



Brussels, XXX
[...] (2023) XXX draft

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of XXX

**amending Implementing Regulation (EU) 2022/2105 laying down rules on conformity
checks of marketing standards for olive oil and methods of analysis of the characteristics
of olive oil**

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Implementing Regulation (EU) 2022/2105 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil

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 1234/2007¹, and in particular Article 90a(6), points (b) and (c), and Article 91, points (b), (d) and (g), thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2022/2105² lays down rules on conformity checks on olive oil to verify the implementation of the marketing standards laid down in Commission Delegated Regulation (EU) 2022/2104³.
- (2) It is important that throughout the Union territory procedures to verify the organoleptic characteristics of virgin olive oils are uniformly implemented. If during a conformity check a tasting panel carrying out the organoleptic assessment does not confirm the category of olive oil stated on the label, the operator responsible has the right to ask for a counter-assessment. In such a case, it is necessary that one of the two panels assessing the oil again is located in the Member State where the operator mentioned on the label is established, as it is that operator who bears the responsibility for the quality of the product.
- (3) The methods of analyses to be used when checking 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).
- (4) In order to ensure the correct implementation at Union level of the most recent methods of analyses established by the IOC, it is appropriate to include those methods in Implementing Regulation (EU) 2022/2105.
- (5) In the light of different interpretations by authorities carrying out conformity checks, the sampling methodology should be clarified.
- (6) Implementing Regulation (EU) 2022/2105 should therefore be amended accordingly.

¹ OJ L 347, 20.12.2013, p. 671.

² Commission Implementing Regulation (EU) 2022/2105 of 29 July 2022 laying down rules on conformity checks of marketing standards for olive oil and methods of analysis of the characteristics of olive oil (OJ L 284, 4.11.2022, p. 23).

³ Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for olive oil, and repealing Commission Regulation (EEC) No 2568/91 and Commission Implementing Regulation (EU) No 29/2012 (OJ L 284, 4.11.2022, p. 1).

- (7) 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

Implementing Regulation (EU) 2022/2105 is amended as follows:

- (1) in Article 11, paragraph 2 is replaced by the following:
- ‘2. Where the tasting panel does not confirm the declared category as regards the organoleptic characteristics, at the request of the operator subject to the control, the competent authorities shall have two counter-assessments carried out by other approved tasting panels without delay. At least one of the tasting panels shall be a panel approved by the Member State ~~in which the olive oil was produced~~ **of the operator appearing on the label**. The characteristics concerned shall be deemed consistent with the characteristics declared if the two counter-assessments confirm the declared category. If this is not the case, regardless of the type of defects determined during the counter-assessments, the declared category shall be declared inconsistent with the characteristics, and the operator subject to the control shall bear the costs of the counter-assessments.’.
- (2) Annex I is amended in accordance with Annex I to this Regulation.
- (3) Annex II is amended in accordance with Annex II to this Regulation.

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,

For the Commission

The President

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