



**EUROPEAN COMMISSION**  
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability  
**The Director**

Brussels  
 LB/sf/agri.b.4(2022)2475146

Dear [REDACTED],

I would like to thank you for your emails of 6 October 2021<sup>1</sup> and 11 March 2022<sup>2</sup>, in which you ask for clarification regarding the use of synthetic vitamins for ruminants in organic production. Please accept my apologies for the late reply.

In your email, you refer to paragraph (3) (a) of Part B of Annex III to Commission Implementing Regulation (EU) 2021/1165<sup>3</sup>, which lists the authorised feed additives and processing aids used in animal nutrition referred to in point (d) of Article 24(1) of Regulation (EU) 2018/848<sup>4</sup> and states the following regarding the potential use of synthetic vitamins for ruminants:

*“(3) NUTRITIONAL ADDITIVES*

*(a) Vitamins, pro-vitamins and chemically well-defined substances having similar effect*

<i>ID number or functional group</i>	<i>Name</i>	<i>Specific conditions and limits</i>
<i>ex3a</i>	<i>Vitamins and Provitamins</i>	<i>derived from agricultural products if not available from agricultural products: [...]— derived synthetically, only vitamins A, D and E identical to vitamins derived from agricultural products may be used for ruminants; the use is subject to prior authorisation of the Member States based on the assessment of the possibility for organic ruminants to obtain the necessary quantities of the said vitamins through their feed ration”</i>

For your ease of understanding, I will reply to each of your questions successively.

<sup>1</sup> Ares(2021)6084818

<sup>2</sup> Ares(2022)1861309

<sup>3</sup> [Publications Office \(europa.eu\)](https://publications.europa.eu)

<sup>4</sup> [EUR-Lex - 02018R0848-20220101 - EN - EUR-Lex \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/20220101)

[REDACTED]

**Is this an operator-by-operator authorisation or something more general considering a broad evaluation of the quality of the feed rations in a specific area/region?**

Synthetically derived vitamins A, D and E identical to vitamins derived from agricultural products for ruminants can be used only if, amongst others, the following specific conditions and limits are fulfilled:

- There is a lack of availability of vitamins A, D and E derived from agricultural products;
- The feed is for ruminants;
- The assessment made of the feed ration of these ruminants shows that these vitamins are needed to obtain the necessary quantities of these vitamins;
- The use of such vitamins has been authorised by the Member States.

Feed rations vary from one organic operator to another, and depend on the area/region but also on the types of ruminants (dairy cattle, beef cattle, ovine, caprine or cervine animals...). The authorisation should be understood as directly linked to the assessment of the availability of vitamins and provitamins derived from agricultural products, the feed rations and the categories of ruminants for which these vitamins are intended. Hence, depending on the situation, it can be granted on an operator-by-operator basis or on a broader scale based on the assessment of the situation.

**Who is responsible for this assessment, whether it is the Control Body or the Competent Authority?**

The Regulation refers to "*a prior authorisation of the Member States*". Hence, the Competent Authority is responsible for granting this authorisation and ultimately for the assessment, although the relevant information for a proper assessment can be collected from organic operators as well as control bodies or any other reliable sources identified by the Competent Authority.

**Is the authorisation given only to farmers or can it be given to operators that produce processed feed as well?**

The authorisation is based on the assessment of the possibility for organic ruminants to obtain the necessary quantities of the said vitamins through their feed ration; on this basis, it should be granted only to farmers.

**Can an operator who produces and sells organic processed feed for ruminants incorporate synthetic vitamins A, D and E identical to vitamins derived from agricultural products in the processed feed and sell it as organic?**

Vitamins A, D and E derived synthetically and identical to vitamins derived from agricultural products may be used for ruminants under the specific conditions and limits set in Regulation (EU) No 2021/1165.

To be labelled as "organic", processed feed containing such vitamins would have to comply, amongst others, with the rules related to the use of terms referring to organic production in Article 30 (6) of Regulation (EU) 2018/848.

In addition, in accordance with paragraph 1 of Article 11 related to principles for labelling and presentation of feed of Regulation (EC) No 767/2009 on the placing on the

market and use of feed<sup>5</sup>, the organic feed operator should ensure that “1. *The labelling and the presentation of feed shall not mislead the user, in particular: (a) as to the intended use or characteristics of the feed, in particular, the nature, method of manufacture or production, properties, composition, quantity, durability, species or categories of animals for which it is intended; (b) by attributing to the feed effects or characteristics that it does not possess or by suggesting that it possesses special characteristics when in fact all similar feeds possess such characteristics;*” .

In addition, Article 30 (2) of Regulation (EU) 2018/848 related to labelling and the use of terms referring to organic production states “*furthermore, no terms, including terms used in trademarks or company names, or practices shall be used in labelling or advertising if they are liable to mislead the consumer or user by suggesting that a product or its ingredients comply with this Regulation*”.

In this particular case, this processed feed labelled as “organic’ might only be used for a limited category of ruminants, and the label of such organic processed feed should indicate that it contains “*synthetic vitamins A, D and E identical to vitamins derived from agricultural products*” and that “*its use for feeding organic ruminants is subject to an authorisation in accordance with paragraph (3)(a) of part B to Annex III to Regulation (EU) 2021/1165.*”.

Please note that, in case that the compound feed could not be labelled in accordance with Article 30(6), you may consider the possibility for the operators to use the indication that “*such feed may be used in organic production in accordance with this Regulation*”, provided that the rules set under point 2.1.2 of Annex III to Regulation (EU) 2018/848 are complied with.

In that case as well, as the compound feed bearing the indication “*such feed may be used in organic production in accordance with this Regulation*” could only be used for a limited category of ruminants, the label of such compound feed should indicate that it contains “*synthetic vitamins A, D and E identical to vitamins derived from agricultural products*” and that “*its use for feeding organic ruminants is subject to an authorisation in accordance with paragraph (3)(a) of part B to Annex III to Regulation (EU) 2021/1165.*”.

The present opinion is provided on the basis of the facts as set out in your e-mails of 6 October 2021 and 11 March 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,



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<sup>5</sup> [EUR-Lex - 02009R0767-20181226 - EN - EUR-Lex \(europa.eu\)](#)