

Ms Charlina Vitcheva
Director-General, DG MARE
Rue Joseph II 99, 1049 Brussels

Mr Flavio Coturni
Head of Unit, TRADE D3
Rue de la Loi 170, 1049 Brussels

Brussels, 6 July 2022

Subject: Update on the potential implementation of a new methodology for testing of cadmium levels in brown crab products by the People's Republic of China

Dear Ms Vitcheva and Mr Coturni,

On 16 November 2019, the Market Advisory Council (MAC) submitted a letter to DG MARE's Acting Director-General Bernhard Friess on the testing of cadmium levels in Brown Crab exported to the People's Republic of China¹.

As outlined in the mentioned letter, EU exporters of live and processed brown crab (*cancer pagurus*) face difficulties in exporting to Asian markets, particularly to the People's Republic of China, due to differences in the testing methodology of cadmium levels. In the EU, under the Regulation on maximum levels for certain contaminants in foodstuffs², the level of cadmium cannot exceed 0,50 mg/kg in the white meat (claw and leg) of brown crab. On the other hand, Chinese authorities test samples of equal amounts of white meat and brown (hepatopancreas) meat.

In May 2020, China launched a public consultation to increase the level of permitted cadmium from 0,50 to 3 mg/kg. Following consultations with stakeholders, Irish and UK authorities submitted responses to this public consultation. Both Ireland and the UK expressed support for the proposed increased increase in permitted levels, but argued that testing should be focused on the white meat of the brown crab.

In the 16 November 2019 letter, the MAC encouraged the Commission services to liaise with their technical counterparts in China on this issue to try to reach a consensus on the adoption of the EU's approach to testing. According to letter of reply provided by DG MARE on 5 February

¹ The letter and reply by DG MARE are publicly available on the MAC's website: <https://marketac.eu/testing-for-cadmium-levels-in-brown-crab-exported-to-peoples-republic-of-china/>.

² Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs¹

2020, the MAC's letter would be forwarded to TRADE D3 with the request to provide us with an update on this file.

On 8 October 2021, the MAC, the NSAC, and the NWWAC adopted joint advice on the production and marketing of brown crab in the EU³. Under recommendation e), the three Advisory Councils recommended that the European Commission should, "taking into account the ongoing review by the People's Republic of China of the rules on testing of crustacean species for cadmium level, liaise with the relevant technical counterparts, in order to develop appropriate testing rules that facilitate exports, while also respecting the best available science on food safety". In relation to this recommendation, the letter of reply sent by DG MARE on 16 November reiterates the previous reply informing that the subject is handled by DG TRADE.

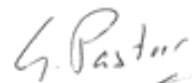
Until now, DG TRADE has not updated the MAC on this file. In line with interest expressed by members, the MAC Secretariat submitted requests for exchanges of views with DG TRADE representatives at the Working Group 2 meetings of 28 March 2022 and 23 May 2022. Unfortunately, DG TRADE representatives were not available to exchange.

Therefore, we would like to kindly ask you for an update on this file, including status of the adoption of new permitted levels of cadmium by the Chinese authorities, potential response to the public consultation, including on the testing scope (white meat vs white & brown meat), and liaising efforts with technical counterparts.

In this context, it is also worth considering the urgent need of a better harmonisation of trade between the entire EU and China, since, despite equal sanitary criteria across the EU, Member States do not always recognise health certificates emitted by another Member State when reexporting to China. This consideration should also involve DG SANTE services.

In case further information is needed, the MAC remains available for further exchanges.

Yours sincerely,



Guus Pastoor
Chair of the Market Advisory Council

³ The advice and reply are available on the MAC's website: <https://marketac.eu/production-marketing-of-brown-crab/>.