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2022/0390 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the labelling of organic pet food

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

On 1 January 2022, 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 834/2007¹ became applicable. This brought about a change as concerns pet food. Before 1 January 2022, pet food, in particular for cats and dogs, could be labelled as organic where not all agricultural ingredients were organic because Member States could lay down national rules or, in the absence thereof, accept or recognise private standards. However, since 1 January 2022, pet food can no longer be labelled as organic because Regulation (EU) 2018/848, while covering the labelling of feed for farm animals like hay and silage, does not establish specific rules for the labelling of pet food.

Regulation (EU) 2018/848 applies both to feed for food-producing animals and to feed for pets, i.e. pet food. Under that Regulation, while non-organic ingredients of agricultural origin are authorised in the production of organic feed, a term referring to organic production cannot be used in the sales description where not all agricultural ingredients are organic. 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.

On the one hand, professional operators are informed about the composition and the proportion of organic, in-conversion and non-organic compounds in feed in accordance with point 2.1.2 of Annex III to Regulation (EU) 2018/848. On the other hand, when feed is sold directly at retail level to final consumers, there are currently no rules concerning the provision of information on the organic compounds in the feed where not all agricultural ingredients are organic. Moreover, the labels of food and pet food are intended for the same customers: pet food and food (including prepacked food) are both sold at retail level to final consumers.

Against this background, the purpose of this proposal is to establish specific labelling rules for pet food. These rules will allow pet food, in particular for cats and dogs, to bear the organic production logo of the European Union. Moreover, the organic production logo of the European Union will be mandatory for prepacked pet food labelled as organic.

The proposal will support the small but growing organic pet food sector by allowing producers to use the organic production logo of the European Union when promoting their products. In addition, the proposal will contribute to the development of organic agriculture via the possibility of creating added value for organic by-products that may be used in the production of pet food. This is in accordance with the Green Deal, the Farm to Fork and Biodiversity strategies, the Action Plan for the Development of Organic Production, and the target of achieving 25% of EU agricultural land under organic farming by 2030.

- **Consistency with existing policy provisions in the policy area**

The proposal is consistent with Regulation (EU) 2018/848. The proposed labelling rules for organic pet food mirror the labelling rules applicable to food, including the mandatory requirement of the use of the organic production logo of the European Union on the

¹ OJ L 150, 14.6.2018, p. 1.

packaging of prepacked food. Indeed, the labels of those products are intended for the same customers: pet food and food (including prepacked food) are both sold at retail level to final consumers.

- **Consistency with other Union policies**

The proposal is consistent with Regulation (EC) No 767/2009 of the European Parliament and of the Council on feed, which contains specific provisions for the labelling of feed for non-food-producing animals like pets.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

Article 43(2) of the Treaty on the Functioning of the European Union.

- **Subsidiarity (for non-exclusive competence)**

Pursuant to Regulation (EU) No 2018/848, the Union has established a Union-wide organic scheme and harmonised organic production rules, including rules concerning the labelling of organic products. The adoption of specific uniform rules for the labelling of organic pet food cannot therefore be sufficiently achieved by the Member States.

- **Proportionality**

The proposal proposes limited and targeted additional rules to the current legislative framework for the labelling of organic products. Those rules do not go beyond what is necessary to achieve the objective of establishing rules for the labelling of organic pet food.

- **Choice of the instrument**

The proposed rules concerning the labelling of organic pet food require their direct applicability in the Member States. A Regulation of the European Parliament and of the Council is the appropriate instrument for the adoption of specific rules for the labelling of organic pet food, taking into account that the legislation currently in force consists of Regulation (EU) 2018/848.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

NA

- **Stakeholder consultations**

NA

- **Collection and use of expertise**

NA

- **Impact assessment**

NA

- **Regulatory fitness and simplification**

NA

- **Fundamental rights**

NA

4. BUDGETARY IMPLICATIONS

NA

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

NA

- **Explanatory documents (for directives)**

NA

- **Detailed explanation of the specific provisions of the proposal**

The proposal proposes to establish specific rules for the labelling of organic pet food. In order for pet food to be labelled as organic and bear the organic production logo of the European Union, at least 95% in terms of weight of the agricultural ingredients will have to be organic. When less than 95% of the agricultural ingredients will be organic, the reference to organic may only be used in the list of ingredients in relation to organic ingredients with an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients.

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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 Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Regulation (EU) 2018/848 of the European Parliament and of the Council⁴ lays down rules on the labelling of feed and applies both to feed for food-producing animals and to feed for pets, i.e. pet food. Under that Regulation, while non-organic ingredients of agricultural origin are authorised in the production of organic feed, a term referring to organic production cannot be used in the sales description where not all agricultural ingredients are organic, even if to a low 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 compounds in 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 compounds in the feed where not all of agricultural ingredients are organic. This is particularly relevant for pet food.
- (3) Prior to the application of Regulation (EU) 2018/848, and in accordance with Article 95(5) of Commission Regulation (EC) No 889/2008⁵, certain Member States had established national rules or recognised private standards that allowed the use of a

² OJ C , , p. .

³ OJ C , , p. .

⁴ 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).

⁵ 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).

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.

- (4) 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. Information on compliance with organic production rules should be provided through the terms referring to organic production in the sales description 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 with 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.
- (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 provided in Regulation (EU) 2018/848.

Article 2

Definitions

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

1. 'pet food' 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 Council⁶;
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

⁶ 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).

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
 - (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.
2. The list of ingredients referred to in paragraph 1 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), 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 paragraph 1 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 bearing a term referred to in Article 30(1) of Regulation (EU) 2018/848, the organic production logo of the European Union shall appear on the packaging.

Article 5

Entry into force

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

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