

# codex alimentarius commission



FOOD AND AGRICULTURE  
ORGANIZATION  
OF THE UNITED NATIONS



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Agenda Item 6

CX/FO 03/6

## JOINT FAO/WHO FOOD STANDARDS PROGRAMME

### CODEX COMMITTEE ON FATS AND OILS

Eighteenth Session

London, United Kingdom, 3 – 7 February 2003

## DRAFT LIST OF ACCEPTABLE PREVIOUS CARGOES

### GOVERNMENT COMMENTS AT STEP 6

The following comments have been received from Brazil, Mexico, United States of America, European Community in response to CL 2000/22-FO.

#### BRAZIL

##### 1. CL 2002/22-FO - DRAFT LIST OF ACCEPTABLE PREVIOUS CARGOES AT STEP 6

- Brazil agrees with the Proposed Draft List of Acceptable Previous Cargoes ('positive' list), part of the Annex of the CL 2002/22-FO, except regarding the inclusion of the substance Methanol (**Methyl alcohol**) - CAS nr 67-56-1.

#### Justification:

Due to particular characteristics of the national trade of the substance, and considering the existence of evidence showing contamination of food products (such as alcoholic beverages) with methanol in Brazil. According to the note (2) referred in the Annex of the CL 2002/22-FO, the substances not included on the list could only be used as previous cargoes if accepted by the competent national authority of the importing country.

However, considering the item "subsequent refining/processing of the oil or fat", constant of the note (3) in the Annex of this CL, it is understood that the referred substances on this List could only be accepted as previous cargoes to the transport of oils and fats in case of the product being later submitted to the refining process, aiming for the elimination of possible contamination. From this point of view, it is considered that these substances, particularly the methanol, cannot be accepted in the case of cold extracted vegetable oils transport, as for instance, extra virgin olive oil.

- Brazil proposes the following draft to Note (2) of the CL Annex:

“(2) Previous cargoes not included in the List of Acceptable Previous Cargoes or even in the List of Banned Immediate Previous Cargoes will only be accepted if the competent authority of the importer country judges it is necessary (see section 2.1.3 of the Code)”.

Justification: Even though this observation is done isolated in each propose, or else, in the list of acceptable previous cargoes and in the list of banned immediate previous cargoes, Brazil considers this draft to be clearer.

## **MEXICO**

We consider that the reference list is adequate as long as there is an indication that there must be a correct cleaning procedure for road and rail tankers before loading of edible oils and fats. Although this is recognised in the document – under Notes (1) and (3) – it is very important to underline it, as Mexico is a net importer of fats and oils.

We suggest that it is also relevant to mention the fact that imported products must be processed and refined for their end use as foodstuffs, in order to prevent any undetected contaminant in the tanker from remaining in the oils and fats when they are marketed for human consumption.

Moreover, we suggest that precautions should also be taken for those fats which are intended for use in animal feedingstuffs, as any contaminant entering the food chain might affect animal health and be passed on to humans.

## **UNITED STATES OF AMERICA**

The United States has several concerns regarding the development of the list by the Committee. The United States strongly recommends that the Committee discontinue the elaboration of the List of Acceptable Previous Cargoes and recommends that the Codex List of Banned Cargoes that was adopted at the Twenty-fourth Session the Codex Alimentarius Commission be revoked. Finally, we ask the Section 3.1.2 amended to read as follows:

### "2.1.3 Contamination

Undesirable contamination may come from residues of a previous material handled, from equipment, dirt, rain, and seawater or through accidental addition of different products. In storage installations and ships, particular difficulty may be experienced ensuring cleanliness of valves and pipelines, particularly where they are common for different tanks. Contamination is avoided by good design of the systems, adequate cleaning routines and effective inspection service, and on ships the carriage of oils in segregated tank systems in which previous cargoes are in compliance with recommendations compiled by the competent International Non-Governmental Organizations, i.e., Federation of Oils, Seeds, and Fats Association, and National Institute of Oilseed Products."

### Rationale:

The Committee has not developed criteria for evaluating compounds nor has it developed a process for regular updating or amending the lists. For this reason alone, it is imperative that the Committee comes to grips with the procedural issues involved in generating, maintaining and updating of the List(s) and rely on the guidance provided by the International Non-Governmental Organizations. Furthermore Article I (b) and (d) of the Codex Alimentarius Commission encourages Codex Committees to coordinate and utilize the work done by international organizations. In addition, should the criteria for evaluating compounds ever be agreed to, there is no international governmental scientific body to do the evaluation.

For many years the National Institute of Oilseed Products (NIOP) has maintained voluntary trading rules for the edible oils and fats trade. These rules include previous cargo lists and guidelines for the inspection and cleaning of transport vehicles and vessels to assure that the edible oils and fats remain safe and pure during transport.

FOFSA, a London-based trade organization similar to NIOP, also offers trading rules referencing their established previous cargo lists. Although these rules are voluntary between sellers and buyers, they have historically worked well in assisting the trade to maintain the safety and wholesomeness of edible oils and fats during transport.

The most important aspect of the previous cargo lists of these two organizations is the organized petition process used to add or delete substances. It should be noted also that these two organizations have worked cooperatively to jointly create harmonized lists.

## EUROPEAN COMMUNITY

### General Comments

The proposed draft list of Acceptable Previous Cargoes is for inclusion in the Code of Practice for the storage and transport of edible fats and oils in bulk.

The objective is to facilitate the trade in these commodities while ensuring a high level of health protection. In order to achieve this objective it is imperative to establish appropriate conditions to avoid the risk of contamination by a substance previously transported in the same container.

The European Community has regulated this problem by means of Council Directive 93/43/EEC. This legislation has established the following general principle: bulk foodstuffs in granular, powder or liquid form must be transported in receptacles or containers reserved for this use.

However, under certain circumstances and subject to the application of good hygiene practices and of a HACCP programme, derogation from this general principle was granted for the transport of edible fats and oils in bulk by sea (Directive 96/3/EC). This derogation draws up a list of non-food substances, which may be transported during the voyage, which precedes the transport of edible fats and oils. This list has been decided following the evaluation of substances by the Scientific Committee for Foodstuffs (SCF). Directive 96/3/EC requires that the list be reviewed in order to take account of scientific or technical developments.

The SCF has recently been requested to reconsider the previous opinion on the potential risks arising from substances proposed as acceptable previous cargoes in the Annex of Directive 96/3/EC, in particular as concerns those substances that were not considered as acceptable in the previous opinion of the SCF<sup>1</sup>. This review process, unfortunately, will take a longer time period than expected (end of 2002) because of the incompleteness of the dossiers provided by FOSFA.

It should be also highlighted that the principle of drawing up lists of products compatible with the later transport of edible oils and fats in bulk does give sufficient protection against contamination only if all the appropriate cleaning measures are applied correctly before the loading of edible oils and fats. It is therefore important that cleaning measures have to be specifically adapted to the nature of the substance transported in the previous cargo.

### Specific comments

The European Community can support the principle of a positive list but maintains its reservations on the proposed draft list of acceptable previous cargoes as it is drafted in the Annex of CL 2002/22-FO. The reason is that this list has been obtained by simply aggregating those substances approved as acceptable previous cargoes by the EU-SCF, FOSFA Int. and NIOP without having submitted them to an accurate preliminary scientific evaluation.

In particular, it should be noted our concern that FOSFA/NIOP lists are only trade lists, which essentially reflect trade patterns and shipping practices and not necessarily a complete adequate scientific evaluation.

Also the EU-SCF list should be reconsidered, as appropriate, in the light of results of the on-going re-evaluation process.

The European Community, as a principle, believes that before to decide on this matter, it is necessary to agree on the criteria and procedures of evaluation to be applied to include substances in the list or to amend it in the future.

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<sup>1</sup> Substances submitted for assessment by the SCF but considered (in 1996) as not acceptable as suitable substances for immediate previous cargoes to oils and fats for human consumption: Cyclohexanol; Cyclohexanone; Fatty acid-Methyl Esters: Methyl laurate, Methyl palmitate, Methyl stearate, Methyl oleate; 2,3-Butanediol; 1,3-Propylene Glycol; iso-Butanol.

For all the substances included in the draft list of acceptable previous cargoes proposed by the CCFO, it is therefore necessary to ensure that an evaluation has been carried out by JECFA or other recognised scientific body in accordance with the agreed criteria and procedures, including an appropriate risk assessment. Only substances that have been favourably evaluated can be included in the list and approved by Codex.

The European Community would also like to stress the point that in the case of a new evaluation, the requesting parties should, in principle, provide all scientific data and information needed.

In conclusion, the European Community firmly requests that all the points raised above are fully discussed and considered before any decision is taken on the matter.

The European Community takes this opportunity to reiterate its concern about the decision to adopt a negative list of banned Immediate Cargoes. The existence of two lists will introduce a grey area making it confusing and difficult for the Member States' authorities to manage the system.

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