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Committee on Sanitary and Phytosanitary Measures

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**EU RESTRICTIONS ON EXPORTS OF CHOCOLATE AND COCOA PRODUCTS DUE TO THE
APPLICATION OF THE COMMISSION REGULATION (EU) NO. 488/2014
OF 12 MAY 2014 AMENDING REGULATION (EC) NO. 1881/2006
AS REGARDS MAXIMUM LEVELS OF CADMIUM
IN FOODSTUFFS (STC NO. [503](#))**

COMMUNICATION FROM PERU

The following communication, received on 29 November 2023, is being circulated at the request of the delegation of [Peru](#).

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1. The delegation of Peru reiterates its concern regarding Commission Regulation (EU) No. 488/2014, which establishes maximum levels for cadmium in chocolate and other cocoa products that, in practice, have a negative impact on trade in cocoa beans and cocoa powder.
 2. In this regard, we would like to highlight that during the 15th Session of the Committee on Contaminants in Foods (CCCCF15) in May 2022, the maximum levels proposed by the Electronic Working Group for cadmium in cocoa powder were endorsed for submission to the 45th Session of the Codex Alimentarius Commission. At that Session, the levels proposed for cadmium in cocoa were approved, thus finalizing an international standard after 10 years of work.
 3. Against this backdrop, we wish to stress that, pursuant to Article 3 of the WTO SPS Agreement, Members must base their sanitary measures on Codex international food safety reference standards. It should be noted that the international Codex Alimentarius standard for cadmium in cocoa shows that the European Union's levels are more restrictive than is necessary to protect public health.
 4. We must point out, once again, that the cocoa and chocolate chain is a source of income for families of small producers and farmers in our country, as well as one of the main alternatives when it comes to substituting illicit crops.
 5. In light of the above, we would like to ask the European Union once again whether it has considered:
 - (a) reviewing Regulation (EU) No. 488/2014 taking into consideration the points raised in this statement;
 - (b) implementing the international Codex Alimentarius standard for cadmium in cocoa; and evaluating and implementing the concepts and conclusions issued by the Codex Committee on Contaminants in Foods (CCCCF).
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