Updating the rules on the labelling of organic pet food

The European Parliament and the Council have reached a provisional agreement on updated rules on the labelling of organic pet food, which will align them with the rules on the labelling of organic food for human consumption. For pet food to carry the EU organic logo, 95% of all its agricultural ingredients will have to be organic. The update was necessary as the current regulation on organic labelling allows feed to be labelled as organic only if all the agricultural ingredients come from organic production, without an exemption for pet food. The agreement resulting from interinstitutional negotiations, approved in committee on 28 June 2023, is expected to be put to the vote in Parliament's plenary in September.

EU pet food sector

Almost one in two EU households (46%) had a pet in 2021, according to the European Pet Food Association (FEDIAF) annual statistics on the sector, with around a quarter of all EU households having at least one cat and an equal share having at least one dog. FEDIAF also notes that 99% of pet owners see their pets as part of their family and are therefore looking for pet food that reflects their own taste. This has increased demand for 'natural', 'raw' and 'organic' food. According to a Research and Market report, there were at least 132 pet food producing companies and around 200 production plants in Europe in 2019. The report estimates that the European pet food market will grow at an annual rate of 3.9% between 2022 and 2027, mainly owing to increased demand in eastern Europe and the 'humanisation' of pet food.

Background

Until 2022, the labelling of organic pet food, which under EU law is considered a type of feed, was based on either national laws or, in the absence of national laws, on private standards accepted or recognised by the EU Member States. The rules applicable to the production of organic feed were governed by the 2007 Organic Production and Labelling Regulation, which did not include rules on feed labelling. Instead, it required the Commission to lay down these rules in secondary legislation. This was done in Commission Regulation (EC) No 889/2008, which required that 95% of dry matter come from organic production, if processed feed were to be labelled as organic. Pet food was excluded from these rules, leaving it to the Member States to regulate this matter. The 2018 Organic Production and Labelling Regulation, which started applying in 2022, changed the rules on organic feed, allowing only feed with 100% of organic agricultural ingredients to be labelled as organic, with no exceptions for pet food and no possibility of applying national rules.

European Commission proposal

On 28 November 2022, the Commission adopted a proposal for a regulation on the labelling of organic pet food. In the explanatory memorandum, the Commission noted that the new requirements for the labelling of pet food were stricter than the labelling of organic food for human consumption (which can be labelled as organic if 95% of agricultural ingredients are organic), and that these two systems should be aligned. The Commission argued that pet food is different from other types of feed because it is used for non-food-producing animals, is sold directly to the final consumers – often in the same shops as food.

Moreover, it noted that the Animal Feed Regulation already distinguishes between some aspects of labelling of feed for non-food-producing animals such as pets, and feed for animals used in food production. In addition, according to the current (2018) Organic Production and Labelling Regulation, when compound feed changes hands between 'operators' (in business-to-business transactions), the label must include information on the total percentage of organic feed materials. This enables animal farms to be appropriately informed about the feed they use, even when not all ingredients are organic. However, such
nuanced information is not required in business-to-consumer transactions: consumers can only be informed if pet food is 100 % organic.

The Commission therefore proposed that – to be labelled as organic, including with expressions such as ‘bio’ or ‘eco’ – pet food would have to consist of at least 95 % of organic agricultural ingredients in terms of weight, in line with the requirements for food. All pre-packaged pet food labelled as organic would also be required to carry the EU organic production logo. For products with less than 95 % of organic ingredients, the reference to organic production would only be allowed in the list of ingredients, which would also have to include an indication of the total percentage of organic ingredients in proportion to the total quantity of agricultural ingredients. Emphasising the organic ingredients in the ingredients list, with different colour, size and style of lettering, would not be allowed.

European Parliament
In the European Parliament, the file was referred to the Committee on Agriculture and Rural Development (AGRI), which appointed Martin Häusling (Greens/EFA, Germany) as rapporteur. On 24 April 2023, the AGRI committee adopted its report. While supporting the main points of the Commission's proposal, it suggested that pet food with the main ingredient stemming from hunting or fishing should also be able to be labelled as organic, as is the case with food. The report also suggested transition periods enabling producers to prepare for the mandatory use of the EU organic logo and sell the prepacked organic pet food produced in accordance with previous rules until the stocks are exhausted. On 10 May 2023, the plenary confirmed the decision to enter into interinstitutional negotiations with the Council.

Council
In the Council, discussions on the proposal took place in the working party of agricultural attachés (organic pet food) and the Special Committee on Agriculture (SCA). On 6 March 2023, the SCA gave the presidency a negotiating mandate, which, however, was not made public. On 5 June 2023, the SCA discussed a revised mandate for negotiations, based on the outcome of a series of technical meetings with the European Parliament.

Provisional agreement
At the first trilogue, on 6 June 2023, Parliament and Council reached a provisional agreement that includes the following elements:

- Pet food will be eligible for labelling with the EU's organic production logo if 95 % of its agricultural ingredients are organic.
- Pet food containing ingredients stemming from hunting or fishing will also be eligible to be labelled as organic, provided all the agricultural ingredients it contains are organic.
- Organic pet food labelled in accordance with national rules or private standards between 1 January 2022 and the entry into force of the new regulation may be sold until stocks are exhausted.
- Pet food producers will have 6 months before they are required to place the EU organic logo on their products.

The provisional agreement was approved by qualified majority in the Council's SCA on 12 June 2023. The AGRI committee approved it on 28 June 2023.

Next steps
The provisional agreement must now be formally adopted by Parliament and Council before it can be signed into law. The vote in Parliament's plenary is expected during the September 2023 plenary session, while formal adoption by the Agriculture and Fisheries Council is envisaged in October 2023.