



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability  
The Director

Brussels

I would like to thank you for your e-mail<sup>1</sup> of 23 September 2022 asking for clarification with respect to the possible reference to BIO in a product labelled BIORIZ used in the filtering of liquid food products.

You explain the following: *“Bioriz is a product originated from husk after a sterilization process of rice to obtain parboiled rice. Rice husk falls under the scope of Regulation 2018/848 being part of Ch. 12 listed in Annex I of the TFEU. Our doubt arises from the fact that this specific product, Bioriz, as described above, is a result of a transformation process so, as processed product, it would fall under the scope of EU Reg. 2018/848 only if it was intended to be used as food (Art. 2(1)(b)).”*

On the basis of this information, it appears that BIORIZ placed on the market for filtering food is not included in the scope of Regulation (EU) 2018/848<sup>2</sup>.

Please note that Article 2(1) states that Regulation (EU) 2018/848 applies to *“to the following products originating from agriculture, including aquaculture and beekeeping, as listed in Annex I to the TFEU and to products originating from those products, where such products are, or are intended to be, produced, prepared, labelled, distributed, placed on the market, imported into or exported from the Union:*

- (a) live or unprocessed agricultural products, including seeds and other plant reproductive material;*
- (b) processed agricultural products for use as food;*
- (c) feed.*

*This Regulation also applies to certain other products closely linked to agriculture listed in Annex I to this Regulation, where they are, or are intended to be, produced, prepared, labelled, distributed, placed on the market, imported into or exported from the Union.”*

<sup>1</sup> ARES(2022)6800392

<sup>2</sup> [Regulation \(EU\) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation \(EC\) No 834/2007 \(OJ L 150, 14.6.2018, p. 1\)](#)

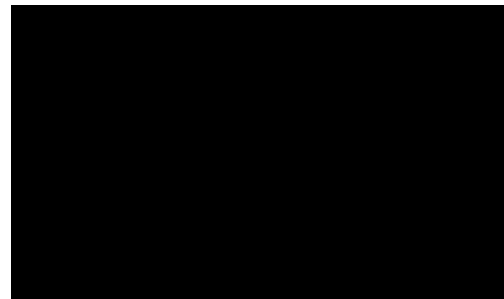
However, the main ingredient of the product is rice husk, which, as unprocessed agricultural product, falls within the scope of the organic regulation (please see Article 2(1)(a)).

I would like to draw your attention to the fact that, on the label of BIORIZ (see file in attachment), there is not only the term BIO, but also the indication that the product is made of “natural” rice husk. As a consequence, this label can result in misleading users with respect to the “organic” nature of the product itself and/or its main ingredient rice husk.

Finally, as the product falls within the scope of Regulation (EC) No 1935/2004<sup>3</sup> on materials and articles intended to come into contact with food, I would recall that Article 3(1) of that Regulation provides that “*Materials and articles, including active and intelligent materials and articles, shall be manufactured in compliance with good manufacturing practice so that, under normal or foreseeable conditions of use, they do not transfer their constituents to food in quantities which could (a) endanger human health; or (b) bring about an unacceptable change in the composition of the food; or (c) bring about a deterioration in the organoleptic characteristics thereof.*” and Article 3(2) provides for the following: “*The labelling, advertising and presentation of a material or article shall not mislead the consumers.*” Moreover, its Article 24 provides for Member States to carry out official controls in order to enforce compliance with that Regulation.

The present opinion is provided on the basis of the facts as set out in your e-mail of 23 September 2022 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,



Enclosure: Copy of BIORIZ Label from OFIS

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<sup>3</sup> Regulation (EC) No 1935/2004 of the European Parliament and of the Council of 27 October 2004 on materials and articles intended to come into contact with food and repealing Directives 80/590/EEC and 89/109/EEC (OJ L 338, 13.11.2004, p.4)