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COMMISSION IMPLEMENTING REGULATION (EU) 2024/2707

of 21 October 2024

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 1234/2007 ([1]), 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) 2022/2105 ([2]) lays down rules on conformity checks on olive oil to verify the implementation of the marketing standards laid down in Commission Delegated Regulation (EU) 2022/2104 ([3]).

(2) The median of organoleptic defects laid down in Table A of Annex I to Delegated Regulation (EU) 2022/2104 is one of the parameters separating the extra virgin olive oil category from the virgin olive oil category. Organoleptic defects could occur during the olive oil production process, 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) 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).

(4) 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.

(5) In the light of different interpretations by authorities carrying out conformity checks, the sampling methodology should be clarified.

(6) Implementing Regulation (EU) 2022/2105 should therefore be amended accordingly.

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

([1]) OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/oj.

([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/oj).

([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).

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) 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, 21 October 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annexes I and II of Regulation (EU) 2022/2105 are amended as follows:

(1) In Annex I, the text in the third column ('IOC method to be used') of line number 7 is replaced by the following:

'COI/T.20/Doc. No 28 (*Determination of the content of waxes and fatty acid ethyl esters by capillary gas chromatography*)';

(2) Annex II is amended as follows:

(a) in point 1.1, table 1 is replaced by the following:

'Table 1

Primary sample minimum size must comprise the following:

Where the packaging has a capacity of		The primary sample must comprise the olive oil from	
(a)	750 ml or more	(a)	at least 1 package;
(b)	less than 750 ml	(b)	the minimum number of packages with a total capacity of at least 750 ml

The content of the primary sample must be homogenised before carrying out the different assessments and analyses.';

(b) in point 1.2, the first paragraph is replaced by the following:

'Primary Sample for packages exceeding 5 litres shall be constituted from the total number of increments extracted from the minimum number of packages set out in Table 2. The packages shall be selected randomly from the batch. Once constituted, the primary sample shall be of sufficient volume to allow for the division in multiple units.';

(c) point 2.1 is replaced by the following:

'2.1. The number of primary samples may be increased by each Member State, according to their own necessity.';

(d) in point 2.2, the introductory sentence is replaced by the following:

'When checking the homogeneity of a batch, the competent authority may increase the number of primary samples according to the following table:'.