



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Brussels  
DdF/sf/agri.ddg1.b.4(2021)8200612

Dear [REDACTED]

I would like to thank you for your email<sup>1</sup> of 30 July 2021 on the scope of Regulation (EU) 2018/848<sup>2</sup>. Please accept my apologies for the late reply.

In accordance with Article 3, point 45, of Regulation (EU) 2018/848, which refers to Article 2 of Regulation (EC) No 178/2002<sup>3</sup>, food includes any substance intended to be or reasonably expected to be ingested by humans. Additives and flavourings intended to be intentionally incorporated into the food during its manufacture, preparation or treatment are considered as food. Consequently, additives and flavourings originating from products listed in Annex I to the TFEU, possibly by processing, are included in the scope of Regulation (EU) 2018/848 in accordance with its Article 2(1). Those products may be produced organically in accordance with this Regulation, which will apply from 1 January 2022.

In particular, xylitol (E 967) and erythritol (E 968) are food additives and may be produced organically in accordance with Regulation (EU) 2018/848. Erythritol is listed in Section A1, Part A of Annex V to Regulation (EU) 2021/1165<sup>4</sup>, and, as you mentioned, it may be used in processed organic food only if it is obtained from organic production without using ion exchange technology. Xylitol is not listed and cannot be used in processed organic food.

Xylose, as a monosaccharide used for sweetening, is not an additive in accordance with the definition of food additive (Article 3, point (61) of Regulation (EU) 2018/848, referring to Article 3(2), point (a), of Regulation (EC) No 1333/2008<sup>5</sup>). However, as a food product obtained from products listed in Annex I to the TFEU, it is in the scope of Regulation (EU) 2018/848 and may be produced organically in accordance with this Regulation.

<sup>1</sup> ARES(2021)4930498

<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 \(OJ L 150, 14.6.2018, p. 1\)](#)

<sup>3</sup> [Regulation \(EC\) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety \(OJ L 031 1.2.2002, p. 1\)](#)

<sup>4</sup> [Commission Implementing Regulation \(EU\) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists \(OJ L 253, 16.7.2021, p. 13\)](#)

<sup>5</sup> [Regulation \(EC\) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives \(OJ L 354 31.12.2008, p. 16\)](#)

The present opinion is provided on the basis of the facts as set out in your email of 30 July 2021 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,

