



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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Thank you for your email of 2 June 2021 (Ares (2021)4092746 regarding the approval of vitamins in organic production. Please accept my apologies for the late reply.

In your email, you state that it would be useful within the frame of the discussions of the Committee on organic production on feed for particular nutritional purposes to know how EGTOP evaluation of certain feed additives has been done previously, especially in regards to the vitamins (e.g. B, A,D,E) approved to be used in organic production.

Looking back into previous organic legislation, it appears that, initially, when the rules for organic production were introduced for livestock for the first time by Council Regulation (EC) No 1804/1999 supplementing Regulation (EEC) No 2092/91 of 24 June 1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs to include livestock production¹, vitamins were authorised under Annex II Part D point 1.2 based on the needs of the organic livestock sector and with no independent technical expertise supporting this particular entry.

Point 1.2 of Part D of Annex II to Regulation (EEC) No 2092/91² related to authorised vitamins as nutritional feed additives in organic production was amended several times afterwards. The whereas of the successive Commission Regulations amending the point mentioned above do not refer to an independent technical report justifying the amendments made, but, feasibility issues linked to the persisting existing regional differences in the possibility, in particular for organic ruminants, to obtain the necessary essential vitamins A, D and E through their feed rations.

The current Commission Regulation (EC) No 889/2008³ has also provisions related to vitamins authorised as nutritional feed additives in organic production in Annex VI point 3 (a) vitamins, pro-vitamins and chemically well-defined substances having similar effect

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31999R1804&qid=1629889630024>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01991R2092-20090101&qid=1630075273277>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02008R0889-20210101&qid=1629895693093&from=EN>

with the ID number or functional groups 3a. There was no independent technical report supporting this entry at the time of the adoption of that Regulation; as for several other products and substances authorised under that Regulation, this entry in the Annex was made on the basis of the previous organic legislation and the need of ensuring continuity of organic livestock production.

The first expert group for technical advice on organic production (EGTOP) was established by Commission Decision 2009/427/EC⁴ and so far, this first EGTOP group and the following ones have not been requested to re-examine the technical aspects of the authorisation as nutritional feed additives of vitamins, pro-vitamins and chemically well defined substances for livestock.

Under the heading point 3 (a) vitamins, pro-vitamins and chemically well-defined substances having similar effect of Annex VI to Regulation (EC) No 889/2008, only Betaine anhydrous was assessed by EGTOP⁵ for livestock and was then included into Annex VI point 3 (a) of Regulation (EC) No 889/2008 with the ID number or functional groups 3a9320.

Please note that the listing of vitamins and pro-vitamins as authorised nutritional feed additives in Annex III Part D to Commission implementing Regulation (EU) 2021/1165 authorising certain products and substances for use in organic production and establishing their lists⁶, which will apply from 1 January 2022, was based also on the fact that these were authorised previously under Regulation (EC) No 889/2008 as mentioned in whereas (1) of that Regulation.

The present opinion is provided on the basis of the facts as set out in your email of 2 June 2021 and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32009D0427&qid=1629889883100>

⁵ https://ec.europa.eu/info/sites/default/files/food-farming-fisheries/farming/documents/final-report-egtop-feed-iii-and-food-v_en.pdf

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R1165&qid=1629895537636&from=EN>