



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Reference: Question on imports from Sri-Lanka
(internal reference Ares(2022)3127521 – 21/04/2022)

Dear Madam,

Thank you for your e-mail enquiring on imports from Sri-Lanka. We understand your question is related to the requirement under Regulation (EU) 2018/848 on the use of flavourings.

Regulation (EU) 2018/848¹ started applying on 1 January 2022. As provided under point 2.2.2 (b) of Part IV of Annex II to that Regulation “substances and products defined in points (c) and (d)(i) of Article 3(2) of Regulation (EC) No 1334/2008 that have been labelled as natural flavouring substances or natural flavouring preparations in accordance with Article 16(2), (3) and (4) of that Regulation” may be used in the processing of food.

Please note that these provisions on flavourings in organic products are almost identical to the ones laid down under Council Regulation (EC) No 834/2007². Article 27.1 (c) of Regulation (EC) No 889/2008³ provided that only the products and substances as defined in Articles 1(2)(b)(i) and 1(2)(c) of Council Directive 88/388/EEC⁴ labelled as natural flavouring substances or natural flavouring preparations, according to Articles 9(1)(d) and (2) of that Directive can be used in the processing of organic food. In particular, in accordance with the reference to Article 9(2) of that Directive, it provided that only products and substances where the flavouring component has been isolated solely or almost solely from the foodstuff or the flavouring source concerned, may be used in

¹ 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).

² Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ L 189, 20.7.2007, p. 1).

³ 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).

⁴ Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source materials for their production (OJ L 184, 15.7.1988, p. 61).

organic product. While, with the reference to Article 16(4) of Regulation 1334/2008⁵ in Regulation (EU) 2018/848, it results that only products and substances where the flavouring components have been obtained by at least 95 % by w/w from the source material referred to, may be used in an organic product.

Concerning organic products coming from Sri Lanka, a number of control authorities and control bodies have been recognised under Article 33(3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union⁶. Please note that at present, no control authority or control body has been yet recognised under Article 46 of Regulation (EU) 2018/848 to carry out controls and to issue certificates for the import of organic products in the EU according to the provisions of Article 45(1) point (b)(i) of that Regulation.

According to Article 57(1) of Regulation (EU) 2018/848, the recognition of control authorities and control bodies granted under Article 33(3) of Regulation (EC) No 834/2007 shall expire by 31 December 2024 at the latest. When placed on the Union market until the end of the abovementioned transitional period, organic products imported into the Union according to Article 33(3) of Regulation (EC) No 834/2007 have to be produced in accordance with the production rules and subject to control arrangements equivalent to those laid down in Regulation (EC) No 834/2007 as well as with the associated implementing rules laid down in Commission Regulations (EC) No 889/20086 and (EC) No 1235/2008.

The present opinion is provided on the basis of the facts as set out in your e-mail of 21 April 2022 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,



⁵ Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (OJ L 354, 31.12.2008, p. 34)

⁶ Please see Commission Implementing Regulation (EU) 2021/2325 of 16 December 2021 establishing, pursuant to Regulation (EU) 2018/848 of the European Parliament and of the Council, the list of third countries and the list of control authorities and control bodies that have been recognised under Article 33(2) and (3) of Council Regulation (EC) No 834/2007 for the purpose of importing organic products into the Union (OJ L 465, 29.12.2021, p. 8).