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Directorate B. Quality, Research & Innovation, Outreach

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I would like to thank you for your email<sup>1</sup> of 22 June 2021 on the use of carnauba wax (E 903) as surface treatment of citrus and on food additives on organic pre-cut and refrigerated fruit and vegetables.

The report on food I<sup>2</sup> from the Expert Group for Technical Advice on Organic Production (EGTOP) concluded that carnauba wax should be authorised as a glazing agent only for confectionary; its use as a surface treatment of organic fruit was specifically excluded. Consequently, carnauba wax (E 903) has been listed in Annex VIII to Regulation (EC) No 889/2008<sup>3</sup> with the restriction “*as a glazing agent for confectionary only*”. In the same EGTOP report, the Group’s opinion is that “*surface treatment of organic fruits with waxes might not be recommended due to conflicts with their authenticity (they look different from original)*”.

Later, in the EGTOP report on food IV<sup>4</sup>, the group considered that “*the use of carnauba could be allowed on citrus in areas and for productions with mandatory low temperature treatments, and only for the time the quarantine measures are into force, and no alternatives are available*”. Consequently, the following use for carnauba wax is included in Annex VIII to Regulation (EC) No 889/2008 “*As a mitigation method for mandatory extreme cold treatment of fruit as a quarantine measure against harmful organisms (Commission Implementing Directive (EU) 2017/1279)*”.

In the recently published Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists<sup>5</sup>, carnauba wax on citrus fruit is only allowed as a mitigation method for mandatory extreme cold treatment of fruit as a quarantine measure against harmful organisms (Commission Implementing Directive (EU) 2017/1279).

<sup>1</sup> ARES(2021)4141154

<sup>2</sup> [EGTOP report on food I \(2012\)](#)

<sup>3</sup> [Commission Regulation \(EC\) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation \(EC\) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control \(OJ L 250 18.9.2008, p. 1\)](#)

<sup>4</sup> [EGTOP report on food IV \(2018\)](#)

<sup>5</sup> OJ L253, 16.7.2021, p.13

As regards your question on the possible use of food additives on organic pre-cut and refrigerated fruit and vegetables, the following provisions apply:

- In its Article 3, point (73), Regulation (EU) 2018/848<sup>6</sup> refers to Article 2(1), point (m) of Regulation (EC) No 852/2004<sup>7</sup> for the definition of processing<sup>8</sup> and expands this definition to include in particular “*the use of substances referred to in Article 24 of this Regulation*”,
- In its Article 24(2), Regulation (EU) 2018/848 provides that the Commission may authorise in particular food additives for use in the production of processed organic food.

Consequently, additives may be authorised to organic pre-cut and refrigerated fruit and vegetables and the use of such additives on these products would turn them into processed products. As mentioned in your letter, additives such as ascorbic acid (E 300), citric acid (E 330), sodium citrates (E 331), calcium citrates (E 333), sodium alginate (E 401) and potassium carbonate (E 501) are authorised under Regulation (EC) No 1333/2008<sup>9</sup> for prepacked refrigerated peeled, cut and shredded fruit and vegetables ready for consumption and they are also authorised for products of plant origin under Regulation (EU) 2021/1165. Consequently, they may be used in organic peeled, cut and shredded fruit and vegetables. The same applies to E 300, E 330, E 331 and E 333 for organic frozen fruit and vegetables.

The present opinion is provided on the basis of the facts as set out in your email of 22 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 sincerely,



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<sup>6</sup> [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \(OJ L 150, 14.6.2018, p. 1\)](#)

<sup>7</sup> [Regulation \(EC\) No 852/2004 of the European parliament and of the council of 29 April 2004 on the hygiene of foodstuffs \(OJ L 139 30.4.2004, p. 1\)](#)

<sup>8</sup> *'processing' means any action that substantially alters the initial product, including heating, smoking, curing, maturing, drying, marinating, extraction, extrusion or a combination of those processes.*

<sup>9</sup> [Regulation \(EC\) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives \(OJ L 354 31.12.2008, p. 16\)](#)