Commission Implementing Regulation (EU) No 299/2013 of 26 March 2013 amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis

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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, paragraph 1, point (a), and Article 121, first paragraph, point (a), in conjunction with Article 4 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-residue oil and on the relevant methods of analysis[(2)] defines the chemical and organoleptic characteristics of olive and olive-residue oil and stipulates methods of assessing these characteristics. Those methods 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 (hereinafter 'IOC').

(2) Pursuant to Article 113(3) of Regulation (EC) No 1234/2007, Member States are to check whether olive oils and olive-residue oils conform to the marketing standards laid down in Regulation (EEC) No 2568/91 and are to apply penalties as appropriate. Articles 2 and 2a of Regulation (EEC) No 2568/91 provide detailed rules for those conformity checks. Those rules should ensure that olive oil for which a quality standard has been laid down effectively complies with that standard. The rules should be further detailed, including a risk analysis. For the purpose of those conformity checks, the term 'marketed olive oil' should be defined.

(3) Experience has shown certain risks of fraud impeding the full effect of the consumer protection offered by Regulation (EEC) No 2568/91. Holders of olive oil should therefore keep entry and withdrawal for each category of oils in a register. In order to avoid excessive administrative burdens without undermining the objectives of the olive oil register, the gathering of information should be limited until the stage of bottling of olive oil.

(4) In order to ensure the follow-up and evaluate the measures of Regulation (EEC) No 2568/91, Member States should notify the Commission not only of the national implementing measures, but also report results of the conformity checks.

(5) In order to continue the process of harmonisation with the international standards laid down by the IOC certain methods of analysis laid down in Regulation (EEC) No 2568/91 should be updated. Consequently, the method of analysis provided for in Annex XVIII to that Regulation should be replaced by a more efficient method. It is also appropriate to remedy some inconsistencies and imperfections of the methods of analysis provided for in Annex IX thereto.

(6) A transitional period is needed for Member States in order to apply the new rules laid down by this Regulation.

(7) The Commission has developed an information system that allows managing documents and procedures electronically in its own internal working procedures and in its relations with the authorities involved in the common agricultural policy. It is considered that the notification obligations provided for in Regulation (EEC) No 2568/91 can be fulfilled via that system in accordance with Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands[(3)].

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

(9) The Management Committee for the Common Organisation of Agricultural Markets has not delivered an opinion within the time limit set by its chairman,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Article 2a is replaced by the following:

Article 2a

1 For the purpose of this Article, "olive oil marketed" means total quantity of olive oil and olive pomace oil of a relevant Member State that is consumed in that Member State or exported from that Member State.

2 Member States shall ensure that conformity checks are carried out selectively, based on a risk analysis, and with appropriate frequency, so as to ensure that the olive oil marketed is consistent with the category declared.

3 The criteria to assess the risk may include:

a the category of oil, the period of production, the price of oils in relation to other vegetable oils, the blending and packing operations, the storage facilities and conditions, the country of origin, the country of destination, the means of transport or the volume of the lot;

b the position of the operators in the marketing chain, the volume and/or value marketed by them, the range of oil categories they market, the type of business carried out such as milling, storage, refining, blending, packaging or retail sale;

c findings made during previous checks including the number and type of defects found, the usual quality of oils marketed, the performance of technical equipment used;

d the reliability of operators' quality assurance systems or self-checking systems related to the conformity to marketing standards;

e the place where the check is carried out, in particular if it is the first point of entry into the Union, the last point of exit from the Union or the place where the oils are produced, packaged, loaded or sold to the final consumer;

f any other information that might indicate a risk of non-compliance.

4 Member States shall lay down in advance:

a the criteria for assessing the risk of non-conformity of lots;

b on the basis of a risk analysis for each risk category, the minimum number of operators or lots and/or quantities which will be subject to a conformity check.

At least one conformity check per thousand tonnes of olive oil marketed in the Member State shall be carried out per year.

5 Member States shall verify compliance by:

a carrying out, in any order, the analyses set out in Annex I; or

b following the order set out in Annex Ib on the decision tree until one of the decisions appearing in the decision tree is reached.;

(2) Article 3 is replaced by the following:

Article 3

Where it is found that an oil does not correspond to its category description, the Member State concerned shall, without prejudice to any other penalties, apply effective, proportionate and dissuasive penalties to be determined in the light of the seriousness of the irregularity detected.

Where checks reveal significant irregularities, Member States shall increase the frequency of checks in relation to marketing stage, oil category, origin, or other criteria.;

(3) the following Article 7a is inserted:

Article 7a

Natural or legal persons and groups of persons who hold olive oil and olive pomace oil from the extraction at the mill up to the bottling stage included, for whatever professional or commercial purposes, shall be required to keep entry and withdrawal registers for each category of such oils.

Member State shall ensure that the obligation laid down in the first paragraph is duly complied with.;

(4) Article 8 is replaced by the following:

Article 8

1 Member States shall notify the Commission of the measures implementing this Regulation. They shall inform the Commission of any subsequent amendments.

2 No later than 31 May of each year, Member States shall transmit to the Commission a report on the implementation of this Regulation during the previous

calendar year. The report shall contain at least the results of the conformity checks carried out on olive oils as per the templates set out in Annex XXI.

3 The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009[(4)].;

(5) Annex IX is replaced by the text set out in Annex I to this Regulation;

(6) Annex XVIII is replaced by the text set out in Annex II to this Regulation;

(7) Annex XXI, the text of which is set out in Annex III to this Regulation, is added.

Article 2

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 January 2014. However, Article 8(2) shall apply from 1 January 2015.

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

Done at Brussels, 26 March 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 299/2013. (See end of Document for details)*

ANNEX I

ANNEX IX

SPECTROPHOTOMETRIC INVESTIGATION IN THE ULTRAVIOLET

FOREWORD

Spectrophotometric examination in the ultraviolet can provide information on the quality of a fat, its state of preservation and changes brought about in it by technological processes.

The absorption at the wavelengths specified in the method is due to the presence of conjugated diene and triene systems. These absorptions are expressed as specific extinctions $E^{1\%}_{1\ cm}$ (the extinction of 1 % solution of the fat in the specified solvent, in a thickness of 1 cm) conventionally indicated by K (also referred to as 'extinction coefficient').

1. SCOPE

The method describes the procedure for performing a spectrophotometric examination of olive oil (as described in the Appendix) in the ultraviolet.

2. PRINCIPLE OF THE METHOD

The fat in question is dissolved in the required solvent and the extinction of the solution is then determined at the specified wavelengths with reference to pure solvent. Specific extinctions are calculated from the spectrophotometer readings. The specific absorbance at 232 nm and 268 nm in iso-octane or 232 nm and 270 nm in cyclohexane for a concentration of 1 g per 100 ml in a 10 mm cell is calculated.

3. EQUIPMENT

3.1. A spectrophotometer for measuring extinction in the ultraviolet between 220 and 360 nm, with the possibility of reading individual nanometric units. Before use it is recommended that the wavelength and absorbance scales of the spectrometer be checked as follows.

3.1.1. *Wavelength scale:* This may be checked using a reference material consisting of an optical glass filter containing holmium oxide which has distinct absorption bands. The reference material is designed for the verification and calibration of the wavelength scales of visible and ultraviolet spectrophotometers having nominal spectral bandwidths of 5 nm or less. The holmium glass filter is measured in the absorbance mode against an air blank, over the wavelength range of 640 to 240 nm. For each spectral bandwidth (0,10 – 0,25 – 0,50 – 1,00 – 1,50 – 2,00 and 3,00), a baseline correction is performed with an empty cell holder. The wavelengths of the spectral bandwidth are listed in the certificate of the reference material in ISO 3656.

3.1.2. *Absorbance scale:* This may be checked using a reference material consisting of 4 solutions of potassium dichromate in perchloric acid sealed in four UV quartz cells to measure the linearity and photometric accuracy reference in the UV. The potassium dichromate filled cells (40 mg/ml, 60 mg/ml, 80 mg/ml and 100 mg/ml) are measured against a perchloric acid blank. The net absorbance values are listed in the certificate of the reference material in ISO 3656.

3.2. Rectangular quartz cells, with covers, having an optical length of 1 cm. When filled with water or other suitable solvent the cells should not show differences between them of more than 0,01 extinction units.