

**NEW MAXIMUM CADMIUM LEVELS FOR FOODSTUFF
IN THE EUROPEAN UNION**

Communication from Cameroon, Colombia, Ecuador, Mexico, Nicaragua and Peru

The following communication, received on 10 July 2012, is being circulated at the request of the Delegations of Cameroon, Colombia, Ecuador, Mexico, Nicaragua and Peru.

1. Regarding the decision of the European Union to amend Regulation (EC) No 1881/2006, which contains the maximum levels for cadmium in chocolate, milk chocolate and cocoa powder, the signing Members would like to express the following views.
2. The European Union should clearly demonstrate the relative contribution of chocolate to dietary cadmium exposure and its adverse effects, and convene a joint EFSA-JECFA workshop, in consideration of the significant variation in their recommendations regarding the level of tolerable weekly intake (TWI) and tolerable monthly intake (TMI) for cadmium, with the view to reaching an agreement on the methodology used to establish such limits, and share the outcomes.
3. Maximum levels of cadmium in chocolate must duly take into account contamination and cadmium loss in the production process, as well as the major contribution of other foodstuffs such as cereals and cereal products, vegetables, nuts and pulses, potatoes, meat and meat products, as it has been recognized by the EFSA itself in their Journal (2009) 980, 1.139 p.108.
4. Any limit applied by the European Union must be in accordance with the SPS Agreement and its core principles such as: setting the limits in the less trade restrictive manner possible, carefully following ALARAP (as low as reasonably possible), and clearly establishing the link between the measure and the legitimate objective that is being pursued. The measure must be proportionate, justifiable and objective, and all comments from interested WTO Members and the result of their discussion should be dully taken into account during the process.
5. The European Union should take into account the data requested by the European Commission and collected by cocoa producing countries and the industry on the presence of cadmium in cocoa beans, cocoa and chocolate products, as reviewed during the workshop organized in London by the International Cocoa Organization. Where such information is not, as yet, readily available, or where further studies are needed to determine the presence of cadmium in the cocoa chain of producing countries and its contribution to dietary exposure in the population, an appropriate period should be set to allow for such studies to be carried out and scrutinized.
6. Further research on cadmium biology and contamination should be conducted to establish factors contributing to its presence in the specific segments of the population that are of particular concern, and appropriate recommendations made accordingly.

7. The European Union should also review and harmonize methodologies to determine the cadmium content in soil, beans, and cocoa and chocolate products.

8. The European Union should take into account the need for consistency with EU policy proposals on trade and development, notably focusing on smallholder farmers in developing countries.

9. The European Union should take into account all the recommendations made during the International Workshop on Cadmium in Cocoa and Chocolate Products, held at the ICCO Headquarters in London on 3-4 May 2012.

10. Finally, if the measure is approved, an appropriate transition period of at least five years must be provided, in order to permit the producers to adapt to the measure.
