

## **DRAFT ROYAL DECREE AMENDING ROYAL DECREE 760/2021, OF 31 AUGUST, APPROVING THE QUALITY STANDARD FOR OLIVE OILS AND OLIVE POMACE OILS (Version 24/3/26)**

Royal Decree 760/2021, of 31 August, approving the quality standard for olive oils and olive pomace oils, established for the first time in Spain a specific quality standard for olive oils and olive pomace oils, which is separate from the general regulations applicable to other vegetable oils. This decision represented a significant step forward for a strategic sector in our country, the world's leading producer and exporter of olive oil, that is characterised by high economic, social, and commercial value, as well as a constantly growing demand.

One of the most innovative elements of that royal decree was the implementation of a standardised and mandatory traceability system for all operators. This system was designed to allow for the easy location of the products at all stages of production, transport, and marketing, thus reinforcing the correct identification of oils and guaranteeing their authenticity. The regulation also required that all the movements of oil be accompanied by supporting documentation, and that, in the case of bulk oil, these movements had to be reported in advance to the computerised system established by the Ministry of Agriculture, Fisheries and Food. This set of obligations was also integrated into a specific national traceability control plan, aimed at strengthening transparency and consumer and market confidence.

These measures represented an unprecedented milestone in the regulation of the Spanish olive oil sector and were welcomed as a significant step forward in ensuring the exceptional quality of the olive oil, an emblematic element of our agri-food production and the international projection of the Spain Brand.

Five years after its entry into force, the experience gained in the practical application of the regulation has highlighted the need to introduce certain adjustments in order to improve traceability, ensure greater accuracy in the information available to the competent authorities, and ultimately, strengthen the guarantee of the excellence of Spanish olive oils and their competitive position in international markets.

Among the modifications included in this royal decree, firstly, a new definition of "final recipient of the goods" is incorporated, in order to resolve the problems detected in the management of imports from third countries. The new definition will allow for clearer identification of the responsible operator, thus improving the traceability of these movements.

Secondly, it introduces the obligation to notify the system when the movement of the olive oil is complete. Administrative practice has shown that, in the absence of this confirmation, numerous transactions remain open in the system

without proof of their actual delivery, which hinders control by the competent authorities and reduces the reliability of the recorded information.

Thirdly, the documentary system established in 2021 regarding the transport of bulk olive oils and olive pomace oils is reinforced. While Royal Decree 760/2021, of 31 August, already imposed the obligation to accompany these movements with an analysis bulletin or similar document, this amendment adds the requirement to incorporate these documents into the computerised system at the time of the notification. Furthermore, when the operator provides an equivalent document instead of the bulletin, this fact may be considered by the competent authorities as a criterion in their risk analysis, especially when preparing the control plans.

The content of this royal decree complies with the principles of good regulation set out in Article 129 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations. Thus, by virtue of the principles of necessity and effectiveness, this regulation is justified by the need to update the regulations of the olive oil and olive pomace oil sector, the refining of the traceability requirements being the most appropriate means to achieve the objectives pursued. The principles of efficiency and proportionality have also been taken into account, establishing regulations and limiting administrative burdens to the minimum necessary for achieving the intended objectives. In accordance with the principle of transparency, in addition to the public consultation process, the autonomous communities, as well as the representative entities of the affected sectors and consumers, were consulted during the drafting of this provision, and the Interministerial Commission for Food Regulation issued its mandatory report. Finally, the royal decree adheres to the principle of legal certainty, maintaining consistency with the rest of the applicable legal framework and allowing operators the necessary transitional periods for adapting to the regulation.

In the process of drafting this royal decree, representative entities of the sector, the autonomous communities and the Interministerial Commission for Food Regulation have been consulted. It has been submitted to the information procedure provided for in Directive (EU) 2015/1535 of the European Parliament and of the Council, of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and rules on information society services, and in Royal Decree 1337/1999, of 31 July, which regulates the submission of information on technical standards and regulations and regulations relating to information society services and submitted to the World Trade Organization (WTO) for the purpose of notification under the Agreement on Technical Barriers to Trade.

This Royal Decree is issued pursuant to Article 149.1.13 of the Spanish Constitution, which grants the State exclusive competence over the basic principles and coordination of general economic planning.

Likewise, Law 28/2015, of 30 July, on the defence of food quality, establishes the legal framework for the protection of food quality, setting forth its basic regulations. Its fourth final provision empowers the Government to approve quality standards for food products. These standards ensure and maintain the quality of the products offered on the market, given that their characterisation and categorisation facilitate consumer choice by allowing them to compare and select that which best suits their tastes or needs.

Therefore, at the proposal of the Minister of Agriculture, Fisheries and Food, the Minister of Industry and Tourism and the Minister of Social Rights, Consumer Affairs and Agenda 2030, in accordance with the Council of State, and after deliberation by the Council of Ministers at its meeting of XX of XX of XX,

#### THE FOLLOWING IS DECREED

**Single article.** *Amendment to Royal Decree 760/2021, of 31 August, approving the quality standard for olive oils and olive pomace oils.*

Royal Decree 760/2021, of 31 August, approving the quality standard for olive oils and olive pomace oils, is amended as follows:

One. A new Letter n) is added to Section 2 of Article 3:

“n) Final recipient of the goods: the natural or legal person who, having facilities in the olive oil sector in Spain, is listed by any legal title as responsible for the entry of the oil into national territory and is registered in the computerised system referred to in Section 2 of Article 4.”

Two. A new Section 2(a) is added to Article 4:

“2(a). In the transport of bulk olive oils and olive pomace oils, it will be mandatory that, at the time of receipt at the destination establishment, the new holder of the goods confirms the receipt of the same in the computerised system referred to in Section 2, as well as their agreement with the data previously notified in accordance with Annex II and with the analysis bulletin or similar document signed by the consigning operator of the oil that certifies its classification, without this action implying the acceptance of its material or legal conformity. The analysis report or similar document signed by the operator holding the goods will be valid at the time of confirmation in the system as a document proving the classification of the oil granted by the consigner. In the case of bulk transports of olive oils or olive pomace oils destined for third countries or other Member States, as well as for industries other than those in

the olive oil and olive pomace oil sector, the holder of the olive oils and olive pomace oils at the time of consignment will be responsible for notifying the system.”

Three. Section 3 of Article 4 is worded as follows:

“3. It will be mandatory that in the transport of olive oils and olive pomace oils, whether in bulk or not, the goods are accompanied, in all cases and at all times, by a document that includes at least the data collected in Annex II of this Royal Decree and that unequivocally identifies the name of the corresponding product according to the applicable regulations.

Furthermore, in the case of bulk transport, the goods must be accompanied by a signed analysis report or similar document that certifies the classification of the olive oil or olive pomace oil declared in the accompanying document. The analysis report or similar document must be included in the computerised system referred to in Section 2. In cases where the registered document is not the analysis report, this fact may be taken into account by the competent authorities as an evaluation criterion in the risk analysis when preparing the corresponding control plans.

For bulk transport, the computerised system mentioned in Section 2 will generate the accompanying document.

The operator responsible for carrying the accompanying document established in this section will be:

- a) The holder of the olive oils and olive pomace oils at the time of consignment.
- b) In the case of transports of olive oils or olive pomace oils originating from third countries or other Member States, the final recipient of the goods.”

First final provision. *Jurisdictional competence.*

This royal decree is issued under the provisions of Article 149.1.13 of the Spanish Constitution, which attributes to the State exclusive competence over the bases and coordination of the general planning of economic activity.

Second final provision. *Entry into force.*

This royal decree shall enter into force on 1 October 2026.

Issued in Madrid, on the [X] of [X] of 2026.

FELIPE R.

The Minister of the Presidency, Justice and Relations with the Courts

FÉLIX BOLAÑOS GARCÍA