COMMISSION REGULATION (EC) No 1989/2003

of 6 November 2003

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

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organisation of the market in oils and fats [1], as last amended by Regulation (EC) No 1513/2001 [2], and in particular Article 35a thereof,

Whereas:

(1) Commission Regulation (EC) No 2568/91 [3], as last amended by Regulation (EC) No 796/2002 [4], defines the physical, chemical and organoleptic characteristics of olive oils and olive-pomace oils and lays down methods of assessing these characteristics. The characteristics of the oils in question must be adjusted to take into account new descriptions and definitions of olive oil and olive-pomace oil applicable from 1 November 2003 following an amendment of the Annex to Regulation No 136/66/EEC, and in particular the inclusion of the category of ordinary virgin olive oil in the category of lampante olive oil and the reduction of the free acidity of all the categories.

(2) To continue the process of harmonisation with the international standards laid down by the International Olive Oil Council and the Codex Alimentarius, certain limits concerning the characteristics of olive oil and olive-pomace oil laid down in Regulation (EEC) No 2568/91 should be adjusted.

(3) To reduce the number of analyses required to classify the samples of olive oils concerned, it is preferable that the control laboratories carry out the analyses of the quality and purity of the oils in the order laid down in a decision tree to be adopted for verifying whether a sample is consistent with the category declared. It is also necessary to delete the methods of analysis provided for in Annexes VIII and XIII to Regulation (EEC) No 2568/91, which have been replaced by other, more reliable analyses already set out in that Regulation.

(4) Sampling of batches of olive oils and oil-pomace oils put up in small packages, in accordance with Annex Ia to Regulation (EEC) No 2568/91, involves a number of practical difficulties for the control laboratories. To resolve these difficulties and reduce the quantities taken as much as possible, the content of the primary sample should be amended.

(5) In order to allow a period of adjustment to the new standards and to give time for introducing the means of applying them and to avoid disturbance to commercial transactions, the amendments to this Regulation should not apply until 1 November 2003. For the same reasons, it should be laid down that olive oil and olive-pomace oil packaged prior to that date may be sold until the stocks concerned are used up.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

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

1. Article 1 is replaced by the following:

'*Article 1*

1. Oils, the characteristics of which comply with those set out in points 1 and 2 of Annex I to this Regulation, shall be deemed to be virgin olive oils within the meaning of point 1(a) and (b) of the Annex to Regulation No 136/66/EEC.

2. Oil, the characteristics of which comply with those set out in point 3 of Annex I to this Regulation, shall be deemed to be lampante olive oil within the meaning of point 1(c) of the Annex to Regulation No 136/66/EEC.

3. Oil, the characteristics of which comply with those set out in point 4 of Annex I to this Regulation, shall be deemed to be refined olive oil within the meaning of point 2 of the Annex to Regulation No 136/66/EEC.

4. Oil, the characteristics of which comply with those set out in point 5 of Annex I to this Regulation, shall be deemed to be olive oil composed of refined olive oils and virgin olive oils within the meaning of point 3 of the Annex to Regulation No 136/66/EEC.

5. Oil, the characteristics of which comply with those set out in point 6 of Annex I to this Regulation, shall be deemed to be crude olive-pomace oil within the meaning of point 4 of the Annex to Regulation No 136/66/EEC.

[1] OJ 172, 30.9.1966, p. 3025/1966.
[2] OJ L 201, 26.7.2001, p. 4.
[3] OJ L 248, 5.9.1991, p. 1.
[4] OJ L 128, 15.5.2002, p. 8.

6. Oil, the characteristics of which comply with those set out in point 7 of Annex I to this Regulation, shall be deemed to be refined olive-pomace oil within the meaning of point 5 of the Annex to Regulation No 136/66/EEC.

7. Oil, the characteristics of which comply with those set out in point 8 of Annex I to this Regulation, shall be deemed to be olive-pomace oil within the meaning of point 6 of the Annex to Regulation No 136/66/EEC.'

2. In Article 2(1), the seventh and 12th indents are deleted.

3. The first subparagraph of Article 2(4) is replaced by the following:

'For the purposes of the verification provided for in paragraph 3, the analyses referred to in Annexes II, III, IX, X and XII and, where applicable, any counter-analyses required under national law, shall be carried out before the minimum durability date. Where sampling is done more than four months before the minimum durability date, the analyses shall be carried out no later than the fourth month after the month in which the sample was taken. No time limit shall apply to the other analyses provided for in that Regulation.'

4. The following Article 2a is inserted:

'*Article 2a*

The national authorities or their representatives may verify whether a sample is consistent with the category declared:

(a) either by carrying out, in any order, the analyses provided for in Annex I;

(b) or by following the order set out in Annex Ib on the decision tree until one of the decisions appearing in the decision tree is reached.'

5. Article 7 is replaced by the following:

'*Article 7*

The Community provisions concerning the presence of contaminants shall apply.

As regards halogenated solvents, the limits for all categories of olive oils are as follows:

— maximum content of each halogenated solvent detected: 0,1 mg/kg,

— maximum total content of halogenated solvents detected: 0,2 mg/kg.'

6. The Annexes are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 November 2003.

However, products which have been legally manufactured and labelled in the Community or legally imported into the Community and put into free circulation before 1 November 2003 may be marketed until all stocks are used up.

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

Done at Brussels, 6 November 2003.

For the Commission

Franz FISCHLER

Member of the Commission

ANNEX

The Annexes to Regulation (EEC) No 2568/91 are amended as follows:

1. The summary is amended as follows:
   (a) the following line is inserted after the line corresponding to Annexe Ia:

   'Annexe Ib: Decision tree';

   (b) the lines corresponding to Annexes VIII and XIII are deleted.

2. Annex I is replaced by the following tables and texts:

'ANNEX I

CHARACTERISTICS OF OLIVE OIL TYPES

Category	Acidity (%) (*)	Peroxide value mEq O_2/kg (*)	Waxes mg/kg (**)	Saturated acids in 2-position of the triglyceride (%)	Stigmastadienes mg/kg (1)	Difference between HPLC ECN42 and theoretical ECN42	K_{232} (*)	K_{270} (*)	Delta-K (*)	Organoleptic assessment Median of defects (Md) (*)	Organoleptic assessment Median of fruity (Mf) (*)
1. Extra virgin olive oil	≤ 0,8	≤ 20	≤ 250	≤ 1,5	≤ 0,15	≤ 0,2	≤ 2,50	≤ 0,22	≤ 0,01	Md = 0	Mf > 0
2. Virgin olive oil	≤ 2,0	≤ 20	≤ 250	≤ 1,5	≤ 0,15	≤ 0,2	≤ 2,60	≤ 0,25	≤ 0,01	Md ≤ 2,5	Mf > 0
3. Lampante olive oil	> 2,0	—	≤ 300 (3)	≤ 1,5	≤ 0,50	≤ 0,3	—	—	—	Md > 2,5 (2)	—
4. Refined olive oil	≤ 0,3	≤ 5	≤ 350	≤ 1,8	—	≤ 0,3	—	≤ 1,10	≤ 0,16	—	—
5. Blended olive oil composed of refined olive oils & virgin olive oils	≤ 1,0	≤ 15	≤ 350	≤ 1,8	—	≤ 0,3	—	≤ 0,90	≤ 0,15	—	—
6. Crude olive-pomace oil	—	—	> 350 (4)	≤ 2,2	—	≤ 0,6	—	—	—	—	—
7. Refined olive-pomace oil	≤ 0,3	≤ 5	> 350	≤ 2,2	—	≤ 0,5	—	≤ 2,00	≤ 0,20	—	—
8. Olive-pomace oil	≤ 1,0	≤ 15	> 350	≤ 2,2	—	≤ 0,5	—	≤ 1,70	≤ 0,18	—	—

(1) Sum of isomers that could (or could not) be separated by capillary column.
(2) Or if the median of defects is less than or equal to 2,5 and the median of fruity is 0.
(3) 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 %.
(4) 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 %.

Category	Fatty acids content (1)						Sum of transoleic isomers (%)	Sum of translino-leic and translino-lenic isomers (%)	Sterols composition						Total sterols (mg/kg)	Erythro-diol and uvaol (%) (**)
	Myristic (%)	Linolenic (%)	Arachidic (%)	Eicose-noic (%)	Behenic (%)	Ligno-ceric (%)			Choles-terol (%)	Brassicas-terol (%)	Campes-terol (%)	Stigmas-terol (%)	Beta-sitosterol (%) (2)	Delta-7-Stigma-sterol (%)		
1. Extra virgin olive oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,2	≤ 0,2	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
2. Virgin olive oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,2	≤ 0,2	≤ 0,05	≤ 0,05	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
3. Lampante olive oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,2	≤ 0,2	≤ 0,10	≤ 0,10	≤ 0,5	≤ 0,1	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5 (3)
4. Refined olive oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,2	≤ 0,2	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
5. Blended olive oil composed of refined olive oils & virgin olive oils	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,2	≤ 0,2	≤ 0,20	≤ 0,30	≤ 0,5	≤ 0,1	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 000	≤ 4,5
6. Crude olive-pomace oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,3	≤ 0,2	≤ 0,20	≤ 0,10	≤ 0,5	≤ 0,2	≤ 4,0	—	≥ 93,0	≤ 0,5	≥ 2 500	> 4,5 (4)
7. Refined olive-pomace oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,3	≤ 0,2	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 800	> 4,5
8. Olive-pomace oil	≤ 0,05	≤ 1,0	≤ 0,6	≤ 0,4	≤ 0,3	≤ 0,2	≤ 0,40	≤ 0,35	≤ 0,5	≤ 0,2	≤ 4,0	< Camp.	≥ 93,0	≤ 0,5	≥ 1 600	> 4,5

(1) Other fatty acids present (%): palmitic: 7,5 to 20,0; palmitoleic: 0,3 to 3,5; heptadecanoic: ≤ 0,3; heptadecenoic: ≤ 0,3; stearic: 0,5 to 5,0; oleic: 55,0 to 83,0; linoleic: 3,5 to 21,0.
(2) Sum of: Delta-5-23-Stigmastadienol + Chlerosterol + Beta-Sitosterol + Sitostanol + Delta-5-Avenasterol + Delta-5-24-Stigmastadienol.
(3) 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 %.
(4) 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 %.

Notes:

(a) The results of the analyses must be expressed to the same number of decimal places as used for each characteristic. The last digit must be increased by one unit if the following digit is greater than 4.

(b) If just a single characteristic does not match the values stated, the category of an oil can be changed or the oil declared impure for the purposes of this Regulation.

(c) If a characteristic is marked with an asterisk (*), referring to the quality of the oil, this means the following:

— for lampante olive oil, it is possible for both the relevant limits to be different from the stated values at the same time,

— for virgin olive oils, if at least one of these limits is different from the stated values, the category of the oil will be changed, although they will still be classified in one of the categories of virgin olive oil.

(d) If a characteristic is marked with two asterisks (**) this means that for all types of olive-pomace oil, it is possible for both the relevant limits to be different from the stated values at the same time.'