



Organic Food Federation

Information Sheet for Processors

Issue Date 03 May 2024

Non-Organic Ingredient Derogation

95% rule and grounds for an application

For a product to be labelled as 'Organic' at least 95% of the agricultural ingredients must be organic. This % is calculated by weight or volume of the product and excludes water, salt, and processing aids.

If a particular ingredient is not available in an organic format you can apply for a derogation to the Department for Environmental Food and Rural Affairs (DEFRA) to temporarily include non-organic ingredients in an organic food product. Up to 5% of the agricultural ingredients may be non-organic.

A non-organic ingredient derogation can be applied for if an organic version of an ingredient is not available in sufficient quantities. If available in an organic format it must be used regardless of cost. A derogation will only be considered if the:

- Organic version is not available.
- Non-Organic ingredient is a single ingredient, not made up of 2 or more different ingredients.
- Product doesn't contain any additives or processing aids other than those permitted for use in organic production.
- Product is not a GMO product or GMO derivative.
- Product is not irradiated (exposed to ionizing radiation).

Derogation Length

If permission is granted the derogation for non-organic ingredient can last for:

- 12 months in Great Britain
- 6 months in Northern Ireland

An extension can be issued for a maximum of three times after which the operator must find an alternative organic ingredient.

The Application Process

An operator wishing to apply for a non-organic ingredient derogation should contact OFF to ensure the ingredient is not available in GB or NI and cannot be imported from a third country. If found to be available, the relevant information should be shared with the operator.

If no organic version is found to be available, the operator must send the application to DEFRA for consideration.

As part of the application process DEFRA require copies of letters or emails from at least three potential suppliers confirming that they are unable to supply the ingredients organically.



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Suppliers should be those that might be able to supply the ingredients organically. Letters must include a letterhead and emails a digital signature of the company's name.

How to Apply

Fill in an application form. Use a separate form for each non-organic ingredient.

[Apply to use a non-organic ingredient - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

Completed form should be emailed to:

- organic.standards@defra.gov.uk if you are based in Great Britain
- Northernireland.organics@defra.gov.uk if you are based in Northern Ireland

Completed forms must be sent to DEFRA at least four weeks prior to using the Ingredient.

You must include the following supporting evidence:

- A statement that you have searched for an organic form of the ingredient and could not find one on the UK market or for import.
- An explanation of why you need to use the particular ingredient in non-organic form and why you cannot use an organic substitute.
- Copies of letters or emails from at least 3 potential suppliers of the ingredient- they must confirm they cannot supply the ingredient in organic form or find it on the UK market.

DEFRA will review your application and get in touch if any further information is required. They will send a decision by email.