



GLOBAL ORGANIZATION FOR EPA AND DHA OMEGA-3S

11 January 2022

Dear Respected Deputy Director General of Foreign Trade Shri Md. Moin Afaque:

GOED, the Global Organization for EPA and DHA Omega-3s,<sup>1</sup> is a trade association representing 170+ companies worldwide that are active in the EPA and DHA omega-3 industry. GOED's membership includes all segments of the omega-3 supply chain from fishing and seafood companies to fish oil refiners, supplement manufacturers, food and beverage marketers and pharmaceutical companies. GOED's members agree to adhere to product quality and ethical standards that represent the benchmark for quality in the omega-3 market. GOED's mission is to increase global consumption of EPA and DHA and ensure that our members produce quality products that consumers can trust.

In order to increase free trade, we write to request a change in the maximum limits for trans fat and free fatty acids for fish body oil (ExIm Code 1504 20 10) and fish lipid oil (ExIm Code 1504 20 20) as detailed in Chapter 15 (Animal or Vegetable Fats And Oils And Their Cleavage Products; Prepared Edible Fats; Animal Or Vegetable Waxes) of the Indian Trade Clarification (ITC) based on Harmonized System (HS), 2017 Import Policy. Currently, the Import Policy specifies a "Free" value of <0.1% for trans fat and <0.10% (as oleic acid) for free fatty acids. Our members have repeatedly indicated that fish oils, which are covered by the previously mentioned import codes, cannot meet the current restrictive limits. We respectfully request trans fat and free fatty acids be changed to <1.0% and <1.5%, respectively. The technical rationale for the requested changes is provided below.

#### Trans fat (trans fatty acids)

This parameter indicates the percentage of unsaturated fatty acids in the trans form. Such fatty acids are undesired as they are negative for the health of consumers and should therefore be kept at low levels. Whereas unrefined vegetable oils are low in trans fatty acids (typically < 0.2%), refined vegetable oils can contain up to 2% of trans fatty acids. Currently the maximum level of trans fat permitted in interesterified vegetable fat/oil, margarine and hydrogenated vegetable oils in India is 5%, 50 times higher than the amount permitted in fish body oil.<sup>2</sup>

Unrefined fish oils may contain a small quantity of naturally occurring trans fatty acids, or up to a level of 0.4%. During refining, a slight increase is possible. This may lead to levels around 0.5% in refined fish oils.

---

<sup>1</sup> <https://www.goedomega3.com/>

<sup>2</sup> File No. 4(37) 2017/States/RCD/FSSAI dated 24 August 2017 on the "Compliance to the Notification dated 4<sup>th</sup> August, 2015, revising maximum limits of trans fatty acids to be not more than 5% in Interesterified Vegetable Fat/Oil, Margarine and Hydrogenated Vegetable Oils." [https://www.fssai.gov.in/dam/jcr:8859ff99-6467-4975-b0eb-da0d4312a949/Order\\_Trans\\_Fatty\\_Acids\\_31\\_08\\_2017.pdf](https://www.fssai.gov.in/dam/jcr:8859ff99-6467-4975-b0eb-da0d4312a949/Order_Trans_Fatty_Acids_31_08_2017.pdf)



GLOBAL ORGANIZATION FOR EPA AND DHA OMEGA-3S

Within the European Union (EU), trans fatty acids are regulated by Commission Regulation (EU) 2019/649 of 24 April 2019 amending Annex III to Regulation (EC) No 1925/2006 of the European Parliament and of the Council as regards trans fat, other than trans fat naturally occurring in fat of animal origin<sup>3</sup> to a level of maximum 2 grams per 100 grams of fat (2%).

The natural content found in unrefined fish oils indicates that a level of less than 0.1% trans fat in refined fish oil is technically difficult to achieve.

Free fatty acids

This parameter indicates the level of free fatty acids in fats and oils. Fish oils of natural origin contain higher amounts of free fatty acids compared to refined vegetable oils as described in the Codex Standard for Named Vegetable Oils (CXS 210-1999)<sup>4</sup> which lists the following levels of free fatty acids for vegetable oils.

Vegetable oils	Acid value in mg KOH/g Oil	Free fatty acids (according to ISO 660)
Refined oils	Max. 0.6	Max. 0.3% *
Cold pressed and virgin oils	Max. 4.0	Max. 2.0% *
Virgin palm oils	Max. 10.0	Max. 5.0%

\*Note: For refined vegetable oils, and for cold pressed and virgin vegetable oils, the free fatty acids levels are calculated through the acid value.

In addition, the Codex Standard for Fish Oils (CXS 329-2017) adopted a limit for the acid value of <3 mg KOH/g for refined fish oils. This value correlates to a free fatty acid content of <1.5%. Therefore, the current limit of ≤0.10% free fatty acids applicable to fish body oils (ExIm Code 1504 20 10) and fish lipid oil (ExIm Code 1504 20 20) is not only technically demanding, but does not align with international standards established to promote free trade.

To correct the technically difficult limits, GOED would like to ask for an update of the Import Policy for fish body oils (ExIm Code 1504 20 10) and fish lipid oil (ExIm Code 1504 20 20) as outlined in the below table.

Sr. No.	Quality Parameter	Current Import Policy Value	Proposed Value
(i)	Free Fatty Acids %	<0.10	<1.5
(v)	Trans fat %	<0.1	<1.0

<sup>3</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0649>

<sup>4</sup> [http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252Fstandards%252FCXS%2B210-1999%252FCXS\\_210e.pdf](http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252Fstandards%252FCXS%2B210-1999%252FCXS_210e.pdf)



GLOBAL ORGANIZATION FOR EPA AND DHA OMEGA-3S

Thank you for your attention.

With kind regards,

Harry B. Rice, Ph.D.  
V.P. Regulatory & Scientific Affairs  
Email: [harry@goedomega3.com](mailto:harry@goedomega3.com)

Gerard Bannenberg, Ph.D.  
Director of Technical Compliance & Outreach  
Email: [gerard@goedomega3.com](mailto:gerard@goedomega3.com)