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RELEVANT LEGAL PROVISIONS ON PET FOOD

The scope of the organic legislation is laid down in Article 2 of Regulation (EU) 2018/848¹ covering inter alia feed. Feed is defined in Article 3 of Regulation (EU) 2018/848 with a reference to point (4) of Article 3 of Regulation (EC) No 178/2002: “*‘feed (or feedingstuff)’ means any substance of product, including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;*”. Thus, pet food is considered feed and it is covered by the scope of the organic EU legislation.

Pet is defined in point (f) of Article 3(2) of Regulation (EC) No 767/2009²: *‘pet’ or ‘pet animal’ means any non-food producing animal belonging to species fed, bred or kept, but not normally used for human consumption in the Community*. Most of these pets fall under CN code 0106 “Other live animals”.

Livestock is indirectly defined in Article 3(27) of Regulation (EU) 2018/848: *‘livestock production’ means the production of domestic or domesticated terrestrial animals, including insects*. Livestock organic production rules of Regulation (EU) 2018/848, in particular Articles 9 and 14 and Part II of Annex II, apply to animal pet production rules.

Use of terms referring to organic production:

Article 30(6) of Regulation (EU) 2018/848:

“For processed feed, the terms referred to in paragraph 1 may be used in the sales description and in the list of ingredients, provided that:

- (a) the processed feed complies with the production rules set out in Parts II, III and V of Annex II and with the specific rules laid down in accordance with Article 16(3);*
- (b) all of the ingredients of agricultural origin that are contained in the processed feed are organic; and*

¹ [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](#)

² [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; OJ L 229 1.9.2009, p. 1.](#)

(c) at least 95 % of the dry matter of the product are organic.”

Consequently, **processed pet food** may be placed on the market with a term referring to organic production only if:

- it complies, in particular,
 - o with the general production rules laid down in Articles 9 and 11 of Regulation (EU) 2018/848,
 - o with the detailed production rules set out in Part V of Annex II and in implementing acts referred to in Article 17(3) of Regulation (EU) 2018/848, and
 - o with the implementing act referred to in Article 24(9) concerning the authorisation of products and substances used in feed production;
- all ingredients of agricultural origin are organic; and
- at least 95 % of the dry matter of the product are organic.

Use of organic production logos:

In accordance with Article 33(1) of Regulation 2018/848, *“the organic production logo of the European Union may be used in the labelling, presentation and advertising of pet food which comply with Regulation (EU) 2018/848”*.

In accordance with Article 33(5) of Regulation 2018/848, ***national logos and private logos*** referring to organic may also be used in the labelling, presentation and advertising of pet food which comply with Regulation (EU) 2018/848. **The use of these logos may include the respect of stricter national/private rules in addition to the EU rules.** However, the use of the national and private logos remain voluntary and organic pet food complying only with the EU rules on organic feed may always be placed on the EU market with the EU logo.

Detailed national production rules for pet animals and petfood

Article 20 of Regulation (EU) 2018/848:

Absence of certain production rules for specific livestock species and species of aquaculture animals

Pending the adoption of:

- (a) additional general rules for other livestock species than those regulated in point 1.9 of Part II of Annex II in accordance with point (e) of Article 14(2);*
- (b) the implementing acts referred to in Article 14(3) for livestock species; or*
- (c) the implementing acts referred to in Article 15(3) for species or group of species of aquaculture animals;*

a Member State may apply detailed national production rules for specific species or groups of species of animals in relation to the elements to be covered by the measures referred to in points (a), (b) and (c), provided that those national rules are in accordance with this Regulation, and provided that they do not prohibit, restrict or impede the placing on the market of products which have been produced outside its territory and which comply with this Regulation.

This Article 20 refers to **production rules for animals**, including pets, these rules may include some specific requirements regarding nutrition of the animals in addition to the general rule on nutrition laid down in point 1.4 of Part II of annex II to Regulation (EU) 2018/848. However, **this Article 20 does not refer to the rules on feed**.

The Commission has not developed specific nutrition rules for the production of pets; consequently, MS may apply detailed national production rules and in particular **national nutrition rules for production of pets** in accordance with Article 20 of Regulation (EU) 2018/848.

Article 17 of Regulation (EU) 2018/848:

Production rules for processed feed

- 1. Operators that produce processed feed shall comply, in particular, with the detailed production rules set out in Part V of Annex II and in any implementing acts referred to in paragraph 3 of this Article.*
- 2. The Commission is empowered to adopt delegated acts in accordance with Article 54 amending point 1.4 of Part V of Annex II by adding further precautionary and preventive measures to be taken by operators, or by amending those added measures.*
- 3. The Commission may adopt implementing acts laying down the techniques authorised for use in the processing of feed products.*
Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 55(2).

There is no empowerment to establish rules on feed/pet food and no possibilities for the MS to impose additional detailed national rules.