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► **B** **COMMISSION IMPLEMENTING REGULATION (EU) No 29/2012**
of 13 January 2012
on marketing standards for olive oil
(codification)
(OJ L 12, 14.1.2012, p. 14)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Commission Implementing Regulation (EU) No 357/2012 of 24 April 2012	L 113	5	25.4.2012
► <u>M2</u>	Commission Implementing Regulation (EU) No 87/2013 of 31 January 2013	L 32	7	1.2.2013
► <u>M3</u>	Commission Regulation (EU) No 519/2013 of 21 February 2013	L 58	74	10.6.2013
► <u>M4</u>	Commission Implementing Regulation (EU) No 1335/2013 of 13 December 2013	L 335	14	14.12.2013
► <u>M5</u>	Commission Delegated Regulation (EU) 2018/1096 of 22 May 2018	L 197	3	3.8.2018

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► **C1** Corrigendum, OJ L 80, 20.3.2012, p. 39 (29/2012)



COMMISSION IMPLEMENTING REGULATION (EU)
No 29/2012
of 13 January 2012
on marketing standards for olive oil
(codification)

Article 1

1. Without prejudice to Directive 2000/13/EC and Regulation (EC) No 510/2006, this Regulation lays down specific standards for retail-stage marketing of the olive oils and olive-pomace oils referred to in points 1(a) and (b), 3 and 6 of Annex XVI to Regulation (EC) No 1234/2007.

2. For the purposes of this Regulation, retail stage means the sale to the final consumer of oil as referred to in paragraph 1, presented in the natural state or incorporated in a foodstuff.

Article 2

Oils as referred to in Article 1(1) shall be presented to the final consumer in packaging of a maximum capacity of 5 litres. Such packaging shall be fitted with an opening system that can no longer be sealed after the first time it is opened and shall be labelled in accordance with Articles 3 to 6.

However, in the case of oils intended for consumption in restaurants, hospitals, canteens and other similar collective establishments, the Member States may set a maximum capacity exceeding 5 litres for packaging depending on the type of establishment concerned.

Article 3

Descriptions in accordance with Article 118 of Regulation (EC) No 1234/2007 shall be considered as the name under which the product is sold as referred to in Article 3(1)(1) of Directive 2000/13/EC.

The labelling of oils as referred to in Article 1(1) shall bear, in clear and indelible lettering, in addition to the description referred to in the first paragraph of this Article, but not necessarily close to it, the following information on the category of oil:

(a) extra virgin olive oil:

‘superior category olive oil obtained directly from olives and solely by mechanical means’;

(b) virgin olive oil:

‘olive oil obtained directly from olives and solely by mechanical means’;

(c) olive oil composed of refined olive oils and virgin olive oils:

‘oil comprising exclusively olive oils that have undergone refining and oils obtained directly from olives’;

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(d) olive-pomace oil:

‘oil comprising exclusively oils obtained by treating the product obtained after the extraction of olive oil and oils obtained directly from olives’,

or

‘oil comprising exclusively oils obtained by processing olive pomace and oils obtained directly from olives’.

Article 4

1. Extra virgin olive oil and virgin olive oil as defined in points 1(a) and (b) of Annex XVI to Regulation (EC) No 1234/2007 shall bear a designation of origin on the labelling.

Products defined in points 3 and 6 of Annex XVI to Regulation (EC) No 1234/2007 shall not bear any designation of origin on the labelling.

For the purposes of this Regulation, ‘designation of origin’ means reference to a geographical area on the packaging or the label attached to the packaging.

2. Designations of origin referred to in paragraph 1 shall only consist of:

- (a) in the case of olive oils originating, in accordance with the provisions of paragraphs 4 and 5, from one Member State or third country, a reference to the Member State, to the Union or to the third country, as appropriate; or
- (b) in the case of blends of olive oils originating, in accordance with the provisions of paragraphs 4 and 5, from more than one Member State or third country, one of the following mentions, as appropriate:
 - (i) ‘blend of olive oils of European Union origin’ or a reference to the Union;
 - (ii) ‘blend of olive oils not of European Union origin’ or a reference to origin outside the Union;
 - (iii) ‘blend of olive oils of European Union origin and not of European Union origin’ or a reference to origin within the Union and outside the Union; or
- (c) a protected designation of origin or a protected geographical indication referred to in Regulation (EC) No 510/2006, in accordance with the provisions of the product specification concerned.

3. The names of brands or firms whose registration was applied for no later than 31 December 1998 under Directive 89/104/EEC or no later than 31 May 2002 under Council Regulation (EC) No 40/94 ⁽¹⁾ shall not be considered to be designations of origin covered by this Regulation.

4. In the case of import from a third country, the designation of origin shall be determined in accordance with Articles 22 to 26 of Regulation (EEC) No 2913/92.

⁽¹⁾ OJ L 11, 14.1.1994, p. 1.

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5. The designation of origin mentioning a Member State or the Union shall correspond to the geographical area in which the olives concerned were harvested or in which the mill where the oil was extracted from the olives is situated.

If the olives have been harvested in a Member State or third country other than that in which the mill where the oil was extracted from the olives is situated, the designation of origin shall contain the following wording: '(extra) virgin olive oil obtained in (the Union or the name of the Member State concerned) from olives harvested in (the Union or the name of the Member State or third country concerned)'.

▼ M4*Article 4a*

Information on the special preservation conditions for oils subject to Article 1(1), namely that they must be stored away from light and heat, shall appear on their containers or on labels attached to them.

Article 4b

The mandatory particulars described in the first paragraph of Article 3 and, where applicable, those described in the first subparagraph of Article 4(1), shall be grouped together within the principal field of vision, as defined by Article 2(2)(1) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council⁽¹⁾, either on the same label or on several labels attached to the same container, or directly on the same container. Those mandatory particulars must each be shown in full and in a homogeneous body of text.

▼ B*Article 5*

Among the optional indications which may appear on the labelling of oil as referred to in Article 1(1), those laid down in this Article shall comply with the following respective requirements:

- (a) the indication 'first cold pressing' may appear only for extra virgin or virgin olive oils obtained at a temperature below 27 °C from a first mechanical pressing of the olive paste by a traditional extraction system using hydraulic presses;
- (b) the indication 'cold extraction' may appear only for extra virgin or virgin olive oils obtained at a temperature below 27 °C by percolation or centrifugation of the olive paste;

⁽¹⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

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- (c) indications of organoleptic properties referring to taste and/or smell may appear only for extra virgin or virgin olive oils; the terms referred to in point 3.3 of Annex XII to Regulation (EEC) No 2568/91 may appear on the labelling only if they are based on the results of an assessment carried out following the method provided for in that Annex;
- (d) indication of the acidity or maximum acidity may appear only if it is accompanied by an indication, in lettering of the same size and in the same visual field, of the peroxide value, the wax content and the ultraviolet absorption, determined in accordance with Regulation (EEC) No 2568/91;

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- (e) regarding oils subject to point 1(a) and (b) of Annex XVI to Regulation (EC) No 1234/2007, the harvesting year may be shown only if 100 % of the contents of the container come from that harvest.

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Products sold under trademarks whose registration was applied for no later than 1 March 2008 and which contain at least one of the terms referred to in point 3.3 of Annex XII to Regulation (EEC) No 2568/91 may not comply with the requirements of Article 5, first paragraph, point (c) of this Regulation until ► C1 1 November 2011 ◀.

▼ M5*Article 5a*

Member States may decide that the harvesting year referred to in point (e) of the first paragraph of Article 5 is to be indicated on the label of olive oils referred to in that point of their domestic production, obtained from olives harvested in their territory and intended for their national markets only.

That decision shall not prevent olive oils labelled prior to the date on which that decision takes effect from being marketed until the stocks are exhausted.

Member States shall notify that decision in accordance with Article 45 of Regulation (EU) No 1169/2011.

▼ B*Article 6*

1. Where the presence of oils as referred to in Article 1(1) in a blend of olive oil and other vegetable oils is highlighted on the labelling elsewhere than in the list of ingredients, using words, images or graphics, the blend concerned must bear the following trade description: 'Blend of vegetable oils (or the specific names of the vegetable oils concerned) and olive oil', directly followed by the percentage of olive oil in the blend.

The presence of olive oil may be highlighted by images or graphics on the labelling of a blend as referred to in the first subparagraph only where it accounts for more than 50 % of the blend concerned.

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Member States may prohibit the production in their territory of blends of olive oil and other vegetable oils referred to in the first subparagraph for internal consumption. However, they may not prohibit the marketing in their territory of such blends coming from other countries and they may not prohibit the production in their territory of such blends for marketing in another Member State or for exportation.

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2. With the exception of solid foodstuffs preserved exclusively in olive oil, in particular the products referred to in Council Regulations (EEC) No 1536/92 ⁽¹⁾ and (EEC) No 2136/89 ⁽²⁾, where the presence of oils as referred to in Article 1(1) of this Regulation in a foodstuff, other than those referred to in paragraph 1 of this Article, is stated on the labelling elsewhere than in the list of ingredients, using words, images or graphics, the trade description of the foodstuff shall be directly followed by the percentage of olive oil as referred to in Article 1(1) of this Regulation relative to the total net weight of the foodstuff.

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The percentage of added olive oil relative to the total net weight of the foodstuff may be replaced by the percentage of added olive oil relative to the total weight of fats, adding the words ‘percentage of fats’.

3. The descriptions referred to in the first paragraph of Article 3 can be replaced by the words ‘olive oil’ on the labelling of products referred to in paragraphs 1 and 2 of this Article.

However, where olive-pomace oil is present, the words ‘olive oil’ shall be replaced by the words ‘olive-pomace oil’.

4. The information referred to in the second paragraph of Article 3 is not required on the labelling of products referred to in paragraphs 1 and 2 of this Article.

Article 7

At the request of the Member State in which the address of the manufacturer, packer or seller appearing on the labelling is located, the party concerned shall supply documentation in support of the indications referred to in Articles 4, 5 and 6, based on one or more of the following elements:

- (a) factual elements or scientifically established facts;
- (b) results of analyses or automatic recordings taken on representative samples;
- (c) administrative or accounting information kept in accordance with Union and/or national rules.

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⁽¹⁾ Council Regulation (EEC) No 1536/92 of 9 June 1992 laying down common marketing standards for preserved tuna and bonito (OJ L 163, 17.6.1992, p. 1).

⁽²⁾ Council Regulation (EEC) No 2136/89 of 21 June 1989 laying down common marketing standards for preserved sardines and trade descriptions for preserved sardines and sardine-type products (OJ L 212, 22.7.1989, p. 79).

▼B*Article 8*

1. Each Member State shall forward the name and address of the body or bodies responsible for monitoring the application of this Regulation to the Commission, which shall inform the other Member States and any interested parties who so request.

2. The Member State in which the address of the manufacturer, packer or seller appearing on the labelling is located shall, pursuant to a verification request, take samples before the end of the month following that of the request and verify the truth of the indications on the labelling concerned. This request may be sent by:

- (a) the competent Commission departments;
- (b) an operators' organisation in that Member State referred to in Article 125 of Regulation (EC) No 1234/2007;
- (c) the control body of another Member State.

3. Requests as referred to in paragraph 2 shall be accompanied by all information needed for the requested verification, and in particular:

- (a) the date of sampling or purchase of the oil in question;
- (b) the name or business name and address of the undertaking where the sample was taken or where the oil concerned was purchased;
- (c) the number of batches concerned;
- (d) a copy of all labels appearing on the packaging of the oil concerned;
- (e) the results of analysis or of the other comparative expert opinions indicating the methods used and the name and address of the laboratory or expert concerned;
- (f) where applicable, the name of the supplier of the oil in question as declared by the marketing outlet.

4. Before the end of the third month following that of the request referred to in paragraph 2, the Member State concerned shall inform the requester of the reference number allocated to it and of the action taken.

▼M4*Article 8a*

Each Member State shall verify the accuracy of the labelling, in particular the conformity of the trade name of the product with the contents of the container, on the basis of risk analysis as referred to in Article 2a of Regulation (EEC) No 2568/91. If any irregularity is detected and the manufacturer, packager or seller shown on the label is located in another Member State, the control body of the Member State concerned shall ask for a verification pursuant to Article 8(2).

▼ B*Article 9***▼ M4**

1. Without prejudice to the penalties laid down in Regulation (EC) No 1234/2007 and in Article 3 of Regulation (EEC) No 2568/91, Member States shall implement effective, proportionate and dissuasive penalties at national level if this Regulation is breached.

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The Member States shall communicate to the Commission the measures taken to that end no later than 31 December 2002 and the amendments to those measures before the end of the month following that in which they are adopted.

The Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia shall notify the Commission of the measures referred to in paragraph 1 no later than 31 December 2004, and of amendments to those measures before the end of the month following that in which they are adopted.

Bulgaria and Romania shall communicate to the Commission the measures referred to in the first paragraph no later than 31 December 2010, and the amendments to those measures before the end of the month following that in which they are adopted.

Croatia shall communicate to the Commission the measures referred to in the first paragraph no later than 31 December 2013, and the amendments to those measures before the end of the month following that in which they are adopted.

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2. For the purpose of verifying indications as referred to in Articles 4, 5 and 6, the Member States concerned may introduce arrangements for approving establishments whose packaging facilities are situated in their territory.

Approval shall be granted and alphanumeric identification allocated to any establishment so requesting which meets the following conditions:

- (a) possesses packaging facilities;
- (b) undertakes to collect and keep the supporting documentation required by the Member State under Article 7;
- (c) has a storage system which makes it possible to check the provenance of oils bearing a designation of origin, to the satisfaction of the Member State concerned.

The label shall, where applicable, bear the alphanumeric identification of the approved packaging plant.

▼ M4*Article 10*

The Member States concerned shall forward to the Commission, no later than 31 May each year, a report containing the following information for the previous year:

- (a) requests for verifications received in accordance with Article 8(2);
- (b) verifications started and those started in previous marketing years and still ongoing;

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- (c) verifications started in accordance with Article 8a using the model set out in Annex XXI to Regulation (EEC) No 2568/91;
- (d) the follow-up to the verifications carried out and the penalties applied.

The report shall present this information according to the calendar year in which the verifications were started and by category of infringement. Where applicable, it shall point out any specific difficulties encountered and propose improvements to controls.

Article 10a

The notifications referred to in this Regulation shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

▼B*Article 11*

Regulation (EC) No 1019/2002 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 12

1. This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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2. Products which have been manufactured and labelled in the Union or imported into the Union and put into free circulation in accordance with Regulation (EC) No 1019/2002 before 1 January 2013 may be marketed until all stocks are used up.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

*ANNEX I***Repealed Regulation with list of its successive amendments**

Commission Regulation (EC) No 1019/2002
(OJ L 155, 14.6.2002, p. 27)

Commission Regulation (EC) No 1964/2002
(OJ L 300, 5.11.2002, p. 3)

Commission Regulation (EC) No 1176/2003
(OJ L 164, 2.7.2003, p. 12)

Commission Regulation (EC) No 406/2004
(OJ L 67, 5.3.2004, p. 10)

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Commission Regulation (EC) No 1750/2004
(OJ L 312, 9.10.2004, p. 7)

Commission Regulation (EC) No 1044/2006
(OJ L 187, 8.7.2006, p. 20)

Commission Regulation (EC) No 632/2008
(OJ L 173, 3.7.2008, p. 16)

Commission Regulation (EC) No 1183/2008
(OJ L 319, 29.11.2008, p. 51)

Commission Regulation (EC) No 182/2009
(OJ L 63, 7.3.2009, p. 6)

Commission Regulation (EU) No 596/2010
(OJ L 173, 8.7.2010, p. 27)



ANNEX II

Correlation table

Regulation (EC) No 1019/2002	This Regulation
Articles 1 to 8	Articles 1 to 8
Article 9, paragraph 1	Article 9, paragraph 1
Article 9, paragraph 2	Article 9, paragraph 2
Article 9, paragraph 3	—
Article 10	Article 10
Article 11	—
—	Article 11
Article 12, paragraph 1	Article 12, paragraph 1
Article 12, paragraph 2, first indent	—
Article 12, paragraph 2, second indent	—
Article 12, paragraph 2, third indent	—
Article 12, paragraph 2, fourth indent	—
Article 12, paragraph 2, fifth indent	Article 12, paragraph 2
—	Annex I
—	Annex II