

CODEX ALIMENTARIUS COMMISSION



Food and Agriculture
Organization of
the United Nations



World Health
Organization

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Agenda Item 2

CX/FO 11/22/2

JOINT FAO/WHO FOOD STANDARDS PROGRAMME CODEX COMMITTEE ON FATS AND OILS

Twenty-second Session
Penang, Malaysia, 21-25 February 2011

MATTERS REFERRED BY THE CODEX ALIMENTARIUS COMMISSION AND OTHER CODEX COMMITTEES

A. DECISIONS OF THE 32nd SESSION OF THE COMMISSION RELATED TO THE WORK OF THE COMMITTEE

Draft Amendment to the Standard for Named Vegetable Oils: Inclusion of Rice Bran Oil

Some delegations expressed the view that the level of “other desmethylsterols” in rice bran oil should be deleted from Table 3 and reconsidered by the Committee on Fats and Oils (CCFO) for the following reasons: it was not a significant identity characteristic for the authenticity of rice bran oil, which was adequately determined by the specific desmethylsterols mentioned in the Table; the methods of analysis were complex and the reference materials were not easily available, which created difficulties especially for developing countries; and, as it appeared from a study that low levels of other desmethylsterols could be found in rice bran oil, the “ND” level included in the current Table was not adequate.

The Delegation of Malaysia, speaking as Chair of the CCFO, recalled that the Committee had agreed on all provisions in the Draft Amendment after detailed discussion and that the level of other desmethylsterols had not been raised in the Committee. The Delegation therefore suggested to adopt the current text and to reconsider this question in the future if new data became available.

The Commission adopted the Draft Amendment and agreed that the CCFO should reconsider the level of other desmethylsterols if new data became available (ALINORM 09/32/3, para. 34-36). This question will be considered under **Agenda Item 9**.

The Commission also adopted:

- The Amendment to the Standard for Named Vegetable Oils: replacement of the section on contaminants with the standard language in the *Format for Codex Commodity Standards*
- Additives Provisions in the *Standard for Fat Spreads and Blended Spreads* and other Standards for Fats and Oils (ALINORM 09/32/3, Appendix III)

Proposed Draft Criteria to Assess the Acceptability of Substances for Inclusion in a List of Acceptable Previous Cargoes

Some delegations expressed the view that the development of the Draft and Proposed Draft Lists of Acceptable Cargoes should be discontinued for the following reasons: the criteria and the current Lists of Banned Immediate Cargoes were adequate to meet the dual mandate of Codex, there were no mechanisms allowing to maintain and update such lists on the basis of risk analysis principles; and the Committee should focus on careful consideration of the criteria. Other delegations pointed out that the Lists of Acceptable Cargoes were not under consideration at the Commission and any comment on the Lists should be made in the framework of the Committee, where this work was still in progress. The Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, informed the Commission that the Committee had discussed the Proposed Draft List and asked for comments on the substances and the process for its development (see part B below). The Commission adopted the Proposed Draft Criteria at Step 5 and noted the concerns of some delegations on the Draft and Proposed Draft Lists of Acceptable Cargoes.

B. MONITORING PROGRESS OF STANDARDS DEVELOPMENT

Proposed Draft and Draft List of Acceptable Cargoes

The **62nd Session of the Executive Committee** (June 2009) noted that some delay had occurred before the Committee could formulate its request for scientific advice and receive such advice through the FAO/WHO Technical Meeting held in 2006; in addition there were different approaches to the use of the criteria and the lists in the Committee.

Some members noted that, as scientific advice had been provided in 2006, the Committee on Fats and Oils could be allowed some more time to resolve the issue, in accordance with the criterion used in the critical review that referred to five years after the provision of scientific advice.

Some members questioned the need for the development of lists of acceptable cargoes and more generally the use of lists in Codex texts, as it was difficult to update them regularly and in some areas of Codex work the consideration of lists could substantially delay progress. These delegations supported the development of criteria rather than lists of acceptable cargoes in the Code of Practice.

The Committee encouraged the Committee on Fats and Oils to finalise its work on the Lists at its next session in 2011, while noting that, in general, the development of lists could delay the progress of Codex work. This question will be considered under **Agenda Item 4**.

At the **32nd Session of the Commission** (2009), the Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, recalled that the Executive Committee had discussed the Proposed Draft List and Draft Lists of Acceptable Previous Cargoes to some extent and had encouraged the Committee to finalise its work on the lists at its next session in 2011, while noting that, in general, the development of lists could delay the progress of Codex work. While taking note of this advice, the Delegation drew the attention of the Commission to some relevant issues: as pointed out by some members of the Executive Committee, scientific advice had been provided in 2006, hence the Committee on Fats and Oils would need some time to resolve this matter; and as regards the five years timeline for the development of standards, the Delegation expressed the hope that some degree of flexibility would be allowed, taking into account that the Committee met on a biennial basis (ALINORM 09/32/REP, para. 9). This question will be considered under **Agenda Item 4**.

Proposed Draft Amendment to the Standard for Olive Oils and Olive Pomace Oils: Linolenic Acid

The **62nd Session of the Executive Committee** recalled that the revised Standard was adopted in 2003 with the exception of the provision on linolenic acid, which was referred back to the Committee for further consideration, and that the delay originated from lack of agreement on the level of linolenic acid and related parameters. Alternative proposals had been discussed and circulated at Step 3 for consideration by the next session of the Committee on Fats and Oils.

Several members expressed the view that if it was not possible to reach consensus, this should be recognised by the CCFO and the work on linolenic acid should be discontinued, as mentioned in the comments of the Chairperson of the Committee presented in the working document.

The Committee agreed to encourage the Committee on Fats and Oils to finalise the Proposed Draft Amendment at its next session and endorsed the recommendation of the Chairperson of the CCFO that if no agreement could be reached, work should be discontinued (ALINORM 09/32/3, para. 21-27).

The **63rd Session of the Executive Committee** (December 2003) confirmed this recommendation (ALINORM 10/33/3, para. 12). This question will be considered under **Agenda Item 5**.

C. GENERAL RECOMMENDATIONS OF THE COMMISSION

1. REFERENCE TO ACCEPTANCE/VOLUNTARY APPLICATION IN CODEX STANDARDS

The **32nd Session of the Commission** noted that the **acceptance procedure** had been abolished by the 28th Session of the Commission in 2005 and therefore endorsed the recommendation of the Executive Committee to remove the reference to the acceptance procedure in Codex standards and in their annexes.

The Commission noted that the Committee on General Principles had agreed that all Codex texts, including standards and their annexes, were covered by the definition of “international standard” contained in the WTO/TBT Agreement. The Commission further noted that the Executive Committee did not reach consensus on deleting the statement on voluntary application but recommended that it should be considered on a case by case basis by the relevant subsidiary body including the possibility to transfer the provisions in the annex to the body of the standard.

The Commission endorsed the recommendation of the Executive Committee to refer this matter to the relevant active committees, i.e. Committees on Fats and Oils and Milk and Milk Products. The responses would be considered by the Executive Committee in order to make recommendations to the Commission in this regard. (ALINORM 09/32/REP, para. 91-94).

The Committee is invited to consider how to address the current annexes in the standards for fats and oils and in particular the following possibilities: retaining the annexes, deleting or amending the current statement; deleting the annexes or incorporating them into the main body of the standards.

2. SECTION ON CONTAMINANTS IN COMMODITY STANDARDS

The Delegation of Malaysia, speaking as Chair of the Committee on Fats and Oils, noted that the Committee should consider the matters raised in Sections 1.2.1 to 1.2.2 of ALINORM 09/32/8 related to the inclusion of a general statement on pesticides in the Standard for Named Vegetable Oils, as some maximum levels for pesticide residues existed for virgin oils, and whether halogenated solvents should be considered as contaminants in the Standard for Olive Oils and Olive Pomace Oils and noted that this matter also concerned the Standard for Table Olives (ALINORM 09/32/REP, para. 108-112).

The Commission agreed that the Secretariat would replace the provisions for contaminants (including pesticides) with the standardized provision as set out in the Procedural Manual for consistency throughout Codex standards and refer the matter to the committee concerned when specific technical issues arose that required more than editorial changes to the section on contaminants. The Committee is therefore invited to consider the following proposal, which appeared in Section 1.2.2 of ALINORM 09/32/8:

1.2.2 Table Olives (CODEX STAN 66-1981); Olive Oils and Olive Pomace Oils (CODEX STAN 33-1981)

As both provisions for contaminants and pesticide MRLs exist, the section “Contaminants” could be replaced by the following: “The products covered by this Standard shall comply with the maximum levels of the Codex General Standard for Contaminants and Toxins in Foods (CODEX STAN 193-1995) and the MRLs for pesticides established by the CAC”.

In the case of olive oils, the following text should be added:

“Additionally, the following applies:

Maximum content of each halogenated solvent: 0.1 mg/kg.

Maximum content of the sum of all halogenated solvents: 0.2 mg/kg.”

The Committee on Fats and Oils may also need to reconsider whether halogenated solvents should be considered contaminants.

D. MATTERS REFERRED BY OTHER COMMITTEES

Committee on Food Labelling (CCFL)

The 37th Session of the CCFL recognized that there was a diversity of views on whether or not it should provide horizontal guidance on the use of **modified standardized common names** for the purpose of nutrition claims in the context of the implementation of the Global Strategy on Diet Physical Activity and Health.

The Committee agreed that Codex Commodity Committees and FAO/WHO Coordinating Committees should be invited to provide advice, in particular concerning the relevance and implications to their work of horizontal guidance or related texts from the CCFL on modified standardized common names for the purpose of nutrition claims (ALINORM 09/32/22 para. 125 - 134). The Committee is invited to consider this issue, taking into account earlier discussions on a similar question (naming vegetable oils that have a modified fatty acid composition (ALINORM 09/32/17, para. 98-105).