



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
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Dear [REDACTED],

I thank for your e-mail of 7 January 2019 (Int. Ref. Ares(2019)40307) asking whether organic feed, correctly labelled with a presence of genetically modified organisms (GMOs) below 0.9% considered technically unavoidable, may be used in organic production.

First of all, I would recall Article 9 of Council Regulation (EC) No 834/2007¹ which lays down the prohibition of the use of GMOs and products produced from or by GMOs as food, feed, processing aids, plant protection products, fertilisers, soil conditioners, seeds, vegetative propagating material, micro-organisms and animals in organic production.

This Article also provides for the possibility for the operators to assume that no GMOs or products produced from GMOs have been used in the manufacture of purchased food and feed products, when the latter are not labelled, or accompanied by a document, pursuant to Directive 2001/18/EC², Regulation (EC) No 1829/2003³ or Regulation (EC) No 1830/2003⁴ concerning the traceability and labelling of GMOs and the traceability of food and feed products produced from GMOs.

I would also recall the provisions of Article 26 of Regulation (EC) No 889/2008⁵ for the operators to put in place appropriate procedures to ensure products comply with the organic production rules, in particular take precautionary measures to avoid the risk of any possible contamination.

Finally, Article 27 of Regulation (EC) No 834/2007 provides for Member States to set up a system of controls to verify the compliance of operators. Consequently, the assessment

¹ 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)

² Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC (OJ L 18, 12.03.2001, p.1)

³ Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed (OJ L 268, 18.10.2003, p.1)

⁴ Regulation (EC) No 1830/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC (OJ L 268, 18.10.2003, p.24)

⁵ 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)

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on whether the presence of GMOs could represent an irregularity or an unavoidable contamination must be carried out on a case-by-case basis and is the competence of control authorities.

The present opinion is provided on the basis of the facts as set out in your e-mail of 7 January 2019 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,



Nathalie SAUZE-VANDEVYVER