



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
 DdF/nb(2019)2152031

Dear [REDACTED],

Thank you for your letter of 25 January 2019¹ asking clarification on the possibility to certify organic olive oils and olive pomace oils. Please accept my apologies for the late reply.

Please find below the analysis related to the eight categories of oils extracted from olives defined and described in Part VIII of Annex VII of Regulation (EU) No 1308/2013 and their potential certification and labelling as organic.

“Lampante olive oil” and “crude olive-pomace oil” are not suitable for human consumption. The scope of the organic legislation is set out in Article 1(2) of Regulation (EC) No 834/2007 covering live or unprocessed agricultural products, **processed agricultural products for use as food**, feed and vegetative propagating material and seeds for cultivation. As they are not suitable for human consumption as such, these two categories cannot be “processed agricultural products for use as food” and thus are not in the scope of the organic legislation. Consequently, these oils cannot be certified and labelled as organic.

“Refined olive oil” and “refined olive-pomace oil” are obtained by refining virgin olive oil, including lampante of olive oil and crude olive-pomace oil, respectively. The organic legislation requires that the products is **produced mainly from ingredients of agricultural origin** and that at least **95 % by weight of its ingredients of agricultural origin are organic** (Articles 19(2)(a) and 23(4)(a)(ii) of Regulation (EC) No 834/2007). In the case of these two categories, the main ingredients, respectively “lampante olive oil” and “crude olive-pomace oil”, cannot be present in organic form for the reasons explained in the above paragraph. Therefore, these products would not comply with the production rules for organic food set out in Articles 19(2)(a) and 23(4)(a)(ii) of Regulation (EC) No 834/2007.

¹ Ares(2019)444501

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“Olive oil – composed of refined olive oils and virgin oils” and “olive-pomace oil” are obtained by blending virgin olive oil other than lampante olive oil with refined olive oils and refined olive-pomace oil, respectively. The main ingredients, refined olive oils and refined olive-pomace oil, cannot be present in organic form for the reasons explained in the above paragraph. Similarly, these products would not comply with the production rules for organic food set out in Articles 19(2)(a) and 23(4)(a)(ii) of Regulation (EC) No 834/2007.

In addition, the Article 19(3) of the mentioned Regulation **prohibits the use of techniques that reconstitute properties that are lost** in the processing of organic food. The processing techniques to obtain the four categories mentioned above (i.e.: refining or blending) are in contradiction with this general rule on the production of processed organic food.

Therefore, the categories *“Refined olive oil”*, *“refined olive-pomace oil”*, *“Olive oil – composed of refined olive oils and virgin oils”* and *“olive-pomace oil”* cannot be certified and labelled as organic.

Finally, “extra virgin olive oil” and “virgin olive oil” are obtained from the fruit of the olive tree and by processing techniques which are not in contradiction with the organic production rules of processed food. Following the above analysis, these two categories are the only ones that may be certified and labelled as organic, in line with the organic production aim at producing products of high quality mentioned in Article 3(b) of Regulation 834/2007.

Regarding the existing stocks of olive oils and crude olive-pomace oils that were erroneously certified organic, it remains the responsibility of the Member States to ensure that these oils are not sold as organic certified products.

The present opinion is provided on the basis of the facts as set out in your letter of 25 January 2018 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



Nathalie SAUZE-VANDEVYVER

c.c.:

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