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From:	Presidency
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the labelling of organic pet food - Analysis of the final compromise text with a view to agreement

Delegations will find attached the consolidated text of the Regulation on the labelling of organic pet food, as approved at the trilogue on 6 June 2023.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the labelling of organic pet food

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (-1) Taking into consideration the objectives of the Common Agricultural Policy (CAP) of ensuring a fair income for farmers and responding to the demands of society of food and health, the growing consumer demand for organic products is an opportunity for further expansion of the pet food sector and for an increase in the income of farmers engaged in organic production. Acknowledging the fact that the pet food sector has a role to play in contributing to the European Green Deal objectives, and recognising those new labelling measures and the uniform use of the organic production logo of the European Union will help to develop and promote the pet food sector, both through the sale of products to consumers who are mindful of the organic content of the products they buy, and through the opportunity to bring added value to organic by-products. The pet food sector will thus be able to contribute, albeit modestly, to achieving an increase in Union agricultural land under

¹ OJ C 140, 21.4.2023 p.55

organic farming by 2030, as envisaged in the Commission Communication of 19 April 2021 on an Action Plan for the development of organic production.

- (1) Regulation (EU) 2018/848 of the European Parliament and of the Council² lays down rules on organic production and labelling of organic products. That Regulation applies both to feed for food-producing animals and to feed for pets, i.e. pet food. Under that Regulation, non-organic ingredients of agricultural origin may be authorised for all types of organic feed, while a term referring to organic production cannot be used in the sales description where not all agricultural ingredients are organic, regardless of extent. Moreover, such feed cannot bear the organic production logo of the European Union. Consequently, final consumers are not directly informed about the compliance of the product with organic production rules.
- (2) Professional operators are informed about the composition and the proportion of organic, in-conversion and non-organic ingredients in compound feed in accordance with point 2.1.2 of Annex III to Regulation (EU) 2018/848. By contrast, when feed is sold directly at retail level to final consumers, there are currently no rules concerning the provision of information on the organic ingredients in compound feed where not all of agricultural ingredients are organic. The presence of non-organic agricultural ingredients is particularly relevant for pet food. Final consumers should be appropriately informed about the composition of pet food containing both organic and non-organic agricultural ingredients, enabling consumer confidence and fair competition between operators in the pet food sector.
- (3) Prior to the application of Regulation (EU) 2018/848, and in accordance with Article 95(5) of Commission Regulation (EC) No 889/2008³, certain Member States had established national rules or recognised private standards that allowed the use of a term referring to organic production in the sales description of pet food when at least 95 % of the agricultural ingredients of the product by weight were organic, mirroring the rules for organic processed food.

² Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1).

³ 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 L 250, 18.9.2008, p. 1).

- (4) For the purposes of consumer information, consistency and transparency in the market, and to stimulate the use of organic ingredients, it should also be made possible to refer under certain conditions to organic production in the sales description and in the list of ingredients of pet food. The labelling rules for organic pet food at Union level should therefore mirror those for organic food, given that both categories of products are mainly sold at retail level to final consumers.
- (4a) For this reason it is appropriate to provide labelling requirements for pet food which are specific within the meaning of Article 2(5) of Regulation (EU) 2018/848. Provisions of Regulation (EU) 2018/848 which apply to feed, pet food being a feed for a specific category of animals, remain applicable, notably those on production, certification, control, marketing, trade with third countries.
- (4b) Information on compliance with organic production rules should be provided through the terms referring to organic production in the sales description, in the list of ingredients and through the use of the organic production logo of the European Union. In order to facilitate awareness about compliance with organic production rules, the organic production logo of the European Union should be obligatory for all prepacked pet food complying with Regulation (EU) 2018/848 and this Regulation and produced within the Union, as is the case of prepacked food pursuant to Article 32(1), point (b), of Regulation (EU) 2018/848.
- (5) In order to promote the further development of the pet food sector, it is appropriate to introduce specific provisions on the labelling of organic pet food, on the use of terms referring to organic production in the sales description and in the list of ingredients, and on the use of the organic production logo of the European Union. Special labelling provisions should also be laid down to allow final consumers to identify the organic ingredients that are used in products which consist mainly of an ingredient that stems from hunting or fishing, as long as all other agricultural ingredients are organic.

- (5a) Operators continued after 1 January 2022 to label pet food in accordance with the above mentioned national rules or private standards due to the restricted availability under organic form of certain necessary agricultural ingredients such as certain feed materials and feed additives to enhance palatability of pet food, or to guarantee nutritional value. It is therefore appropriate to allow the exhaustion of stocks of products which have been labelled in accordance with those national rules or private standards accepted or recognised by the Member States in accordance with Article 95(5) of Regulation (EC) No 889/2008 between 1 January 2022 and [insert the date of the entry into force of this Regulation]
- (5b) It is appropriate to provide for a deferred date of application of the obligation to use the organic production logo of the European Union on the labelling of prepacked pet food in order to enable operators to prepare fully for the application of the new labelling requirements.
- (6) Since the objectives of this Regulation can be better achieved at Union level through the adoption of uniform rules for the labelling of organic pet food, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down specific labelling requirements for pet food produced in accordance with the rules concerning organic production of feed provided in Regulation (EU) 2018/848, and constitutes other specific Union law relating to the placing of the products on the market for the purposes of Article 2(5) of Regulation (EU) 2018/848.

Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

1. ‘pet food’ is feed within the meaning of Article 3, point (46), of Regulation (EU) 2018/848 and means feed intended for pets as defined in Article 3(2), point (f), of Regulation (EC) No 767/2009 of the European Parliament and of the Council⁴;
2. ‘prepacked pet food’ means any single item of pet food for presentation as such to the final consumer, including the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any event in such a way that the contents cannot be altered without opening or changing the packaging; prepacked pet food does not cover pet food packed on the sales premises at the final consumer’s request or prepacked for direct sale.

Article 3

Use of terms referring to organic production on the labelling of pet food

1. For pet food, the terms referred to in Article 30(1) of Regulation (EU) 2018/848 may be used:
 - (a) in the sales description and in the list of ingredients, provided that:
 - (i) the pet food complies with the detailed production rules set out in Part V of Annex II to Regulation (EU) 2018/848 and with the processing techniques laid down in accordance with Article 17(3) of that Regulation; and

⁴ Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC (Feed marketing Regulation) (OJ L 229, 1.9.2009, p. 1).

- (ii) at least 95 % of the agricultural ingredients of the product by weight are organic;
 - (b) only in the list of ingredients, provided that:
 - (i) less than 95 % of the agricultural ingredients of the product by weight are organic, and provided that those ingredients comply with the production rules set out in Regulation (EU) 2018/848;
 - (ii) only feed additives and processing aids authorised pursuant to Article 24 of Regulation (EU) 2018/848 are used in the processing of the pet food; and
 - (iii) the pet food complies with the detailed production rules set out in points 1.5, 2.1, 2.2 and 2.4 in Part V of Annex II to Regulation (EU) 2018/848 and with the processing techniques laid down in accordance with Article 17(3) of that Regulation.
- 1a. For pet food containing ingredients stemming from hunting or fishing, the terms referred to in Article 30(1) of Regulation (EU) 2018/848 may be used in the sales description and in the list of ingredients provided that:
- (a) the main ingredient is a product of hunting or fishing;
 - (b) the term is clearly related in the sales description to an organic ingredient other than the main ingredient;
 - (c) all other agricultural ingredients are organic;
 - (d) only feed additives and processing aids authorised pursuant to Article 24 of Regulation (EU) 2018/848 are used in the processing of the pet food; and
 - (e) the pet food complies with the detailed production rules set out in points 1.5, 2.1, 2.2 and 2.4 in Part V of Annex II to Regulation (EU) 2018/848 and with the processing techniques laid down in accordance with Article 17(3) of that Regulation.

2. The list of ingredients referred to in paragraphs 1 and 1a shall indicate which ingredients are organic. The references to organic production may only appear in relation to the organic ingredients.
3. The list of ingredients referred to in paragraph 1, point (b) and in paragraph 1a, shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients.
4. The terms referred to in Article 30(1) of Regulation (EU) 2018/848 and the indication of the percentage referred to in paragraph 3 of this Article shall appear in the same colour, identical size and style of lettering as the other indications in the list of ingredients referred to in paragraphs 1 and 1a of this Article.

Article 4

Use of the organic production logo of the European Union on the labelling of pet food

1. The organic production logo of the European Union referred to in Article 33 of Regulation (EU) 2018/848 may only be used in the labelling, presentation and advertising of pet food complying with the conditions referred to in Article 3(1)(a).
2. In the case of prepacked pet food complying with the conditions referred to in Article 3(1)(a), the organic production logo of the European Union shall appear on the packaging.

Article 4a

Transitional measures

Organic pet food labelled in accordance with national rules or in the absence thereof, private standards accepted or recognised by the Member States in accordance with Article 95(5) of Regulation (EC) No 889/2008 between 1 January 2022 and ... [insert the date of the entry into force of this Regulation] may be placed on the market until stocks are exhausted.

Article 5

Entry into force and application

This Regulation shall enter into force on the third day following that of its publication in the Official Journal of the European Union.

However, Article 4(2) shall apply from ... [six months after the date of entry into force of this Regulation].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament

The President

For the Council

The President
