Commission Implementing Regulation (EU) 2019/1604 of 27 September 2019 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1604

of 27 September 2019

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

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 point (d) of the first paragraph of Article 91 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2568/91[(2)] defines the physico-chemical and organoleptic characteristics of olive oil and olive-pomace oil and lays down methods for assessing those characteristics.

(2) The methods and the limit values for 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).

(3) In order to ensure the implementation at Union level of the most recent international standards established by the IOC, certain methods of analysis set out in Regulation (EEC) No 2568/91 should be updated.

(4) The IOC Trade Standard was amended as regards the expression of the limit of the free acidity, peroxide value, organoleptic evaluation (median of the defect and median of the fruity attribute) and the difference between ECN42 (HPLC) and ECN42 (theoretical calculation) for consistency with the precision values of the analytical method.

(5) In accordance with Article 2a(5) of Regulation (EEC) No 2568/91 Member States are to verify whether an olive oil sample is consistent with the category declared by checking the characteristics set out in Annex I to that Regulation either in any order or following the order set out in a decision tree set out in Annex Ib thereto.

(6) In view of recent developments, it is appropriate to update the tables in Annex Ib to Regulation (EEC) No 2568/91 and its appendix as appropriate. It also appears that the term ‘flowchart’ is more appropriate than the term ‘decision tree’ in view of the content of that Annex Ib.

(7) Point 9.4 of Annex XII to Regulation (EEC) No 2568/91 defines the median of the defects as the median of the defect perceived with the greatest intensity. In the context of counter-assessments and given that different panels have to assess the conformity of the oil, it should be clarified that the decision relating to the conformity of the characteristics of an oil with the declared category is solely related to the value of the median of the main defect, irrespective of its nature.

(8) Regulation (EEC) No 2568/91 should therefore be amended accordingly.

(9) 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

Regulation (EEC) No 2568/91 is amended as follows:

(1) Article 2 is amended as follows:

(a) point (l) of paragraph (1) is replaced by the following:

(l) for the determination of the composition and content of sterols and for the determination of alcoholic compounds, by capillary column gas chromatography, the method set out in Annex XIX;

(b) the third subparagraph of paragraph (2) is replaced by the following:

Should the panel not confirm the category declared as regards the organoleptic characteristics, at the interested party's request, the national authorities or their representatives shall have two counter-assessments by other approved panels carried out without delay. At least one of the panels shall be a panel approved by the producer Member State concerned. The characteristics concerned shall be deemed consonant with the characteristics declared if the two counter-assessments confirm the declared grade. If this is not the case, regardless of the type of defects determined during the counter-assessments, the grading shall be declared inconsistent with the characteristics and the interested party shall be responsible for the cost of the counter-assessments.;

(2) point (b) of Article 2a(5) is replaced by the following:

(b) following the order set out in Annex Ib on the flowchart, until one of the decisions appearing in the flowchart is reached.;

(3) the table ‘ANNEXES Summary’ is replaced by the table in Annex I to this Regulation;

(4) Annex I is replaced by the text in Annex II to this Regulation;

(5) point 2.1 of Annex Ia, is replaced by the following:

2.1. Each primary sample must be subdivided into laboratory samples, in accordance with point 2.5 of standard EN ISO 5555, and analysed according to the order shown in the flowchart set out in Annex Ib or in any other random order.;

(6) Annex Ib is replaced by the text in Annex III to this Regulation;

(7) Annex V is deleted;

(8) point 4.2 of Annex VII is replaced by the following:

4.2. n-hexane (chromatography grade). Hexane may be replaced by iso-octane (2,2,4- trimethylpentane in chromatography grade), provided that comparable precision values are achieved.;

(9) Annex XII is amended in accordance with Annex IV to this Regulation;

(10) Annex XVII is amended in accordance with Annex V to this Regulation;

(11) Annex XVIII is amended in accordance with Annex VI to this Regulation;

(12) Annex XIX is replaced by the text in Annex VII to this Regulation;

(13) point 4.2 of Annex XX is replaced by the following:

4.2. n-hexane, chromatography grade or residue grade. Hexane may be replaced by iso-octane (2,2,4-trimethyl pentane in chromatography grade), provided that comparable precision values are achieved. Solvents with higher boiling point than n-hexane take longer to evaporate. However, they are preferred due to the toxicity of hexane. The purity must by checked; for example, the residue after evaporation of 100 ml of solvent may be controlled.

WARNING — Fumes may ignite. Keep away from sources of heat, sparks or naked flames. Make sure the bottles are always properly closed. Ensure proper ventilation during usage. Avoid build-up of fumes and remove any possible fire risk, such as heaters or electric apparatus not manufactured from non-inflammable material. Pernicious if inhaled, because it may cause nerve cell damage. Avoid breathing in the fumes. Use a suitable respiratory apparatus if necessary. Avoid contact with eyes and skin.

Iso-octane is a flammable liquid that presents a fire hazard. Explosion limits in air are 1,1 % to 6,0 % (volume fraction). It is toxic by ingestion and inhalation. Use a ventilated hood in good operating condition to work with this solvent..

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, 27 September 2019.

For the Commission

The President

Jean-Claude JUNCKER

Changes to legislation: *There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1604. (See end of Document for details)*

ANNEX I

ANNEXES

SUMMARY

Annex I	Olive oil characteristics
Annex Ia	Sampling of olive oil or olive-pomace oil delivered in immediate packaging
Annex Ib	Flow-chart for verifying whether an olive oil sample is consistent with the category declared
Annex II	Determination of free fatty acids, cold method
Annex III	Determination of peroxide value
Annex IV	Determination of wax content by capillary column gas chromatography
Annex VII	Determination of the percentage of 2-glyceryl monopalmitate
Annex IX	Spectrophotometric investigation in the ultraviolet
Annex X	Determination of fatty acid methyl esters by gas chromatography
Annex XI	Determination of the volatile halogenated solvents of olive oil
Annex XII	The international olive council's method for the organoleptic assessment of virgin olive oil
Annex XV	Oil content of olive residue
Annex XVI	Determination of iodine value
Annex XVII	Method for the determination of stigmastadienes in vegetable oils
Annex XVIII	Determination of the difference between actual and theoretical content of triacylglycerols with ECN 42
Annex XIX	Determination of the sterol composition and content and alcoholic compounds by capillary gas chromatography
Annex XX	Method for the determination of the content of waxes, fatty acid methyl esters and fatty acid ethyl esters by capillary gas chromatography

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) 2019/1604. (See end of Document for details)*

Annex XXI	Results of conformity checks carried out on olive oils referred to in Article 8(2)

ANNEX II

ANNEX I

OLIVE OIL CHARACTERISTICS

Quality characteristics

Fatty acid ethyl esters(mg/kg)		≤ 35	—	—	—	—	—	—	—
Organoleptic evaluation	**Fruity median (Mf)**	Mf > 0,0	Mf > 0,0	—	—	—	—	—	—
	Median of defect (Md) (*)	Md = 0,0	Md ≤ 3,5	Md> 3,5[a]					
Delta-K		≤ 0,01	≤ 0,01	—	≤ 0,16	≤ 0,15	—	≤ 0,20	≤ 0,18
K_{268} or K_{270}		≤ 0,22	≤ 0,25	—	≤ 1,25	≤ 1,15	—	≤ 2,00	≤ 1,70
K_{232}		≤ 2,50	≤ 2,60	—	—	—	—	—	—
Peroxide value(mEq O_2/kg)		≤ 20,0	≤ 20,0	—	≤ 5,0	≤ 15,0	—	≤ 5,0	≤ 15,0
Acidity(%) (*)		≤ 0,80	≤ 2,0	> 2,0	≤ 0,30	≤ 1,00	—	≤ 0,30	≤ 1,00
Category		1. virgin olive oil	2. Extra olive oil	3. Virgin olive oil	4. Lampante olive oil	5. Refined oil composed of refined olive oil and virgin olive oils	6. Olive olive-pomace oil	7. Crude olive-pomace oil	8. Refined Olive-pomace oil

a The median of defect may be less than or equal to 3,5 when the fruity median is equal to 0,0.

Purity characteristics