



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B – Sustainability

Brussels

Dear [REDACTED],

I would like to thank you for your email¹ of 16 May 2022 regarding compound feed and mineral feed in particular, and the scope of Regulation (EU) 2018/848².

As you mentioned in your email, ‘mineral feed’ is defined in Article 3(1)(k) of Regulation (EC) No 767/2009³: ‘*mineral feed*’ means complementary feed containing at least 40% crude ash. As illustrated in one of the labels that you have provided, this definition does not mean that such compound feed does not include products originating from agriculture. The 40 minimum percentage of the mineral feed has to be crude ash, while the remaining 60% or less of its composition can be other feed materials, including feed materials of agricultural origin.

Minerals, with the exception of sea salt and others salts for food and feed, are excluded from the scope of Regulation (EU) 2018/848, in accordance with its Article 2 and Annex I.

A compound feed containing agricultural ingredients and possibly some minerals is included in the scope of Regulation (EU) 2018/848. As regards the labelling of such compound feed, different provisions of Regulation (EU) 2018/848 must be considered, in particular:

- a) when produced in accordance with this Regulation, feed materials originating from agriculture may be labelled as organic in accordance with Article 30(1) of Regulation (EU) 2018/848;
- b) when produced in accordance with this Regulation, processed feed*, possibly with feed materials of mineral origin listed in Part A(1) of Annex II to Regulation

¹ ARES(2022)2051090

² [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 [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 \(OJ L 229, 1.9.2009, p. 1\)](#)

(EU) 2021/1165⁴, representing a maximum of 5% of the dry matter of the feed, and authorised feed additives and processing aids in accordance with Part B of Annex III to Regulation (EU) 2021/1165, may be labelled as organic in accordance with Article 30(6) of Regulation (EU) 2018/848;

*: In accordance with the definition of processing in Article 3(73) of Regulation (EU) 2018/848: *'processing' means processing as defined in point (m) of Article 2(1) of Regulation (EC) No 852/2004; this includes the use of substances referred to in Articles 24 and 25 of this Regulation but does not include packaging or labelling operations*, processed feed includes unprocessed feed material where authorised products and substances have been used.

- c) compound feed not complying with the conditions mentioned above in points a) and b) but authorised in organic production may indicate on their label that such feed may be used in organic production in accordance with Regulation (EU) 2018/848, as provided in point 2.1.2 (e) of annex III to this Regulation.
- d) in accordance with second paragraph of Article 30(2) of Regulation (EU) 2018/848, no terms, including terms used in trademarks or company names, shall be used in labelling or advertising if they are liable to mislead the consumer or user by suggesting that a product or its ingredients comply with Regulation (EU) 2018/848.

For compound feed with a label referring to organic production rules, in accordance with Article 34 of Regulation (EU) 2018/848, the operator shall notify its activity and is subject to the control system.

Livestock operators may use compound feed labelled without a reference to organic as far as this compound feed is authorised in organic production in accordance with Regulation (EU) 2018/848.

The present opinion is provided on the basis of the facts as set out in your email of 16 May 2022 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 European Court of Justice to provide a definitive interpretation of the applicable Union law.

Yours sincerely,



⁴ [Commission Implementing Regulation \(EU\) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists \(OJ L 253, 16.7.2021, p. 13\)](#)