Commission Implementing Regulation (EU) No 1348/2013 of 16 December 2013 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) No 1348/2013

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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 Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation)[(1)], and in particular Article 113(1)(a) and points (a) and (h) of the first paragraph of Article 121, in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2568/91[(2)] defines the chemical and organoleptic characteristics of olive and olive-pomace oil and lays down methods of assessing those characteristics. Those methods and the limit values for the characteristics of oils should be updated on the basis of the opinion of chemical experts and in line with the work carried out within the International Olive Council (IOC).

(2) To ensure the implementation at Union level of the most recent international standards established by the IOC, certain methods of analysis as well as certain limit values for the characteristics of oils laid down in Regulation (EEC) No 2568/91 should be updated.

(3) Consequently, the limit values for stigmastadienes, waxes, myristic acid and fatty acids alkyl esters should be adapted and some decision trees for verifying whether on olive-oil sample is consistent with the category declared should be amended accordingly. Decision trees for campesterol and delta-7-stigmastenol accompanied by more restrictive parameters should be introduced in order to facilitate trade and guarantee olive oil authenticity, in the interest of consumer protection. The method of analysis relating to the composition and content of sterols and the determination of erythrodiol and uvaol should be replaced by a more reliable method which also covers triterpene dialcohols. It is also appropriate to review the organoleptic assessment of olive oil and to insert a method enabling the detection of extraneous vegetable oils in olive oils.

(4) In the light of the developments relating to the procedures for the conformity checks of oils, the method of sampling of olive oil and olive-pomace oils should be adapted accordingly.

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

(6) In order to allow a period of adjustment to the new rules, to give time for introducing the means of applying them and to avoid disturbance to commercial transactions, the amendments made by this Regulation should apply as from 1 March 2014. For the same reasons, provision should be made for olive oil and olive-pomace oils that are legally manufactured and labelled in the Union or legally imported into the Union and released for free circulation before that date to be marketed until all stocks are used up.

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

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Article 2 is replaced by the following:

Article 2

1 The characteristics of oils laid down in Annex I shall be determined in accordance with the following methods of analysis:

- a for the determination of the free fatty acids, expressed as the percentage of oleic acid, the method set out in Annex II;
- b for the determination of the peroxide index, the method set out in Annex III;
- c for determination of the wax content, the method set out in Annex IV;
- d for the determination of the composition and content of sterols and triterpene dialcohols by capillary-column gas chromatography, the method set out in Annex V;
- e for the determination of the percentage of 2- glyceryl monopalmitate, the method set out in Annex VII;
- f for spectrophotometric analysis, the method set out in Annex IX;
- g for the determination of the fatty acid composition, the method set out in Annex X A and X B;
- h for the determination of the volatile halogenated solvents, the method set out in Annex XI;
- i for the evaluation of the organoleptic characteristics of virgin olive oil, the method set out in Annex XII;
- j for the determination of stigmastadienes, the method set out in Annex XVII;
- k for determining the content of triglycerides with ECN42, the method set out in Annex XVIII;
- l for the determination of the aliphatic alcohol content, the method set out in Annex XIX;
- m for the determination of the content of waxes, fatty acid methyl esters and fatty acid ethyl esters, the method set out in Annex XX.

In order to detect the presence of extraneous vegetable oils in olive oils, the method of analysis set out in Annex XXa shall be applied.

2 Verification by national authorities or their representatives of the organoleptic characteristics of virgin oils shall be effected by tasting panels approved by the Member States.

The organoleptic characteristics of an oil as referred to in the first subparagraph shall be deemed consonant with the category declared if a panel approved by the Member State confirms the grading.

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 carried out without delay two counter-assessments by other approved panels, at least one by a panel approved by the producer Member State concerned. The characteristics concerned shall be deemed consonant with the characteristics declared if at least two of the counter-assessments confirm the declared grade. If that is not the case, the interested party shall be responsible for the cost of the counter-assessments.

3 When the national authorities or their representatives verify the characteristics of the oil as provided for in paragraph 1, samples shall be taken in accordance with international standards EN ISO 661 on the preparation of test samples and EN ISO 5555 on sampling. However, notwithstanding point 6.8 of standard EN ISO 5555, in case of batches of such oils in immediate packaging, the sample shall be taken in accordance with Annex Ia to this Regulation. In case of bulk oils for which the sampling cannot be performed according to EN ISO 5555, the sampling shall be performed in accordance with instructions provided by the competent authority of the Member State.

Without prejudice to standard EN ISO 5555 and Chapter 6 of standard EN ISO 661, the samples taken shall be put in a dark place away from strong heat as quickly as possible and sent to the laboratory for analysis no later than the fifth working day after they are taken, otherwise the samples shall be kept in such a way that they will not be degraded or damaged during transport or storage before being sent to the laboratory.

4 For the purposes of the verification provided for in paragraph 3, the analyses referred to in Annexes II, III, IX, XII and XX and, where applicable, any counter-analyses required under national law, shall be carried out before the minimum durability date in case of packaged products. In case of sampling of bulk oils, those analyses shall be carried out no later than the sixth month after the month in which the sample was taken.

No time limit shall apply to the other analyses provided for in this Regulation.

Unless the sample was taken less than two months before the minimum durability date, if the results of the analyses do not match the characteristics of the category of olive oil or olive-pomace oil declared, the party concerned shall be notified no later than one month before the end of the period laid down in the first subparagraph.

5 For the purpose of determining the characteristics of olive oils by the methods provided for in the first subparagraph of paragraph 1, the analysis results shall be directly compared with the limits laid down in this Regulation.

(2) Annex I is replaced by the text set out in Annex I to this Regulation.

(3) Annex Ia is replaced by the text set out in Annex II to this Regulation.

(4) Annex Ib is replaced by the text set out in Annex III to this Regulation.

(5) Annex V is replaced by the text set out in Annex IV to this Regulation.

(6) Annex VI is deleted.

(7) Annex XII is replaced by the text set out in Annex V to this Regulation.

(8) Annex XXa, the text of which is set out in Annex VI to this Regulation, is inserted after Annex XX.

Article 2

Products which have been legally manufactured and labelled in the Union or legally imported into the Union and released for free circulation before 1 March 2014 may be marketed until all stocks are used up.

Article 3

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

It shall apply from 1 March 2014.

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

Done at Brussels, 16 December 2013.

For the Commission

The President

José Manuel BARROSO

***Changes to legislation:** There are currently no known outstanding effects for the Commission Implementing Regulation (EU) No 1348/2013. (See end of Document for details)*

ANNEX I

ANNEX 1

OLIVE OIL CHARACTERISTICS

Category	Fatty acid ethyl esters (FAEEs) mg/kg (*)	Acidity (%) (*)	Peroxide index mEq O_2/kg (*)	Waxes mg/kg (**)	2-glyceril monopalmitate (%)	Stigmastadienes[a] mg/kg	Difference: ECN42 (HPLC) and ECN42[b] (theoretical calculation)	K_{232} (*)	K_{268} or K_{270} (*)	Delta-K (*)	Organoleptic evaluation of defect (Md) (*)	Organoleptic evaluation Median Fruity median (Mf) (*)
1. Extra virgin olive oil	FAEEs ≤ 40 (2013-2014 crop year)[c] FAEEs ≤ 35 (2014-2015 crop year) FAEEs ≤ 30 (after 2015 crop years)	≤ 0,8	≤ 20	$C_{42} + C_{44} + C_{46} \leq$ 350	if total palmitic acid % ≤ 14 %	≤ 0,05	≤ |0,2|	≤ 2,50	≤ 0,22	≤ 0,01	Md = 0	Mf > 0
					≤ 1,0 if total palmitic acid % > 14 %							
2. Virgin olive oil	—	≤ 2,0	≤ 20	$C_{42} + C_{44} + C_{46} \leq$ 350	if total palmitic acid % ≤ 14 %	≤ 0,05	≤ |0,2|	≤ 2,60	≤ 0,25	≤ 0,01	Md ≤ 3,5	Mf > 0
					≤ 1,0 if total							

a	Total isomers which could (or could not) be separated by capillary column.
b	The olive oil has to be in conformity with the method set out in Annex XXa.
c	This limit applies to olive oils produced as from 1st March 2014
d	Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if the total aliphatic alcohol content is less than or equal to 350 mg/kg or if the erythrodiol and uvaol content is less than or equal to 3,5 %.
e	Or where the median of defect is above 3,5 or the median of defect is less than or equal to 3,5 and the fruity median is equal to 0.
f	Oils with a wax content of between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if the total aliphatic alcohol content is above 350 mg/kg and if the erythrodiol and uvaol content is greater than 3,5 %.