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European Commission
Directorate General for Trade
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Dear [REDACTED],

We would like to draw your attention to an issue of joint interest faced by the European and United States (US) cocoa and chocolate industries related to the export of cocoa and cocoa semi-finished products (cocoa liquor/paste, cocoa butter and cocoa powder) from the EU to the US market.

The agricultural production of cocoa requires very specific tropical climate conditions. As such, the vast majority of the world's cocoa supply is grown in West Africa, with additional production in Asia and South/Central Americas. In these regions, the cocoa crop is plagued by a range of pests and diseases. The International Cocoa Organization (ICCO) estimates that these diseases result in up to 30-40% losses of global production. In an effort to curb these losses, integrated pest management systems are used that include the use of agricultural chemicals.

The supply chain of cocoa and chocolate product is inherently integrated with the growing of cocoa beans in tropical regions and the production and manufacturing of cocoa and chocolate products in the EU and US. The US relied on processing in the EU to

meet US demand for cocoa products and the US is an important export market for the EU cocoa processors.

It would mutually benefit the EU and US cocoa industries to achieve a greater degree of harmonization between the EU and the US regulatory requirements in terms of validated methodologies as well as authorized active substances present in pesticides used in cocoa.

While the EU authorities have established MRLs for most pesticides that are known to be used on cocoa, the US authorities have not yet set up tolerance levels for some of these substances.

The discrepancies in authorized substances, detection methodology and enforcement is a significant barrier to both the EU export business and the US manufacturing industry. This has resulted in the obstruction of recent cocoa shipments into the US, causing disruption to the exporters and manufacturers businesses alike.

The current discrepancies in terms of validated methodologies and authorised substances between the EU and the US lead to administrative burden, unmanageable increase of costs and complexity as they require specific adaptation of trade-related operations.

If maintained, these regulatory discrepancies would prevent the TTIP agreement from realising its full potential and would restrain the European cocoa industry from seizing market opportunities that this trade deal will offer.

Therefore, we would very much appreciate it if you could support our request and ask the US negotiators:

- to recognize default levels for active substances commonly used for tropical commodities that already benefit from an EU MRL. For instance, the EU uses a default level for enforcement purposes of 0.01 mg/kg for active substances that do not have a specifically established MRL;
- to align or mutually accept respective sanitary and phyto-sanitary standards and procedures, notably as regards methodologies to detect residues, specifically in terms of detection limits - while maintaining high levels of health, safety, consumer and environmental protection;

- to expedite the review period for petitions for US import tolerances. The typical review period is 18 months following the submission of a petition for a US import tolerance, an expedited review of 6 of 12 months would facilitate the application for additional import tolerances;
- and finally, to explore establishing a process to perform pre-shipment inspections on selected active substances (for which US default level or tolerance levels have not been established).

On behalf of ECA and NCA members, we thank you for your time and support and we look forward to your feedback on this important matter.

Yours sincerely,



Catherine Entzminger
ECA Secretary General



Alison Bodor
NCA Executive Vice President

The National Confectioners Association (NCA) is a not-for-profit trade association of the confectionery industry. NCA represents more than 250 companies that manufacture chocolate, confectionery, gum and mints products in the United States and another 250 companies that supply those manufacturers. The majority of our members are small and medium-sized companies. The Association is committed to supporting science-based evidence and developing educational resources that reinforce the role of candy as a treat in a happy, balanced lifestyle.

The European Cocoa Association (ECA) is a trade association that groups the major companies involved in the cocoa bean trade and processing, in warehousing and related logistical activities in Europe. Some Members grind and process cocoa beans into cocoa liquor - out of which cocoa powder and cocoa butter are produced, as a next step - while others go on to produce industrial chocolate and/or compounds. Together, ECA Members represent well over two-thirds of Europe's cocoa beans grinding, half of Europe's industrial chocolate production and 40% of the world production of cocoa liquor, butter and powder.