



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
The Director

Brussels
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[REDACTED]

Thank you for your email¹ of 22 December 2020 following our reply² on the possibility to authorise leaves of *Ilex guayusa* as a non-organic agricultural ingredient under Article 29 of Regulation (EC) No 889/2008³.

Regarding the plant *Ilex guayusa*, I confirm that it is an agricultural product covered by Article 1(2)(a) of Regulation (EC) No 834/2007⁴. As a live tree, it would be classified under Chapter 6 of the Combined Nomenclature: “*Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage*”.

The present opinion is provided on the basis of the facts as set out in your e-mail of 23 December 2020 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,



¹ Ares(2020)7901172

² Ares(2020)7434389

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 Regulation \(EC\) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation \(EEC\) No 2092/91 \(OJ L 189, 20.07.2007, p. 1\)](#)

