

Brief Information about Organic Food Additives

according to the European Regulation (EC) 834/2007 and the US National Organic Program (NOP)

1. Additives in Organic Food in the EU

- a. In the EU, additives allowed for food are regulated by Reg. (EC) 1333/2008, latest updated in October 2018. Each additive has an "**E-number**". As opposed to an "ingredient", an additive has mainly a **technological function** "for example to colour, to sweeten or to preserve". Sweetening seems to be included in the technological functions for historical reasons.
- b. According to the above mentioned definition, **sweeteners fall under "additives"**, not under "ingredients of agricultural origin". This applies e.g. to Steviol Glycoside (E 960), Erythritol (E 968), Xylitol (E 967) and similar substances.
- c. Also **Konjac** (E 425) is classified as an "additive" – even though there are many food items, where Konjac is the main ingredient.
- d. Current prevailing interpretation by the EU organic authorities is that **Annex VIII** to Reg. (EC) 889/2008 constitutes an **exclusive list of allowed food additives, whether organic or conventional**. Therefore, any of the above mentioned additives may not be used in organic multi ingredient food products, as long as they are not listed in Annex VIII.
- e. Since 2016, **Erythritol is allowed** as additive in organic food, because it is listed in Annex VIII – provided it is certified organic, and produced without the help of ion exchangers.
- f. When the European Commission says that Erythritol used as an additive must be "from organic production" (see Section (d) above) – this **implicitly** means that these sweeteners, as **mono-products, can be certified organic**, regardless of their approval as additives in Annex VIII. However, this interpretation, supported by one of the best known lawyers in organic food law in Europe, is not necessarily shared by European authorities. For the case of Steviol Glycoside, e.g., EU authorities instructed us to discontinue organic certification.
- g. **With the exception of Steviol Glycoside, we can offer our clients organic certification** of sweeteners and other **food additives as mono-products**, provided the raw material and processing steps comply with Regulation (EC) 834/2007 (equivalent rules for third countries). Clients should be aware, however, that for the above mentioned reasons, there might be problems with exporting these products as organic to EU member countries, as long as these additives are not listed in Annex VIII to Reg. (EC) 889/2008. CERES does not take any responsibility in this regard.
- h. There is no general and consistent European ruling regarding **ion exchangers** for organic food processing so far. Considering the restriction for Erythritol ("without ion exchanger technology"), there seems to be a trend towards not allowing them. We therefore **strongly recommend our clients to use alternative technologies**, because – in addition to the other issues - ion exchanger technology might be another reason for rejecting organic products.
- i. Provided **final processing** (e.g. adding one of the above mentioned sweetener to a yogurt or to a candy) is performed **by a NOP certified operation inside the USA**, the final composed product **can be imported and sold in the EU as organic** under the NOP-EU equivalence agreement.

2. Status according to NOP

According to US legislation, general rules for Food Additives are defined in Federal Regulations, among others Part 170 (<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=b8c2a21e56b6d805d2a4813a9b675d16&ty=HTML&h=L&mc=true&n=pt21.3.170&r=PART>) As long as additives comply with these provisions and with the provisions of NOP, they can be certified organic and used as additives in organic food. Ion exchangers are also not allowed under NOP.