



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Deputy Director General, in charge of Directorates A, B and C

Brussels,
LB/sn/agri.ddg1.b.4(2017)6877069

Dear Ms Petrea,

Thank you for your email of 22 November regarding the production of pheasants.

In your email, you ask whether pheasants are covered by the scope of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products¹ and, if yes, which rules are applicable to the production of organic pheasants.

Live animals are listed in Annex I to the Treaty of the Functioning of the European Union and are agricultural products falling within the scope of Regulation (EC) No 834/2007 under point (a) of Article 1(2) – live or unprocessed agricultural products

The second subparagraph of Article 42 of Regulation (EC) 834/2007, of 28 June 2007, provides that *"for certain animal species, certain aquatic plants and certain micro algae, where the detailed production rules are not laid down, **the rules provided for labelling in Article 23 and for the controls in Title V shall apply.** Pending the inclusion of detailed production rules, national rules or, in the absence thereof, private standards accepted or recognized by the Member States shall apply."*

Therefore, pheasants are covered by the scope of Council Regulation (EC) No 834/2007.

However, pheasants are not a livestock species covered by the scope of Regulation (EC) No 889/2008² laying down detailed rules for the implementation of Council Regulation 834/2007 according to Articles 1 and 7. Therefore, in accordance with the second subparagraph of Article 1(2) of Regulation (EC) No 889/2008, Title II, Title III and Title IV of the Regulation 834/2007 applies *mutatis mutandis* to such products until detailed production rules for those products are laid down on the basis of Regulation (EC) No 834/2007.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:189:0001:0023:EN:PDF>

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:250:0001:0084:en:PDF>

Ms Iulia PETREA
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As a consequence, in absence of detailed national rules or private standards, an operator producing pheasants on the territory of a Member State has to respect the overall principles of Title II and the (relevant) production rules laid down in Title III of Regulation (EC) No 834/2007 and apply mutatis mutandis the detailed production rules laid down in Regulation (EC) No 889/2008. In view of the close link between poultry and pheasants the specific rules for poultry should apply mutatis mutandis to pheasants.

You can find more information on this specific issue in the RIPAC Note No 2015-01 of 8 July 2015 annexed to this letter.

Please note that the present information is provided on the basis of the facts as set out in your email and expresses the view 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 sincerely,



p.o. Tassos HANIOTIS, Director
in absence of
Maria Angeles BENITEZ SALAS

Annex: RIPAC Note No 2015-01 of 8 July 2015