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EDA/EWPA input to the public consultation on the draft Commission Implementing Regulation (EU)

authorising certain products and substances for use in organic production
and establishing their lists

EU rules on organic farming are designed to provide a clear structure for producing organic goods across the EU. This is to satisfy consumer demand for trustworthy organic products while providing a fair marketplace for producers, distributors and marketers. This initiative lays down a list of products and substances including fertilisers, pesticides and cleaning and disinfectant products authorised for use in organic production.

The European Dairy Association (EDA) and the European Whey Processors Association (EWPA) welcome the opportunity to provide our input to this public consultation on the draft **Commission Implementing Regulation (EU) authorising certain products and substances for use in organic production and establishing their lists**.

In particular, EDA/EWPA would like to comment on the aspects below.

Regarding the (future) positive list of cleaning and disinfection agents in production and storage (Article 5 and Annex IV, Part C)

- In general, **EDA/EWPA are not supportive of a positive list for allowed cleaning and disinfection agents**. For different situations/products there is a need to have different substances to clean/disinfect effectively. **A restrictive list with forbidden substances would be a more favorable solution**. In addition, a positive list of cleaning and disinfection agents is likely to limit innovation in this area. And innovation can help in developing less harmful substances that have the same (or even better) function in cleaning/disinfection.
- As indicated above, EDA/EWPA are not supportive of a positive list for allowed cleaning and disinfection agents. However, if it is decided to continue with such approach, we would like to point out that **the foreseen deadline of 2024 for the application of such list is not realistic** as it would not give enough time to operators to adapt.
- The scope of the positive list of cleaning and disinfection agents is not clear yet, but there are already discussions on substances that are to be included. In practice, the scope is extremely relevant to determine what substances need to be assessed for what purpose. For example, it differs if only the food contact surfaces are in scope or the whole production site which would include for instance the canteen and toilets. In the view of EDA/EWPA, **if such a positive list is to be set, then the scope of this positive list should only be about the food contact surfaces that are specifically relevant for organic production**.
- Production sites can have production lines for both conventional and organic products; **this legislation must in no way affect conventional products**.
- **Food safety is the main priority also for organic production**. Key is that foods that are produced are food safe (and consumers do not get ill after consumption). Effective cleaning/disinfection is a pre-requisite for this.



It is of the utmost importance that for all different types of foods and processing methods in the whole chain an effective cleaning/disinfection routine, that is economically viable, is available.

EDA/EWPA would like to use this opportunity to especially emphasise the need for proper cleaning of the equipment used in the production process of dairy products, including amongst others the membranes. At the moment different enzymes are used for several applications. Other substances, if available, might influence the process/equipment. In this regard, EDA/EWPA would like to get some clarification about the reason for enzymes being out of scope of the assessment according to the draft EGTOP report.

Regarding Annex IV, Part C

The positive lists of cleaning and disinfection agents are not known yet and as indicated above, EDA/EWPA are not supportive of a positive list for allowed cleaning and disinfection agents. However, if it is decided to continue with positive lists for cleaning/disinfection we would like to point out the following.

In Annex IV, the wording “products for cleaning and disinfection” is not clear. We assume that this does not concern products as such but that the list will contain substances (which can be used as product as such but also combined). **EDA/EWPA suggest using the wording “products and substances for cleaning and disinfection”;** this is also in line with the wording in other Annexes (e.g., in Annex V “*Authorised products and substances for use in the production of processed organic food and of yeast used as food or feed*”).

Regarding authorised products and substances for use in the production of processed organic food and of yeast used as food or feed (Annex V, part B)

The positive list of authorised non-organic agricultural ingredients to be used for the production of organic food has been significantly reduced compared to the old Organic Regulation. This will give challenges to companies that produce organic products and use these ingredients at the moment. EDA/EWPA would like to highlight spirulina in particular. Spirulina is used as ingredient in organic cheese production. This is based on Annex IX of Regulation 889/2008 point 1.3. It mentions: “Algae, including seaweed, permitted in non-organic foodstuffs preparation”. Spirulina is an algae. **EDA/EWPA request to reconsider to reinclude several ingredients from this positive list in general, and in particular spirulina/all algae.** In this regard, EDA/EWPA would also take the opportunity of this consultation to ask some clarification about the reason algae in general have been removed from the list of authorised non-organic agricultural ingredients to be used for the production of organic food.

Regarding food additives and processing aids (Article 6 and Annex V, Part A)

While EDA/EWPA welcomes the lists of Annex V, Part A (food additives and processing aids) since they keep the substances currently listed in regulation 889/2008, additional uses of some processing aids in organic dairy products could be considered.

- **Calcium chloride should be allowed as a processing aid in organic cheese production.** Currently, it is only allowed for food of plant origin and meat-based sausages. **Calcium chloride is frequently used as a processing aid in cheese production** - it is added to cheese milk before renneting to enhance clotting of proteins. Calcium chloride is binding to the casein micelles and by that it is reducing the repulsive forces between the micelles by promoting hydrophobic interactions. Casein aggregation is thereby stimulated. **The addition of calcium chloride helps to reduce and control the clotting time.** When milk contains amounts of calcium in excess of the amount bound mainly to proteins, the surplus (unbound) calcium has no effect on the level in the end-product. **Calcium chloride is also added at a later step to the brine bath to stabilize the cheese and its rind.** In the brine bath, the cheese naturally loses calcium. By adding calcium



chloride, the calcium balance can be kept in the brine to keep the natural calcium in the cheese and to achieve the right texture and quality of the rind, which would otherwise not be possible, as the rind will become “sticky”.

Calcium chloride is not consumed as such, it is only added during the manufacturing process for the technological purposes described above. It does not leave any residues that could be harmful to human health in the final product and has no technological function in the end product. This is well acknowledged by Codex Alimentarius as well as included in the existing national legislation in some Member States, e.g. in [France](#).

- **Hydrochloric acid is currently only allowed as a processing aid for some Dutch cheeses.** This is an oversight that goes back to 2008, when Regulation (EU) 889/2008 was drafted. We see no reason why only the Dutch cheeses should be able to use this substance. **We believe that all European firm cheeses salted in brine should be allowed to use hydrochloric acid as a processing aid for the regulation of the pH of the brine bath.** The opportunity should be taken to correct this long-standing omission. Similar to the use of calcium chloride in the brine, the purpose of use is to ensure the same level (in this case H⁺ ions) in the cheese and in the brine, to prevent a “sticky” surface of the cheese. Otherwise more food waste is foreseen for organic cheeses than for non-organic cheeses.
- **As a basic principle the use of alkalis and acids for adjusting the pH during the manufacturing process, should not be depending on whether the raw material is of plant or animal origin.** The function and the purpose is the same, wherefore it is inconsistent and unfair practice that these substances are not permitted for both kind of foods.
- **Perlite, diatomaceous earth and cellulose are used as processing aids to filter the brine bath** (ripened cheeses) to make it purer and thereby reducing the amount of unwanted physical particles in the brine. **This process is used for conventional cheeses but is very much wished for in the manufacturing of organic ripened cheeses too,** to increase the quality of the brine and thereby the cheese, as well as to reduce waste of brine becoming impure otherwise.
- In the conventional manufacturing of lactose, **perlite is used as a processing agent/ filter agent to achieve a low vitamin B2 content in the lactose.** Without perlite, this kind of filtration is not possible. To enable the manufacturing of a similar organic lactose product, **it is therefore a wish of the industry that perlite also will be permitted for organic lactose.**

