



Press and Information

Court of Justice of the European Union

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Luxembourg, 29 April 2021

Judgment in Case C-815/19

Natumi GmbH v Land Nordrhein-Westfalen

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**EU law prohibits the addition of the alga *Lithothamnium calcareum* in the processing of organic foodstuffs such as rice- and soya-based organic drinks for the purpose of their enrichment with calcium**

The German company Natumi produces soya and rice drinks. It adds the red coral alga *Lithothamnium calcareum* to those drinks, in the form of a powder obtained from the cleaned, ground and dried sediment of that alga after it has died. That sea alga contains mainly calcium carbonate and magnesium carbonate. Among other things, Natumi sells a drink called 'Soja Drink-Calcium', which is labelled as 'organic' and bears the following words: 'calcium', 'contains calcium-rich sea alga' and 'contains high-quality calcium from the sea alga *Lithothamnium*'.

The *Land* of North Rhine-Westphalia (Germany) brought proceedings for the imposition of a financial penalty on Natumi owing to the fact that the use of calcium carbonate, as a mineral, for the calcium enrichment of organic products is prohibited, even where enrichment is effected by adding algae. In addition, according to the *Land*, it is forbidden to include references to calcium on such products.

Natumi acknowledges that the use of calcium carbonate to enrich organic products with calcium is prohibited. It is precisely for that reason that many producers of soya-, rice- and cereal-based organic drinks add to them the alga *Lithothamnium calcareum*, which is naturally rich in calcium. According to Natumi, that alga is a natural alternative to calcium and its use for enriching organic food should be permitted.

The Bundesverwaltungsgericht (Federal Administrative Court, Germany) asks the Court of Justice to provide an interpretation of the relevant EU law.<sup>1</sup>

By its judgment delivered today, the Court holds that **EU law precludes the use of a powder obtained from the cleaned, dried and ground sediment of the alga *Lithothamnium calcareum*, as a non-organic ingredient of agricultural origin, in the processing of organic foodstuffs such as rice- and soya-based organic drinks for the purpose of their enrichment with calcium.**

The use of a non-organic ingredient of agricultural origin in organic food is permitted only under certain conditions, in particular that it is impossible, without having recourse to that ingredient, to produce or preserve that food or to fulfil given dietary requirements provided for on the basis of EU legislation. It does not, however, appear that those criteria are fulfilled in the case of the powder in question.

In addition, EU law lays down strict rules on the addition of minerals, such as calcium, in the production of organic food. As a rule, it excludes the use of calcium carbonate to enrich products with calcium, with the result that **the addition of calcium in the processing of organic**

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<sup>1</sup> 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 (OJ 2008 L 250, p. 1), as amended by Commission Implementing Regulation (EU) 2018/1584 of 22 October 2018 (OJ 2018 L 264, p. 1).

**foodstuffs such as the rice- and soya-based drinks at issue**, for the sole purpose of their enrichment with calcium, **is prohibited**. Consequently, **authorising the use of the powder in question as a non-organic ingredient of agricultural origin in the processing of organic foodstuffs, in order to enrich them with calcium, would amount to permitting producers of those foodstuffs to circumvent that prohibition**.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355