



EUROPEAN  
COMMISSION

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

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of XXX**

**amending** Commission Delegated Regulation (EU) 2022/2104 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

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

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 lays down rules on the characteristics of the olive oils referred to in Part VIII, points 1 to 6, of Annex VII to Regulation (EU) No 1308/2013. Limit values for the characteristics of olive oil set out in Regulation (EU) 2022/2104 are set in accordance with the IOC Trade Standard applying to olive oil and olive-pomace oil (IOC Trade Standard). The IOC Trade Standard changed with regard to one chemical parameter,  $\Delta$ -7-stigmastenol, and Delegated Regulation (EU) 2022/2104 should be amended accordingly.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

Consultations involved experts from all the 27 Member States during XX meetings of the Expert Group for agricultural markets, in particular concerning aspects falling under the single CMO regulation; Subgroup: Arable Crops and Olive Oil, taking place XXX 2023. The draft was agreed at the meeting XX. The draft versions of the present act were transmitted to the European Parliament and to the Council.

In addition, a general public consultation was carried out through the publication of the draft delegated regulation on the Better Regulation Portal from XX. WTO partners were notified.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

The act amends Annex I of Delegated Regulation (EU) 2022/2104 with regard to the chemical parameter  $\Delta$ -7-stigmastenol.

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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 1234/2007<sup>1</sup>, and in particular Article 75(2), thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2022/2104<sup>2</sup> lays down rules on the characteristics of the olive oils referred to in Part VIII, points 1 to 6, of Annex VII to Regulation (EU) No 1308/2013.
- (2) The limit values for the characteristics of olive oil laid down in Delegated Regulation (EU) 2022/2104 reflect the trade standard for olive oil and olive-pomace oil of the International Olive Council (IOC)(hereinafter, 'IOC Trade Standard'<sup>3</sup>).
- (3) At its 116<sup>th</sup> IOC session which took place on 30 November 2022, the IOC adopted Decision DEC-III.2/116-VI/2022 amending the IOC Trade Standard as regards the limit of  $\Delta$ -7-stigmastenol for all categories of olive oil. The Union voted in favour of this amendment, in accordance with Council Decision (EU) 2022/2391<sup>4</sup>.
- (4) In order to ensure the implementation at Union level of the most recent international standard on limit values for the parameter  $\Delta$ -7-stigmastenol established by the IOC, Delegated Regulation (EU) 2022/2104 should be amended accordingly,

HAS ADOPTED THIS REGULATION:

## *Article 1*

Delegated Regulation (EU) 2022/2104 is amended as follows:

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<sup>1</sup> OJ L 347, 20.12.2013, p. 671.

<sup>2</sup> 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), ELI: [http://data.europa.eu/eli/reg\\_del/2022/2104/oj](http://data.europa.eu/eli/reg_del/2022/2104/oj)

<sup>3</sup> <https://www.internationaloliveoil.org/what-we-do/chemistry-standardisation-unit/standards-and-methods/>

<sup>4</sup> Council Decision (EU) 2022/2391 of 25 November 2022 on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council, as regards the trade standard applying to olive oils and olive-pomace oils (OJ L 316, 8.12.2022, p. 86).

- (1) Annex I is amended as follows:
  - (a) table B is replaced by the table set out in Annex I to this Regulation;
  - (b) its Appendix is deleted;
- (2) Annex III is replaced by the text set out in 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*  
*Ursula VON DER LEYEN*