



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels
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Dear Sir, / Dear Madam,

Further to the meeting of the Committee on Organic Production held on 2 December, I am writing you to request action in relation to ethylene oxide in products labelled according to the organic legislation.

As already indicated during the meeting, DG AGRI has serious concerns due to a high number of notifications of irregularities in OFIS (Organic Farming Information System) involving ethylene oxide (hereinafter 'ETO') in sesame seeds from India labelled as organics; over fifty cases as of date of writing this letter.

The majority of the cases were reported at very high levels of ethylene oxide and thus were also reported in the RASFF (Rapid Alert System for Food and Feed) given that such contamination constitutes a serious risk to human health according to Union rules. Moreover, ethylene oxide is not approved as an active substance for use in plant protection products in the Union.

These cases led to withdrawals and recalls of numerous batches of contaminated products in various Member States.

It is very important that this issue is followed up very closely by your national competent authority. In fact, for the time being, no adequate guarantee on the integrity of the sesame seed product originating in India and intended to be marketed as organic seems to exist. DG AGRI is also investigating the situation with the authorities and the control bodies operating in India.

Without prejudice to actions under horizontal regulations or any other possible action under RASFF¹, given the very strong suspicions based on multiple cases of severe infringements, the risk assessment should lead to the following actions to be applied to every consignment of sesame seeds imported from India and to be marketed as organic.

- The control authority or control body should take and analyse samples in each case where the use of products, ETO in this case, not authorised for organic

¹ Commission Implementing Regulation (EU) 2020/1540, of 22 October 2020, amending Implementing Regulation (EU) 2019/1793 as regards sesame seeds originating in India

To the delegates of the Committee on Organic Production

production, is suspected. In such case no minimum number of samples to be taken and analysed shall apply².

- Consignments already subject to increased physical and identity checks for the presence of pesticides residues originating from India at the Union borders³ do not need to be sampled and tested under organic controls but the rest of the consignments are to be sampled and analysed for ETO in each case as per Regulation (EC) No 889/2008 Article 65(2).
- Operators shall block all sesame seed products coming from India and to be marketed as organic in accordance with Article 91 of Regulation (EC) No 889/2008. They shall initiate procedures either to withdraw from this product any reference to the organic production method or to separate and identify the product. The operators may only put these products into processing or packaging or on the market after appropriate laboratory test showing no residues of ETO or other pesticides, unless the product is placed on the market without indication referring to the organic production method, and is compliant with the relevant other horizontal legal requirements. In case of sesame seed products from India, given the existing serious doubts, the operator shall immediately inform the control body or authority⁴.
- All products contaminated with ETO shall be downgraded, including all positive results above the limit of quantification (LOQ).⁵
- In case of severe infringements or infringements with prolonged effect by the EU operators, these shall be prohibited from selling organic products⁶.
- Information on cases of irregularities or infringements are to be immediately communicated between the control bodies, control authorities, competent authorities and Member States concerned and to the Commission via OFIS⁷. Products having results above maximum residue limit (taking into account the analytical uncertainty)⁸ must be first reported through RASFF. For this purpose, contact must be taken with the RASFF Single Contact Point.

Finally, it is suspected that the use of ETO may also be a practice for other products/countries, in particular, at least, as regards spices and herbs. Therefore,

² Regulation (EC) No 889/2008 Article 65(2)

³ Commission Implementing Regulation (EU) 2020/1540, of 22 October 2020, amending Implementing Regulation (EU) 2019/1793 as regards sesame seeds originating in India

⁴ Regulation (EC) No 889/2008 Article 91(1)

⁵ Regulation (EC) No 834/2007 Article 30(1)

⁶ Regulation (EC) No 834/2007 Article 30(1)

⁷ Regulation (EC) No 834/2007 Article 30(2), Regulation (EC) No 889/2008 Article 92a

⁸ Regulation (EC) No 396/2005

competent authorities should consider on the basis of their risk assessment, to extend the above checks to other products at risk.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ch. Gerstgrasser', with a stylized flourish at the end.

p.o. Christina GERSTGRASSER
in absence of
Nathalie SAUZE- VANDEVYVER