

(English version)

**Priority question for written answer P-001388/25
to the Commission
Biljana Borzan (S&D)
(4 April 2025)**

Subject: Classification of extra virgin and virgin olive oils under EU law

According to Article 38 of the Treaty on the Functioning of the European Union, ‘agricultural products’ include products of the soil and products of first-stage processing of those primary products. Extra virgin and virgin olive oils are obtained solely by mechanical means, without chemical treatment, suggesting they could be classified as either primary agricultural products or products of first-stage processing.

However, there appears to be ambiguity in how this classification is interpreted across Member States. This has led to inconsistencies in regulatory and tax treatment for olive oil producers, which may create obstacles to the proper functioning of the internal market.

1. Can the Commission clarify whether extra virgin and virgin olive oils are considered primary agricultural products or processed products under EU law?
2. Are there specific legal acts — regulations, directives or delegated acts — that explicitly define the classification of these oils?
3. How does the Commission intend to ensure that this classification is interpreted uniformly across Member States, to avoid distortions in the market?

Submitted: 4.4.2025

**Answer given by Mr Hansen on behalf of the European Commission
(8 May 2025)**

The products of the olive oil and table olives sector listed in Part VII of Annex I of Regulation (EU) No 1308/2013 ⁽¹⁾ are agricultural products covered by the scope of that regulation.

Regulation (EU) 2022/2104 on olive oil marketing standards ⁽²⁾ further defines olive oil categories included in Regulation (EU) 1308/2013 by several physico-chemical characteristics, to ensure a smooth functioning of the EU market. The Commission has not been informed of any market distortion resulting from the above classification.

⁽¹⁾ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007; ELI: <http://data.europa.eu/eli/reg/2013/1308/2023-01-01>

⁽²⁾ Commission Delegated Regulation (EU) 2022/2104 of 29 July 2022 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards marketing standards for olive oil, and repealing Commission Regulation (EEC) No 2568/91 and Commission Implementing Regulation (EU) No 29/2012; ELI: http://data.europa.eu/eli/reg_del/2022/2104/oj