



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
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Dear Mr Langberg Lind,

Thank you for your letter concerning natural flavourings in organic food.

You indicate your concern that the possibility to add natural flavourings could be a way to circumvent the rule that only 5% of agricultural ingredients may be non-organic and that flavourings containing novel foods (i.e. stevia) non-authorized in the production of processed organic food could sneak into organic food when declared as natural flavourings.

Article 19 of Regulation (EC) No 834/2007 sets out the general rules on the production of processed food. Flavourings can be authorised for the use in organic production pursuant to Articles 19(2)(b) and 21 of Regulation (EC) No 834/2007. According to Article 27(1)(c) of Regulation (EC) No 889/2008 "*substances, and products as defined in Articles 1(2)(b)(i) and 1(2)(c) of Council Directive 88/388/EEC (15) 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. Thus, natural flavourings are authorised in organic production if they fall under the referred definitions and fulfil the requirements of Directive 88/388/ECC (or now Regulation (EC) No 1334/2008)

Article 23(4)(a) of Regulation (EC) No 834/2007 on labelling states that processed food can be labelled as organic if the product complies with Article 19 and that at least 95% by weight, of its ingredients of agricultural origin are organic.

For the purpose of the calculation above, Article 27(2)(b) of Regulation (EC) No 889/2008 specifies that "preparations and substances referred to in paragraph (1)[..](c)" i.e. natural flavourings "**shall not be calculated as agricultural ingredients**". Therefore, natural flavouring substances or natural flavouring preparations are not ingredients of agricultural origin for the purpose of calculating the 95% rule above. Thus, "natural flavourings" cannot be used to circumvent the 5% non-organic agricultural ingredients by weight of the total of agricultural ingredients, since they are not counted as agricultural ingredients. It would still however be possible to mislead the consumer if natural flavourings are added in large scale. However, before we undertake action to rectify this

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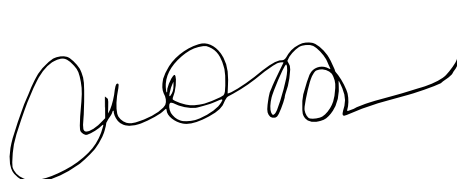
situation we would like to know the scale of the problem and we invite you to provide us with examples of such practices.

You refer also to a situation where a natural flavouring could contain stevia. In our view, this could entail a circumvention of Article 19(2)(b) of Regulation (EC) No 834/2007 and Article 27(1)(a) of Regulation (EC) No 889/2008, if the purpose of the substance (so called "natural flavouring") is to perform a technological function for example as a sweetener which means that it is in fact an additive as pure sweeteners do not fall in the scope of the flavouring Regulation.

I am grateful that you raised the issue at the last meeting of the COP so that an exchange of view on this subject could take place between the Member States and the Commission. We will place your letter and this letter on the CIRCABC website so that it will be available for all Member States.

Please note that the present information is provided on the basis of the facts as set out in your email 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,



María Angeles BENITEZ SALAS