

# Conformity checks of olive oil marketing standards

*Published by AGRINFO on 14 Dec 2022; Revised 07 Jun 2024*

EU to set new methods of analysis for checking olive oil characteristics – WTO and EU consultations

[Draft](#) Commission Implementing Regulation 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

[Draft Annex](#)

## Update

The European Commission has informed the World Trade Organization Technical Barriers to Trade (WTO TBT) Committee that it is clarifying the procedures for notifying conformity checks on olive oils ([G/TBT/N/EU/1067](#)). This affects the checks for organoleptic defects in olive oil declared as “extra virgin olive oil”, and the procedures for verifying conformity checks. The WTO consultation is open until 3 August 2024. There is also an opportunity for all stakeholders to comment directly via the EU’s [“Have your say”](#) consultation until 28 June 2024.

## Background

In 2022, the EU established rules under Regulation (EU) [2022/2105](#) on the frequency of checks relating to olive oil marketing standards. Member States must carry out at least one conformity check per year, per thousand tons of olive oil marketed on their territory. The checks are carried out on the basis of risk analysis (e.g. taking into account category of oil, origin, price), and aim to verify that the olive oil category is correctly declared (Art. 3).

Olive oil operators from the mill to the bottling stage are obliged to keep entry and withdrawal registers for each category of olive oil they hold. On the request of an EU Member State, the operator that appears on the label must supply documentation supporting the description of the oil, its place of origin, and any reference to optional terms such as “first compressing”, “cold extraction”, etc. To meet these requirements, the operator can provide as evidence:

- factual elements or scientifically established facts
- analytical results of representative samples
- administrative or accounting information (Art. 5).

Where marketing standards are not respected, EU Member States must apply “effective, proportionate and dissuasive penalties” (Art. 13).

## Impacted products

olive oil

### What is changing?

Organoleptic defects (that result from the oil production process or improper transport or storage) are one of the factors used to distinguish the category “extra virgin olive oil” from “virgin olive oil”. The new Regulation clarifies how EU Member States should notify findings of non-compliant olive oil, and the procedures for counter-assessments when olive oil producers challenge the findings of competent authorities.

If, during a conformity check, a tasting panel does not agree with the category of olive oil stated on the label, the olive oil producer can request a counter-assessment. The oil is then assessed again by two panels. If the olive oil is produced in an EU Member State (with reference to the operator that appears on the label), one of the two panels should be a panel approved in that Member State. For olive oil not produced in the EU, the counter-assessment should be carried out by two panels different from the panel that undertook the original analysis (Regulation [2022/2105](#), Art. 11).

The characteristics declared on the product will be considered correct if confirmed by the two counter-assessments. If they are not confirmed by both counter-assessments, the product will be found to be inconsistent with the declared characteristics, and the operator will have to pay for the counter-assessments.

When a sample of extra virgin olive oil does not comply with the limits set for organoleptic defects (Regulation [2022/2104](#), Annex I, Table A), the controlling authorities will make a non-compliance notification to the Rapid Alert System for Food and Feed (RASFF). If they consider that there was a deliberate intention to deceive consumers, they may make a food fraud notification.

The [draft Annex](#) to the new Regulation also introduces minor changes to the analytical methods and sampling requirements set out in the Annex to Regulation [2022/2105](#).

## Why?

The Regulation aims to ensure a uniform approach to checking organoleptic characteristics of virgin olive oils across the EU. It also aims to align the methods of analysis with the [International Olive Council trade standards](#) for olive oils and olive pomace oils.

## Timeline

The Regulation is expected to apply from **November 2024**.

## What are the major implications for exporting countries?

This Regulation should provide all operators with a more predictable and harmonised approach to controls of olive oil across the EU.

## Recommended Actions

Comments on the proposal can be submitted via the [National TBT notification authority](#) of the country concerned to the [EU TBT Enquiry Point](#) until **3 August 2024**. There is also an opportunity for all stakeholders to comment directly via the EU's "[Have your say](#)" consultation until **28 June 2024**.

## Resources

Commission 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 Delegated Regulation (EU) [2022/2104](#) as regards marketing standards for olive oil

## Sources

[Draft](#) Commission Implementing Regulation 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

[Draft Annex](#)

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