



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach

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I would like to thank you for your email¹ of 28 June 2021 on the authorisation of non-organic agricultural ingredients for processed organic food by Member States. You ask in particular for clarifications on 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) 2018/848³, which shall apply from 1 January 2022.

In addition to the explanations given in our previous letter⁴ of 1 April 2020 on this subject, I confirm the following:

- An authorisation to use a particular non-organic agricultural ingredient given under Regulation (EC) No 889/2008 applies only to the operator who has requested such authorisation, even when this authorisation is still valid after 1 January 2022, and,
- An authorisation to use a particular non-organic agricultural ingredient given under Article 25 of Regulation (EU) No 2018/848 shall apply to all operators producing on the territory of the Member State that has given this authorisation.

As explained in our previous letter, an operator who has already received an authorisation to use a particular ingredient, renewed twice under Regulation (EC) No 889/2008, cannot request another renewal under Regulation (EU) 2018/848. However, following the confirmation mentioned above in the second indent, he might continue to be authorised to use this particular ingredient following a new request from another operator under Regulation (EU) 2018/848.

¹ Ares(2021)4190985

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 Ares(2020)1876873



The present opinion is provided on the basis of the facts as set out in your email of 28 June 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,

