



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels, **15 MAI 2013**
RH/sam agri.ddg3.h.3(2013)1100985

Subject: Products and substances listed in Annex VIIIa of Regulation (EC) No 889/2008

Dear Mr Vaccari,

Thank you for your letter of 14 April 2013 in which you enquire about a possible introduction of certification procedure for products and substances listed in Annex VIIIa of Regulation (EC) No 889/2008 (i.e. products and substances authorized for use or addition in organic products of the wine sector referred to in Article 29c of Regulation (EC) No 889/2008).

Firstly, let me recall you that in accordance with the EU organic legislation, the composition of the operator's products must be checked under the control system set up in accordance with Title V of Regulation No 834/2007¹. In particular, the compliance with Article 19 of Regulation (EC) No 834/2007 as regards the general rules on the production of processed food must be verified by the control authority or the control body under whose control the operator has placed its operation.

As regards the possibility to introduce a certification procedure for products and substances authorised for use as additives in the wine sector, I would like to underline the following elements from the organic farming legislation.

Please note that the EU organic legislation does not contain requirements relating to the production and characteristics of additives and these kinds of products cannot be certified as organic under that legislation.

In accordance with Article 19(2)(b) of Council Regulation (EC) No 834/2007 "*only additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses may be used, and only in so far as they have been authorised for use in organic production in accordance with Article 21*" of Council Regulation (EC) No 834/2007.

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.(O.J. L 189 , 20/07/2007, p. 1.)

Mr Stefano VACCARI

Director General – Ministero delle Politiche Agricole, Alimentari e Forestali

E-mail: PQA5@mpaaf.gov.it

To conclude, under the current EU organic legislation, it is not possible to introduce the certification procedure that would allow labelling additives as organic. Nevertheless, it is to be noted that, under the control system set up in accordance with Article 27 of Regulation (EC) No 834/2007, control bodies and control authorities are responsible for checking whether the additives used by wine producers are included in Annex VIIIa of Regulation (EC) No 889/2008.

The present opinion is provided on the basis of the facts as set out in your letter and on the understanding that in the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above the printed name.

Jerzy PLEWA