

EFFA Q&A

on the new Organic Regulation

Preamble

This Q&A-document is an "add-on" to the EFFA "Guidance Document on the new EU Organic Regulation in relation to flavourings" (revised version V3.0 issued on 19 February 2021) and should be read in conjunction with this [Guidance Document](#).

The Q&A refers to the Regulation (EU) 2018/848 on organic production and labelling of organic products, hereinafter referred to as "the Organic Regulation".

Application date of the Organic Regulation

1. Are there still differences between National and European regulations on flavourings used in the formulation of organic foods?

The aim of the new Organic Regulation is to harmonise provisions among the Member States, in particular by setting precise rules for the formulation of certified organic flavourings. Provisions for flavourings suitable to be used in organic food were already harmonised by the currently applicable EU Organic Regulation.

2. Does the delay of the implementation of the new Organic Regulation by 1 year also cover organic flavourings?

Our understanding is that since the Organic Regulation is postponed, also those provisions are postponed. The postponement of the application date also covers the rules on organic flavourings – the entire package with all its rules is postponed.

General provisions for ingredients

Prohibition of GMOs

3. Is it possible to use maltodextrin manufactured with the help of enzymes produced by GMMs as carrier in an organic suitable flavouring??

Yes, under the condition that the maltodextrin is from conventional/non-GM source.

We refer further to example 2 of the [EFFA interpretation document on the prohibition of GMOs](#) relating to non-organic ingredients that can be used in flavourings intended for organic food.

Flavourings authorised by the Organic Regulation

Food Source Materials

4. The new Organic Regulation only authorises the use in organic foods of "natural <X> flavourings". Flavouring preparations, which are part of the flavouring part of "natural <X> flavourings", must be derived from food sources. For example, would a natural rose wood flavouring be allowed in an organic product? (Is rose wood considered as a food source?)

1) Answer regarding the food source material

The definition of a food source is specific to the Flavouring Regulation (EC) No 1334/2008 (Recital (16) and Art. 3(2)(j)(i) and 3(3)). A flavouring source is considered a foodstuff if it has been used in the manufacture of flavourings before 20/01/2011 (date of application of the Flavouring Regulation).

Source materials that do not meet this definition (i.e. non-food sources) would be subject to specific assessment and authorisation, and listed in Annex I Part F of the Flavouring Regulation. To date, this part F is empty.

In consequence, all flavouring preparations legally on the market today are considered to be derived from food sources according to the Flavouring Regulation.

In the case cited here, rose wood has been used historically in the manufacture of flavourings (before 20/01/2011). Therefore, rose wood is well considered, within the meaning of the Flavouring Regulation, Art. 3(2)(j)(i) and Art. 3(3), as a food source material.

2) Answer if natural rose wood flavouring is allowed in an organic product

A natural rose wood flavouring could thus be used in an organic food, without prejudice to the other provisions of the Organic Regulation.

Use of single "natural flavouring substance"

5. Although it is generally understood that only "Natural <X> flavourings" can be used, is it permitted to use single "natural flavouring substances", e.g. pure menthol (ex mint) or eugenol (ex clove) in mint, resp. clove flavoured drinks or chewing gum?

The use of such (single) natural flavouring substances is allowed as long as they would comply with the "natural <X> flavouring" requirements (Art. 16(4)) and their source is easily recognisable. This for example could be the case for pure menthol from mint, resp. pure eugenol from clove. Such flavourings can be labelled as "natural mint flavouring", resp. "natural clove flavouring".

The use of a single natural flavouring substance of which the source material is not easily recognisable will disqualify for labelling as "natural <X> flavouring" and consequently is not authorized.

Flavourings suitable to be used in organic foods

6. Have flavourings suitable to be used in organic foods (so-called organic 'suitable' flavouring) to be certified by a certification body?

No, organic "suitable" flavourings do not have to be certified by a certification body. However, the flavouring manufacturer shall confirm to his customer that the organic "suitable" flavourings comply with the applicable provisions of the Organic Regulation.

7. Are organic "suitable" flavourings considered as agricultural ingredients?

Yes, both "organic suitable" and organic flavourings, are considered as ingredients of agricultural origin in the new Organic Regulation and, therefore, must be taken into account in the calculation of the organic % of the final food. Thus, agricultural "suitable" flavourings will be counted, as a whole, in the maximum 5% of non-organic agricultural ingredients part of the finished food.

Labelling

Use & labelling of different flavourings

8. Regarding processed foods what about products that contain more than one flavouring [e.g., snacks: flavouring of main product & flavouring of the seasoning such as a "cheese & onion snack"]? Both independently are "Natural <X> Flavouring" but if considered combined this would not be so? Is it correct to assume that the Organic Regulation (and calculation of 95/5) applies at the point at which they are added to the food?

In case a "natural cheese flavouring" and a "natural onion flavouring" are used together in a foodstuff then several options for labelling exist. Among these is the option to label separately in the list of ingredients (B2C designation) when the source materials of both the "natural cheese flavouring" and "natural onion flavouring" can be recognised in the flavour or taste of the food.

The flavourings can be labelled as "natural cheese & onion flavouring" or separately as "natural cheese flavouring" and "natural onion flavouring".

For further information regarding B2C labelling we refer to the [FoodDrinkEurope Guidelines on Flavourings](#).¹

Labelling with "a more specific name"

9. The EU Flavouring Regulation allows flavourings to be declared by a specific name. Does that mean that this type of flavouring can be used in organic food products if the flavouring is not labelled as a "natural <X> flavouring" (e.g. vanilla extract, orange essential oil ...)?

According to the EU Flavouring Regulation (Art. 15(1)(a)) a flavouring can be designated by a more specific name or description of the flavouring. The European Commission (DG AGRI) confirmed that the general labelling rules according to the EU Flavouring Regulation also apply to flavourings used in organic food products. Thus the "specific name" can also be used for a flavouring when used in organic products.

For example, a flavouring that is an extract which is obtained 100% from the named source is a specific case of a "natural <X> flavouring" and can thus also be designated by its more specific name (extract) when used in organic food.

This is also the case for B2C labelling (according to the FIC Regulation (EC) No 1169/2011 (Annex VII part D)).

Non Flavouring Part

Additives & Carriers

10. Do permitted additives and food ingredients with technological function in the flavouring used in an organic "suitable" flavouring (also) require a specific authorization by the Organic Regulation? And what about certified organic flavourings?

First of all, additives and food ingredients with technological function **in the flavouring only** can be used in flavourings in accordance with Art. 3(4) of the Flavouring Regulation (EC) No 1334/2008. The precise list of additives authorised in flavourings is set up in Annex III Part 4 of the Additives Regulation (EC) No 1333/2008.

According to the letter from the EU-Commission (see Appendix I to the EFFA Guidance Document): Point 2.2.2 (b) of Annex II Part IV of the Organic Regulation, provides a "direct" authorisation for the use of flavourings:

"The carriers and additives which have only a technological function in the flavourings (anticaking agent, emulsifier to stabilise a flavouring emulsion....) and which do not impact the quality of the food product are not labelled as such in the flavourings nor in the food product. These carriers and additives are an integral part of the flavourings and, as

¹ FoodDrinkEurope Guidelines on Flavourings, Section 4.2 Examples how to use B2B information to determine possible designation in the B2C labelling.

a consequence, are covered by the direct authorisation provided by point 2.2.2 (b) of Annex II Part IV, as long as they are listed in the Annex III of the Regulation (EC) No 1333/2008."

- In organic "suitable" flavourings, all food ingredients as well as additives authorised in flavourings (according to Regulation (EC) No 1333/2008 - Annex III - part 4) and used for their sole technological function in flavourings are allowed.
- In certified organic flavourings, only food ingredients and additives **both** authorised in flavourings and in organic foods are permitted. For further information, see section 3.2.b) of the EFA Guidance Document.

Non concomitance

11. Can an organic natural lemon flavouring and an organic "suitable" natural mint flavouring be used in the same organic foodstuff?

Yes, this is possible and in alignment with the non-concomitance rule as natural lemon flavouring and natural mint flavouring are different ingredients. Of course, producers are responsible for verifying that the food complies with the formulation rules for processed organic food. In other words, it is mandatory that at least 95% (by weight) of the agricultural ingredients of the food is organic.

In this case, the certified organic flavouring will be counted in the organic ingredients, the other flavouring not.

12. Can a non-organic food ingredient (e.g., maltodextrin or vegetable oil) be used as carrier in organic suitable flavouring? And also when the same ingredient (in organic quality) is also used directly in the final foodstuff?

Yes, a non-organic food ingredient (e.g., maltodextrin or vegetable oil) can be used as carrier in an organic suitable flavouring provided that this food ingredient is used in accordance with Art. 3(4) of the EU Flavouring Regulation . It is an integral part of the flavourings as also acknowledged by the European Commission (see letter from the EU-Commission). As a consequence, it is covered by the direct authorisation provided by point 2.2.2 (b) of Annex II Part 4 of the Organic Regulation.

In final food, the flavouring is considered as a whole and therefore is not the same ingredient as the food ingredient present in organic quality in the final food. Therefore, its use is in compliance with the non-concomitance rule.