



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate B. Quality, Research and Innovation, Awareness The Director

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Thank you for your letter of 27 November 2020 (and the accompanying technical document) concerning the definition of young poultry and the evolution of the derogation allowing the use of up to 5 % non-organic protein feed in organic poultry rations in Regulation (EU) 2018/848\ I apologise for the delay in the reply.

You would like to know whether the Commission has already formally issued an interpretation note on ‘young poultry’ used in point 1.9.4.2 (c) of Part II of Annex II to Regulation (EU) 2018/848.

First of all, it is important to recall the background to this derogation and its evolution and the specific discussions held on this subject with the delegates representing the Member States at the meetings of the Committee on Organic Production.

In the negotiations preceding the adoption and publication of Regulation (EU) 2018/848, one of the objectives was clearly to limit the number of derogations from the organic production rules to the strict extent necessary in order to ensure continuity of production and, in this particular case, the health and welfare of poultry, and also to better regulate them compared to the previous Regulations (EC) No 834/2007 and (EC) No 889/2008. In the longer term, the stated objective is to disappear as these derogations evolve.

Thus, in the particular case of the derogation for the use of non-organic protein feed in poultry feed provided for in point 1.9.4.2 (c) of Annex II to Regulation (EU) 2018/848, the co-legislators wished to restrict this possibility of derogation only ‘to the feeding of young poultry’. This

<sup>1</sup> [https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:02018R0848-20201114 & qid = L 615549156804](https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:02018R0848-20201114&qid=L615549156804) from = EN

<sup>2</sup> [https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A02008R0889-20210101 qid = L 615549100315](https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A02008R0889-20210101&qid=L615549100315)



restriction constitutes a change from the previous provisions of Article 43 of the Regulation (EC)

biological production  
producing poultry for meat or laying.

Please also note that the concept of ‘young’ ‘non-herbivores’ was also mentioned in the provisions of Article 22 (e) (iii) of Regulation (EC) No 889/2008 under the conditions limiting the use of products from sustainable fisheries in animal feed to ‘non-herbivores’; and hydrolysates of fish protein only to ‘young’ animals.

During the discussions in 2019 in the Committee on Organic Production which preceded the vote and the publication of Regulation (EU) No<sup>2020/464</sup> 3, the possibility of harmonising the term ‘young poultry’ at European level was discussed and proposals for definitions had been made by the various Member States and taken over by the Commission. However, this approach was only partially successful for legal and technical reasons.

Legally, Article 14 on animal production rules does not give the Commission any implementing power to define the term “young poultry”.

EU) 2018/848. This  
it is therefore left to the discretion of the Member States.

However, during the discussions in the Organic Production Committee, the Commission proposed to the Member States that, as regards the production of *Gallus gallus* poultry, the term “young poultry” could be read by reference to the definition of “ EU pullets) 2018/848.

*“pullets”*: young animals of the species *Gallus gallus* less than 18 weeks of age.

Finally, in conclusion, I would like to recall that according to the provisions of Article 53 (4) and (6) and (7) of Regulation (EU) 2018/848, the Commission will collect annually information on protein feed intended for poultry feed subject to the authorisations referred to in point 1.9.4.2 (c) of Part II of Annex II; the information collected will also cover the age of poultry that have benefited from this derogation. This information will be used to draft a report to the European Parliament and the Council on the use of this derogation and on the availability or otherwise of organic protein feed for poultry.

With regard to your second question, which criterion would appear to the Commission most in line with Regulation (EU) 2018/848 and most relevant for defining a ‘young poultry’, the criterion of the first physiological stage (also referred to as ‘start-up’) in which the requirements for amino acids are most pronounced or the criterion of the sexual maturity of poultry (which occurs in flesh poultry at an age actually after the slaughter of the poultry), the Commission has no position and has not asked the EGTOP for technical opinion.

[https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A02020R0464-20201215 & qid = 1615549242664](https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX%3A02020R0464-20201215&qid=1615549242664)

This opinion is provided on the basis of the facts set out in your letter of 27 November 2020 and expresses the views 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.

Sincerely,