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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Council of Members of the International Olive Council as regards the trade standard for olive oil and olive-pomace oil and a new method of analysis to determine the peroxide value in such oils

{SWD(2026) 3 final}

EXPLANATORY MEMORANDUM

1. SUBJECT MATTER OF THE PROPOSAL

This proposal concerns the decision establishing the position to be taken on the Union's behalf in the Council of Members of the International Olive Council ("IOC") in connection with the envisaged adoption by exchange of correspondence of two decisions: a revision of the trade standard for olive oil and olive-pomace oil and a new IOC method for determining the peroxide value in olive oils and olive-pomace oils.

2. CONTEXT OF THE PROPOSAL

2.1. The International Agreement on Olive Oil and Table Olives, 2015

The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') aims (i) to seek to achieve uniformity in national and international legislation relating to the physico-chemical and organoleptic characteristics of olive oils, olive-pomace oils and table olives in order to prevent any obstacle to trade (ii) to conduct activities in the area of physico-chemical and organoleptic testing in order to add to the knowledge of the composition and quality characteristics of olive products, with a view to consolidating international standards, and (iii) to strengthen the role of the International Olive Council as a forum of excellence for the international scientific community in the area of olives and olive oil.

The renewed version of the Agreement entered into force on 1 January 2017.

The European Union is a party to the Agreement¹.

2.2. The Council of Members

The Council of Members of the International Olive Council ("the Council of Members") is the highest authority and decision-making organ of the IOC and shall exercise all such powers and functions as are necessary to achieve the objectives of this Agreement. As a party to the Agreement, the European Union is a member of the IOC and is represented in the Council of Members. The decisions of the Council of Members shall be taken by consensus. If consensus cannot be reached, decisions related to the trade standard and methods would be adopted unless they are rejected by at least one quarter of the members or by a member or members with at least a total of 100 participation shares.

There are currently 21 members in the IOC and the European Union has 647 participation shares out of a total of 1000.

2.3. The envisaged act of the Council of Members

In November 2025, the Executive Secretariat of the IOC presented to its Members the text of two decisions regarding chemistry and standardisation and specified that they intend to submit them for adoption by exchange of correspondence. One decision modifies the IOC trade standard for olive oil and olive-pomace oil (COI/T.15/NC No. 3/Rev. 22) by adding the Coratina variety to the footnote regarding the total sterol content in some monovarietal extra

¹ Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2) and Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.05.2019, p. 1); ELI: <http://data.europa.eu/eli/dec/2016/1892/oj>

virgin olive oils and adopts its revised version. The other decision approves a new method for determining the peroxide value in olive oils and olive-pomace oils.

The Commission Staff Working Document accompanying this proposal includes the text of the revised trade standard and the new method, as presented by the Executive Secretariat.

Pursuant to Article 20(3) of the Agreement, the quality and purity criteria included in the above mentioned trade Standard adopted by the Council of Members are applicable to the international trade of the Members. Furthermore, pursuant to Article 75(5)(e) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council², the marketing standards shall take into account the standard recommendations adopted by international bodies. Therefore, the decision on the revision of the trade standard for olive oil and olive-pomace oil will affect EU law, namely 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 29/2012³. The new method for determining the peroxide value presents a safer alternative to the method currently included in the IOC trade standard (COI/T.20/Doc. No 35). Therefore, it should be allowed as an alternative for conformity checks in the EU as well. This will require changing 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 oil⁴.

The position detailed in the present Decision is foreseen to be taken on behalf of the Union within the framework of a procedure for adoption by the Council of Members by exchange of correspondence, pursuant to Article 10(6) of the Agreement, before its next regular session in June 2026.

3. POSITION TO BE TAKEN ON THE UNION'S BEHALF

The decision to be adopted by the Council of Members will modify the trade standard COI/T.15/NC No. 3 applying to olive oils and olive-pomace oils by:

- Revising a footnote regarding the total sterol content in some monovarietal extra virgin olive oils by adding the Coratina variety to the Koroneiki and Nocellara del Belice varieties and limiting the application of the footnote to the end of the 2026/27 crop year;
- The addition of the new method to determine de peroxide value.

The decision approving a new method of analysis (COI/T.20/Doc. No 38) provides for a safer alternative to the current IOC method (COI/T.20/Doc. No 35) determining the peroxide value in olive oils and olive-pomace oils.

The above-mentioned decisions have been discussed between scientific and technical olive oil experts of the Commission and Member States. They contribute to the international harmonisation of olive oil standards and will set a framework which will ensure fair competition in the trading of olive oil. They should therefore be supported.

² 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 (OJ L 347, 20.12.2013, p. 671); ELI: <http://data.europa.eu/eli/reg/2013/1308/2023-01-01>

³ OJ L 284, 4.11.2022, p. 1–22; ELI: http://data.europa.eu/eli/reg_del/2022/2104/oj

⁴ OJ L 284, 4.11.2022, p. 23–48; ELI: http://data.europa.eu/eli/reg_impl/2022/2105/2022-11-04

The above-mentioned decisions are in line with the Union policy as regards standards for the marketing of agricultural products as provided for in Title II of part II of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

A Union position is needed for the adoption of the decisions provided for in the Annex.

4. LEGAL BASIS

4.1. Procedural legal basis

4.1.1. Principles

Article 218(9) of the Treaty on the Functioning of the European Union (TFEU) provides for decisions establishing *‘the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.’*

The concept of *‘acts having legal effects’* includes acts that have legal effects by virtue of the rules of international law governing the body in question. It also includes instruments that do not have a binding effect under international law, but that are *‘capable of decisively influencing the content of the legislation adopted by the EU legislature’*⁵.

4.1.2. Application to the present case

The Council of Members is a body set up by an agreement, namely the International Agreement on Olive Oil and Table Olives.

The acts which the Council of Members are called upon to adopt constitute acts having legal effects. The envisaged acts will be binding under international law in accordance with Article 20(3) of the Agreement and are capable of decisively influencing the content of EU legislation, namely: delegated and implementing acts based on Regulation (EU) No 1308/2013, as regards olive oil marketing standards. This is because, pursuant to Article 75(5)(e) of Regulation (EU) No 1308/2013, the marketing standards shall take into account the standard recommendations adopted by international bodies.

The envisaged act does not supplement or amend the institutional framework of the Agreement.

Therefore, the procedural legal basis for the proposed decision is Article 218(9) TFEU.

4.2. Substantive legal basis

4.2.1. Principles

The substantive legal basis for a decision under Article 218(9) TFEU depends primarily on the objective and content of the envisaged act in respect of which a position is taken on the Union's behalf. If the envisaged act pursues two aims or has two components and if one of those aims or components is identifiable as the main one, whereas the other is merely incidental, the decision under Article 218(9) TFEU must be founded on a single substantive legal basis, namely that required by the main or predominant aim or component.

4.2.2. Application to the present case

The main objective and content of the envisaged act relate to the common commercial policy. Therefore, the substantive legal basis of the proposed decision is Article 207(4) TFEU.

⁵ Judgment of the Court of Justice of 7 October 2014, Germany v Council, C-399/12, ECLI:EU:C:2014:2258, paragraphs 61 to 64.

4.3. Conclusion

The legal basis of the proposed decision should be Article 207(4) TFEU, in conjunction with Article 218(9) TFEU.

5. COMPLIANCE WITH THE DIGITAL BY DEFAULT PRINCIPLE

According to the digital assessment carried out, the current proposal has no digital dimensions as there is no digital relevance.

Digital means or data exchange are not under the scope of the proposal.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The International Agreement on Olive Oil and Table Olives, 2015 ('the Agreement') was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892¹ on 18 November 2016 and was concluded on behalf of the Union by Council Decision (EU) 2019/848².
- (2) The Council of Members of the International Olive Council (IOC) ('the Council of Members') may take decisions and adopt recommendations for the application of the provisions of the Agreement.
- (3) The Council of Members is to adopt a decision amending the trade standard for olive oil and olive-pomace oil and a decision on a new method of analysis to determine the peroxide value in such oils, by exchange of correspondence ahead of its 123rd session in June 2026.
- (4) Those decisions to be adopted have been extensively discussed between scientific and technical experts on olive oil of the Commission and of the Member States. The decisions will contribute to the international harmonisation of olive oil standards and will establish a framework which will ensure fair competition in the trading of products of the olive oil sector. The Union should therefore support the adoption of these decisions.
- (5) It is appropriate to establish the position to be taken on behalf of the Union within the Council of Members, as the decisions to be adopted by the IOC will have legal effect on the Union as regards international trade with the other members of the IOC and will decisively influence the content of Union law, namely on marketing standards and

¹ Council Decision (EU) 2016/1892 of 10 October 2016 on the signing, on behalf of the European Union, and provisional application of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 293, 28.10.2016, p. 2, ELI: <http://data.europa.eu/eli/dec/2016/1892/oj>).

² Council Decision (EU) 2019/848 of 17 May 2019 on the conclusion on behalf of the European Union of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L 139, 27.05.2019, p. 1, ELI: <http://data.europa.eu/eli/dec/2019/848/oj>).

conformity checks for olive oil adopted by the Commission pursuant to Article 75 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council³.

- (6) If the adoption of the decisions is postponed to the 123rd session of the Council of Members, as a result of some Members not being in a position to give their approval, the position set out in this Decision should be taken on behalf of the Union within the framework of the June 2026 session of the Council of Members, which is its next regular session.
- (7) It should, however, be possible for the representatives of the Union in the Council of Members to agree to technical adaptations to other methods or documents of the IOC without further decision of the Council if those technical adaptations result from amendments related to the revision of the trade standard or the new method.
- (8) In order to preserve the interest of the Union, the representatives of the Union in the Council of Members should however be allowed to request to postpone the adoption of the decisions amending the trade standard and the adoption of a new method to determining the peroxide value in olive oils and olive-pomace oils, if the position to be taken on behalf of the Union is likely to be affected by new scientific or technical information presented before the exchange of correspondence,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Council of Members of the International Olive Council (IOC) for the adoption of decisions by the Council of Members by an exchange of correspondence before its next regular session in June 2026 or during that session, is set out in the Annex.

The decisions referred to in the first subparagraph are those on the trade standard for olive oil and olive-pomace oil, and on a new method to determine the peroxide value in such oils.

Article 2

Technical adaptations to other methods or documents of the IOC may be agreed to by the representatives of the Union in the Council of Members of the IOC without further decision of the Council if those technical adaptations result from amendments related to the revision of the trade standard for olive oil and olive-pomace oil or the new method.

Article 3

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information presented before the exchange of correspondence is initiated, the representatives of the Union shall request that the adoption of the decision amending the trade standard for olive oil and olive-pomace oil and of the decision on the new method to determine the peroxide value in such oils be postponed until the position of the Union is established on the basis of that new information.

³ 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 (OJ L 347, 20.12.2013, p. 671, ELI: <http://data.europa.eu/eli/reg/2013/1308/2023-01-01>).

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

*For the Council
The President*