



Regulatory changes and challenges in relation to cocoa



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European Cocoa Association

- The voice of the European cocoa industry
- Regroups the major companies involved in the cocoa bean trade and processing, in warehousing and related logistical activities
- ECA 31 Members representing:
 - over two-thirds of Europe's cocoa beans grinding
 - 50% of Europe's industrial chocolate production
 - 40% of the world production of cocoa liquor, butter and powder
- ECA secretariat monitors EU regulatory developments (food safety, trade, labelling) - flagging those that will have an impact on business operations.



Agenda

- Cadmium
- PAH
- Pesticides
- Mineral oils
- Alkalisng agents
- Country of origin labelling
- Brexit





Cadmium: new regulation EU – Codex under development



48-Cadmium (Cd)



Cadmium: new regulation EU – Codex under development

- In all food through **foliar & root uptake** and accumulates in fat free solids
- May cause kidney and bone-damage, carcinogenic
- In cocoa via **natural presence in soil & via atmospheric contamination & industrial activities**

- Cd levels **vary between/within regions** - max limits can threaten export
- EU proposed max. limits in cocoa and chocolate in 2007
- **EU maximum limits** May 2014 - 5 yr transition period
- **Codex Alimentarius eWG** - work ongoing

- Involvement research & cocoa producing countries, support with data to have **manageable limits while guaranteeing food safety**



Cadmium: new regulation EU – Codex under development

- Framework Regulation (EC) N° 1881/2006 setting maximum levels for certain contaminants in foodstuffs
- Commission Regulation (EC) N° 488/2014 as regards **maximum levels of cadmium in foodstuffs as of Jan 1 2019**
 - **Milk chocolate** with < 30% total dry CS: **0,10 mg/kg**
 - **Chocolate** with < 50% total dry CS; milk chocolate with \geq 30% total dry CS: **0,30 mg/kg**
 - **Chocolate** with \geq 50% total dry CS: **0,80 mg/kg**
 - **Cocoa powder** sold to the final consumer or as an ingredient in sweetened cocoa powder sold to the final consumer (drinking chocolate): **0,60 mg/kg**



Polycyclic Aromatic Hydrocarbons: EU regulated



Charnith

"No, I didn't. I never said there should be no government regulation."



Polycyclic Aromatic Hydrocarbons: EU regulated

- Present in **air, water, soil** and in a wide variety of foodstuffs
- Some PAHs are carcinogenic and/or genotoxic
- In cocoa **post-harvest and/or via industrial activity** via smoke getting in contact with cocoa beans

- **EU Maximum limits for PAH** in cocoa as of April 2013

- Involvement cocoa producing countries, information & promotion of GAP, collection of data to have **reasonable & manageable limits while guaranteeing food safety**



Polycyclic Aromatic Hydrocarbons: EU regulated

- Framework Regulation (EC) N° 1881/2006 setting maximum levels for certain contaminants in foodstuffs
- Commission Regulation (EC) N° 835/2011 as regards **maximum levels of PAH in foodstuffs as of 1 Apr 2013** :

Cocoa beans and derived products

- B(a)P : **5,0 µg/kg fat (*)** as from 1.4.2013
- PAH4 : **30,0 µg/kg fat** as from 1.4.2015

(*) : expressed as fat in product

B(a)P : benzo(a)pyrene

PAH4 : benzo(a)pyrene, benzo(a)anthracene,
benzo(b)fluoranthene and chrysene



Pesticides





Pesticides

- Very few Pesticide MRLs at Codex level
- Japan & EU apply, in absence of specific MRL, default value of 0,01 ppm
- US only has a couple of MRLs in cocoa, zero tolerance if no specific MRL
- Solution for not exceeding MRLs:
 - Promotion GAP & IPM (no guarantee for zero residue (LOQ))
 - Harmonisation of limits
- **Non harmonised regulations: no food safety risk but regulatory risk!**



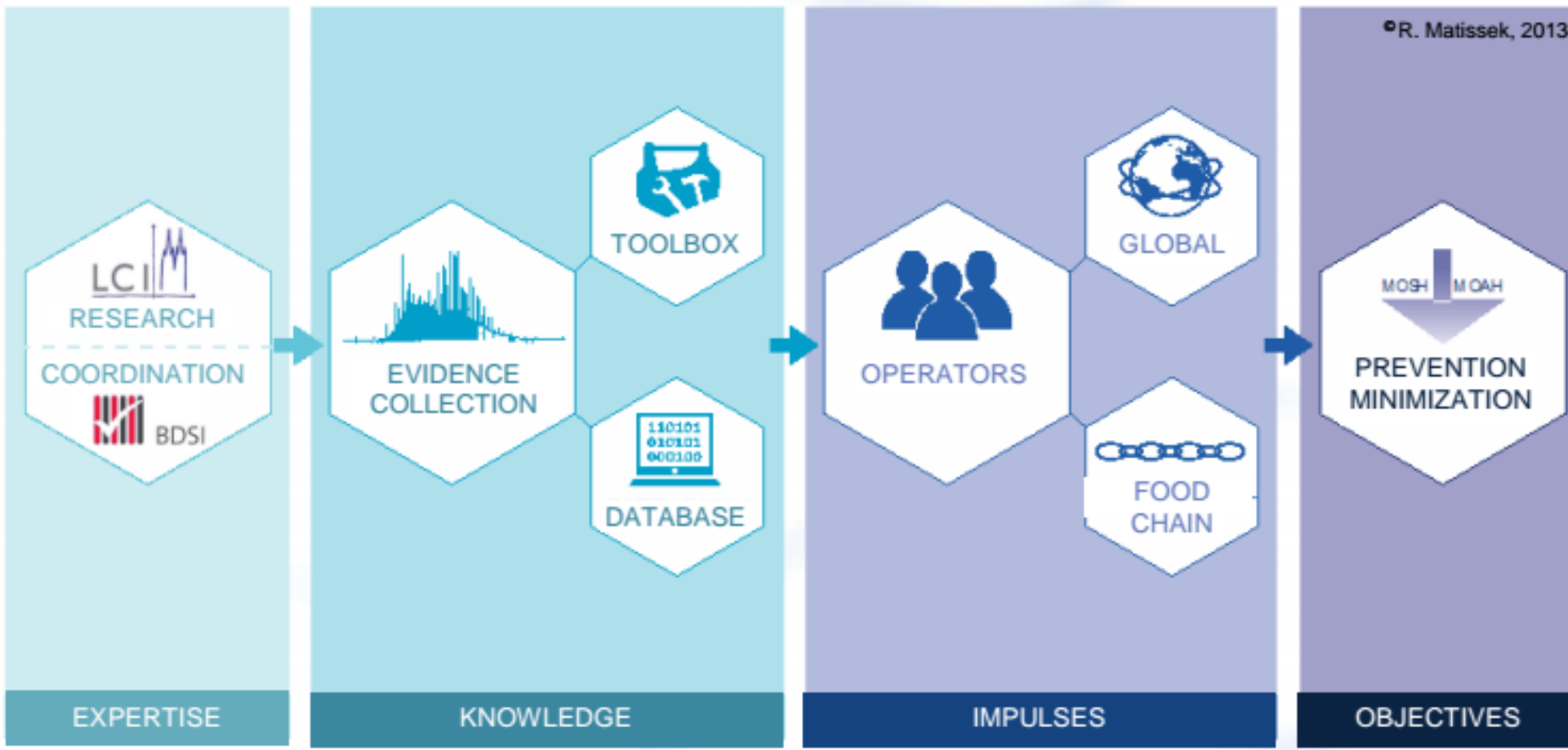


Pesticides

- If pesticides bans: affordable and effective alternatives are necessary.
- Info sharing on use – involvement cocoa producing countries etc
- Involvement in Regulatory reviews of pesticide limits:
 - Currently proposed In EU: decrease MRL Metalaxyl: 0,1 ppm to 0,01ppm
 - Problematic for use of Metalaxyl against black pod (Phytophthora) disease
 - Joint library with residue data will be used



Mineral oils



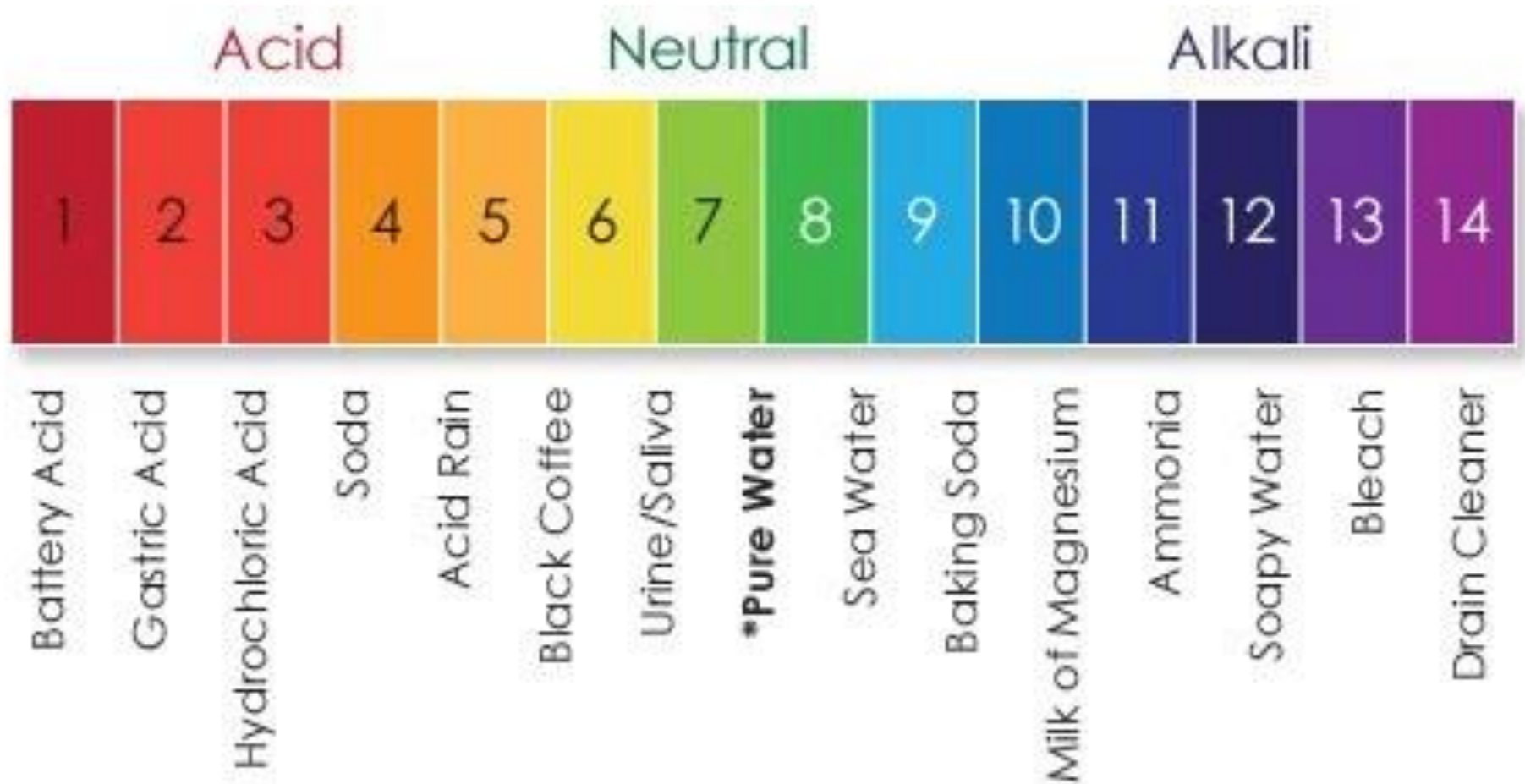


Mineral oils: MOSH, MOAH

- Presence in food via
 - packaging (printing inks via recycled paper etc)
 - jute bags
 - lubricants
 - background exposure (transport)
- Can be carcinogenic, mutagenic, endocrine disruptors and may result in disfunctions via accumulation in the body
- German BDSI study June 2016: **General presence in all food and all actors in supply chain contribute**
- **EC recommendation to monitor** mineral oils in foods & articles intended to come in contact with foods in 2017 & 2018
- ? Max. Limits after EFSA opinion publication based on the results
- Need for reliable method, research ongoing



Alkalisng agents





Alkalisating agents

- Alkalisating agents are used as **acidity regulators** – impact on taste and color as well
- EU/Asia Food industry approach → **Alkali = processing aids** (= no labelling)
- US: obligatory labelling “processed with alkali”.
- EU opinion June 21 2016: **alkalisating agents = additives in cocoa**
- Difficulties:
 - Additives = use limits (7%)
 - Impact labelling and adjustment recipes
 - Alkalisated cocoa as ingredient: residues no technological function in the final product and not known to be dangerous for human health
 - Certain countries do not allow use alkalisating agents: export threat



Country of origin labelling





Country of Origin labelling

- EU Food Info to Consumers Regulation (EC) N° 1169/2011 - Discussion on COOL US : information on origin of product
- **Origin of single of main and characterising ingredients**
- **Origin when different from labelled origin** ('made in')
- 'Made in' is a regulatory requirement in many countries
- Belgian and Swiss chocolate : need to be produced in Belgium/Switzerland.
- Cocoa is a bulk products, Cocoa is typically used **in blends to achieve required taste and quality: variation in origins**. Cocoa is obviously non European
- **Non harmonised regulations on origin** (min 50% of one origin etc)



Brexit





Brexit

- June 2016: **decision to withdraw from EU** – no agreed timelines yet
- EU currently sets hygiene and food safety standards covering a.o. labelling, composition, contaminants etc: EU sets requirements for regulatory checks
- EU has 36 Free Trade Agreements (FTAs)
- With Brexit:
 - UK can set **own national legislation, new standards** (local production, import)
 - UK can implement **EU import checks** – as third country
 - UK will need to renegotiate its WTO memberships and may negotiate its **own FTAs** country per country or can join the EEA or EFTA and adopt their FTAs
 - EU could introduce **import tariffs** on goods coming from the UK – UK can work on FTA with EU or on customs zone with EU



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