

**Updated**  
**European Union comments for the**  
**CODEX COMMITTEE ON CONTAMINANTS IN FOOD**  
**14<sup>th</sup> Session**

**Virtual session, 3-7 and 13 May 2021**

**Agenda Item 5:**

**Request for comments on work on maximum levels for cadmium in certain categories of chocolates and cocoa derived products**

**(CL 2020/50/OCS-CF)**

*European Union Competence*

*European Union Vote*

The European Union would like to reiterate its reservation as regards the proposed draft ML of 0.3 mg/kg for cadmium in chocolate containing or declaring <30% total cocoa solids on a dry matter basis. The EU cannot support the proposed maximum level (ML), as the EU argues for a stricter ML of 0.10 mg/kg to ensure sufficient protection of all consumers, in particular children.

The European Food Safety Authority established a tolerable weekly intake (TWI) 2.5 µg/kg bw/week, which is 50% lower than the toxicological reference value established by JECFA. It concluded that European children at the mean dietary exposure could exceed the TWI about 2-fold<sup>1,2</sup>. The EU dietary exposure assessment indicates that chocolate and cocoa products are significant contributors to the exposure, which clearly substantiates the need to restrict the exposure of consumers to cadmium from these products. This is confirmed by the 2021 JECFA exposure assessment of cadmium from all sources, which indicates that chocolate and 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 for a strict cadmium MLs for chocolate.

The EU would also like to re-iterate its comment on the fact that the Codex Alimentarius Commission stated that the concept of proportionality (with Codex MLs of 0.8 mg/kg for 50-70% chocolate and 0.9 for >70% chocolate) agreed by CCCF should be respected. The EU believes that applying the concept of proportionality is not justified because milk chocolate is consumed by children, while dark chocolate usually is not.

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<sup>1</sup> 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.

<sup>2</sup> Statement on tolerable weekly intake for cadmium. The EFSA Journal, 9(2):1975, [19pp.].