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INFORMATION NOTE

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| Subject: | Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the labelling of organic pet food - Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 September 2023) |

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint declaration on practical arrangements for the codecision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this file at first reading.

In this context, the Chair of the Committee on Agriculture and Rural Development (AGRI), Norbert LINS (EPP, DE), presented on behalf of AGRI a compromise amendment (amendment number 17) to the abovementioned proposal for a Regulation, for which Martin HÄUSLING (Greens/EFA, DE) had prepared a draft report. This amendment had been agreed during the informal contacts referred to above. No other amendments were tabled.

¹ OJ C 145, 30.6.2007, p. 5.

II. VOTE

When it voted on 12 September 2023, the plenary adopted the compromise amendment (amendment number 17) to the abovementioned proposal for a Regulation. The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto².

The Parliament's position reflects what had been previously agreed between the institutions. The Council should therefore be in a position to approve the Parliament's position.

The act would then be adopted in the wording which corresponds to the Parliament's position.

² The version of the Parliament's position in the legislative resolution has been marked up to indicate the changes made by the amendments to the Commission's proposal. Additions to the Commission's text are highlighted in ***bold and italics***. The symbol "■" indicates deleted text.

P9_TA(2023)0298

Labelling of organic pet food

European Parliament legislative resolution of 12 September 2023 on the proposal for a regulation of the European Parliament and of the Council on the labelling of organic pet food (COM(2022)0659 – C9-0396/2022 – 2022/0390(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0659),
- having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0396/2022),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 24 January 2023¹,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 12 June 2023 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the letter from the Committee on the Environment, Public Health and Food Safety,
- having regard to the report of the Committee on Agriculture and Rural Development (A9-0159/2023),

¹ OJ C 140, 21.4.2023, p. 55.

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 12 September 2023 with a view to the adoption of Regulation (EU) 2023/... 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 Committee⁴,

Acting in accordance with the ordinary legislative procedure⁵,

Whereas:

⁴ OJ C 140, 21.4.2023, p. 55.

⁵ Position of the European Parliament of 12 September 2023.

- (1) *Taking into consideration the objectives of the Common Agricultural Policy (CAP) of ensuring a fair income for farmers and of responding to the demands of society for 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 objectives of the European Green Deal, as well as recognising the new labelling measures provided for in this Regulation and the uniform use of the organic production logo of the European Union, should 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 about added value to organic by-products and co-products. The pet food sector should thus be able to contribute, albeit modestly, to achieving an increase in Union agricultural land under organic farming by 2030, as envisaged in the Commission Communication of 19 April 2021 on an Action Plan for the development of organic production.*

- (2) Regulation (EU) 2018/848 of the European Parliament and of the Council⁶ 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, namely 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 of the agricultural ingredients are organic, *regardless of* the extent to which that is the case. 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.

⁶ 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) 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 the 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, thus enabling consumer confidence and fair competition between operators in the pet food sector.***
- (4) Prior to the application of Regulation (EU) 2018/848, and in accordance with Article 95(5) of Commission Regulation (EC) No 889/2008⁷, 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.

⁷ 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).

- (5) *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.*
- (6) *For that reason, it is appropriate to provide for labelling requirements for pet food which constitute other specific Union law relating to the placing of products on the market for the purposes of Article 2(5) of Regulation (EU) 2018/848. Given that pet food is feed for a specific category of animals, the provisions of Regulation (EU) 2018/848 which apply to feed should remain applicable to pet food, in particular those on production, certification, control, marketing, and trade with third countries.*

- (7) *Information on compliance with organic production rules should be provided through the terms referring to organic production in the sales description and in the list of ingredients, as well as 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 with this Regulation and produced within the Union, as is the case for prepacked food pursuant to Article 32(1), point (b), of Regulation (EU) 2018/848.*
- (8) 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, provided that all other agricultural ingredients are organic.*

- (9) *Operators continued after 1 January 2022 to label pet food in accordance with 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 the 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 with those 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 the date of entry into force of this Regulation.*
- (10) *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.*

- (11) Since the objective of this Regulation, namely the adoption of uniform rules for the labelling of organic pet food, cannot be sufficiently achieved by the Member States but can rather be better achieved at Union level, 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 that objective,

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 for in **Regulation (EU) 2018/848**.

This Regulation constitutes other specific Union law relating to the placing of products on the market for the purposes of Article 2(5) of Regulation (EU) 2018/848.

Article 2

Definitions

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

- (1) ‘pet food’ ***means feed within the meaning of Article 3, point (46), of Regulation (EU) 2018/848 which is*** intended for pets as defined in Article 3(2), point (f), of Regulation (EC) No 767/2009 of the European Parliament and of the Council⁸;
- (2) ‘prepacked pet food’ means any single item of pet food for presentation as such to the final consumer, consisting of pet food and the packaging into which it was put before being offered for sale, whether such packaging encloses the pet 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 which is packed on the sales premises at the final consumer’s request or pet food which is prepacked for direct sale.

⁸ 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).

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 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 of 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. *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) those terms are 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 of 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.*

3. The list of ingredients referred to in *paragraphs 1 and 2* shall indicate which ingredients are organic. The references to organic production may only appear in relation to the organic ingredients.
4. The list of ingredients referred to in paragraph 1, point (b), *and in paragraph 2* shall include an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients.
5. The terms referred to in Article 30(1) of Regulation (EU) 2018/848 and the indication of the percentage referred to in paragraph 4 of this Article shall appear in the same colour and in an identical size and style of lettering as the other indications in the list of ingredients referred to in *paragraphs 1 and 2* 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), point (a), of this Regulation.
2. In the case of prepacked pet food ***which complies with the conditions*** referred to in Article ***3(1), point (a)***, the organic production logo of the European Union shall appear on the packaging.

Article 5
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 ... [the date of entry into force of this Regulation] may be placed on the market until stocks are exhausted.

Article 6
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 ...,

For the European Parliament

For the Council

The President

The President
