



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach
Director

Brussels,
 PP/nb(2018)7278368

Dear [REDACTED],

Thank you for your e-mail of 20 November 2018 (Int. Ref. ARES(2018)5936517) in which you requested our opinion on the possibility to use the lactase enzyme as a processing aid for the production of organic lactose free dairy products and clarification with respect to possible use and labelling of xylitol in organic products.

To address your first question, I would recall Article 6 of Council Regulation (EC) No 834/2007¹ which provides for " the restriction of the use of food additives, of non-organic ingredients with mainly technological and sensory functions and of micronutrients and processing aids, so that they are used to a minimum extent and only in case of essential technological need or for particular nutritional purposes; ".

Article 19(2)(b) of Council Regulation (EC) No 834/2007 states that only additives, processing aids, flavourings, water, salt, preparations of micro-organisms and enzymes, minerals, trace elements, vitamins, as well as amino acids and other micronutrients in foodstuffs for particular nutritional uses may be used in organic processed products, and only in so far as they have been authorised for use in organic production.

In addition, Article 27(1)(a) and (b) of Commission Regulation (EC) No 889/2008² authorises the use of " substances listed in Annex VIII" and "preparations of micro-organisms and enzymes normally used in food processing; however, enzymes to be used as food additives have to be listed in Annex VIII, Section A".

Hence, it is important to verify first whether the enzyme is a processing aid i.e. its function is ended when the product is put on the market and the % remaining can be considered as residue of process as laid down in Regulation (EC) No 1332/2008³ on food enzymes. To note Guidance is available for categorisation of enzymes at the following address:

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)

³ Regulation (EC) No 1332/2008 of the European Parliament and of the Council of 16 December 2008 on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (OJ L 354, 31.12.2008, p.7)

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https://ec.europa.eu/food/sites/food/files/safety/docs/fs_food-improvement-agents_enzymes-guidance-categorisation.pdf

In conclusion, if the lactase enzyme is a processing aid normally used in food processing, it can be used in organic production, when not produced from or by Genetically Modified Organisms in line with Article 9(1) of Regulation (EC) No 834/2007, in accordance with Article 19(2)(b) of Council Regulation (EC) No 834/2007 and Article 27(1) (b) of Commission Regulation (EC) No 889/2008.

With respect to your second question, xylitol is a sugar alcohol and authorised as E 967 food additive (sweetener) under Regulation (EC) 1129/2011⁴ and can be used in food in accordance with conditions laid down under that Regulation.

However, food additives to be used in organic food must be authorised in accordance with above-mentioned Article 19(2)(b) of Regulation (EC) No 834/2007 and xylitol is not listed in Annex VIII Section A of Regulation (EC) No 889/2008, hence it cannot be used in organic production.

The present opinion is provided on the basis of the facts as set out in your e-mail of 20 November 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,



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in absence of
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⁴ Commission Regulation (EU) No 1129/2011 of 11 November 2011 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council by establishing a Union list of food additives – (OJ L 295, 12.11.2011, p.1)