COMMISSION REGULATION (EC) No 796/2002

of 6 May 2002

amending Regulation (EEC) No 2568/91 on the characteristics of olive oil and olive-pomace oil and on the relevant methods of analysis and the additional notes in the Annex to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

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,

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff [3], as last amended by Commission Regulation (EC) No 578/2002 [4], and in particular Article 9 thereof,

Whereas:

(1) Commission Regulation (EEC) No 2568/91 of 11 July 1991 on the characteristics of olive oil and olive-pomace oil and on the relevant methods of analysis [5], as last amended by Regulation (EC) No 2042/2001 [6], defines the physical, chemical and organoleptic characteristics of olive and olive-pomace oils and stipulates methods of assessing these characteristics. From 1 November 2001, the definition of olive-pomace oil given in point 4 of the Annex to Regulation No 136/66/EEC stipulates that certain olive-pomace oils correspond to lampante olive oils with the exception of certain specific characteristics.

(2) In order to distinguish between oils obtained by centrifuging olive pomace and lampante olive oils in the absence of an analytical parameter, limit values for wax, erythrodiol and uvaol composition or total aliphatic alcohol composition should be set for differentiating them independently of production method. To this end, a method for determining total aliphatic alcohol content should be specified.

(3) Introduction of these new limits requires an amendment to Additional Note 2 to Chapter 15 of the Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87. This opportunity should also be taken to delete Article 5 and Annex XIV to Regulation (EEC) No 2568/91 and to correct certain errors in the text of that Regulation.

(4) In order to harmonise methods for preparing methyl esters of fatty acids to be used for analysing the fatty-acid composition of oils, technical developments in analysis methods have made it possible to use the free acidity of oils, so that the number of methods included in Annex X B can be reduced to two.

(5) Drawing on experience, the International Olive Oil Council has devised a new method of organoleptic assessment of virgin oils that is simpler and more reliable than that given in Annex XII to Regulation (EEC) No 2568/91. The method provided for in Annex XII should therefore be replaced by the new method of organoleptic assessment of virgin oils.

(6) Use of the new method requires that a new arbitration procedure be available for dealing with cases of discrepancy between the category declared and that assigned by the assessing panel.

(7) In order to ensure that analyses are carried out in the correct conditions and in view of the distances between regions, different time limits should be set for sending samples to the laboratory after sampling, taking account of the weather conditions in each season. For the purpose of grading oils, the results of analyses should be compared with the limits laid down in Regulation (EEC) No 2568/91, which already include the repeatability and reproducibility limits for the analysis methods used.

(8) In order both to give time for adjustment to the new standards and assembly of the means of applying them and to avoid disturbance to commercial transactions, the amendments to this Regulation should not apply until 1 September 2002, and olive and olive-pomace oil packaged for retail sale before that date should be exempt.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats and the Customs Code Committee regarding the issues coming within their respective areas of responsibility,

[1] OJ 172, 30.9.1966, p. 3025/66.
[2] OJ L 201, 26.7.2001, p. 4.
[3] OJ L 256, 7.9.1987, p. 1.
[4] OJ L 97, 13.4.2002, p. 1.
[5] OJ L 248, 5.9.1991, p. 1.
[6] OJ L 276, 19.10.2001, p. 8.

HAS ADOPTED THIS REGULATION:

Article 1

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

1. In Article 2(1):

   (a) the third indent is replaced by the following:

   '— for determination of the wax content, the method given in Annex IV,';

   (b) the following indent is added:

   '— for determination of the aliphatic alcohol content, the method given in Annex XIX,'.

2. Article 2(2) is replaced by the following:

   '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 two counter-assessments carried out 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. The second subparagraph of Article 2(3) is replaced by the following:

   '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 tenth working day after they are taken, during the period from October to May, and

   — the fifth working day after they are taken, during the period from June to September.'

4. The following paragraph is added at the end of Article 2:

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

5. Articles 3 and 3a are deleted.

6. Article 3b becomes Article 3.

7. Article 4(1) is replaced by the following:

   '1. The Member States may approve assessment panels so that national authorities or their representatives can assess and verify organoleptic characteristics.

   The terms of approval shall be set by Member States and ensure that:

   — the requirements of Annex XII.4 are met,

   — the panel head is given training recognised for this purpose by the Member State,

   — continued approval depends on performance in annual checks arranged by the Member State.

   Member States shall notify to the Commission a list of approved panels and the action taken under this paragraph.'

8. Article 5 is deleted.

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

Article 2

Additional Note 2 to Chapter 15 of the Combined Nomenclature in Annex I to Regulation (EEC) No 2658/87 is amended as follows:

1. Point B.I(a) is replaced by the following:

   '(a) a wax content not exceeding 300 mg/kg;'.

2. Point B.I(g)(4) is replaced by the following:

   '4. organoleptic characteristics showing a median of defects above 6,0 in accordance with Annex XII to Regulation (EEC) No 2568/91;'.

3. Point B.II(g) is replaced by the following:

   '(g) organoleptic characteristics showing a median of defects not higher than 6,0 in accordance with Annex XII to Regulation (EEC) No 2568/91;'.

4. Point D(b) is replaced by the following:

   '(b) an erythrodiol and uvaol content higher than 4,5 %;'.

Article 3

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

It shall apply from 1 September 2002 to olive and olive-pomace oil packaged for retail sale.

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

Done at Brussels, 6 May 2002.

For the Commission
Franz FISCHLER
Member of the Commission

ANNEX

1. In the summary of Annexes to Regulation (EEC) No 2568/91:
   (a) Annex XIV: Additional Notes 2, 3 and 4 to Chapter 15 of the Combined Nomenclature is deleted.
   (b) the following is added: 'Annex XIX: Method for determining aliphatic alcohol content.'
2. Annex I is replaced by the following:

'ANNEX I

CHARACTERISTICS OF OLIVE OIL

Category	Acidity (%) (*)	Peroxide value mEq 02/kg (*)	Halogenated solvents mg/kg (*) (1)	Waxes mg/kg (**)	Saturated fatty acids in position 2 triglyceride (%)	Stigmasta-dienes mg/kg (2)	Difference between HPLC and theoretical calculation of ECN42	K_{232} (*)	K_{270} (*)	K_{270} after alumina (3)	Delta-K (*)	Organoleptic assessment Median of defects (Md) (*)	Organoleptic assessment Median for "fruity" (Mf) (*)
1. Extra virgin olive oil	≤ 1,0	≤ 20	≤ 0,20	≤ 250	≤ 1,3	≤ 0,15	≤ 0,2	≤ 2,50	≤ 0,20	≤ 0,10	≤ 0,01	Md = 0	Mf > 0
2. Virgin olive oil	≤ 2,0	≤ 20	≤ 0,20	≤ 250	≤ 1,3	≤ 0,15	≤ 0,2	≤ 2,60	≤ 0,25	≤ 0,10	≤ 0,01	Md ≤ 2,5	Mf > 0
3. Ordinary virgin olive oil	≤ 3,3	≤ 20	≤ 0,20	≤ 250	≤ 1,3	≤ 0,15	≤ 0,2	≤ 2,60	≤ 0,25	≤ 0,10	≤ 0,01	Md ≤ 6,0 (4)	—
4. Virgin lampante olive oil	> 3,3	> 20	> 0,20	≤ 300 (5)	≤ 1,3	≤ 0,50	≤ 0,3	≤ 3,70	> 0,25	≤ 0,11	—	Md > 6	—
5. Refined olive oil	≤ 0,5	≤ 5	≤ 0,20	≤ 350	≤ 1,5	—	≤ 0,3	≤ 3,40	≤ 1,20	—	≤ 0,16	—	—
6. Olive oil	≤ 1,5	≤ 15	≤ 0,20	≤ 350	≤ 1,5	—	≤ 0,3	≤ 3,30	≤ 1,00	—	≤ 0,13	—	—
7. Crude olive-pomace oil	> 0,5 (**)	—	—	>350 (6)	≤ 1,8	—	≤ 0,6	—	—	—	—	—	—
8. Refined olive-pomace oil	≤ 0,5	≤ 5	≤ 0,20	> 350	≤ 2,0	—	≤ 0,5	≤ 5,50	≤ 2,50	—	≤ 0,25	—	—
9. Olive-pomace oil	≤ 1,5	≤ 15	≤ 0,20	> 350	≤ 2,0	—	≤ 0,5	≤ 5,30	≤ 2,00	—	≤ 0,20	—	—

(1) Overal upper limit for compounds detected by electron capture detector.
For compounds detected individually the upper limit is 0,10 mg/kg.
(2) Sum of isomers that could (or could not) be separated by capillary column.
(3) For the purpose of determining the presence of refined oil, where the K_{270} exceeds the limit for the category concerned, it must be determined again after passage over alumina.
(4) Where the median for "fruity" is 0, the median of the defects must be not more than 2,5.
(5) Oils with a wax content between 300 mg/kg and 350 mg/kg are considered to be lampante olive oil if total aliphatic alcohol is less than or equal to 350 mg/kg or if the percentage of erythrodiol and uvaol is less than or equal to 3,5.
(6) Oils with a wax content between 300 mg/kg and 350 mg/kg are considered to be crude olive-pomace oil if total aliphatic alcohol is greater than 350 mg/kg and the percentage of erythrodiol and uvaol is greater than 3,5.