



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate H - Sustainability and Quality of Agriculture and Rural Development
H.3. Organic farming

14 JAN. 2011

Brussels,
AGRI H.3/MF-rmh D(2010) D1045390

Subject: Ingredients of agricultural origin

Dear

Thank you for your letter in which you ask for clarification on whether natural flavours can be taken into account as ingredients of agricultural origin and whether they can be labelled organic. This question is posed in the context of the product "flavoured water".

Your question on whether natural flavours can be considered as from agricultural origin and consequently labelled organic is closely related to the interpretation of the scope of the organic farming legislation, namely Council Regulation (EC) No 834/2007. Article 1(2) limits the scope clearly to products originating from agriculture or aquaculture, in particular to unprocessed agricultural products, processed agricultural products used for food, feed, vegetative propagating material and seed. A detailed list of the basic agricultural products is given in Annex I of the Treaty on the functioning of the European Union.

The question, on whether products not listed in Annex I of the Treaty, but also commonly produced in an agricultural manner, can be considered as agricultural products in the meaning of the organic farming legislation is answered by examples of other EU legislation in the framework of certain sectorial legislation in the framework of the Common Agricultural Policy. Regulation (EC) No 3448/93, allows for the extension of this Annex I to other "processed agricultural products" possessing a certain "*caractère accessoire*". Such products, provided they are used for food pursuant to the definition in Article 2 of Regulation (EC) No 178/2002, may then be subject to the organic farming legislation.

The later interpretation allows that processed products such as food ingredients with flavouring properties, flavours, essential oils and extracts from agricultural raw material, which are not listed in the mentioned Annex I, but intended for human consumption as food, may be subject to the organic farming legislation. Hence they may be labelled

"organic" according to that legislation provided their production process complies with the respective rules of Regulation 834/2007 and its implementing rules.

Following above logic, the product "flavoured water" could be also labelled "organic" if all ingredients including the natural flavours of agricultural origin are produced according to the organic farming legislation. In that case the exemption for natural flavours from being calculated as ingredient of agricultural origin pursuant to Article 27(2)(b) is obsolete.

The above mentioned information is provided on the basis that in the event of a dispute arising on the meaning of a provision of EC Law it is, under the European Treaties, ultimately for the Court of Justice to provide a definitive interpretation.

Yours sincerely,



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Director General

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