



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 e-mail that you sent us on 25 September 2019 (Ares(2019)5959075) in which you ask for clarification of several points related to organic production. Please accept my apologies for the late reply.

First, you ask if it is correct to say that if, for example, coffee from Bolivia is to be marketed in the EU with the organic label, its production in Bolivia must follow Commission Implementing Regulation (EU) 2016/673<sup>1</sup>, especially with regard to the list of products that can be used (Annex II).

Article 16 (1) of Regulation (EC) No 834/2007 provides for the Commission to authorise substances which may be used as pesticides in organic production. Regulation (EC) No 889/2008<sup>2</sup> sets out in Annex II a restricted list of pesticides authorised in organic production. Please note that Regulation (EU) 2016/673 is an amendment to Regulation (EC) No 889/2008, and does not provide the most recent consolidated version of Annex II.

In order to import and place on the EU market organic coffee from Bolivia, the product has to be produced in accordance with production rules assessed as equivalent to those of Regulation (EC) No 834/2007 and Regulation (EC) No 889/2008 as required by Article 33(1) of Regulation (EC) No 834/2007. In addition, the producer must be certified by a control body recognised by the Commission in accordance with Article 33(3) of Regulation (EC) No 834/2007<sup>3</sup>.

The production rules assessed as equivalent applicable in third countries include the list of active substances authorised in Annex II to Regulation (EC) No 889/2008; however, on a case by case basis the Commission may assess whether other substances can be used

<sup>1</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016R0673&qid=1579168988088&from=EN>

<sup>2</sup> <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008R0889>

<sup>3</sup> <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32007R0834>

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in a third country provided that they are in line with the objectives and principles of organic production as set out in Regulation (EC) No 834/2007.

Second, you ask if the term ‘plant oils’ in Regulation (EU) 2016/673 is to be understood as plant oils that are registered according to Regulation (EU) No 540/2011<sup>4</sup>.

This is correct; all substances listed in Annex II to Regulation (EC) No 889/2008 (to which Regulation (EU) 2016/673 is an amendment) have to comply at least with the conditions for use as specified in the Annex to Regulation (EU) No 540/2011.

Finally, you ask if (for example) a by-default MRL is set at an LOD of e.g. 0.1 mg/kg for a conventional product, this means for organics that the residue should be absent at this concentration or whether a 0.01 mg/kg by-default MRL applies.

By default, an MRL of 0.01 mg/kg applies to all residues found in or on food and feed of plant and animal origin. This means that unless a different MRL has been set for a substance in or on a particular product, the residue may not exceed this level. This applies to conventional and organic products alike and MRLs are not set in a different way for organic products. However, in case a residue of a product or substance not authorised for use in organic production is detected in or on organic products, even if the residue is below the MRL, this could lead to an investigation which could result in the product not being allowed to be marketed as organic.

The present opinion is provided on the basis of the facts as set out in your e-mail 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>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02011R0540-20191101&qid=1579169327741&from=EN>