COMMISSION REGULATION (EEC) No 2538/80

of 1 October 1980

amending for the second time Regulation (EEC) No 1058/77 on the characteristics of olive oil and of certain products containing olive oil and amending the Common Customs Tariff nomenclature as regards olive oil

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation No 136/66/EEC of 22 September 1966 on the establishment of a common organization of the market in oils and fats [1], as last amended by Regulation (EEC) No 1917/80 [2], and in particular Articles 14 (4) and 19 (3) thereof,

Whereas Annex I to Commission Regulation (EEC) No 1058/77 [3], as amended by Regulation (EEC) No 3132/78 [4], specified the characteristics of the various types of olive oil; whereas, in practice, certain problems arise as regards the classification of virgin olive oils and virgin lampante olive oils; whereas, therefore, Annex I should be adapted and Annex III concerning Additional Notes to the Common Customs Tariff should consequently be amended;

Whereas the measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Oils and Fats,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC) No 1058/77 is hereby amended as follows:

1. in Annex I, points 1 and 2 are replaced by the text set out in Annex I to this Regulation;
2. in Annex III, the text of Additional Note 2 (B) I and II is replaced by the text set out in Annex II to this Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities.*

It shall apply with effect from 1 November 1980.

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

Done at Brussels, 1 October 1980.

For the Commission

Finn GUNDELACH

Vice-President

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(1) OJ No 172, 30. 9. 1966, p. 3025/66.
(2) OJ No L 186, 19. 7. 1980, p. 1.
(3) OJ No L 128, 24. 5. 1977, p. 6.
(4) OJ No L 370, 30. 12. 1978, p. 62.

ANNEX I

CHARACTERISTICS OF OLIVE OILS

1. For the purposes of subheading 15.07 A I a) of the Common Customs Tariff, 'virgin olive oil' means natural olive oil having the following characteristics :

   (a) a free fatty acid content, expressed as oleic acid, not greater than 3·3 % ;

   (b) a K_{270} extinction coefficient (absorption under a thickness of 1 cm of solution of 1 g of oil per 100 ml in iso-octane (2,2,4-trimethylpentane) at a wavelength of 270 nm) not higher than 0·25 and, after treatment of the sample of oil with activated alumina, not higher than 0·11 ;

   (c) an extinction coefficient variation, in the 270 nm region, not higher than 0·01.

   This variation is defined by :

   $$\Delta K = K_m - 0{\cdot}5 (K_{m-4} + K_{m+4})$$

   where K_m is the extinction coefficient at the wavelength of the maximum of the absorption curve in the 270 nm region, and

   K_{m-4} and K_{m+4} are the extinction coefficients at wavelengths 4 nm lower and higher, respectively, than that of K_m ;

   (d) negative Bellier and modified Vizern reactions, determined by the methods specified in Annex V, Sections A and B ;

   (e) negative soap test carried out according to the method described in Annex VI ;

   (f) such a taste that it is suitable in that state for immediate consumption.

2. For the purposes of subheading 15.07 A I b) of the Common Customs Tariff, 'virgin lampante oil', whatever its acidity, means olive oil :

   — either having the following characteristics :

   (a) a K_{270} extinction coefficient higher than 0·25 and, after treatment of the sample with activated alumina, not higher than 0·11.

   Some oils having a free fatty acid content, expressed as oleic acid, of more than 3·3 % may have, after passage through activated alumina, a K_{270} extinction coefficient higher than 0·11. If so, after neutralization and decolorization in the laboratory by the method specified in Annex IV, they must have the following characteristics :

   — a K_{270} extinction coefficient not higher than 1·10,

   — an extinction coefficient variation, in the 270 nm region, higher than 0·01 but not higher than 0·16 ;

   (b) negative Bellier and modified Vizern reactions, determined by the methods specified in Annex V, Sections A and B ;

   (c) negative soap test carried out according to the method described in Annex VI,

   — or having the characteristics under 1 (a), (b), (c), (d) and (e), but a taste which renders it unsuitable in that state for immediate consumption.

ANNEX II

B. Untreated olive oil means oil with characteristics as defined in Sections I, II and III below.

I. For the purposes of subheading 15.07 A I a) 'virgin olive oil' means natural olive oil obtained exclusively by mechanical processes, including pressure, but does not include mixtures with olive oil obtained otherwise, having the following characteristics :

(a) a free fatty acid content, expressed as oleic acid, not greater than 3·3 % ;

(b) a K_{270} extinction coefficient (absorption under a thickness of 1 cm of solution of 1 g of oil per 100 ml in iso-octane (2,2,4-trimethylpentane) at a wavelength of 270 nm) not higher than 0·25 and, after treatment of the sample of oil with activated alumina, not higher than 0·11 ;

(c) an extinction coefficient variation, in the 270 nm region, not higher than 0·01.

This variation is defined by :

$$\Delta K = K_m - 0{\cdot}5 (K_{m-4} + K_{m+4})$$

where K_m is the extinction coefficient at the wavelength of the maximum of the absorption curve in the 270 nm region, and

K_{m-4} and K_{m+4} are the extinction coefficients at wavelengths 4 nm lower and higher, respectively, than that of K_m ;

(d) negative Bellier and modified Vizern reactions ;

(e) negative soap test ;

(f) such a taste that it is suitable in that state for immediate consumption.

II. For the purposes of subheading 15.07 A I b) 'virgin lampante oil', whatever its acidity, means olive oil :

— either having the following characteristics :

(a) a K_{270} extinction coefficient higher than 0·25 and, after treatment of the sample with activated alumina, not higher than 0·11.

Some oils having a free fatty acid content, expressed as oleic acid, of more than 3·3 % may have, after passage through activated alumina, a K_{270} extinction coefficient higher than 0·11. If so, after neutralization and decolorization in the laboratory, they must have the following characteristics :

— a K_{270} extinction coefficient not higher than 1·10,

— an extinction coefficient variation, in the 270 nm region, higher than 0·01 but not higher than 0·16 ;

(b) negative Bellier and modified Vizern reactions ;

(c) negative soap test,

— or having the characteristics under 1 (a), (b), (c), (d) and (e), but a taste which renders it unsuitable in that state for immediate consumption.