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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	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 (IOC) as regards the trade standard for olive oil and olive pomace oil

Delegations will find attached document COM(2025) 168 final.

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COM(2025) 168 final

2025/0088 (NLE)

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 (IOC) as regards the trade standard for olive oil and olive pomace oil

{SWD(2025) 81 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 of a decision in relation to the Trade Standard for olive oil and olive-pomace oil.

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 Agreement[1].

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 concerning the accession of a new member shall be taken by consensus. Pursuant to Article 10(4)(b) of the Agreement, if consensus cannot be reached within a time limit laid down by the Chair of the Council of Members, the members shall take a vote. The decision shall be considered to be adopted when at least the majority of the members representing at least 86 per cent of the participation shares of the members are in favour thereof.

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 2024, the Executive Secretariat of the IOC presented to its Members the text of a decision regarding chemistry and standardisation that was scheduled for adoption by the Council of Members in July 2025. The purpose of this decision is to modify the IOC Trade Standard for olive oil and olive-pomace oil and adopt its revised version, COI/T.15/NC No. 3/Rev. 21.

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[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

The Commission Staff Working Document accompanying this proposal includes the text of the revised Trade Standard, 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 Council[2], 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 29/2012[3].

In case the adoption of the decision during the 121th session of the IOC is postponed as a result of some Members not being in a position to give their approval, the position detailed in the present Decision will be taken on behalf of the Union also within the framework of a possible 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 November 2025.

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:

– Including revision 4 of the method of analysis for the determination of wax and fatty acid ethyl ester content by capillary column gas chromatography (COI/T.20/Doc. No. 28/Rev. 4);

– Including the method for the determination of diglyceride and triglyceride content (COI/T.20/Doc. No. 32);

– Including a footnote changing the limit for total sterols for monovarietal olive oils obtained from either Koroneiki or Nocellara del Belice olive varieties, pending further scientific studies;

– The deletion of the detection of traces of halogenated solvents in the trade standard.

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

The above-mentioned decision fits 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.

The agenda of the meeting of the Council of Members of the IOC for its July 2025 session will still evolve and it is possible that further decisions affecting the acquis will be added to the agenda. In order to ensure efficiency of the work of the Council of Members of the IOC

[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

while respecting the rules of the Treaties, the Commission will in due time supplement and/or amend the present proposal to enable the Council to adopt the position to be taken also for such decisions.

Taking into account the decision-making process within the Council of Members of the IOC, the Union position is needed for the adoption of the decision 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*'[4].

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] 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.

4.2.2. 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.

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) 2016/1892[1] 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[2].

(2) Pursuant to Article 7(1) of the Agreement, the Council of Members of the International Olive Council ('the Council of Members') may take decisions and adopt recommendations for the application of the provisions of that Agreement.

(3) During its 121th session, to be held in July 2025, the Council of Members is to adopt a decision amending the trade standard for olive oils and olive-pomace oils.

(4) The decision to be adopted during the 121th session of the Council of Members has been extensively discussed between scientific and technical experts on olive oil of the Commission and of the Member States. This decision 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 this decision.

(5) It is appropriate to establish the position to be taken on behalf of the Union within the Council of Members, as the amending decision to be adopted will have legal effect on the Union as regards international trade with the other members of the International Olive Council (IOC) and will be capable of decisively influencing the content of Union law, namely on marketing standards for olive oil adopted by the Commission

[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).

pursuant to Article 75 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council[3].

(6) If the adoption of the decision at the 121th session of the Council of Members is postponed, as a result of some Members not being in a position to give their approval, the position set out in the Annex to this Decision should be taken on behalf of the Union within the framework of a possible procedure for adoption by the Council of Members by exchange of correspondence, pursuant to Article 10(6) of the Agreement provided that such procedure is initiated before the next regular session of the Council of Members in November 2025.

(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.

(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 decision amending the trade standard, if the position to be taken on behalf of the Union is likely to be affected by new scientific or technical information presented before or during the 121th session,

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 at its 121th session, to be held in July 2025, or within the framework of a procedure for adoption of decisions by the Council of Members by an exchange of correspondence initiated before its next regular session in November 2025, is set out in the Annex.

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.

Article 3

Where the position referred to in Article 1 is likely to be affected by new scientific or technical information adopted by the Committee of chemistry and standardisation before the 121th session of the Council of Members, the representatives of the Union shall request that the adoption of the decision amending the trade standard for olive oil and olive-pomace oil 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