

**MISSION REPORT: 22nd SESSION OF THE CODEX COMMITTEE
ON FATS AND OILS (CCFO), PENANG, MALAYSIA,
21–25 FEBRUARY 2011**

JLB /COI - 28/02/2011

This report deals with items 5, 6, 9 and 11 of the CCFO session agenda. A more detailed 10-page version is available upon request from the IOC Executive Secretariat (ES).

The IOC Executive Director (ED) held two coordination meetings with the delegations of the IOC member countries present in Penang (Algeria, Argentina, Egypt, Iran, Morocco, Syria, Turkey and the European Union (EU) – *Germany, France, Hungary, Italy*) on the sidelines of the CCFO session. He also had other discussions, which were constructive in the case of the Swiss delegation, information-oriented in the case of the delegations of the USA (to correct misinformation and to emphasise the advantages of closer cooperation) and Brazil, and useless in the case of the Australian delegation. Lastly, he had talks with representatives of the American Oil Chemists' Society (AOCS) and FOSFA.

Session highlights:

The objective of deferring discussions on delta-7-stigmastenol (para. 5, session report) and campesterol (para. 75, session report) until 2013 was achieved. Between now and then the IOC will have to undertake studies to assemble a workable database on these two components and to explore realistic avenues to solutions (decision trees).

The objective of reaching an agreement on a 1% limit for the linolenic acid content of virgin olive oil and a footnote authorising a content of up to 1.1% subject to compliance with other parameters was not achieved, despite active (Argentina, Egypt, Syria, Turkey and EU) and passive lobbying (Algeria, Iran and Morocco) by the IOC delegations present. On the other hand, the objective of the fallback position (discontinuation of Codex work on this question) was achieved (para.58, session report). However, if fresh data are supplied notably by the delegations of Argentina, Australia and the United States, this question may be reconsidered by the committee (para. 58a, session report). The IOC and its Members must stand to in order to prevent the risk of confusion between linolenic acid content and sterols content in 2013.

The Australian delegation, partly seconded by the US delegation, directed VERY virulent criticism at the IOC, calling into question the representativeness of the Organisation and the grounds for its participation in Codex work. This matter will be brought to the attention of the IOC Council of Members. A note of protest was submitted to the Chair, signed by all the Heads of Delegation of the IOC member countries present at the 22nd session.

Report on the IOC coordination meeting prior to the in-session linolenic acid working group (WG)

The delegations of Egypt, Morocco, Syria, Turkey and the EU attended the meeting, chaired by the ED of the IOC. After introductions by participants, the ED appraised the situation and explored the room for manoeuvre on the official position of the IOC Members, i.e. maximum 1% limit for linolenic acid and a footnote stating that oils with a linolenic acid content between 1 and 1.1% will be considered compliant provided three other restrictive parameters in the standard are met (stigmastadienes ≤ 0.05 mg/kg, delta ECN₄₂ ≤ 0.1 campesterol ≤ 3.5).

The EU would not budge on the level of 1.1% in the footnote because it believed that Australia had not put forward solid arguments warranting its proposed level of 1.2.

Italy recalled that the reason a level of 1.5 had been permitted in the 1989 Codex standard was that testing methods at the time were unable to measure separately the linolenic and tricosenoic acid content of the oil. Methods of analysis subsequently progressed and managed to separate these acids, thus justifying the IOC move to fix the limit at 1% in the IOC standard. Italy confirmed that the latest data in its possession suggested that very few Australian olive oils contained more than 1% linolenic acid. It emphasised the heightened fraud risk of raising the limit for linolenic acid to 1.2%.

Morocco pointed out that approximately 27% of its home production exceeded the 1% limit. However, it had accepted this limit in the IOC standard for reasons of solidarity. Morocco was in favour of postponing the decision of the Codex pending the fresh results of further IOC testing of samples submitted by countries showing values outside the limits.

Egypt and Turkey stressed that all their nationally produced oils had a content of less than 1% linolenic acid, but supported the compromise position of the IOC on a 1.1% limit and concomitant compliance with three restrictive criteria.

The EU expressed fears that Australia might mix up the linolenic acid question with the campesterol question if the CCFO deferred a decision.

The opinion of Italy was that if the IOC continued its work there was no guaranteeing that Australia would submit samples. It confirmed the risk of an attack by Australia on the linolenic and campesterol fronts in 2013.

The idea of proposing a limit of 1.1% with only two concurrent criteria (without campesterol) gained ground and was accepted as a fall-back option for the IOC Members at the WG meeting.

With regard to delta-7-stigmastenol (agenda item 6) and campesterol (agenda item 9) all the IOC delegations agreed on stating that IOC studies were underway and that it was premature for the Codex to act on these two matters.

Report on the meeting of the in-session linolenic acid WG, chaired by Canada

In reply to a question from the Swiss delegation, the Australian delegate said that his proposal (limit of 1.2% with two criteria) was based on the outcome of the IOC study conducted in 2003–2006. The ED of the IOC said that the IOC study had shown that very few of the samples of virgin olive oils submitted contained more than 1% linolenic acid (less than 2% of the Australian samples) and that this situation argued in favour of the option of 1.1% and three concurrent criteria.

The EU delegate concurred with the reasoning of the IOC.

The US delegate rejected the conclusions of the IOC on the grounds that the new olive oil producing countries had conducted their own testing, revealing that 13% of the samples contained more than 1.5% linolenic acid. He stated that the IOC figures were not representative. Solely the discussions at the Codex Alimentarius mattered, as it was a world organisation whereas the IOC encompassed only a few countries.

The Argentine delegate stated he was in favour of the solution put forward by Australia (1.2% and two criteria) or of continuing the IOC studies in order to assemble more data on the feasibility of the 1.1% option.

The Italian delegate repeated what he had already said at the IOC coordination meeting.

The Australian delegate said that linolenic acid content was no longer a factor for assessing the risk of blending with seed oils since the appearance of linolenic acid-free varieties of canola or soybean. He then attacked the latest IOC study, which he considered to be of almost null scientific worth.

Further statements by the delegates of Argentina, USA, Australia, EU, Hungary, France and New Zealand reiterated the known stances on this question.

As a compromise, the Egyptian delegate proposed a limit of 1 plus a footnote authorising 1.1% if two criteria (as opposed to three) were met. This proposal was backed by the delegates of Syria and Turkey.

After the break, the chair opened new discussions on the linolenic acid content of refined olive oil and olive-pomace oil. Discussions very rapidly got bogged down because the Australian delegate was not prepared and put forward arguments which the Italian delegate pointed out were not scientifically valid. The chair closed discussions on this matter.

After a last round of statements echoing the same stances, the chair adjourned proceedings and concluded that a proposal would be put to the plenary session to insert a limit of 1% in the text for the linolenic acid content of virgin olive oil and an accompanying footnote stating either **a/** a margin of 1.1% plus three criteria, **b/** a margin of 1.1% plus two criteria or **c/** a margin of 1.2% plus two criteria.

Report on agenda item 6: delta-7-stigmastenol content of virgin olive oil

This item would not be examined at the session because the Syrian delegation had not made a proposal.

Report on agenda item 9: campesterol content of virgin olive oil

The Australian delegate claimed that he had enough research results to back a request for the campesterol limit to be revised to 4.7% (compared with the current 4% limit). He was supported by the US delegate, who said he possessed data revealing a content of over 5% in certain varieties (Koroneiki and Arbequina), and by the Argentine delegate.

The EU delegate felt that it was premature for the Codex to act on this question. More studies and results were needed before reaching any decision. She was supported by the delegates of Turkey, Italy, France, Germany and Hungary.

The IOC informed the Codex that a study was underway and that at the request of Australia the deadline for the submission of samples had been extended until June 2011. The results for two production seasons could be available for 2013 provided countries submitted samples.

The Australian delegate confirmed he was aware of the IOC study. However, he was of the opinion that it did not deal exclusively with campesterol and that it set out to demonstrate pre-established hypotheses (decision trees). Above all, he believed the IOC was not independent and wondered why it was authorised to attend committee proceedings. The EU's right of veto within the IOC meant that the IOC was faced with a conflict of interests when it spoke as an expert on the Codex committee. Moreover, there were doubts as to the quality of its studies since they were not published in scientific journals.

The delegates of Morocco and Syria were of the opinion that the committee should await the results of the ongoing IOC studies before expressing an opinion.

The US delegate concurred with his Australian counterpart on the fact that the IOC was not the sole source of information about olive oil and on the nature and quality of the IOC studies.

The chair concluded by saying that the proposal of Australia did not meet with enough support from the committee. She invited Australia to collect further data, notably from the USA and Argentina which said they had data in their possession, and to present them at the next session.

Report on the second IOC coordination meeting prior to the plenary session on linolenic acid

The meeting was attended by the same delegations as for the first meeting (Egypt, Morocco, Syria, Turkey and the EU) plus a further three (Algeria, Argentina and Iran). It was again chaired by the ED of the IOC.

The ED expressed very deep concern at the unacceptable remarks of the Australian delegation, which had been echoed in part by the US delegation. He informed the delegations that he would convey this concern to the Malaysian chair and would put a proposal to the IOC Council of Members to write a letter of protest to FAO and WHO, the parent organisations of the Codex Alimentarius Commission.

The delegations of Egypt, Italy and Morocco agreed wholeheartedly with these moves.

The delegations expressed their satisfaction at the fact that the objective had been attained with regard to delta-7-stigmastenol and campesterol. It would be expedient now for countries to supply samples according to the agreed protocol to enable the IOC to carry out the planned studies.

Referring to the linolenic acid level, the ED thanked the Egyptian delegation for proposing the compromise solution at the WG meeting (margin of 1.1 plus two criteria). The ED then enquired whether the delegations would make their voices heard in favour of this option at the plenary session.

The Argentine delegate said he would support the Egyptian proposal because it deleted the campesterol criterion, which was a source of concern to Argentina.

The Italian delegate thanked his Argentine colleague and added that dropping this criterion entailed a great effort on his part.

The other delegates confirmed they would support the Egyptian proposal. The delegate of Morocco stated that his country would abstain.

The ED thanked the participants, particularly the delegates of Argentina, Italy (EU) and Morocco, for the consensus-minded spirit that had characterised the coordination meeting, which strengthened the position of the IOC Members.

Report on agenda item 5: linolenic acid level of olive oil

The Chair very quickly stated that there was no agreement on this matter. She proposed discontinuing work on this subject and leaving it to each country to fix the maximum level for linolenic acid and to retain the limit of 1% for refined olive oil and olive-pomace oil.

The Australian delegate said that nothing had been decided about refined oils and olive-pomace oils and invited the chair, with the support of Indonesia, to accept his proposal.

The US delegate, backed by the delegate of New Zealand, proposed either adopting the Australian proposal or continuing discussions pending new results of ongoing studies.

The EU delegate announced that as a compromise, she was prepared to drop the campesterol criterion and to back the Egyptian proposal.

The delegates of Argentina, Turkey and Syria supported the compromise solution put forward by Egypt.

The chair noted no agreement had been reached by the delegations. Work would therefore be discontinued, as had been envisaged in the absence of a compromise solution on the two options. Clearly, if new data were brought to the notice of the Codex Alimentarius, the committee could re-examine this matter in the future.

Report on agenda item 11: adoption of the report

Paragraph 5 noting the proposal of the Syrian delegation to defer consideration of delta-7-stigmastenol content until the next session was adopted without discussion.

Paragraph 58 regarding the discontinuation of work on the linolenic acid level of olive oils and olive-pomace oil sparked lively discussion. The conclusion eventually reached was that the Codex standard would mention this acid but would not specify a value for virgin olive oil, refined olive oil or olive-pomace oil. Paragraph 58a was inserted stating that the committee may reconsider this question if fresh reliable data are supplied.

All the paragraphs concerning the discussions on the campesterol content of olive oils (para.70–76) were adopted without discussion. Paragraph 75 states that due to insufficient support, the proposal to initiate work on amending campesterol content was not accepted. Paragraph 76 specifies the conditions on which the data presented in 2013, notably by Argentina, Australia and the USA, will be considered admissible.

The next session will be held in Malaysia from 25 February to 1 March 2013.

**NOTE ADDRESSED TO THE CHAIR OF THE 22ND SESSION OF
THE CODEX COMMITTEE ON FATS AND OILS
(CCFO), PENANG, MALAYSIA, 21-25 FEBRUARY 2011**

During the course of CCFO discussions on agenda item 9 regarding the campesterol content of virgin olive oil, the Australian delegate made a series of unacceptable remarks about the International Olive Council (IOC). He called into question the independence of the IOC and the capacity of this international, intergovernmental organisation to attend CCFO proceedings on the grounds of a conflict of interests. Lastly, he questioned the scientific rigour of IOC studies. These are very serious remarks.

They are all the more worrying in that at the working group meeting held on 22 February to discuss the linolenic acid content of olive oils, the Australian delegate had already levelled an attack on the IOC and the latest IOC study, which he considered to be almost scientifically worthless. At the close of the meeting, the Executive Director of the IOC made a verbal complaint to the Canadian chair. Matters might have gone no further and been considered merely remarks made during the heat of discussions. However, the statements made during the plenary session show that it is a case of a deliberate attack against the IOC, which obliges us to react officially.

The delegations of the IOC Members present in Penang wish to point out that over 50 years ago the chief olive oil producing countries decided to join together to create an intergovernmental organisation to examine all scientific, technical and economic matters relating to olive oil. Since then, those countries have regularly confirmed the importance they attach to the Organisation and have welcomed new Members, the latest of which are Albania and Argentina, which joined in 2009, and Turkey in 2010. Nowadays the IOC Members represent more than 98% of the world olive oil production.

In the circumstances, the IOC-Member delegations present in Penang have decided to convey their deep displeasure at the remarks made in particular by the delegate of Australia, which are not worthy of the spirit usually reigning at Codex proceedings. They likewise inform you that the IOC executive Director will bring this matter to the attention of the IOC Council of Members.

Signed: Heads of the delegations of the IOC Members present in Penang: Argentina, Algeria, Egypt, Iran, Morocco, Syria, Turkey and the EU.

Algeria 
ARGENTINA 
SYRIA 
Iran 
European Union 
France 
ITALY 
Morocco 
Egypt. 
Turkey 