



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director-General, in charge of Directorates A, B and C

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[REDACTED]

I am writing to you in order to revise the reply sent to you on 12 June 2018 with reference Ares(2018)3081057. This reply was sent following your request sent by email dated of 4 April 2018.

In your email, you considered that yeast and yeast extracts belong to the family of “preparations of micro-organisms” listed in Art 27(1)(b) of Regulation (EC) No 889/2008¹, thus their use in non-organic form was possible and there was no need to prove any unavailability in organic form nor to get an authorisation from the Competent Authority pursuant to Article 29 of the same regulation. You clarified that in your current practice yeast and yeast extracts were taken into account as “ingredients of agricultural origin” only for the purpose of the calculation of the organic percentage of the finished product. The operator was free to use yeast in organic or non-organic form (but not concomitantly in the same recipe), knowing that the use in non-organic form would lower the organic percentage of the product.

In the letter of interpretation sent on 12 June 2018, it was indicated that yeast and yeast products were considered as agricultural ingredients and when used in non-organic form required an authorization pursuant to Article 19(2)(c) of Regulation (EC) No 834/2007.

However, following further discussions in 2018 and 2019 with the Member States in the Committee on organic production, this position has been revised based on the following:

First, yeast and yeast extracts are not agricultural products within the meaning of Article 38(3) of the Treaty on the Functioning of the European Union.

Second, Article 19 of Regulation (EC) No 834/2007² sets the general rules on the production of processed food and in particular its paragraph 2(b) states that only additives, processing aids, flavourings, water, salt, **preparations of micro-organisms**

¹ 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).

² 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).

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.

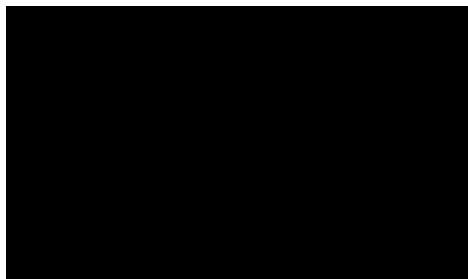
Third, for the purposes of Article 19(2)(b), Article 27(1)(b) of Regulation (EC) No 889/2008 **authorises the use of “preparations of micro-organisms and enzymes normally used in food processing”** in the processing of organic food with the exception of products of the wine sector which are covered by specific provisions³.

Fourth, Article 27(2)(c) of Commission Regulation (EC) No 889/2008 establishes that yeast and yeast products shall be calculated as ingredients of agricultural origin for the purpose of the calculation referred to in Article 23(4)(a)(ii) of Council Regulation (EC) No 834/2007 on labelling of processed food.

Hence, non-organic yeast normally used in food processing is authorised and may be used in organic processed food (with the exception of products of the wine sector) without the need to prove unavailability in organic form or for a provisional authorisation from the competent authority of the Member State pursuant to Article 29 of Regulation (EC) No 889/2008. In case non-organic yeast is used in a processed food labelled as organic in the sales description, it can be used to up to 5% weight of the total ingredients of agricultural origin, provided that the other 95% ingredients of agricultural origin are organic (Article 23(4)(a)(ii) of Council Regulation (EC) No 834/2007). In addition, it shall not be used together with organic yeast as required by Article 20(2) of Regulation (EC) No 834/2007 which states that organic yeast shall not be present in organic food together with non-organic yeast.

The present opinion is provided on the basis of the facts as set out in your e-mail of 4 April 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,



³ Please note that for products of the wine sector, for the purposes of Article 19(2)(b), Article 29c of Regulation (EC) No 889/2008 authorises the use of yeasts for certain treatments as laid down in Annex VIIIa of that Regulation and in that case, the individual yeast strains should be derived from organic raw material, if available.