



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
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Dear [REDACTED]

Thank you for your Mail of 22 October (Ares(2019)6522712) requesting confirmation of issues that we discussed in our meeting on 21 October. Please accept my apologies about the late reply.

You raised four issues affecting in particular organic agricultural producers:

- 1) Companies are using drinking water that is already chlorinated by the municipal water company. Washing and blanching in drinking water may result in residues of chlorate > 0,01ppm in organic products. Will producers be ok as long as they can demonstrate to authorities/certification bodies that the residue is NOT linked to pesticide usage, but originates solely from the use of drinking water?
- 2) Respecting the default MRL when using drinking water for the production of organic is not possible. As chlorine (which gives rise to the breakdown product chlorate) is not on the list of approved PPPs for organic, it would seem that industry could not produce organic frozen FVH (fruit, vegetables and herbs) in a legal way;
- 3) For organic herbs, low chlorate contamination levels were measured even before washing with drinking water – possibly due to irrigation. So even if chlorate is not used as a pesticide and even if there is no chlorine decontamination step during the process, chlorate is present in organic herbs (data from Spain and France available upon request);
- 4) Companies stress the importance for a clarification of this question at EU level, rather than MS or local level, so that they have certainty and don't face different justification requirements at each national and regional control level of the country in which they sell.



Below I will address the four issues in as much this is within the responsibility of the Commission:

- 1) Member State's authorities or control bodies may decide to take action when they encounter chlorate in samples from fruit and vegetables. It is up to organic producers to show that the residues are caused by rinsing with drinking water and to convince the authorities and/or control bodies that they could not avoid the contamination.
- 2) EU MRLs must be respected by both conventional and organic producers. The Commission has prepared a draft Regulation intending to replace the default MRL based on extensive consultations with all relevant stakeholders and Member States. It is up to the Member States enforcement authorities to decide on the appropriate action when in the meantime the default MRL is exceeded both in conventional and organic products. However, the Member States are aware of the problem.
- 3) If the origin is unknown, Member State authorities or control bodies may decide to further investigate the matter to ensure that chlorate was not used illegally as a plant protection product or biocide and that the contamination was unavoidable. Cases are documented in the literature, that would help in such an investigation to find the cause.
- 4) The Commission has already raised the issue with the Member States several times so that they are in a position to prevent problems when encountering this substance.

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

