



# REPLIES OF THE EUROPEAN COMMISSION

## TO THE EUROPEAN COURT OF AUDITORS' SPECIAL REPORT

Control systems for olive oil in the EU

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This document presents the replies of the European Commission to observations of a Special Report of the European Court of Auditors, in line with Article 265 of the [Financial Regulation](#). These replies are to be published by the European Court of Auditors together with the Special Report

## I. THE COMMISSION REPLIES IN BRIEF

The European Commission welcomes the attention that the special report of the European Court of Auditors' (ECA) brings to the control systems for olive oil in the EU.

As first producer, consumer and exporter of olive oil in the world, the EU's olive oil sector plays an important role in the EU agrifood system. To assure consumers that olive oils are safe and of satisfactory quality, the EU has established a comprehensive structure of marketing standards. These standards, developed and constantly improved by experts, safeguard the level playing field for different producers and operators in the food supply chain and help combat fraud. Conformity checks on olive oil carried out by Member States make sure that these standards are respected.

The ECA report provides an insightful analysis of the current implementation of EU legislation by Member States carrying out these controls, highlighting areas for improvement. Thanks to this analysis, our services have an additional view of the functioning of controls in the EU and of those aspects where we should focus our attention in the future.

In particular, the European Commission recognises that broadening the oversight of Member States' control systems would contribute to sustaining further the quality of European olive oil and consumers' trust. In this sense, our services are committed to improving scrutiny of the system as well as providing more detailed guidance on the shortcomings identified by the report, striking the right balance between rigorous controls and the administrative burden placed on national administrations.

The Commission will provide guidance on the EU legislation on marketing standards for mixing categories and will explore with Member States how to adapt EU legislation on mixing of oils from different harvesting years.

As regards checks for contaminants in olive oil, the Commission shall request Member States to provide more details on the controls on contaminants in food of plant origin when submitting yearly their control programme. The selection of contaminants, foods and control frequency needs to be more justified. Moreover, The Commission acknowledges that imported olive oil needs to be explicitly considered by the Member States in their risk analysis as imported olive oil should be controlled in the same manner as the EU production.

In relation to traceability, the European Commission considers that the current system guarantees that products placed on the EU market can be traced "one-step back/one-step forward", as required by EU law. Furthermore, the main producing Member States already have or are developing complete traceability systems for olive oil. Considering the small number of countries producing olive oil in the EU, this already assures a high degree of control. Nonetheless, the European Commission is committed to improve traceability. In this regard, it will work with Member States on developing and harmonising registers for tracking olive oil movements. Yet, it is necessary to acknowledge the administrative burden these measures could impose and the need for a longer period to put them in place.

Finally, the European Commission notes that, overall, the report illustrates a high degree of compliance of olive oil sold to consumers with EU marketing standards, confirming the high-quality, safety and authenticity of EU olive oils, benefiting consumers, producers, and the entire agricultural sector.

The European Commission acknowledges the challenges faced by Member States, including resource constraints and procedural difficulties on the implementation of EU conformity checks on olive oil. To support Member States, the Commission is ready to provide legislative clarification, technical

assistance and to foster cooperation. This collaborative approach will help ensuring that all Member States can meet their obligations under EU law.

## II. REPLIES TO THE RECOMMENDATIONS

### **Recommendation 1 - *Strengthen the Commission's oversight of member states' control systems for olive oil***

***The Commission should strengthen its oversight of member states' control systems by:***

- (a) prompting the member states to provide appropriate information about their risk analyses, the checks carried out (both conformity checks and other inspections), and the sanctions and penalties they apply;***
- (b) assessing member states' control systems, including whether conformity checks comply with EU requirements;***
- (c) taking appropriate and proportional action when the control systems are considered to be insufficient.***

***Target implementation date: (a) and (b) 2027, and (c) 2028.***

The Commission **accepts** recommendation 1. The Commission will ask Member States to submit appropriate information so that it can support Member States to improve their control systems by offering technical support, exchange of good practices and clarification on legal obligations.

### **Recommendation 2 - *Clarify the rules for blending different virgin olive oils***

***The Commission should clarify the rules on blending virgin olive oils from different harvest years or different categories.***

***Target implementation date: 2026***

The Commission **accepts** recommendation 2. It will discuss with experts and national administrations to decide which form such clarification will take.

### **Recommendation 3 - *Improve guidance on checks for contaminants in olive oil***

***The Commission should:***

- a) instruct the member states to provide details about their risk analyses, which contaminants in olive oil they are checking, and the frequency of such checks;***
- b) require the member states to consider imported olive oil in their risk analyses explicitly.***

### ***Target implementation date: 2026***

The Commission **accepts** recommendation **3**.

The Commission agrees that more details on the controls on contaminants in food of plant origin should be provided by the Member States when submitting yearly their control programme. The selection of contaminants, foods and control frequency needs to be more justified. The European Commission accepts that imported olive oil needs to be explicitly considered by the Member States in their risk analysis. The imported olive oil should be controlled in the same manner as the EU production.

### ***Recommendation 4 - Clarify and provide guidance on traceability check requirements***

***The Commission should clarify and provide guidance on:***

- (a) what traceability checks should cover;***
- (b) how the results of traceability checks should be reported.***

### ***Target implementation date: 2027***

The Commission **accepts** recommendation **4**. It will discuss any guidance on how to check and report traceability with operators in the olive oil sector and with Member States.

### ***Recommendation 5 - Improve the traceability of olive oil***

***The Commission should:***

- (a) encourage and support member states in developing registers to record the movements of olives and olive oil;***
- (b) encourage and support member states in improving the compatibility of the different traceability systems to facilitate the cross-border traceability of olives and olive oil.***

### ***Target implementation date: 2028***

The Commission **accepts** recommendation **5**.

## **III. REPLIES TO OBSERVATIONS**

### **1. EU control systems for other contaminants**

The report notes that there are currently no maximum levels for mineral oil hydrocarbons (MOHs) and plasticisers for food<sup>1</sup>. The Commission highlights that the setting of maximum levels for mineral oil aromatic hydrocarbons (MOAH) in certain foods, including olive oil, is currently under discussion and is well progressing.

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<sup>1</sup> See ECA observation 59

The report notes that the EU has set specific migration limits for certain plasticisers in food contact materials, but not directly in food itself<sup>2</sup>. While it is correct that the migration limits are not maximum levels in food, the migration limits expressed per kg of food can be used as a reference when checking plasticisers in food.

The report notes that no checks for certain contaminants, such as MOHs and plasticisers are carried out in certain Member States because there are no EU maximum levels for these substances in food<sup>3</sup>. While there is no obligation in EU law to control contaminants that are not regulated at EU level, Member States carry out monitoring on non-EU regulated contaminants to gather occurrence data in view of future legislation and carry also out controls on non-EU regulated contaminants to verify compliance with Article 14 of the General Food Law (Regulation (EC) No 178/2002 - Article 14 provides that all food placed on the EU market must be safe).

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<sup>2</sup> See ECA observation 59, Box 6

<sup>3</sup> See ECA observation 62