



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
DI/sn/agri.ddg1.b.4(2018)3251456

Dear Mr. Leroyer,

Thank you for your e-mail of 4 April 2018 in which you asked how Article 27(2)(c) of Regulation (EC) No 889/2008 shall be applied. It concerns the use of yeast and yeast extracts in processed food other than products of the wine sector. Please accept my apologies for the late reply.

According to your e-mail, you consider that yeast and yeast extracts belong to the family of “preparations of micro-organisms” listed in Art 27(1)(b) of the same regulation, thus their use in non-organic form is possible and there is no need to prove any unavailability in organic form nor to get a derogation from the Competent Authority pursuant to Article 29 of the same regulation. You clarify that in your current practice yeast and yeast extracts are taken into account as “ingredients of agricultural origin” only for the purpose of the calculation of the organic percentage of the finished product. The operator is free to use yeast in organic or non-organic form (but not concomitantly in the same recipe), knowing that the use in non-organic form will lower the organic percentage of the product.

A specific principle applicable to the processing of organic food is to produce organic food from **organic agricultural ingredients, except where an ingredient is not available on the market in organic form** as set out in Article 6(a) of Regulation (EC) No 834/2007¹.

Article 20 of Regulation (EC) No 834/2007 sets out the rules for the production of organic yeast and Article 27a of Regulation (EC) No 889/2008 lays out specific production rules for the production of organic yeast, among which, it authorises the use of "preparations of micro-organisms and enzymes normally used in food processing" as referred to in Article 27(1)(b) of Regulation (EC) No 889/2008.

From the above it can be asserted that the organic legislation envisages the production and potential availability of organic yeast in the EU market.

In this line, Article 27(2)(c) of Commission Regulation (EC) No 889/2008² establishes that yeast and yeast products shall be calculated as ingredients of agricultural origin. The

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 (OJ L 189, 20.07.2007, p. 1-23)

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. 1–84)

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use of non-organic agricultural ingredients requires an authorisation pursuant to Article 19(2)(c) of Regulation (EC) No 834/2007. Non-organic yeast is not listed in Annex IX of Commission Regulation (EC) No 889/2008. However, the national authorisation of non-organic ingredients is possible pursuant to Article 29 of Regulation (EC) No 889/2008 applies, which requires that the ingredient of agricultural origin is not produced in organic form in sufficient quantity in the EU or cannot be imported from third countries.

In case non-organic yeast is authorised it can be used to up to 5% weight of the total ingredients of agricultural origin, provided that the other 95% ingredients of agricultural origin are organic (Article 23(4)(a)(ii) of Council Regulation (EC) No 834/2007). In addition, it shall not be used together with organic yeast (Article 20(2) of Council Regulation (EC) No 834/2007).

The present opinion is provided on the basis of the facts as set out in your e-mail of 4 April 2018 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,



Nathalie SAUZE-VANDEVYVER