



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,  
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[REDACTED]

Thank you for your e-mail of 18 March 2019 (Int. Ref. ARES (2019)1764707) asking whether “non-organic vitamins” could be added to a certified organic multivitamin food supplement made in the European Union and whether, if not, it would be possible to adapt to the USDA rule and to allow such use to avoid discrimination with international trade.

I understand from your e-mail that your product is a blend of fruits extracts; hence, it appears to be made of agricultural products and it could be in the scope of EU organic legislation.

To address your question, I would refer to Article 19 of Regulation (EC) No 834/2007<sup>1</sup> laying down the general rules on the production of organic processed food. The following conditions, among others, apply to organic processed food:

*(a) the product shall be produced mainly from ingredients of agricultural origin; in order to determine whether a product is produced mainly from ingredients of agricultural origin added water and cooking salt shall not be taken into account;*

*(b) 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;*

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<sup>1</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>

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In addition, Article 27(f) of Commission Regulation (EC) No 889/2008<sup>2</sup> was recently amended and lays down that:

*“For the purposes of Article 19(2)(b) of Regulation (EC) No 834/2007, only the following substances can be used in the processing of organic food:*

*(f) **minerals** (trace elements included), vitamins, amino acids and micronutrients, provided that: (i) their use in food for normal consumption is ‘**directly legally required**’, in the meaning of being directly required by provisions of Union law or provisions of national law compatible with Union law, with the consequence that the food cannot be placed at all on the market as food for normal consumption if those minerals, vitamins, amino acids or micronutrients are not added; or*

*(ii) as regards food placed on the market as having particular characteristics or effects in relation to health or nutrition or in relation to needs of specific groups of consumers:*

*— in products referred to in points (a) and (b) of Article 1(1) of Regulation (EU) No 609/2013 of the European Parliament and of the Council, their use is authorised by that Regulation and acts adopted on the basis of Article 11(1) of that Regulation for the products concerned,*

*— in products regulated by Commission Directive 2006/125/EC, their use is authorised by that Directive, or*

*— in products regulated by Commission Directive 2006/141/EC, their use is authorised by that Directive.”*

Therefore, in the European Union the use of vitamins is authorised in food for normal consumption only when its use is “directly legally required”, or, in case of baby food, when its use is authorised to a minimum and/or maximum content in Union Law.

Finally, with respect to your question on whether the EU legislation could be amended, the Commission does not intend to make such a proposal ; indeed, the recently adopted new organic Regulation (EU) 2018/848<sup>3</sup> has clarified the provisions on the possibility to use vitamins in the production of organic food, and similar provisions have been recently introduced, as above-mentioned, in Article 27 of Regulation (EC) No 889/2008 to increase legal certainty.

The present opinion is provided on the basis of the facts as set out in your e-mail of 18 March 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.

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<sup>2</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).

<sup>3</sup> [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 \( OJ L 150, 14.6.2018 p.1 \)](#)

Yours sincerely,



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