



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research & Innovation, Outreach  
The Director

Brussels,  
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Thank you for your e-mail of 27 February 2019 (Int. Ref. ARES(2019)1360717) requesting our point of view "*whether seasonings can be seen as included in the mentioning of herbs and spices*" in the approved use of silicon dioxide as laid down by section A of Annex VIII to Commission Regulation (EC) No 889/2008<sup>1</sup>.

I would bring your attention to Council Regulation (EC) No 834/2007<sup>2</sup>, which sets out the general production rules applicable in the production of organic products. Articles 6 of that Regulation lays down the specific principles applicable to the processing of organic food which include, among others, the restriction of the use of food additives to a minimum extent and only in case of "*essential technological or for particular nutritional purposes*".

Moreover, its Article 19 provides 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, and only in so far as they have been authorised for use in organic production in accordance with Article 21".

Consequently, section A of Annex VIII of Regulation (EC) No 889/2008 is a restrictive list of food additives, including carriers, approved for use in the production of processed organic food.

In fact, that section not only list the authorised food additives to be used in organic foodstuffs, but provides further conditions to their uses through its fourth column entitled "preparation of foodstuffs" and a fifth last column "specific conditions", where for each authorised food additive further indications are laid down on which foodstuffs (plant or animal origin) such additive can be used and under which specific conditions.

<sup>1</sup> 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). <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1522227596426&uri=CELEX:02008R0889-20180101>

<sup>2</sup> 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. <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02007R0834-20081010&qid=1396976187958&from=EN>

I would recall that Part D of Annex II to Regulation (EC) No 1333/2008<sup>3</sup> on food additives provides for a list of “food categories” to which additives are later on referring in terms of authorised uses. Under point 12.2. “herbs, spices, seasonings” are set as a category with two subgroups 12.2.1. “herbs and spices” and 12.2.2. “seasonings and condiments”. Seasonings, as you mention in your letter, can be mixtures of “*herbs and spices, with other dry organic ingredients like vegetables, yeast or sugar*”

On the basis of the above, I confirm that section A of Annex VIII to Regulation (EC) No 889/2008, includes among the food additives approved for use in organic production silicon dioxide (E551). However, it is approved for use in organic processed food only “for herbs and spices in dried powdered form” and in “flavourings and propolis”, and therefore not on “seasonings”, following a report from the Expert Group for Technical Advice on Organic Production (EGTOP) of 2014.

You can find the report at the following address:

[https://ec.europa.eu/info/publications/egtop-reports-organic-production\\_en](https://ec.europa.eu/info/publications/egtop-reports-organic-production_en)

Hence, I would recommend you to contact the competent authorities in the Member States where you intend to market your products in case you consider that new information should be examined with respect to the use of silicon dioxide in seasonings.

You will find a list of competent authorities at the following address:

[http://ec.europa.eu/agriculture/ofis\\_public/](http://ec.europa.eu/agriculture/ofis_public/).

The use of silicon dioxide in seasonings for organic products must be examined to see if it is in line with the objectives and principles of organic production. For this purpose, a request must be sent by a Member State; this request is then evaluated by the Expert Group for Technical Advice on Organic Production (EGTOP). Should EGTOP provide a positive advice on the use of the use of silicon dioxide in seasonings to be used in organic production, the Commission may propose to the Committee on organic production to add this in Annex VIII section A to Regulation (EC) No 889/2008.

The present opinion is provided on the basis of the facts as set out in your e-mail of 27 February 2019 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,



p.o. Nicolas VERLET  
in absence of  
Nathalie SAUZE- VANDEVYVER

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<sup>3</sup> Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p.16) <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1554967523724&uri=CELEX:02008R1333-20181029>