate that the proposed maximum levels should be clearly substantiated, elucidated and based upon data provided by all Codex Members and the ALARA principle.

The EU considers that the section on the economic importance of cocoa worldwide provides a good motivation for the setting of maximum levels for cadmium in cocoa beans, but the document fails to demonstrate that chocolate is a commodity that is traded in large quantities at global level. Trade between geographical regions in cocoa beans largely exceeds the trade in the final products such as chocolate and cocoa-derived products. In case work is continued, it would thus be imperative to expand the scope to also cover cocoa beans. Such an approach would also reflect what is done for other contaminants in the Codex Committee on Contaminants in Food.

The EU strongly disagrees with the conclusion in paragraph 6 that maximum levels for cadmium for chocolate and cocoa derived products are not supported on a scientific basis. When establishing MLs, the EU follows the principles of science based risk assessment and risk management.

The 2009 Scientific Opinion on Cadmium in Food of the European Food Safety Authority sets a Tolerable Weekly Intake for cadmium at 2,5 µg/kg body weight, which is roughly spoken more than twice stricter than JECFA's 2013 Provisional Tolerable Monthly Intake of 25 µg/kg body weight. Taking into account this difference, the EU considers JECFA's

estimation of potential dietary exposure of up to 96% of the PTMI for children 0.5–12 years of age to be of concern

As for the proposed maximum levels, the EU considers these will not lead to a significant reduction of dietary exposure. The EU further fails to understand why maximum levels up to 2 mg/kg in chocolate would be needed if the levels in cocoa nibs are well below 1 mg/kg as clearly demonstrated in Figure 2 of document CX/CF 15/9/6. In addition, Table 5 also fails to demonstrate the need for the very high MLs proposed in this document.

The EU agrees with the recommendations of the electronic working group to conduct further studies on the influence of the amount of cocoa solids in the concentration of cadmium in cocoa and to determine the content for cadmium in the other ingredients used in chocolate and cocoa derived products. The resulting information should be taken into account before the maximum levels for chocolate and cocoa-derived products can be further discussed.

Finally, as trade between economic regions in chocolate is only of minor importance when compared to trade in cocoa beans, the EU considers that work on maximum levels for cadmium at Codex level should at least be expanded to cocoa beans and other derived products not destined at the final consumer.

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