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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	8 September 2026
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2026) 449 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council with respect to the extension of the International Agreement on Olive Oil and Table Olives, 2015

Delegations will find attached document COM(2026) 449 final.

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EUROPEAN
COMMISSION

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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council with respect to the extension of the International Agreement on Olive Oil and Table Olives, 2015

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 International Olive Council in connection with the envisaged adoption of a decision concerning the extension of the International Agreement on Olive Oil and Table Olives, 2015 until 31 December 2027 (the 'Agreement')

2. CONTEXT OF THE PROPOSAL

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

The Agreement aims to promote international cooperation, support scientific research and technical innovation, establish quality and trade standards, and encourage the consumption of olive products worldwide. The Agreement entered into force provisionally on 1 January 2017 and shall remain into force until 31 December 2026.

The European Union is a party to the Agreement[1] and a Member of the International Olive Council ('IOC').

2.2. The Council of Members

The Council of Members of the IOC (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 the Agreement, pursuant to Article 7(1)(a) thereof. As a party to the Agreement, the European Union is a Member of the IOC and is represented in the Council of Members. Pursuant to Article 32 of the Agreement, the IOC may, acting through the Council of Members, amend the Agreement by consensus.

2.3. The envisaged act of the International Olive Council

In November 2026, during its 124th session, the Council of Members is to adopt a decision regarding the extension of the Agreement (the 'envisaged act').

The Agreement was originally concluded for a period of ten years until 31 December 2026.

During its 119th session in June 2024, the Council of Members adopted by consensus the amendment of Article 36 of the Agreement in order to allow the extension of the Agreement for periods of five years[2]. According to the planning, Members would have until 31 December 2026 to deposit their instrument of acceptance. The amendment of Article 36 of the Agreement would enter into force on 1 January 2027 on the condition that all the members would deposit the instrument of acceptance.

As not all members had deposited their instruments, during the 123rd session that took place in June 2026, the Council of Members proposed to extend the period within which Members could deposit their instrument of acceptance until 24 June 2027, as well as to extend the Agreement until 31 December 2027.

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1 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, 27.5.2019, p. 1, ELI: http://data.europa.eu/eli/dec/2019/848/oj).

2 Council Decision (EU) 2026/1368 of 8 June 2026 on the approval, on behalf of the Union, of the amendment of Article 36 of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L, 2026/1368, 17.6.2026, ELI: http://data.europa.eu/eli/dec/2026/1368/oj).

The purpose of the envisaged act is to enable IOC to continue its work for an additional year, until 31 December 2027. The prolongation of the period in which Members can deposit their instrument of acceptance of the amendment of Article 36 of the Agreement is addressed in a separate proposal for a Council Decision.

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

The Agreement was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892[3] on 18 November 2016, subject to its conclusion at a later date. The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof and was concluded by the Union by way of Council Decision (EU) 2019/848[4].

The Union has always been an active Member of the IOC, and an extension of the Agreement is in the interest of the Union. The Union is the major olive oil producer as well as a leading trading partner of olive oil and table olives for many IOC Members.

The EU counts as one Member to the Agreement. For budgetary procedures (see Article 11 of the Agreement), i.e., for fixing the annual financial contributions of Members, the number of shares allocated to the Union is 622 out of the total of 1 000 shares in 2026.

A formal decision about the extension of the Agreement up to 31 December 2027 is scheduled for the 124th session of the Council of Members to be held in November 2026.

The purpose of this proposal is to seek the Council's authorisation for the Commission to support, on the Union's behalf, the extension of the Agreement up to 31 December 2027.

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 International Olive Council has been set up by Articles 3 and 4 of the Agreement and can be called upon to adopt certain decisions.

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[3] 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).

[4] 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, 27.5.2019, p. 1, ELI: http://data.europa.eu/eli/dec/2019/848/oj).

[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.

The envisaged act, for which the Council of Members is empowered under Article 36(2) of the Agreement, has the effect of extending the validity of the Agreement, which is an international agreement binding the Union. The envisaged act has therefore legal effects.

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 common commercial policy (trade in agricultural products).

Therefore, the substantive legal basis of the proposed decision is Article 207(4), first subparagraph, TFEU.

4.3. Conclusion

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

5. PUBLICATION OF THE ENVISAGED ACT

As the envisaged act will extend the Agreement, it is appropriate to publish it in the *Official Journal of the European Union* after its adoption.

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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[1] (the 'Agreement') was signed on behalf of the Union in accordance with Council Decision (EU) 2016/1892[2] on 18 November 2016, subject to its conclusion at a later date. The Agreement entered into force provisionally on 1 January 2017 in accordance with Article 31(2) thereof and was concluded by the Union by way of Council Decision (EU) 2019/848[3].

(2) The Agreement remains in force until 31 December 2026 in accordance with Article 36(1) thereof. The Council of Members of the International Olive Council (the 'Council of Members') may extend the Agreement pursuant to Article 36(2) thereof.

(3) The International Olive Council, acting through the Council of Members at its 119th session in June 2024, amended Article 36 of the Agreement by consensus, pursuant to Article 32(1) thereof, in order to allow the extension of the Agreement for successive periods not exceeding five years on each occasion[4]. The Council of Members decided that Members were to notify the depositary of their acceptance of the amendment by 24 June 2026. The amendment was intended to enter into force on 1 January 2027 on the condition that all the Members made such a notification.

(4) At its 123rd session in June 2026, the Council of Members proposed to extend the date by which Members were to notify the depositary of their acceptance of the amendment

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1 OJ L 293, 28.10.2016, p. 4, ELI: http://data.europa.eu/eli/agree_internation/2016/1892/oj.

2 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).

3 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, 27.5.2019, p. 1, ELI: http://data.europa.eu/eli/dec/2019/848/oj).

4 Council Decision (EU) 2026/1368 of 8 June 2026 on the approval, on behalf of the Union, of the amendment of Article 36 of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L, 2026/1368, 17.6.2026, ELI: http://data.europa.eu/eli/dec/2026/1368/oj).

until 24 June 2027[5]. Furthermore, it proposed to extend the Agreement until 31 December 2027.

(5) At its 124th session to be held in November 2026, the Council of Members is to decide on the extension of the Agreement until 31 December 2027.

(6) It is appropriate to establish the position to be taken on the Union's behalf in the 124th session of the Council of Members, as the extension of the Agreement is in the interest of the Union,

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 during its 124th session to be held in November 2026, or within the framework of a procedure for adoption of decisions by the Council of Members by an exchange of correspondence, shall be to support the extension of the International Agreement on Olive Oil and Table Olives, 2015, for a period of one year, from 1 January 2027 to 31 December 2027.

Article 2

This Decision is addressed to the Commision.

Done at Brussels,

For the Council
The President

[5] [PO: Council Decision (EU) 2026/… of … on the position to be taken on behalf of the European Union within the Council of Members of the International Olive Council with respect to the extension of the date for notifying the acceptance of the amendment of Article 36 of the International Agreement on Olive Oil and Table Olives, 2015 (OJ L, 2026/…, …, ELI: …)].