



Brussels, **XXX**
[...] (2024) **XXX** draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2022/2105 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) .../...

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amending Implementing Regulation (EU) 2022/2105 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007¹, and in particular Article 90a(6), points (b) and (c), and Article 91, points (b), (d) and (g), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2022/2105² lays down rules on conformity checks on olive oil to verify the implementation of the marketing standards laid down in Commission Delegated Regulation (EU) 2022/2104³.
- (2) The median of organoleptic defects laid down in Table A of Annex I to Delegated Regulation (EU) 2022/2104⁴ is one of the parameters separating the extra virgin olive oil category from the virgin olive oil category. Organoleptic defects could occur during the live oil production process production stage, but they could also be the result of improper transport and storage conditions. It is therefore necessary to specify how to notify between different Member States organoleptic defects that are found in an oil labelled as extra virgin olive oil.
- (3) It is important that throughout the Union territory procedures to verify the organoleptic characteristics of virgin olive oils are uniformly implemented. If during a conformity check a tasting panel carrying out the organoleptic assessment does not confirm the category of olive oil stated on the label, the operator responsible has the right to ask for a counter-assessment. In such a case, it is necessary that one of the two panels assessing the oil again is located in the Member State where the operator appearing on

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¹ OJ L 347, 20.12.2013, p. 671; ELI: <http://data.europa.eu/eli/reg/2013/1308/2023-01-01>.

² Commission Implementing Regulation (EU) 2022/2105 of 29 July 2022 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil (OJ L 284, 4.11.2022, p. 23); ELI: http://data.europa.eu/eli/reg_impl/2022/2105/2022-11-04

³ Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for olive oil, and repealing Commission Regulation (EEC) No 2568/91 and Commission Implementing Regulation (EU) No 29/2012 (OJ L 284, 4.11.2022, p. 1); ELI: http://data.europa.eu/eli/reg_del/2022/2104/oj.

⁴ Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for olive oil, and repealing Commission Regulation (EEC) No 2568/91 and Commission Implementing Regulation (EU) No 29/2012 (OJ L 284, 4.11.2022); ELI: http://data.europa.eu/eli/reg_del/2022/2104/oj.

the label is established, as it is that operator who bears the responsibility for the quality of the product.

- (4) The methods of analyses to be used when checking the characteristics of oils are regularly updated on the basis of the opinion of chemical experts and in line with the work carried out within the International Olive Council (IOC).
- (5) In order to ensure the correct implementation at Union level of the most recent methods of analyses established by the IOC, it is appropriate to include those methods in Implementing Regulation (EU) 2022/2105.
- (6) In the light of different interpretations by authorities carrying out conformity checks, the sampling methodology should be clarified.
- (7) Implementing Regulation (EU) 2022/2105 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2022/2105 is amended as follows:

- (1) in Article 4, the following paragraph 4 is added:

‘4. When a sample of extra virgin olive oil fails to comply with the limit set for the median of organoleptic defects in Table A of Annex I to Delegated Regulation (EU) 2022/2104, the Member States concerned shall notify this as a non-compliance in accordance with Article 16 of Implementing Regulation (EU) 2019/1715, unless the national authorities suspect intentional action by businesses or individuals for the purpose of deceiving purchasers and gaining undue advantage therefrom.’;

- (2) in Article 11, paragraph 2 is replaced by the following:

‘2. Where the tasting panel does not confirm the declared category as regards the organoleptic characteristics, at the request of the operator subject to the control, the competent authorities shall have two counter-assessments carried out by other approved tasting panels without delay. At least one of the tasting panels shall be a panel approved by the Member State of the operator appearing on the label. The characteristics concerned shall be deemed consistent with the characteristics declared if the two counter-assessments confirm the declared category. If this is not the case, regardless of the type of defects determined during the counter-assessments, the declared category shall be declared inconsistent with the characteristics, and the operator subject to the control shall bear the costs of the counter-assessments.’.

- (3) Annex I and II are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
Ursula VON DER LEYEN

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