

Contribution to the notification process ref. 2024/0153/FR

Specification on organic livestock production supplementing the provisions of Regulation (EU) 2018/848 and its secondary acts, in particular laying down production rules for organic salt

Brussels, 17th June 2024

SEASALT Europe¹ appreciates the opportunity provided by the European Commission (EC) to contribute with our opinion to the **notification 2024/0153/FR** on the upcoming French regulation, in particular laying down production rules for organic salt.


The initial proposal of extension of Reg. EU 2018/848² (2014) already included “**sea salt**” and the term was hereinafter broadened to “**sea salt and other salts**” with the intention to avoid exclusion of other types of salts which production could also be aligned with organic regulation. Under no circumstance this was intended to leave a gap to cover non-organic techniques of salt production.


SEASALT Europe would like to provide its support to FR proposal for national production rules for organic salt. Rules are necessary and common ones would be desirable to avoid fraud and guarantee consumer trust. Such trust, from our point of view, is in risk with the current situation, after the Delegated Act (DA) resolution by the European Parliament (EP).


French text has been drawn up on the base of the DA published by the EC and it may be a good point to start a very necessary harmonization of rules for organic certification. Non-organic techniques hidden by interpretable rules developed under self-interest could completely undermine reliance in the *Reg. (EU) 2018/848*.


Bellow, some insights about the text are provided. Annex to this document we analyse the evolution of organic salt regulation thereby contextualizing the French law with a broader perspective.

We will start by highlighting our agreement with the main points, as follows:

 **Adoption of detailed national production rules will favour trust in the regulation:** Article 21.2 of *Regulation (EU) 2018/848* addresses the situation where specific rules are not in place for products that fall outside the scope of *Articles 12 to 19*. We welcome France's decision to follow *Article 21.2 (b)* and its standard development as a positive step. It safeguards the integrity of organic salt certification across France. While a single EU standard for organic salt certification remains the ideal, clear and consistent national rules are a crucial step towards ensuring a level playing field and maintaining consumer confidence. This will limit interpretations and make it easier for the EC to oversee compliance.

 **Inclusion of clear definitions are useful and appreciated:** for example, terms like “**production unit**” in Chapter 2. The text of the DA introduced some terms which interpretation could be ambiguous due to the lack of prior definitions. Improving comprehensibility of the regulation ensures that all parties involved have a clear understanding of the requirements.


 **Prohibition of using explosives is fully supported.** The use of explosives clearly contradicts the core principles and definitions of *Reg. (EU) 2018/848*, enshrined in *Articles 3(1), Article 4(a), 4(d) and 5(a)*. As the Commission rightly clarified in its response to the EP (January 17, 2024): the use of explosives was never compatible with organic principles. Therefore, the banning of explosives was not a new requirement imposed by the DA. It was a practice never aligned with the objectives and principles of the organic regulation that national rules could no way authorize. Still, formally stating the ban prevents confusion.


 **Prohibition of solution extraction or artificial dissolution of rock salt is fully supported:** Just as the explosive's prohibition reinforces the EC's position in its aforementioned response, the prohibition of solution mining further corroborates this stance. Practices that are not aligned with the Organic Regulation should not be permitted in organic production.

¹ **SEASALT Europe**, the European Sea Saltworks Association, is an organization that represents the interests of European sea salt producers. They advocate for sustainable and responsible sea salt production practices, promote the quality and unique characteristics of European sea salt, and collaborate with stakeholders to ensure the well-being of the sea salt industry.


SEASALT Europe boasts members in Greece, Portugal, Spain and Malta, while collaborating extensively with companies in Italy, Cyprus, and Croatia.

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

 **Prohibition of transformation methods that reconstitute the earlier solid form after artificial dissolution is fully supported:** This prohibition also strengthens one of the key requirements of the Organic Regulation: not misleading. Recrystallization after prior dissolution is an opaque practice unknown by the consumer. Any technique used for recrystallization and similar reconstitution technique should be prohibited pursuant *Article 5(c), 7(c), 8(c) and point 1.6 of Part IV of Reg. 848/2018*.


 **Iodine possibility is welcomed:** As the French proposal suggests, it is essential to allow the addition of iodine to organic salt. Several Member States (MS) mandate iodine fortifications in all food grade salt sold within their borders. Prohibiting iodine in organic salt would create a barrier to trade, hindering its free movement and marketability across a significant part of the European market.

From our point of view, the French proposal could, of course, be improved, and more details defined as it is implemented and authorities become aware of the real needs. We would take this opportunity to provide some comments in this regard:

 **Conversion period should be increased:** It is worth noting that the 6 months conversion period could be too short to shift to organic production if non-organic techniques had been previously used. The following scenarios can be illustrative:

- Artificial Brine for (recrystallization) reconstitution or solution mining to enrich natural brine could be used. This will make the process faster and more efficient with non-organic practices. Retention times in salt ponds can exceed this period (6 months), raising concerns about incomplete renewal.
- Explosives can be used to open chambers in mines and this salt could be extracted after these 6 months period. Then the conversion period will not act as such but as a stop in production that still could even be profitable for the mining company.

A significantly longer conversion period, such as the 24 months we previously advocated for, is necessary. A 6 months' term would require a much closer and stricter surveillance by control authorities and extensive documentation of past production practices to prevent fraudulent conversion claims.

 **Renewable energies for drying salt should not be a requirement in French rules:** *SEASALT Europe* is concerned with the requirement for exclusive use of renewable energy sources for drying in *point 3.3.c.* and with the potential inconsistency between that restriction and the scope of the French organic salt standard.


Article 21.2 of *Reg. (EU) 2018/848* clearly allows MS to establish detailed national rules in the absence of European *production* ones. However, it does not make any reference to *processing* rules, already covered by Part IV of Annex II. Indeed, *Chapter 3* of the French rules states that these national standards apply *for the production* of organic salt.

Both the *Reg. 848/2018* and the French text itself in *Chapter 2*, define “drying” as a processing operation, not a production one. Consequently, the inclusion of requirements for processing (i.e. drying) in the French rules would not comply with 21.2 of *Reg. (EU) 2018/848*. Besides, national regulations cannot supersede European regulations, so they should not restrict operations already covered by Part IV of Annex II.

Apart from this inconsistency due to the different scope of European and national organic rules, we would like to take this opportunity to reflect on the unfair disadvantage this requirement would cause. First, in comparison to other organic products where such requirement is not imposed. Second, because it will affect the salt with the lowest benefit margin (e.g. sea salt) in comparison with rock salt, already obtained in its dried solid state, in the event rock salt was able to fulfil the base Regulation.


This creates a dilemma: on the one hand, the requirement encourages sustainability and it could be seen as a step forward or commitment of contribution to environmental protection. On the other hand, it disincentives sea salt production despite its unquestionable positive environmental impact overall. Consequently, it would have the opposite effect than the one intended.

Authorities should keep this into consideration to prevent rock salt, with its high environmental footprint, from cornering the market. *SEASALT Europe* urges France to reconsider this aspect to ensure alignment and avoid confusion.

 **Prohibition of inputs should be clarified. They cannot be used in neither organic production nor preparation.** We align with the French prohibition of any inputs since they are not essential for organic salt. However, we consider it is necessary to clarify the text in order to avoid ambiguity that could potentially allow the use of processing aids and additives during organic salt *production*.

We would take this opportunity to remind the text of Reg. 848/2018 not accepting the use of food/feed additives or processing aids for live or unprocessed agricultural products and stating the need of justification for their use in processed organic product. That justification would be considered only in cases of essential technological need, for nutritional purposes, provided there are no alternative techniques, in case they are crucial for its preservation or if alternative is not available in sufficient quantity and would need a specific Commission's authorisation^{3,4,5}. Of course, this is not the case for salt for food and feed in organic production.

While we understand that French text refers to prohibition of inputs for preparation because additives and processing aids are already not permitted for unprocessed-foods⁶ and thus not allowed in *production*, we consider that specification of prohibition "*for preparation*" could lead to misunderstandings.

 **An organic product is expected to have an organic main ingredient.** Customer directly expects that, an organic salt with herbs is mainly composed of organic products and, for sure, at least 50% of the salt (main product) is organic. They could never imagine that, in the absence of a minimum requirement in this sense, the product can consist of 1% organic herbs + 99% non-organic salt. In our opinion, this is a clear example of misleading. Equally, organic + non-organic salt mixtures can neither be labelled as organic. By establishing clear and transparent labelling standards, we empower consumers to make informed choices and protect the integrity of the organic market.

SEASALT Europe would like to provide its support to FR proposal and encourages the development of clear production rules for organic salt. We reiterate our willingness to collaborate and find a common ground to ensure the well-being of the organic sector. We believe that stablishing shared requirements will ultimately strengthen consumer confidence and trust in the Organic Regulation.

³ Reg. 848/2018 point (b) of the Article 7.

⁴ Reg. 848/2018 point (b) of the Article 8.

⁵ Reg. 848/2018 point (a) of Article 24 (2).

⁷ Reg. 848/2018 does not accept the use of food additives or processing aids for live or unprocessed agricultural food products (Article 24(1),(2)).

An orchestrated campaign, aimed at blocking the DA, unfortunately resorted to the Committee drafting a motion for a resolution¹⁴ challenging the DA's with questionable arguments lacking merit.

Our association, through SALIMAR, mobilized by sending a letter to all MEPs to expose the motion's inconsistencies. This motion should not be validated since it misunderstood Reg. (EU) 2018/848 creating confusion.

However, some other representatives of Northern European countries that initially supported the inclusion of salt in the Organic Regulation, strategically evolved likewise upon realizing that their production methods would not meet the new standards¹⁵. Regrettably, reason appeared to have been eclipsed by the vested interests. The **motion successfully passed** through by the Committee and reached the plenary floor for the Parliament vote.

The evolution of the European Union's decision-making process and transparency was put to the test with credibility of some parties, representatives and industry associations called into question. Their past endorsement of **private organic certifications** confirms their inconsistent position. Public statements readily available on EU websites show their **past assertions that all salts could be considered organic** in contradiction with their last vetoes on organic salt certification, with the old argument of salt being a mineral.

On June 2023, the Parliament vote in favour of the motion for resolution of DA despite endorsement by the EC and Council. At this point, it is also worth recalling the Parliament shift from an **overwhelming parliamentary endorsement received in 2018** to recent opposition.

2. CURRENT SITUATION

Rejecting the delegated act in no way implied excluding salt from the organic Regulation, especially considering that since January 1, 2022, European companies already held organic salt production certifications.


Both the Commission and our Association previously raised serious concerns about the potential impact of this rejection on the European unity. The DA rejection sends a contradictory message. The European Union was founded to strengthen Europe and value the unique characteristics of its countries, ensuring that general interests prevail over individual ones and not to impose the dominant position of some over others.

The situation reached becomes even more paradoxical when considering the voting patterns in the Parliament. From our point of view, the high number of absent MEPs, coupled with the coordinated opposition from countries with non-organic production salt methods, undermines the democratic spirit of the process.

Several Northern and Central European countries were informed by the Commission and experts that their techniques, such as the use of explosives and vacuum processes, could not be considered organic as they fell outside the principles of Organic Regulation. After initial support for inclusion of organic salt, their change of position showed short-term gain prioritization over the long-term vision of a unified and sustainable European organic sector.


The **inherent link between organic production and geographical factors should be acknowledged**. Soil type and climate heavily influence what can be grown organically, making it perfectly reasonable that specific organic products are primarily produced in regions with favourable conditions. Rice, oranges, and salt are just a few examples of this reality. Production methods must be adapted to comply with the regulation, not the other way around.

In the absence of a delegated act, the Regulation itself (Article 21.2) provides a clear framework for products lacking dedicated standards. Here, the two options exist:

-  Operators can pursue certification by adhering to the principles outlined in Articles 5 and 6 *mutatis mutandis* the principles laid down in Article 7, and the general production rules laid down in Articles 9 to 11;

¹⁴ MOTION FOR A RESOLUTION on the Commission delegated regulation of 2 May 2023 amending Regulation (EU) 2018/848 of the European Parliament and of the Council as regards detailed production rules for organic sea salt and other organic salts for food and feed | B9-0308/2023 | European Parliament (europa.eu)

¹⁵ For example, the publishable executive summary of the Qualitative Assessment for the European Salt Industry NACE 08.93 as PART OF THE ASSESSMENT OF CARBON LEAKAGE RISKS IN PHASE IV OF THE EU ETS EXECUTIVE SUMMARY, states that the vacuum salt sub-sector has on average about four times the total emissions intensity per unit of GVA than the average for the salt sector on NACE level as published by the COM in its preliminary assessment.

 Member States can implement detailed national production rules for these particular products.

So far, over 100 operators in Europe have certified as organic their salts. The legitimacy of these certifications is verifiable through the TRACES system. Notably, organic salt operators are not limited to warm climate regions but they extend to countries like Germany and Iceland, showing a response to consumer demand for organic salt.

The current scenario presents some challenges. In the absence of established national detailed rules, control bodies rely on Article 21.2. a. for certifying organic salt. This raises **concerns about the consistency of these certifications**, the criteria applied for evaluations, and the prohibited techniques that could have been validated.

The European Commission, in its January response to the Parliament, echoed these concerns, emphasizing the importance of rigorous oversight and adherence to the underlying regulation highlighting that the use of explosives or solution mining directly contradicts the core principles of organic production, rendering salt produced under such circumstance's ineligible for certification.

Besides, the issuance of **organic certifications for salts produced outside the EU** is particularly concerning, since salt was not previously included in the base regulation and control body lists are yet to be published.

There is a lack of clear information for producers in many countries. Even regulators, certification bodies, organic production and operation associations themselves may need more knowledge regarding the Regulation.

Recognizing the need for harmonization, France has taken a proactive approach by drafting a national detailed rules pursuant *Article 21.2.b*. Spain is actively working on its own. These national standards will ensure consistency and uniformity, at least, within these countries, which will be valued by the Organic sector customer and the European Commission.

Increase of certifications is indicator of the growth of the organic salt sector and reflects the growing interest from both producers and consumers in this sustainable product. Organic salt with its significant environmental value has a promising future that will bring benefits for all.