



SCIENTIFIC SUB-COMMITTEE

NS0011E1
(+ Annexes I and II)

-
15th Session
-

O. Eng.

Brussels, 8 December 1999.

AMENDMENT OF THE EXPLANATORY NOTES TO CLARIFY

THE MEANING OF "ERUCIC ACID"

(Item II.10 on Agenda)

Reference documents :

40.106 (RSC/14)	41.920, Annex A/17 (RSC/17 - Report)
40.470 Annex C/11 (RSC/14 - Report)	42.237 (RSC/18)
40.413, Paragraph 56 (HSC/18)	42.465 (RSC/18)
40.600, Annex E/1, paragraph 41, (HSC/18 - Report)	42.500, Annex A/9 (RSC/18 – Report)
40.778 (RSC/15)	NR0008E1 (RSC/19)
40.920, Annex A/7 (RSC/15 - Report)	NR0032E1 (RSC/19)
40.881, Paragraph 12 (HSC/19)	NR0044E1 (RSC/19)
41.100, Annex E/1, paragraph 13 (HSC/19 - Report)	NR0045E2, Annex A/7 (RSC/19 – Report)
41.669 (SSC/13)	NR0049B1 (RSC/20)
41.690, Annex A/9 (SSC/13 - Report)	NR0072E2, Annex C, paragraph 6 (RSC/20 – Report)
41.783 (RSC/17)	

I. BACKGROUND

1. At its 20th Session (September 1999), the Review Sub-Committee examined draft amendments to the Explanatory Notes arising out of the amendments to the legal texts included in the Article 16 Recommendation of 25 June 1999.
2. When the Sub-Committee examined the proposed Explanatory Note to heading 12.05, the Delegate of Japan proposed to insert the following reference after "acid" in the fourth line: "(including erucic acid which constitutes esters with triglycerols)". Since certain delegates were somewhat hesitant to accept this proposal without detailed information, the Sub-Committee invited Japan, before its next session to provide more information.

II. COMMENTS FROM THE JAPANESE ADMINISTRATION

3. On 9 November 1999, the Secretariat received the following comments from the Japanese Customs Administration :

File No. 2603

4. "As described in paragraph 6 of Annex C to Doc. NR0072E2 (RSC/20 – Report), Japan proposed to insert the following reference "(including erucic acid which constitutes esters with triglycerols)" after "acid" in the fourth line of the proposed Explanatory Note to heading 12.05. However, certain delegates were somewhat hesitant to accept this proposal without detailed information and the Sub-Committee invited Japan, before its next session to provide more information.
5. In response to the Sub-Committee's instruction, Japan is submitting the following comments to the Secretariat. Given the technical nature of the question, Japan wishes to refer the matter first to the Scientific Sub-Committee for advice. Therefore, we would be very grateful if you could put this question on the Agenda for the Scientific Sub-Committee's next session in January 2000.

Comments by Japan

6. The specifications of "crude canola oil types" in "Bailey's Industrial Oil & Fat Products", Fifth Edition, Volume 2, page 24, are set out in the Annex to this letter (Annex I to this document). The analysis method for determining the content of the erucic acid agreed upon at the 13th Session of the Scientific Sub-Committee is also set out in the same Annex (see paragraph 5, Annex A/9 to Doc. 41.690 – SSC/13 Report).
7. It seems that the above information confirms, without any doubt, that the expression "an erucic acid" in new Subheading Note 1 to Chapter 12 includes both free erucic acid and erucic acid in the form of esters with triglycerols, although new Subheading Note 1 does not clearly indicate whether the expression "erucic acid" includes erucic acid in the form of esters with triglycerols.
8. Therefore, Japan would propose to insert "(including erucic acid which constitutes esters with triglycerols)" after "acid" in the proposed Explanatory Note to heading 12.05 with a view to supplementing the scope of the expression "erucic acid" used in new Subheading Note 1 to Chapter 12. It appears that the same modification would be needed with respect to the second sentence of the second paragraph on Page 118 of the Explanatory Note to heading 15.14 proposed in Doc. NR0050B1.
9. The concerned Explanatory Notes should read as follows :

Heading 12.05. First paragraph. Second sentence.

"These low erucic acid rape or colza seeds have an erucic acid (including erucic acid which constitutes esters with triglycerols) content of less than 2 % by weight and ...".

Heading 15.14. Part (A). Second paragraph. Second sentence.

"This heading also covers low erucic acid rape or colza oil. Low erucic acid rape or colza oil has an erucic acid (including erucic acid which constitutes esters with triglycerols) content of less than 2 % by weight.""

III. SECRETARIAT COMMENTS

10. The relevant parts of the proposed amendment to the Explanatory Notes to headings 12.05 and 15.14 are reproduced in Annex II to this document.

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11. In the Secretariat's view, the Japanese proposal appears to be justified for the following reasons :

11.1. According to the information received from Japan, the free fatty acid content in crude canola oil is as low as 1.0% (see the Annex) and therefore a substantial amount of erucic acid, although its content is also low, exists in forms other than free erucic acid; and

11.2. erucic acid, in whatever form, is converted to its methyl esters when determining its content in crude canola oil.

The Secretariat can therefore support the Japanese proposal concerning the amendment of the Explanatory Notes to headings 12.05 and 15.14 to include a reference to "erucic acid which constitutes esters with triglycerols".

IV. CONCLUSION

12. The Sub-Committee is invited to take the above comments and the comments by Japan into account when considering the Japanese proposal.

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EXTRACT FROM BAILEY'S INDUSTRIAL OIL AND FAT PRODUCTS**Table I.4 Crude canola oil types and specifications (74)**

Specification	Type I Crude Super Degummed	Type II Crude Degummed	Type III Crude
Free fatty acid (as oleic acid), max. % by mass	1.0	1.0	1.0
Moisture and impurities, max. % by mass	0.3	0.3	0.5
Flash point (typical), min. °C	150	150	150
Chlorophyll content, max. parts per million ^a	30	30	30
Neutral oil (typical), min. % by mass	98.5	98.5	98.0
Loss (typical), max. % by mass	1.5	1.5	2.0
Phosphorus content, max. parts per million	50	200	n/a ^b
Erucic acid, max. % by mass	2.0	2.0	2.0
Sulfur (typical), parts per million	.10	10	15

^a These figures may be amended.

^b Not applicable.

ANALYSIS METHOD FOR DETERMINING THE CONTENT OF ERUCIC ACID

AOAC (Association of Official Analytical Chemists) Official Method 985.20, Erucic Acid in Oils and Fats : Thin Layer and Gas Chromatographic Method (Extracts)

Principle : Constituent fatty acids are converted to methyl esters, separated by low temperature argentation thin layer chromatography, and quantified by gas chromatography.

Apparatus : Glassware (beakers, round-bottom flasks and pointed bottom tubes), distillation device (for ethyl ether), columns, oven, TLC plates, TLC applicator, TLC developing tank, TLC deep-freeze unit, UV lamp and gas chromatograph.

Reagents : n-Hexane, toluene, methanol, ethyl ether, TLC developing solvent, methyl erucate standard solution, silver nitrate solution, methyl tetracosanoate standard solution, and TLC spray reagent.

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PROPOSED AMENDMENTS TO THE HS EXPLANATORY NOTES

Page 84. Heading 12.05.

Delete and substitute :

“12.05 - RAPE OR COLZA SEEDS, WHETHER OR NOT BROKEN.

1205.10 - **Low erucic acid rape or colza seeds**

1205.90 - **Other**

[This heading includes both the traditional rape or colza seeds (the seeds of several species of *Brassica*, particularly *B. napus* (rape) and *B. rapa* (or *B. campestris*)), and the low erucic acid rape or colza seeds. These low erucic acid rape or colza seeds have an erucic acid (including erucic acid which constitutes esters with triglycerols) content of less than 2 % by weight and yield a solid component which contains less than 30 micromoles of glucosinolates per gram.]”

Page 118. Heading 15.14.

2. Part (A). Second paragraph. Second sentence.

Delete and substitute :

"[This heading also covers low erucic acid rape or colza oil. Low erucic acid rape or colza oil has an erucic acid (including erucic acid which constitutes esters with triglycerols) content of less than 2 % by weight.]”
