



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability  
The Director

Brussels  
agri.b.4/PP(2022)4864197

Dear [REDACTED],

I would like to thank you for your email of 31 May 2022<sup>1</sup>, in which you ask for clarifications on whether fish meal and fish oil originating from trimmings of sustainable fisheries can be considered as feed ingredients of organic agricultural origin. You ask in particular whether **fish meal and oil** certified according to the **private organic standards of Naturland Association** can be considered as feed ingredients of **organic agricultural** origin. You attach an example of a certificate and allege that the fish meal and oil certified by Naturland originate from trimmings of sustainable fisheries.

You also refer to an inquiry from one of your clients, who uses more than 5% Naturland certified fishmeal in its feed and wants to know whether he can label the feed as “**organic**” or whether it shall be labelled as “**may be used in organic production**”.

I would like to start by recalling that fish meal and fish oil are products of agricultural origin included in Annex I of the Treaty on the Functioning of the European Union (TFEU) and, as such, fall into the scope of Regulation (EU) 2018/848 on organic production<sup>2</sup>.

However, fish meal and fish oil derived from sustainable fisheries cannot be certified as “organic” as under Article 3 (2) of Regulation (EU) 2018/848, an organic product is defined as follows: “*‘organic product’ means a product resulting from organic production, other than a product produced during the conversion period referred to in Article 10. The products of hunting or fishing of wild animals are not considered as organic products;”.*

Nevertheless, if fish meal and fish oil derive from organic aquaculture they could be certified organic.

In addition, in accordance with point 2.3. of Part V of Annex II to Regulation (EU) 2018/848, non-organic fish meal and fish oil may be used in organic processed feed as

<sup>1</sup> Ares(2022)4228358

<sup>2</sup> [CL2018R0848EN0020010.0001.3bi\\_cp 1.1 \(europa.eu\)](https://eur-lex.europa.eu/eli/reg/2018/848/oj/20013bi_cp_1.1)

[REDACTED]

they are authorised in compliance with Commission Implementing Regulation (EU) 2021/1165<sup>3</sup> provided that they are obtained from fisheries that have been certified as sustainable under a scheme recognised by the competent authority.

To address the specific question of your client, I would like also to draw your attention to the provisions of Article 30 of Regulation (EU) 2018/848 on the use of terms referring to organic production for processed feed and its paragraph (6), which states: “*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 17(3);*

*(b) all of the ingredients of agricultural origin that are contained in the processed feed are organic;*

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

Therefore, in the event that the above provisions are not respected, as would appear to be the case of your client, feed authorised in organic production can still bear the indication “*may be used in organic production*” in compliance with the provisions of point 2.1.2. (e) of Annex III to Regulation (EU) 2018/848.

In fact, point 2.1.2. (e) of Annex III reads as follows: “*(e) for compound feed that cannot be labelled in accordance with Article 30(6), the indication that such feed may be used in organic production in accordance with this Regulation.*”

On this basis, I would also recommend that you contact the competent authorities of the Member State where your client is implanted, so they can guide you further.

The list of competent authorities on organic production in the EU is available from the following link:

[Control and enforcement | European Commission \(europa.eu\)](#)

This opinion is provided on the basis of the facts set out in your letter of 31 May 2022 and expresses the opinion of the Commission services and does not commit the European Commission. In the event of a dispute involving Union law it is, under the Treaty on the Functioning of the European Union, ultimately for the Court of Justice of the European Union to provide a definitive interpretation of the applicable Union law.

Yours faithfully,



---

<sup>3</sup> Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists (OJ L 253, 16.7.2021, p. 13)