

European Union Comments
CODEX COMMITTEE ON FATS AND OILS
27th Session

Virtual, 18 – 22 and 26 October 2021

Agenda Item 5:

Proposed Draft Revision to the Standard for Olive Oils and Olive Pomace Oils
(CODEX STAN 33-1981) (CX/FO 21/27/6 and CX/FO 21/27/6 Add.1)
(CL 2021/29/OCS-FO)

European Union Competence.
European Union Vote.

General comments

The European Union (EU) thanks the chair and co-chairs of the electronic Working Group (eWG) for the good progress on this subject and welcomes the proposed draft revision to the standard.

The EU comments on the sections 3 and 8 and Appendix I will focus in general on items still in square brackets. However, on occasions, the EU comments address items that documents CX/FO 21/27/6 and CX/FO 21/27/6 Add.1 consider as agreed.

Comments on Section 4 of the proposed draft revision

Although section 4 is not in the scope of the mandate for the revision of the standard, the EU would like to request that in point 4.2 of the standard (*refined olive oil, olive oil composed of refined olive oil and virgin olive oils, refined olive-pomace oil, and olive-pomace oil composed of refined olive-pomace oil and virgin olive oils*):

- the second sentence “The concentration of alpha-tocopherol in the final product shall not exceed 200 mg/kg.” is deleted;
- at the end of the first sentence the following text is added: “in accordance with Good Manufacturing Practices”.

The reason behind this request is that the current limit for alpha-tocopherol in the finished product is a barrier to trade. Historically, such as limit was set to restore natural tocopherol lost in the refining process. However, the present refinement processes are milder and do not extract alpha-tocopherol to such a high extent. Therefore, in the resulting olive oils natural alpha-tocopherol may be present in higher amounts than the current limit.

The IOC standard has been changed to reflect this new situation.

Specific comments on the sections 3 and 8 and Appendix I:

Section 3. Essential composition and quality factors

- Point 3.1 Designations and definitions

- Deletion of footnote 1 in the category of “refined olive oil” and “refined olive-pomace oil”

The EU maintains its views that it would be preferable to maintain this footnote in the standard.

This footnote is neither a barrier to trade, nor a technical specification, but it acknowledges the fact that countries may have different positions on refined olive oil and refined olive-pomace oil and provides clarity on that point at international level.

- Note on “lampante olive oil”

The EU supports the introduction of the note on “lampante olive oil”. In order to clarify the meaning of “unfit for human consumption”, which has a different meaning here than in the Codex General Principles of Food Hygiene (CAC/RCP 1-1969), the EU proposes to add at the end of the last sentence, before the full-stop: *“and is intended for refining or technical use”*

- Point 3.2.1 GLC ranges of fatty acid composition (expressed as percentages of total fatty acids)

- General remark: the EU would like to ask the members to reconsider the arguments for expressing the fatty acid ranges with one decimal figure. This will have a negative impact on the calculation of Δ ECN42.

- First sentence “[Samples falling within the appropriate fatty acid ranges specified below are in compliance with this Standard. Supplementary criteria, for example national geographical and/or climatic variations, may be considered, as necessary, to confirm that a sample is in compliance with the Standard.]”

The EU does not support this proposal due to the uncertainty it causes by introducing criteria, which are neither included nor defined in the standard by measurable limits (such as “national geographical and/or climatic variations”). Trading olive oils based on their provenance (national/geographic) would require strict traceability. Weather patterns change yearly and therefore cannot be considered as a criterion for assessing authenticity. Therefore, this proposal would lead to a high number of undefined exceptions and a lack of clarity on how to deal with those exemptions, to the benefit of fraudsters. In our view, fighting fraud makes an important and valuable contribution to both consumer protection and fair trade practices, which are the main aims of Codex Alimentarius.

- Changing the lower limit for oleic acid (C18:1) to 53.0%

The EU does not support this proposal, as a high oleic acid content is a factor of identity of olive oil and confers to the product part of its healthy properties. Therefore, the EU considers necessary to be very cautious on considering changes on oleic acid content limits.

- Setting a limit for linolenic acid (C18:3)

The EU supports setting the linolenic acid limit at $\leq 1,00$ with a footnote stating the following: “*For extra virgin and virgin olive oil with $1.00 < \text{linolenic acid} \% \leq 1.40$, apparent β -sitosterol/campesterol must be ≥ 24* ”

Linolenic acid is critical for detecting adulteration with other vegetable oils (rapeseed oil).

- Changing the limit of trans-fatty acids ($\Sigma(\text{t-C18:1})$ and $\text{c}\Sigma(\text{t-C18:2}) + \Sigma(\text{t-C18:3})$) by rounding up to express them with one decimal figure

The EU does not support this proposal, as trans-fatty acids are essential in the detection of fraud.

- Point 3.2.3 4α -desmethylsterols composition (% total 4α -desmethylsterols)

- The introduction of footnote (b) [(b) For virgin olive oils If the value is $>0,5$ $\leq 0,8\%$, campesterol must be $\leq 3,3$, apparent β -sitosterol/(campesterol+ $\Delta 7$ -stigmastenol) ≥ 25 , stigmasterol $\leq 1,4$ and $\Delta\text{ECN}42 \leq 0,1$. For refined olive pomace oils values $>0,5$ and $\leq 0,7\%$ then stigmasterol $\leq 1,4\%$ and $\Delta\text{ECN}42 \leq 0.4$.]

The EU supports the inclusion of this footnote. In addition, the EU would like to point out that further decision trees for delta-7-stigmastenol are in the process of approval within the IOC.

The EU would like to propose that this footnote is supplemented with the following one, between the first and the second sentence: “*For olive oil composed of refined olive oil and virgin olive oils: If the value is $>0,5$ and $\leq 0,8\%$, apparent β -sitosterol/(campesterol+ $\Delta 7$ -stigmastenol) ≥ 24 and $\Delta\text{ECN}42 \leq 0,15$ ”*

The EU would like to modify the third sentence as follows: “*For olive-pomace oil composed of refined olive-pomace oil and virgin olive oils: if the value is $>0,5$ and $\leq 0,7\%$ then stigmasterol $\leq 1,4\%$ and $\Delta\text{ECN}42 \leq 0.4$.”*

These footnotes would correspond to the decision trees included in the IOC standard.

- The sentence “[Virgin olive oil's authenticity is not compromised if one sterol, or their minimum content, does not fall within the ranges provided for if all other sterols and parameters tested referred to in this standard fall within the stated ranges.]”

The EU does not support this proposal as it considers that all sterol fractions, as well as the total sterol content, are essential to check the authenticity of an olive oil. No independent sterol can be replaced by another, because the limits for each sterol are set to detect fraud with a different kind of extraneous oils. To accommodate authentic olive oils that deviate from the set limits, the EU considers that it would be appropriate and justified to use a harmonised decision tree.

Furthermore, the EU considers that all parameters in the standard have to be checked to confirm the category and authenticity of an oil and that all parameters are equally important and valid.

- Point 3.2.4 Total 4 α -desmethylsterols content (mg/kg)
 - Deletion of the category virgin olive oils (extra virgin olive oil and virgin olive oil) from the parameter Total 4 α -desmethylsterols content (mg/kg) and moving it to the appendix

The EU does not support this proposal to move the total sterol content to the appendix, since it is used to detect seed oils (palm and palm kernel oils and the desterolised seed oils). The detection of fraud implies testing all authenticity parameters, as the sum is always stronger than one component. In this regard, moving this parameter to the appendix will weaken the overall capacity to detect fraud.
- Point 3.2.5 Erythrodiol and uvaol (% total 4 α -desmethylsterols + erythrodiol and uvaol)

The EU supports the introduction of a footnote for the refined olive oils stating the following:

“When the oil has an erythrodiol + uvaol content of between 4.5 and 6 %, the erythrodiol content must be < 75 mg/kg.”
- Point 3.3.1 Organoleptic characteristics of virgin olive oils
 - The median of the most perceived defect for the virgin olive oil category

The EU supports that the above-mentioned limit is set at 3.5. The only method to determine the organoleptic characteristics of virgin olive oil is the IOC method, COI/T.20/Doc. n° 15. In this method, uncertainty is included. Therefore, the equivalent of the 2.5 median defect limit in the Codex standard is indeed the IOC limit of 3.5 (as 3.5 takes into account the uncertainty), which is also the limit in the EU legislation. A footnote should be included to clarify that the limit of 3.5 includes the uncertainty of measurement (as provided for in the method).
- Point 3.3.6 Fatty acid ethyl esters (mg/kg)

The EU supports the inclusion of this parameter for the extra virgin olive oil category together with the limit of ≤ 35 mg/kg.

Section 8. Methods of analysis and sampling

- Point 8.13 Detection of traces of halogenated solvents

The EU does not support the deletion of the IOC method from this point.
- The second to last line in the table of Section 8, stating “Method of sampling”, should state “Methods of sampling *and sample preparation*”

Appendix -Other quality and composition factors

- Point 1.1 Organoleptic characteristics

For consistency reasons, **the EU would like to propose** the deletion of the first sentence “Extra virgin and virgin olive oils: See Section 3.3.1”.

- Point 1.5 1,2-diglycerides (% total diglycerides)

The EU might consider the inclusion of this parameter for extra virgin olive oils and its proposed limit in the appendix. The EU would like to draw the attention of the members to the study carried out by the IOC in 2020 on this matter, which concludes that many doubts remain on its usefulness as quality parameter and on the methods for its determination.
- Point 1.6 Pyropheophytin "a" (% total chlorophyll pigments)

The EU might consider the inclusion of this parameter for extra virgin olive oils and its proposed limit in the appendix. The EU would like to draw the attention of the members to the study carried out by the IOC in 2020 on this matter, which concludes that many doubts remain on its usefulness as quality parameter and on the methods for its determination.
- Point 2.6 Total 4 α -desmethylsterols content (mg/kg)

The EU does not support the inclusion of this parameter for extra virgin and virgin olive oils in the appendix. Please see comments for point Point 3.2.4
- Point 3.10 pyropheophytin "a"

The inclusion of a method of analysis for this parameter will depend on the inclusion of the parameter itself in the standard.
- Point 3.11 1,2-diglycerides

The inclusion of a method of analysis for this parameter will depend on the inclusion of the parameter itself in the standard.
- Point 3.12 4 α -desmethylsterol total content

The EU does not support the inclusion of this method of analysis in the appendix. Please see comments in points 2.6 and 3.2.4.
- The second to last line in the table of Section 3, stating “Method of sampling”, should state “Methods of sampling *and sample preparation*”