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2026/0129 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Council of Members of the International Olive Council as regards the organoleptic assessment method for virgin olive oil

{SWD(2026) 133 final}

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Council of Members of the International Olive Council ("IOC") in connection with the envisaged adoption at its next regular session of June 2026 of two decisions: the "Glass for oil tasting" and the “Guide for the installation of a taste room”, which are both pertaining to the organoleptic assessment method for virgin olive oil.

2. CONTEXT OF THE PROPOSAL

2.1. The International Agreement on Olive Oil and Table Olives, 2015

The International Agreement on Olive Oil and Table Olives, 2015 (‘the Agreement’) aims (i)°to seek to achieve uniformity in national and international legislation relating to the physico-chemical and organoleptic characteristics of olive oils, olive-pomace oils and table olives in order to prevent any obstacle to trade (ii) to conduct activities in the area of physico-chemical and organoleptic testing in order to add to the knowledge of the composition and quality characteristics of olive products, with a view to consolidating international standards, and (iii) to strengthen the role of the International Olive Council as a forum of excellence for the international scientific community in the area of olives and olive oil.

The renewed version of the Agreement entered into force on 1 January 2017.

The European Union is a party to the Agreement[1].

2.2. The Council of Members

The Council of Members of the International Olive Council (“the Council of Members”) is the highest authority and decision-making organ of the IOC and shall exercise all such powers and functions as are necessary to achieve the objectives of this Agreement. As a party to the Agreement, the European Union is a member of the IOC and is represented in the Council of Members. The decisions of the Council of Members shall be taken by consensus. If consensus cannot be reached, decisions related to the trade standard and methods would be adopted unless they are rejected by at least one quarter of the members or by a member or members with at least a total of 100 participation shares.

There are currently 21 members in the IOC and the European Union has 647 participation shares out of a total of 1000.

2.3. The envisaged act of the Council of Members

In November 2025, the Executive Secretariat of the IOC presented to its Members the text of two decisions regarding chemistry and standardisation. The decisions are both pertaining to the organoleptic assessment method for virgin olive oil:

– Revision 3 of document COI/T.20/Doc. No. 5 "Glass for oil tasting";

– Revision 2 of document COI/T.20/Doc. No. 6 on the guide for the installation of a taste room.

[1] Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2) and Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.05.2019, p. 1); ELI: http://data.europa.eu/eli/dec/2016/1892/oj

The Commission Staff Working Document accompanying this proposal includes the text of the revised documents, as presented by the Executive Secretariat.

Pursuant to Article 20(3) of the Agreement, the quality and purity criteria included in the IOC Trade Standard for olive oil and olive-pomace oil are applicable to the international trade of the Members. Furthermore, pursuant to Article 75(5)(e) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[2], the marketing standards shall take into account the standard recommendations adopted by international bodies. Marketing standards are checked by rules established in conformity with Article 90a of Regulation (EU) No 1308/2013. The decisions on the revisions of these documents pertaining to the organoleptic assessment method for virgin olive oil have an impact on how the parameters are checked. Therefore, the above-mentioned decisions will affect the applicable EU law, namely 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[3].

The position detailed in the present Decision is foreseen to be taken on behalf of the Union at the next regular IOC session, to take place in June 2026.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The decisions to be adopted by the Council of Members are both pertaining to the organoleptic assessment method for virgin olive oil:

– Revision 3 of document COI/T.20/Doc. No. 5 "Glass for oil tasting";

– Revision 2 of document COI/T.20/Doc. No. 6 on the guide for the installation of a taste room.

The above-mentioned decisions have been discussed between scientific and technical olive oil experts of the Commission and Member States. They contribute to the international harmonisation of olive oil standards and will set a framework which will ensure fair competition in the trading of olive oil. They should therefore be supported.

The above-mentioned decisions are in line with the Union policy as regards standards for the marketing of agricultural products as provided for in Title II of part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

A Union position is needed for the adoption of the decisions.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing '*the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement*.'

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[2] 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 (OJ L 347, 20.12.2013, p. 671); ELI: http://data.europa.eu/eli/reg/2013/1308/2023-01-01

[3] OJ L 284, 4.11.2022, p. 23–48; ELI: http://data.europa.eu/eli/reg_impl/2022/2105/2022-11-04

The concept of '*acts having legal effects*' includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are '*capable of decisively influencing the content of the legislation adopted by the EU legislature*'[4].

4.1.2. Application to the present case

The Council of Members is a body set up by an agreement, namely the International Agreement on Olive Oil and Table Olives.

The acts which the Council of Members are called upon to adopt constitute acts having legal effects. The envisaged acts will be binding under international law in accordance with Article 20(3) of the Agreement and are capable of decisively influencing the content of EU legislation, namely an implementing act as regards conformity checks for olive oil marketing standards based on Regulation (EU) No 1308/2013. This is because, pursuant to Article 75(5)(e) of Regulation (EU) No 1308/2013, the marketing standards shall take into account the standard recommendations adopted by international bodies.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the common commercial policy. Therefore, the substantive legal basis of the proposed decision is Article 207(4) TFEU.

4.3. Conclusion

The legal basis of the proposed decision should be Article 207(4) TFEU, in conjunction with Article 218(9) TFEU.

5. COMPLIANCE WITH THE DIGITAL BY DEFAULT PRINCIPLE

The current proposal has no digital dimensions as there is no digital relevance. Digital means or data exchange are not under the scope of the proposal.

[4] Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') was concluded on behalf of the Union by Council Decision (EU) 2019/848[1].

(2) Pursuant to Article 20 of the Agreement, the Council of Members of the International Olive Council (IOC) ('the Council of Members') may take decisions and adopt recommendations for the application of the provisions of the Agreement.

(3) The Council of Members is to adopt two decisions concerning the organoleptic assessment method for virgin olive oil at its 123rd session in June 2026.

(4) Those decisions have been extensively discussed between scientific and technical experts on olive oil of the Commission and of the Member States. The decisions should contribute to the international harmonisation of olive oil standards and will establish a framework which should ensure fair competition in the trading of products in the olive oil sector. The Union should therefore support the adoption of those decisions.

(5) It is appropriate to establish the position to be taken on behalf of the Union within the Council of Members, as the decisions to be adopted by the IOC will have legal effects on the Union as regards international trade with the other members of the IOC and will influence the content of Union law, namely on conformity checks for olive oil adopted by the Commission pursuant to Article 90a of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[2].

(6) If the adoption of the decisions is postponed for an exchange of correspondence to take place before the 124th regular session of the Council of Members, as a result of

[1] Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.05.2019, p. 1, ELI: http://data.europa.eu/eli/dec/2019/848/oj).

[2] 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 (OJ L 347, 20.12.2013, p. 671, ELI: http://data.europa.eu/eli/reg/2013/1308/2023-01-01).

some Members not being in a position to give their approval, the position set out in this Decision should be taken on behalf of the Union by exchange of correspondence.

(7) It should, however, be possible for the representatives of the Union in the Council of Members to agree to technical adaptations to other methods or documents of the IOC without further decision of the Council if those technical adaptations result from amendments related to the revisions of those two documents.

(8) In order to preserve the interest of the Union, the representatives of the Union in the Council of Members should however be allowed to request the postponement of the adoption of those decisions, if the position to be taken on behalf of the Union is likely to be affected by new scientific or technical information presented before the 124th regular session of the Council of Members,

HAS ADOPTED THIS DECISION:

Article 1

The Union shall support the adoption of two decisions concerning the organoleptic assessment method for virgin olive oil:

– Revision 3 of document COI/T.20/Doc. No. 5 on the "Glass for oil tasting";

– Revision 2 of document COI/T.20/Doc. No. 6 on the guide for the installation of a taste room.

by the Council of Members of the International Olive Council (IOC) at its next regular session in June 2026 or in an exchange of correspondence to take place before the 124th regular session.

Article 2

The representatives of the Union in the Council of Members of the IOC may agree to technical adaptations to other methods or documents of the IOC without further decision of the Council if those technical adaptations result from the amendments to the two documents referred to in Article 1.

Article 3

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before the next regular session of the IOC Council of Members, the representatives of the Union shall request that the adoption of those decisions be postponed until the position of the Union is established on the basis of that new information.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council
The President