

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

[^{F1}TITLE II U.K.]

RULES ON PRODUCTION, PRESERVATION, PROCESSING, PACKAGING, TRANSPORT AND STORAGE OF ORGANIC PRODUCTS]

[^{F1}CHAPTER 3 U.K.]

Preserved and processed products]

[^{F1}Article 26 U.K.]

Rules for preserving products and for the production of processed feed and food

1 Operators preserving products or producing processed feed or food shall establish and update appropriate procedures based on a systematic identification of critical processing steps. The application of those procedures shall guarantee at all times that preserved or processed products comply with the organic production rules.

2 Operators shall comply with and implement the procedures referred to in paragraph 1. In particular, operators shall:

- a take precautionary measures to avoid the risk of contamination by unauthorised substances or products;
- b implement suitable cleaning measures, monitor their effectiveness and record those measures;
- c guarantee that non-organic products are not placed on the market with an indication referring to the organic production method.

3 Where non-organic products are also prepared or stored in the preparation unit concerned, the operator shall:

- a carry out the operations continuously until the complete run has been dealt with, separated by place or time from similar operations carried out on non-organic products;
- b store organic products, before and after the operations, separate by place or time from non-organic products;
- c inform the control authority or control body of the operations referred to in points (a) and (b) and keep available an updated register of all operations and quantities processed;
- d take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges with non-organic products;
- e carry out operations on organic products only after suitable cleaning of the production equipment.

4 Additives, processing aids and other substances and ingredients used for processing feed or food and any processing practice applied, such as smoking, shall respect the principles of good manufacturing practice.]

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Article 27 **U.K.**

Use of certain products and substances in processing of food

1 ^[F2]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, with the exception of products of the wine sector, for which the provisions of Chapter 3a shall apply:]

- a substances listed in Annex VIII to this Regulation;
- b preparations of micro-organisms and enzymes normally used in food processing; ^[F3]however, enzymes to be used as food additives have to be listed in Annex VIII, Section A;]
- ^[F4]c substances and products as defined in Articles 3(2)(b) to (d) of Regulation (EC) No 1334/2008 labelled as natural flavouring substances or natural flavouring preparations, according to Articles 15(1)(e) and 16 of that Regulation;]
- d colours for stamping meat and eggshells in accordance with ^[F5]Article 17 and Annex 2 of Regulation (EC) No 1333/2008];
- e drinking water and salt (with sodium chloride or potassium chloride as basic components) generally used in food processing;
- ^[F6]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 ^[F7]retained EU 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 ⁽¹⁾, their use is authorised by that Regulation and acts adopted on the basis of Article 11(1) of that Regulation for the products concerned,
 - ^[F8]— in products regulated by the following regulations, their use is authorised by those regulations:
 - (i) the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (England) Regulations 2003;
 - (ii) the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Wales) Regulations 2004;
 - (iii) the Processed Cereal-based Foods and Baby Foods for Infants and Young Children (Scotland) Regulations 2004;]
 - ^[F9]— in products regulated by the following regulations, their use is authorised by those regulations:
 - (i) the Infant Formula and Follow-on Formula (England) Regulations 2007;

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- (ii) the Infant Formula and Follow-on Formula (Wales) Regulations 2007;
- (iii) the Infant Formula and Follow-on Formula (Scotland) Regulations 2007;]]

2 For the purpose of the calculation referred to in Article 23(4)(a)(ii) of Regulation (EC) No 834/2007,

- a food additives listed in Annex VIII and marked with an asterisk in the column of the additive code number, shall be calculated as ingredients of agricultural origin;
- b preparations and substances referred to in paragraph (1)(b),(c),(d),(e) and (f) of this Article and substances not marked with an asterisk in the column of the additive code number shall not be calculated as ingredients of agricultural origin^{[F10];}

^[F3] c yeast and yeast products shall be calculated as ingredients of agricultural origin as of 31 December 2013 .]

^{F11}3

^[F3]4 For the traditional decorative colouring of the shell of boiled eggs produced with the intention to place them on the market at a given period of the year, the competent authority may authorise for the period referred to above, the use of natural colours and natural coating substances. The authorisation ^[F12] must not allow the use of] synthetic forms of iron oxides and iron hydroxides^{F13}]

Textual Amendments

- F2** Substituted by Commission Implementing Regulation (EU) No 203/2012 of 8 March 2012 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007, as regards detailed rules on organic wine.
- F3** Inserted by Commission Regulation (EC) No 1254/2008 of 15 December 2008 amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.
- F4** Art. 27(1)(c) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(a)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Art. 27(1)(d) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(a)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Substituted by Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 amending Regulation (EC) No 889/2008 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 (Text with EEA relevance).
- F7** Words in Art. 27(1)(f)(i) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(a)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** Words in Art. 27(1)(f)(ii) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(a)(iv)(aa)** (as amended by S.I. 2020/1400, regs. 1(b), **3(3)(d)(i)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F9** Words in Art. 27(1)(f)(ii) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(a)(iv)(bb)** (as amended by S.I. 2020/1400, regs. 1(b), **3(3)(d)(ii)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F10** Substituted by Commission Regulation (EC) No 1254/2008 of 15 December 2008 amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation

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(EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.

- F11** Art. 27(3) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** Words in Art. 27(4) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F13** Words in Art. 27(4) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(16)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)

^{F3}Article 27a **U.K.**

For the purpose of the application of Article 20(1) of Regulation (EC) No 834/2007, the following substances may be used in the production, confection and formulation of yeast:

- (a) substances listed in Annex VIII, Section C to this Regulation;
- (b) products and substances referred to in Article 27(1)(b) and (e) of this Regulation.]

Textual Amendments

- F3** Inserted by Commission Regulation (EC) No 1254/2008 of 15 December 2008 amending Regulation (EC) No 889/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control.

Article 28 **U.K.**

Use of certain non-organic ingredients of agricultural origin in processing food

For the purpose of Article 19(2)(c) of Regulation (EC) No 834/2007, non-organic agricultural ingredients listed in Annex IX to this Regulation can be used in the processing of organic food.

Article 29 **U.K.**

Authorisation of non-organic food ingredients of agricultural origin ^{F14}...

1 Where an ingredient of agricultural origin is not included in Annex IX to this Regulation, that ingredient may only be used under the following conditions:

- a the operator has notified to the competent authority ^{F15}... all the requisite evidence showing that the ingredient concerned is not produced in sufficient quantity in [^{F16}Great Britain] in accordance with the organic production rules or cannot be imported from third countries;
- b the competent authority ^{F17}... has provisionally authorised, the use for a maximum period of 12 months after having verified that the operator has undertaken the necessary contacts with suppliers ^{F18}... to ensure himself of the unavailability of the ingredients concerned with the required quality requirements;
- c no decision has been taken, in accordance with the provisions of paragraphs 3 or 4 that a granted authorisation with regard to the ingredient concerned shall be withdrawn.

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[^{F19}Nothing in this Regulation prevents the relevant authority from using any power the authority has to prolong the authorisation provided for in point (b) for a period of 12 months on a maximum of three occasions.]

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Textual Amendments

- F14** Words in Art. 29 heading omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Art. 29(1)(a) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Art. 29(1)(a) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(b)(i)(bb)** (as substituted by S.I. 2020/1400, regs. 1(b), **3(3)(e)**); 2020 c. 1, **Sch. 5 para. 1(1)**
- F17** Words in Art. 29(1)(b) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(b)(ii)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Art. 29(1)(b) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(b)(ii)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F19** Words in Art. 29(1) substituted (31.12.2020) by The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(b)(iii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F20** Art. 29(2)-(5) omitted (31.12.2020) by virtue of The Organic Production and Control (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/693), regs. 1(2), **3(17)(c)**; 2020 c. 1, Sch. 5 para. 1(1)

[^{F21}Article 29a **U.K.**

Specific provisions for seaweed

1 If the final product is fresh seaweed, flushing of freshly harvested seaweed shall use seawater.

If the final product is dehydrated seaweed, potable water may also be used for flushing. Salt may be used for removal of moisture.

2 The use of direct flames which come in direct contact with the seaweed shall be prohibited for drying. If ropes or other equipment are used in the drying process they shall be free of anti-fouling treatments and cleaning or disinfection substances except where a product is listed in Annex VII for this use.]

Textual Amendments

- F21** Inserted by Commission Regulation (EC) No 710/2009 of 5 August 2009 amending Regulation (EC) No 889/2008 laying down detailed rules for the implementation of Council Regulation (EC)

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No 834/2007, as regards laying down detailed rules on organic aquaculture animal and seaweed production.

Textual Amendments

- F1** Substituted by Commission Implementing Regulation (EU) 2016/1842 of 14 October 2016 amending Regulation (EC) No 1235/2008 as regards the electronic certificate of inspection for imported organic products and certain other elements, and Regulation (EC) No 889/2008 as regards the requirements for preserved or processed organic products and the transmission of information (Text with EEA relevance).

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- (1) [^{F6}Regulation (EU) No 609/2013 of the European Parliament and of the Council of 12 June 2013 on food intended for infants and young children, food for special medical purposes, and total diet replacement for weight control and repealing Council Directive 92/52/EEC, Commission Directives 96/8/EC, 1999/21/EC, 2006/125/EC and 2006/141/EC, Directive 2009/39/EC of the European Parliament and of the Council and Commission Regulations (EC) No 41/2009 and (EC) No 953/2009 (OJ L 181, 29.6.2013, p. 35).]

Textual Amendments

- F6** Substituted by Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 amending Regulation (EC) No 889/2008 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 (Text with EEA relevance).

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