

Brussels, December 6, 2012

Ms Chantal Bruetschy
Head of Innovation and Sustainability Unit
DG Sanco
European Commission

Parity in the use of *Stevia rebaudiana* in the European Union

Dear Miss Chantal Bruetschy,

The plant *Stevia rebaudiana* and extracts from it are an important natural source of zero-calorie sweetness which can be used to sweeten foods. Stevia has been used in organic sector for several years to sweeten organic products such as yogurts, infusions, drinks and dietary supplements in France and Germany.

Steviol glycoside (E960) has been permitted for use in non-organic foods since November 2011 (Regulation (EC) No 1131/2011). It is not allowed to use steviol glycoside (E960) in organic production as it is not included in the positive list of additives allowed for organic production in Regulation (EC) 834/2007. Organic sector is currently debating if E960 which is produced with very invasive ion exchange and absorption resins is in line with organic principles and if it should be included in the positive list for organic products.

Stevia and Stevia extracts are seen¹ as a novel food and as such must follow the authorisation procedure according to Regulation (EC) No 258/97. The Court of Justice of the European Union provided judgement on April 14, 2011 (case C-327/09²) that the decision as to whether the Stevia plant is a novel food or not has to be made on a national level.

In Germany, the decision to allow the use of Stevia was supported by the judgement (M 4 K 03.4528) on the May 13, 2004. The Verwaltungsgericht München stated that Stevia leaves and tea (water extract) were marketed before 1997 and were therefore **not novel foods**. This judgement was confirmed by (M 18 K 11.2918) on September 21, 2011 (see attachments).

¹ Commission Decision of 22 February 2000 refusing the placing on the market of *Stevia rebaudiana Bertoni*: plants and dried leaves as a novel food or novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (notified under document number C(2000) 77). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2000:061:0014:0014:EN:PDF>

² Judgment of the Court (Third Chamber) of 14 April 2011 (reference for a preliminary ruling from the Bayerischer Verwaltungsgerichtshof — Germany) — Mensch und Natur AG v Freistaat Bayern (Case C-327/09). <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2011:179:0004:0004:EN:PDF>

Full text of the Judgement of the Court:

<http://curia.europa.eu/juris/document/document.jsf?docid=81449&mode=lst&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=3478174>

However, in several member states the use of Stevia and Stevia extracts is forbidden in both non-organic and organic food.

As a result in Germany some organic products made with organic Stevia leaves or water extracts are sold to the consumer. Similar products containing Stevia cannot be produced in other EU countries. Additionally, it is unclear if national authorities of other EU countries will treat the presence of products containing Stevia produced in Germany as legal on their national markets.

The IFOAM EU Group is concerned that this situation creates confusion amongst consumers, unfair competition and distorts the common market. We are calling for a consistent interpretation on the use of Stevia and Stevia extracts throughout the European Union. If a product is not a novel food in Germany, then our opinion is that it cannot be a novel food in any other European country, based on the definition in the novel food legislation and the concept of an open market.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Marco Schlueter', written in a cursive style on a light-colored background.

Marco Schlueter
IFOAM EU Group Director

Attachments:

Judgements from German Courts.