



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
PP/nb/agri.ddg1.b.4(2021)434850



Thank you for your e-mail of 6 January 2021 (Int. Ref. ARES (2021)110908) by which you ask clarifications on whether EU requirements concerning maximum levels for heavy metals in soil exist for the production of organic rice and on whether such presumed levels are considered in the certification of organic rice.

I can confirm that in the European Union, there are no requirements with respect to the maximum levels of heavy metals in soils for the production of organic rice, but maximum levels are set for heavy metals in foodstuffs under Commission Regulation (EC) 1881/2006¹. Therefore, organic products must also comply with those maximum levels to be placed on the market in the European Union.

In addition, I would bring your attention to Article 3 of Regulation (EC) No 834/2007² which includes among the objectives the production of high quality organic products, as well as to its Article 4 laying down the overall principles for the production of organic food where organic productions shall be based, among others, on the following principle:

“The appropriate design and management of biological processes based on ecological systems using natural resources which are internal to the system by methods that:

.....

(iv) are based on risk assessment, and the use of precautionary and preventive measures, when appropriate;”.

¹ Commission Regulation (EC) No 1881/2006 of 19 December 2006 setting maximum levels for certain contaminants in foodstuffs (OJ L 364, 20.12.2006, p. 5).

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. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02007R0834-20081010&qid=1396976187958&from=EN>



This precautionary approach is further detailed in Article 63 of Regulation (EC) No 889/2008³, which lays down that the operator shall draw up and subsequently maintain “*precautionary measures to be taken in order to reduce the risk of contamination by unauthorised products or substances and the cleaning measures to be taken in storage places and throughout the operator's production chain*”.

Therefore, the operator has the responsibility to ensure that any critical step does not jeopardise the integrity of organic products. This is particularly relevant in case a soil contamination that could potentially result in a contamination of final products, hence it is the responsibility of the operator to identify and apply the best precautionary measures to ensure integrity of the specific organic production.

Please note that the legal situation on this issue will remain similar with the entry into force of the new rules on organic production Regulation (EU) 2018/848.⁴

The present opinion is provided on the basis of the facts as set out in your e-mail of 6 January 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,



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. 1–84).

⁴ Please put relevant articles on precautionary measures and legal ref to reg