



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

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

Brussels,
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Subject: Question at previous COP- rabbits, quails and labelling, your mail of 22 January

Dear Ms Drozdovska,

First of all, please accept our apologies for the delay in answering your query.

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-.

Article 42 of Regulation (EC) 834/2007, second subparagraph, 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, the products referred to in the second subparagraph of Article 42 fall within the scope of Regulation (EC) No 834/2007.

In addition, according to Article 1 of Regulation (EC) No 889/2008 only livestock species referred to in Article 7 are covered by the referred Regulation. In addition, the second subparagraph of Article 1(2) of Regulation (EC) No 889/2008, states that Title II, Title III and Title IV 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.

As a consequence, in absence of detailed national rules or private standards, an operator producing rabbits or quails 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 on a **case by case basis** when those rules are relevant and fulfil the animal's species needs.

For instance, Article 14(1)(b)(iii) of Regulation (EC) No 834/2007 states that "livestock must have permanent access to open air areas, preferably pasture [...]". This rule is applicable to rabbits (and quails) as they are covered by the scope of the Regulation (EC) No 834/2007. In addition, in view of the fact that rabbits are herbivores, Articles 14(2) and 20(2) of Regulation (EC) No 889/2008 could also apply *mutatis mutandis* to rabbits.

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Quails are categorised under poultry but are not mentioned in Annex III of Regulation (EC) No 889/2008. Therefore, quails are not covered by the detailed rules laid down in Regulation (EC) No 889/2008. However, Article 12(1) of Regulation (EC) No 889/2008 states that: “*Poultry shall not be kept in cages.*” In addition, Article 14(5) of Commission Regulation (EC) No 889/2008 establishes that “*Poultry shall have access to an open air area for at least one third of their life.*” In view of the close link between poultry and quails the referred rules the referred rules could apply mutatis mutandis to quails.

You also ask whether the products derived from rabbits and quails could be labelled with the EU organic logo and whether spirulina could be labelled with the EU organic logo. I refer to the RIPAC note here attached.

"If, for the products referred to in Article 42, second subparagraph, of Regulation 834/2007 as it is the case of spirulina, the overall principles and the general production rules of the regulation are respected, the terms referring to organic production can be used. The EU logo may (or in case of pre-packaged food: shall) be used. Also in case a Member States has detailed national production rules in place, the EU logo may be used, provided that for the activities carried out in that Member State, which are subject to control in that Member State, these national rules have been complied with."

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



María Angeles BENITEZ SALAS