



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 e-mail¹ of 5 March 2020 regarding the authorisation of non-organic agricultural ingredients for processed organic food by Member States and in particular the transition between the provisions laid down in Article 29 of Regulation (EC) No 889/2008² and those laid down in Article 25 of Regulation (EU) No 2018/848³ that shall apply from 1 January 2021.

Member States may authorise the use of non-organic agricultural ingredients only for a limited period:

- (i) maximum one year, renewable for a maximum of three times one year each (i.e.: maximum four years) under Regulation (EC) 889/2008 and
- (ii) maximum six months, renewable for a maximum of two times six months each (i.e.: maximum 18 months) under Regulation (EU) 2018/848.

Once these possibilities have been exhausted, and if necessary, only the Commission may authorise the use of non-organic agricultural ingredients in accordance with:

- (i) point (c) of Article 19(2) and Article 21 of Regulation (EC) No 834/2007⁴, or
- (ii) point (b) of Article 24(2) of Regulation (EU) 2018/848.

Consequently, after an authorisation of four years before 2021, a non-organic agricultural ingredient cannot be authorised by the Member State under Article 25 of Regulation (EU) 2018/848. Similarly, an authorisation renewed one time before 2021 can only be renewed once for maximum six months after 2021 under Article 25 of Regulation (EU) 2018/848.

¹ Ares(2020)1388317

² [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 \(OJ L 250, 18.9.2008, p. 1\)](#)

³ [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 \(OJ L 150, 14.6.2018 p.1 \)](#)

⁴ [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 \(OJ L 189, 20.07.2007, p. 1\)](#)

Until 31 December 2020, Member States may authorise non-organic agricultural ingredient under Article 29 of Regulation (EC) 889/2008 for a maximum period of 12 months. Consequently, such authorisation may last up to 31 December 2021.

During such temporary authorisation, a Member State may initiate, if necessary, the procedure for authorising the non-organic agricultural ingredient at EU level for a possible longer period. This should start by the submission of a dossier to the Commission in accordance with Article 24(7) of Regulation (EU) 2018/848. Considering the necessity of the evaluation and the time to modify the Implementing Act listing the authorised non-organic agricultural ingredients, it may be appropriate to send such dossier before the second renewal done at national level.

The present opinion is provided on the basis of the facts as set out in your e-mail of 5 March 2020 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,

