



MINISTRY OF AGRICULTURE,
FISHERIES AND FOOD

**REGULATORY IMPACT ANALYSIS REPORT ON THE DRAFT
ROYAL DECREE APPROVING THE DETAILED RULES FOR
THE PRODUCTION OF ORGANIC SEA SALT AND OTHER
ORGANIC SALTS AND BRINE FOR FOOD AND FEED**

EXECUTIVE SUMMARY

PROPOSING MINISTRIES/BODY	Ministry of Agriculture, Fisheries and Food. Ministry of Social Rights, Consumer Affairs and the 2030 Agenda.	Date	29/05/2026
TITLE OF THE REGULATION.	Royal Decree approving the detailed rules for the production of organic sea salt and other organic salts and brine for food and feed.		
TYPE OF REPORT.	Normal ☒ Abbreviated ☐		
TIMELINESS OF THE PROPOSAL			
MATTER REGULATED	The production of organic sea salt and other organic salts and brine for food and animal feed in Spain.		
OBJECTIVES PURSUED	Given that there are no detailed EU-wide rules governing the production of organic sea salt and other organic salts and brines, and given that Spain is a major producer of salt, as well as of organic produce, it is necessary to specify the methods that may be used to produce organic sea salt and other organic salts and brines for food and feed in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018, on organic production and the labelling of organic products and repealing Council Regulation (EC) No 834/2007. The draft legislation will set out the necessary requirements and conditions for this type of production, establishing certain key elements such as: - Definitions of organic salt and brine, production unit, processing and drying unit. - General and specific requirements for the production and processing of organic salt and brine products. - The requirements for the conversion period. - The specific rules on labelling.		

MAIN ALTERNATIVES CONSIDERED	– To draw up the proposed draft regulation to govern the production of organic sea salt and other organic salts and brines for food and feed in accordance with Regulation (EU) 2018/848. – If this national standard is not established, organic salt and brine produced in accordance with the general provisions of Regulation (EU) 2018/848 and on the basis of private standards which, lacking a common framework regarding the detail of production, would generate certified products with a high degree of heterogeneity, both in terms of production and the level of control requirements — the latter being the cornerstone of the organic production system — and would create distortions of competition, both in the domestic market and in the EU internal market, could be certified as organic.
CONTENT AND LEGAL ANALYSIS	
TYPE OF INSTRUMENT	Royal Decree
STRUCTURE OF THE LAW	The draft comprises an explanatory statement, seven articles, one additional provision, one transitional provision and four final provisions.

REQUESTED REPORTS	• Report of the Ministry of Agriculture, Fisheries and Food (Article 26(5), fourth paragraph, of Law 50/1997). • Report of the Ministry of Economy, Trade and Enterprise (Article 26(5), paragraph 1 of Law 50/1997). • Report of the Ministry of Industry and Tourism (Article 26(5) paragraph 1, of Law 50/1997). • Report of the Ministry of Health (Article 26(5), first paragraph, of Law 50/1997). • Report of the Ministry of the Presidency, Justice and Relations with the Courts (Article 26(9) of Law 50/1997). • Report by the Ministry of Territorial Policy and Democratic Memory (Article 26(5), sixth paragraph, concerning the division of powers between the autonomous communities and the State). • Report of the Ministry of Social Rights, Consumer Affairs and the 2030 Agenda (Article 26(5), fourth paragraph, of Law 50/1997). • Report of the Interministerial Commission for Food Management (CIOA). • Report of the Ministry for Ecological Transition and Demographic Challenge • Report of the Ministry of Finance. • CNMC Report • Technical regulations • Opinion of the Council of State.
HEARING PROCEDURE	• Prior public consultation (Article 26(2), Government Law 50/1997). • Public hearing and information (Article 26(6) of Law 50/1997 and Article 133(2) of Law 39/2015). • Direct consultation with entities in the sectors directly affected (Article 26(6) of Law 50/1997). • Consultation of the Autonomous Communities (Article 26, Law 50/1997).

COMPLIANCE WITH THE DISTRIBUTION OF POWERS	The Regulation is issued pursuant to Article 149(1)(13) and 149(1)(23) of the Spanish Constitution, which confers exclusive competence on the State over the principles and coordination of the general planning of economic activity, and basic environmental protection legislation, without prejudice to the powers of the Autonomous Communities to lay down additional protection rules.	
IMPACT ANALYSIS		
ECONOMIC AND BUDGETARY IMPACT	Effects on the economy in general.	Given that there are no detailed European regulations governing the production of organic sea salt and other organic salts and brines, and bearing in mind that Spain is a major producer of salt as well as organic produce, this Royal Decree aims to improve the sector's competitiveness by ensuring fair competition between businesses, providing a level playing field for all producers and greater legal certainty for operators. It is therefore anticipated that this will have a positive impact on the economy, as well as beneficial effects on the salt sector affected by this regulation.
	With regard to competition	☐ The regulation has no significant impact on competition. ☒ The regulation has positive effects on competition. ☐ The Regulation has negative effects on competition.

	With respect to administrative burdens	☐ It entails a reduction in administrative burdens. Estimated total: ____ euros ☐ It incorporates new administrative burdens. Estimated total: ____ euros ☒ It does not affect administrative burdens.
	With respect to budgets, the regulation: ☐ affects General State Administration budgets. ☐ affects the budgets of other Regional Administrations	☐ Involves an expense: Estimated total: €0 ☐ Implies a revenue. Estimated total: €0
GENDER IMPACT	The Regulation has the following gender impact:	Negative ☐ None ☒ Positive ☐
OTHER IMPACTS CONSIDERED	No impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities; on family, childhood and adolescence; on the single market; and due to climate change.	
OTHER CONSIDERATIONS		
EX POST EVALUATION	None envisaged.	

REGULATORY IMPACT ANALYSIS REPORT ON THE DRAFT ROYAL DECREE APPROVING THE DETAILED RULES FOR THE PRODUCTION OF ORGANIC SEA SALT AND OTHER ORGANIC SALTS AND BRINE FOR FOOD AND FEED

On 26 November 2025, the processing of this draft regulation began, in accordance with Royal Decree 931/2017 of 27 October 2017, which regulates the Regulatory Impact Analysis Report for the preparation of this document.

I. TIMELINESS OF THE REGULATION

I.1 RATIONALE

The organic production sector is considered a priority for the Ministry of Agriculture, Fisheries and Food (MAPA), as evidenced by the fact that organic production was regulated in Spain in the 1980s, years before the first European regulation on organic farming was published in 1991. Furthermore, Spain is one of the leading producers at both European and global level, with its organic production and the area under organic cultivation having increased steadily since the sector's inception.

At European Union (EU) level, organic production is a key priority for both the European Commission and the Member States, as is evident in both the 'Farm to Fork' Strategy and the 'Biodiversity Strategy', and in the Action Plan for the development of organic production presented by the European Commission in 2021, in which the aspirational target of having 25 % of the EU's Utilised Agricultural Area (UAA) under organic production has been set. The MAPA is working hard to make the best possible national contribution towards achieving this European objective.

Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and the labelling of organic products and repealing Council Regulation (EC) No 834/2007 is the basic regulation governing organic production in the EU, and Article 2 sets out its scope, which does not include the production of salt, but states that the Regulation also applies to certain products closely linked to agriculture, as listed in Annex I, which includes sea salt and other salts for food and feed.

Following the publication of the framework regulation in June 2018, the European Commission began work in the autumn of that year, within the expert group on organic production, to establish detailed rules for the production of organic sea salt and other salts, which culminated in the presentation of a delegated regulation on the matter, which was adopted by the European Commission on 2 May 2023, but which was subsequently rejected by the European Parliament on 11 July of the same year, following a vote against it by those Member States where mine salt production is predominant, whilst sea salt production is scarce or non-existent.

It is worth noting that Spain was one of the driving forces behind both the inclusion of sea salt and other organic salts in Annex I of the basic regulation and the subsequent work on drafting the delegated regulation, given the importance and long-standing tradition of sea salt pans throughout the Spanish Mediterranean coast. Sea salt production in Spain is linked to specific geographical areas where vast tracts of land, natural environments and traditional production methods come together, thereby enhancing biodiversity and sustaining traditional livelihoods tied to the local area.

In this context, and taking into account Article 21(2)(b) of Regulation (EU) 2018/848, which allows Member States to apply national production rules provided they are consistent with the basic Regulation on organic production, and with a view to harmonising the production of organic salt within the national territory, MAPA considers it necessary to draw up national regulations setting out the detailed conditions for the production of organic sea salt and other salts and brines for food and feed, so as to promote the production of this type of salt, following in the footsteps of other Member States, such as France, which have already established their national standards.

This also includes the production of organic spring brine, as these products are obtained through the same process as organic spring salt, serving as an intermediate product prior to the complete evaporation of the water and the crystallisation of the salt. The process is therefore similar to that of salt, except for the final crystallisation of the product. Furthermore, the production of spring brine is notable for its historical significance and its connection to certain regions of Spain, where it has helped to shape the landscape whilst maintaining a habitat rich in biodiversity, typical of the wetlands associated with saline environments.

The draft aims to regulate the detailed rules for the production of organic sea salt and other organic salts and brines for food and feed, in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and the labelling of organic products and repealing Council Regulation (EC) No 834/2007.

Background and current situation:

1. The proposal to include the entry for '*sea salt and other salts for food and feed*' in Annex I to Regulation (EU) 2018/848 originated from an association of producers of sea salt. Before endorsing it, the **competent authorities for organic production in the autonomous communities were consulted**; they supported the idea but reported the existence of **salt operations sourcing from inland saline springs**, principally in Navarre and the Basque Country. For this reason, the entry was expanded to include the phrase '*other salts...*'. At that early stage **no one had reported any interest in rock salt or mine salt** in Spain.

2. During the four years of discussions within the Commission on the proposed delegated regulation setting out detailed rules for the production of organic salt, it became clear that, given the interest shown by certain countries—notably Poland, Germany, Austria and Romania—in the possibility of certifying **mine salt** as organic, the Regulation **should also include such a provision**.
3. For this reason, both the draft Regulation that was rejected by the European Parliament and the draft **Spanish Royal Decree** setting out detailed rules for the production of organic sea salt and other organic salts and brines for food and feed, **permit the production of various types of salt**, including **rock salt or mine salt**, which would be covered, in the case of the Royal Decree, in Article 2 under the expression... ‘and other organic salts...’, as this salt is not mentioned in the exclusions set out in Article 2(4). Even more obvious is the definition of organic salt in Article 3(1) of the draft Royal Decree, which explicitly includes ‘... **rock salt deposits**...’
4. On the other hand, recital (2) of Regulation (EU) 2018/848 states that ‘*Compliance with **high standards** of health, environment and animal welfare in the production of organic products is inherent in the high quality of such products*’, stresses the need for a production system **whose level of requirement exceeds the horizontal obligations** of agri-food production, and makes clear that ‘*organic production is part of the **quality schemes** for agricultural products*’. This integration of organic production into the **differentiated quality scheme** is a prerequisite for the secondary legislation derived from the basic regulation on organic production to provide for **approaches and requirements** that differ from those of their conventional counterparts.
5. In this quest for higher standards and distinctive values compared to conventional production methods, various factors are highlighted, such as the requirement to comply with Law 21/2013 on environmental assessment, which could have a significant impact on certain sea salt pans, given their frequent location in areas of high environmental value; or, referring more specifically to rock salt production, the ban on the use of explosives in rock salt extraction, and various techniques such as extraction by solution or artificial dissolution of underground deposits, different purification techniques, or salt produced using systems such as vacuum evaporation, amongst others, which **affect production yields**, but **do not prevent the production of organic rock salt**.
6. This **decline in yields** does not appear to be a decisive factor in preventing the drafting of this Royal Decree, if the following considerations are taken into account:
 - The estimate that only **around 7-8 %** of salt production is directed to the **food industry**, and
 - Point 2.2.2(e) of Part IV of Annex II to Regulation (EU) 2018/848 stipulates that, in the processing of organic food, ‘drinking water and **organic and non-organic salt**...’ may be used. This implies that the organic food processing industry is not obliged to use organic salt, and

may use conventional salt if it so chooses. This suggests that a significant proportion of organic salt production for food is likely to be intended for table use in households or the catering sector, rather than for large-scale industrial use; consequently, the production of large volumes of organic salt to meet potential demand should not be necessary.

7. Another important factor in the drafting of this Royal Decree is the fact that Regulation (EU) 2018/848 **already allows for the certification of organic salt**, based on compliance with the general rules for organic production set out therein, but without establishing detailed production standards. This has facilitated the proliferation, both in Spain and across the rest of the EU, of salts certified as organic, certified primarily by private certification bodies; however, as there are no detailed standards, there is no harmonisation of production systems, which poses a risk to **consumer confidence**, a key factor in purchasing decisions.
8. Given this **need for harmonisation** within the internal market and, consequently, for a national standard, **France** published in July 2024 an official order dated 15 July 2024 setting out organic salt production standards, which supplement the provisions of Regulation (EU) 2018/848 and its secondary legislation, following its passage through the relevant regulatory filters, including the relevant EU Technical Regulations Information Procedure (TRIS), which constitutes an important precedent regarding both the necessity and the assurance of the standard's compliance with the EU framework, to be taken into account given the great similarity with the draft Spanish Royal Decree.

I.2 AIMS AND OBJECTIVES

Since there are no detailed rules at European level for the production of organic sea salt and other organic salts and brine, and taking into account that Spain is a large salt-producing country, as well as organic production, it is necessary to specify the methods that can be used to produce organic sea salt and other organic salts and brine for food and feed in accordance with Regulation (EU) 2018/848.

The draft legislation will set out the necessary requirements and conditions for this type of production, establishing certain key elements such as:

- To establish the definitions of organic salt and brine, production unit, preparation and drying unit.
- To establish the general and specific requirements for the production and preparation of organic salt and brine, as well as the requirements for the conversion period.
- Specific labelling requirements.

Its objectives include harmonising the production of organic salt and brine across the country and promoting the production of such products, following in the footsteps of other countries, such as France, which have already established their own national standards, as well as strengthening legal certainty for operators and improving their market position.

I.3 PRINCIPLES OF SOUND REGULATION

The content of this Royal Decree meets the principles of sound regulation set out in Article 129 of Law 39/2015 of 1 October 2015 on common administrative procedures in public administration.

Thus, in accordance with the principles of necessity and effectiveness, this is justified on grounds of public interest, given that there are no detailed European standards governing the production of organic salts and brines, and bearing in mind that Spain is a major producer of both salt and organic produce, it is necessary to specify, by means of this Royal Decree, the methods for producing such organic salts and brines.

The following have also been taken into account: the principle of efficiency, in establishing regulations, by not imposing new administrative burdens, so that these are limited to the minimum necessary to achieve the intended objectives, as they are those already in place prior to this draft, and the principle of proportionality, given that the regulation is limited to the minimum necessary, having established that there are no other measures that are less restrictive of rights or that impose fewer obligations on those subject to them.

In accordance with the principle of transparency, the autonomous communities and organisations representing the sectors concerned were consulted during the legislative process.

Finally, the Royal Decree upholds the principle of legal certainty, ensuring consistency with the rest of the applicable legal framework—in particular national regulations on salts and brines and European regulations on organic production—and allowing operators the necessary transitional periods to adapt to the new rules.

I.4 ALTERNATIVES

The following alternatives were considered:

Maintain the current situation

If this national standard is not established, organic salt and brine produced in accordance with the general provisions of Regulation (EU) 2018/848 and on the basis of private standards which, lacking a common framework regarding the detail of production, would generate certified products with a high degree of heterogeneity, both in terms of production and the level of control requirements — the latter being the

cornerstone of the organic production system — and would create distortions of competition, both in the domestic market and in the EU internal market, could be certified as organic.

Waiting for the approval of a European standard

This would leave the situation as described in the previous option, pending a European regulation that has already failed in the past.

To draft the proposed regulation

This alternative is considered to be the most effective for achieving all of the intended objectives. Its main advantage is that it provides an up-to-date national standard that is aligned with the general provisions of Regulation (EU) 2018/848.

Other shorter or longer periods – for conversion, marketing, etc. – could have been chosen, but it has been decided that those ultimately included in the regulation are the ones that best align with the options provided.

I.5 ANNUAL REGULATORY PLAN

The draft standard is included in the Annual Regulatory Plan for the year 2026.

II. CONTENT

STRUCTURE AND CONTENT OF THE PROJECT

The draft Royal Decree consists of an explanatory statement, seven articles, one additional provision, one transitional provision and four final provisions.

The draft is divided into a preamble, seven articles, an additional provision, a transitional provision and four final provisions.

The **preamble** sets out the background to the regulation and its purpose, justifies its compliance with the principles of good regulation, and sets out the powers and authorisations under which it is issued.

Article 1 lays down the purpose of the Royal Decree.

Article 2 defines the scope of the regulation, which applies to the production of organic sea salt and other organic salts and brines for food and feed.

Article 3 contains a set of definitions applicable within the scope of the Royal Decree. In particular, the terms 'organic salt', 'organic brine', 'production unit', 'preparation unit' and 'drying unit' are defined.

Article 4 specifies the general requirements to be met by salt and brine production and preparation units, as well as by operators responsible for the preparation of organic salt.

Article 5 sets out the specific requirements applicable to the production and preparation of organic salt and brine. In particular, it defines, on the one hand, the prohibited practices, processes, treatments and techniques and, on the other hand, lays down the conditions relating to the addition of products and substances in the preparation of organic salt and brine, as well as the use of products intended for cleaning and disinfection.

Article 6 refers to the conversion period required for salt and brine to be considered organic.

Article 7 establishes that the legal names of salts and brine certified in accordance with this standard must comply with Royal Decree 1424/1983 of 27 April 1983 approving the Technical-Health Regulations for the obtaining, circulation and sale of edible salt and brine products. It also states that, with regard to labelling, the provisions of Article 30 of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 shall apply. Salts intended for animal feed must comply with the specific legislation on animal feed, in particular 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 Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directive 82/471/EEC, Council Directive 83/228/EEC, Council Directive 93/74/EEC, Council Directive 93/113/EC and Council Directive 96/25/EC, Commission Decision 2004/217/EC, and the Catalogue of feed materials established by Commission Regulation (EU) No 68/2013 of 16 January 2013 on the Catalogue of feed materials.

The **single additional provision** establishes a mutual recognition clause whereby lawfully marketed in another Member State of the European Union or in Turkey, or originating and lawfully marketed in an EFTA State that is a contracting party to the EEA Agreement, are presumed to be compatible with this Royal Decree.

The **single transitional provision** provides that products produced before the date of entry into force of the standard that comply with the provisions applicable at the time of their production may be placed on the market up to a maximum period of 18 months after their certification, including labels and labelled packaging previously acquired.

The **first final provision** amends Sections 1. (*Salt and brine*) and 2. (*Vinegars*) of Chapter XXIV of the Spanish Food Code, approved by Decree 2484/1967 of 21 September 1967.

The **second final provision** adds a new paragraph 3 to Article 2 of Royal Decree 1424/1983 of 27 April 1983, which approves the Technical and Health Regulations for the production, distribution and sale of edible salt and brine, to provide that organic salts and brines must comply with the provisions of the draft.

The **third final provision** sets out the titles of competence that empower the State to dictate the Regulation.

The **fourth final provision** provides for its entry into force on the day following that of its publication in Spain's Official State Gazette.

In the explanatory statement, to provide context for the legislation, it is stated that organic production represents a strategic pillar for the sustainability of the European and national agri-food system. In addition, the legislative background to the regulation is outlined.

It is explained that the regulation is based on Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018, on organic production and the labelling of organic products and repealing Council Regulation (EC) No 834/2007, which applies not only to agricultural products but also to certain products closely linked to agriculture, including sea salt and other salts for food and feed.

It goes on to explain how, in 2018, the European Commission began the technical work involved in drafting a delegated regulation setting out detailed rules for the organic production of sea salt and other salts. The delegated regulation was approved by the European Commission on 2 May 2023, but was subsequently rejected by the European Parliament on 11 July of the same year, creating a regulatory vacuum that directly affects legal certainty and fair competition in the internal market.

As set out in the explanatory statement, the lack of a harmonised European standard has meant that organic certification in different countries is carried out in accordance with private, disparate criteria and varying levels of stringency, which poses risks in terms of the system's consistency, consumer confidence and the competitiveness of national operators. The national royal decree therefore aims to establish a clear, uniform and proportionate regulatory framework for the production of organic salt and brine within the country; it sets out specific definitions, general production requirements and specific requirements for the preparation and processing of organic salt and brine, amongst other aspects.

The explanatory statement continues, giving an account of the mandatory procedures that have been carried out during the processing of the royal decree, as well as its adherence to the principles of good regulation referred to in Article 129 of Law 39/2015

of 1 October 2015, on the Common Administrative Procedure of Public Administrations.

It ends by referring to the jurisdictional authority under which the Royal Decree is issued.

Article 1 sets out the purpose of the Royal Decree, which is to lay down detailed rules on the production of organic sea salt and other organic salts for food and feed, supplementing the principles and rules laid down in Regulation (EU) 2018/848 of the European Parliament and of the Council.

Article 2 deals with the scope of the standard, which shall apply to the production of organic sea salt and other organic salts for food and feed, as well as brines without prejudice to other national or European Union rules concerning the placing on the market of salt for food and feed. It is stated that seawater, non-spring brines and other synthetic products derived from chemical reactions, as well as effluents or by-products from the chemical industry, desalination plants or potash flotation processes will be excluded from the scope of the standard.

Article 3 includes the definitions of organic salt, organic brine, production unit, preparation and drying unit. It is worth noting that the Royal Decree defines organic salt as salt obtained from the sea, rock salt deposits or saline springs, as defined and designated in Royal Decree 1424/1983 of 27 April 1983, which approves the Technical and Health Regulations for the production, distribution and sale of edible salt and brine used in food and animal feed, and which complies with the applicable European and national provisions and the requirements of this Royal Decree.

Organic brines are brines as defined in Royal Decree 1424/1983 of 27 April 1983, sourced from springs and complying with the relevant European and national provisions and the requirements of this Royal Decree.

Article 4 sets out the general requirements, stipulating that salt and brine production and preparation units must comply with horizontal environmental regulations. Production and preparation must take place in areas that are not subject to contamination by unauthorised products or substances; furthermore, operators producing organic salt must establish and update appropriate procedures for the systematic identification of critical processing stages. The preparation of organic, in-conversion and non-organic salt and brine shall be kept separate from one another in time or space, and no techniques, products or substances shall be used that restore properties lost during the processing and storage of organic salt and brine, or that correct the consequences of negligence in the preparation or processing of organic salt.

Article 5 sets out the specific requirements for the production and preparation of organic salt and brine, detailing the practices, processes and treatments that are prohibited, as well as requirements regarding the addition of substances and the use of cleaning and disinfection products on the premises.

Article 6 sets out details of the conversion period, stating that, for salt and brine to be considered organic, the production standards laid down in Regulation (EU) 2018/848, as well as the provisions of the Royal Decree approving the detailed rules for the production of organic sea salt and other organic salts for food and feed, must have been applied for at least 18 months prior to the harvest of the salt and brine. The conversion period shall begin, at the earliest, once the operator has notified the competent authority of their activities and has registered with an authorised control body or organisation responsible for the control and certification of organic salt and organic brines.

In accordance with Article 10(3) of Regulation (EU) 2018/848, a previous conversion period may be recognised retroactively. Article 10(1) of that Regulation refers to the fact that the Article affects farmers and operators who produce algae and aquaculture animals, setting that period at three years. It does not refer to salt production because the Regulation does not provide detailed rules for salt production.

For the purposes of the provisions of the Royal Decree, this recognition can only be carried out if the holder demonstrates that practices, products or substances prohibited in the production of organic salt have not been used in the production unit, in accordance with Regulation 848/2018 EU) 2018/848 of the European Parliament and of the Council, of 30 May 2018, during the previous 18 months.

In this way, Regulation (EU) 2018/848 and its provision for a retroactive period is adapted to salt producers, who are neither farmers nor aquaculturists; they do not require a three-year period and may be offered a shorter one. In the case of farmers, this period may be longer, as they may have used plant protection products.

With regard to labelling, Article 7 states that legal names certified in accordance with the Royal Decree must comply with both Royal Decree 1424/1983 of 27 April 1983 approving technical and health regulations for the obtaining, circulation and sale of edible salt and brine products and Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018. Salts for animal feed must comply with the designations and requirements laid down in the specific feed legislation, in particular the provisions of Regulation (EC) No 767/2009 of the European Parliament and of the Council of 13 July 2009 and the Catalogue of feed materials established by Commission Regulation (EU) No 68/2013 of 16 January 2013.

The single additional provision establishes a mutual recognition clause whereby goods lawfully marketed in another Member State of the European Union or in Turkey, or originating and lawfully marketed in an EFTA State that is a contracting party to the EEA Agreement, are presumed to be compatible with this Royal Decree.

The transitional provision, concerning the marketing of product stocks, establishes that products produced prior to the date of entry into force of this Royal Decree and which comply with the provisions applicable at the time of their production, may be marketed up to a maximum period of 18 months after their certification, including labels and labelled packaging previously acquired.

The first final provision deals with the amendment of the Spanish Food Code with regard to Section 1^a Salt and brines, indicating that they will be governed by the provisions of Royal Decree 1424/1983, of 27 April, which approves the Technical-Sanitary Regulations for the obtaining, circulation and sale of salt and edible brines, and Section 2^a Vinegars, indicating that vinegars will be governed by the provisions of Royal Decree 661/2012, of 13 April, which establishes the quality standard for the preparation and marketing of vinegars. This change improves the coherence between the various regulations and enhances the clarity of the legal framework.

The second final provision provides for the amendment of Royal Decree 1424/1983 of 27 April 1983 approving the Technical-Health Regulations for the obtaining, circulation and sale of edible salt and brine products, to refer to the fact that organic sea salts and other organic salts and brine must also comply with the provisions of Royal Decree XX/2025 approving the detailed production rules for organic sea salt and other organic salts for food and feed.

The third final provision sets out the relevant legal titles, and the fourth final provision specifies that the Royal Decree shall enter into force on the day following its publication in the Official State Gazette.

III. LEGAL ANALYSIS

III.1. LEGAL ANALYSIS

III.2. a) Legal basis and normative status

The draft has its legal basis in 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. Article 2 sets out its scope of application; whilst the categories listed do not include salt production, it is stated that the Regulation also applies to certain products closely linked to agriculture, which are listed in Annex I thereto, including sea salt and other salts for food and feed.

In turn, Article 21(2)(b) of Regulation (EU) 2018/848 provides that Member States may apply national production rules, provided that those rules are in accordance with that Regulation and do not prohibit, restrict or impede the placing on the market of products obtained outside their territory.

In light of this, and with a view to harmonising the production of organic salt across the country, there is a need to draw up national regulations setting out the detailed conditions for the production of organic sea salt and other organic salts and brines for food and feed, so as to promote the production of these types of salt and brines.

It is also worth noting the existence of Royal Decree 1424/1983 of 27 April 1983, which approves the Technical and Health Regulations for the production, distribution and sale of edible salt and brines; the purpose of which is to define, for legal purposes, what is meant by edible salt and brines and to lay down, on a mandatory basis, the standards for such products, the technical and health conditions to be met by industries engaged in their manufacture, preparation and/or blending, as well as the hygiene conditions for processing and packaging, where applicable, and to establish the conditions to which the storage and transport of such products must be subject. The draft royal decree therefore complements these regulations, and organic sea salt and other organic salts and brines intended for food and feed must comply with these regulations.

The draft takes the form of a royal decree as it is issued by the Government to supplement Royal Decree 1424/1983 and regulates matters falling within its remit.

III.2. b) EU Law

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, is the basic regulation governing organic production in the EU.

Sea salt and other salts for food and feed are included in Annex I to the regulation on products closely linked to agriculture to which the regulation shall apply.

The proposed regulation has its **legal basis** in Article 21(2)(b) of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and the labelling of organic products and repealing Council Regulation (EC) No 834/2007, which provides:

Article 21.

Production rules for products not belonging to the product categories referred to in Articles 12 to 19

1. The Commission is empowered to adopt delegated acts in accordance with Article 54 to amend Annex II by adding detailed production rules, as well as rules on the conversion obligation for products outside the categories referred to in Articles 12 to 19, or by amending those new rules.

Those delegated acts shall be based on the objectives and principles of organic production laid down in Chapter II, and shall comply with the general production rules laid down in Articles 9, 10 and 11, as well as the detailed production rules laid down for similar products in Annex II. They shall lay down requirements relating, in particular, to permitted or prohibited treatments, practices and inputs, or conversion periods for the products concerned:

2. In the absence of the detailed production rules referred to in paragraph 1:

a) operators shall, in respect of the products referred to in paragraph 1, comply with the principles set out in Articles 5 and 6, mutatis mutandis with the principles set out in Article 7, and with the general production rules set out in Articles 9 to 11;

b) Member States may, in respect of the products referred to in paragraph 1, apply detailed national production rules, provided that such rules are consistent with this Regulation and do not prohibit, restrict or impede the marketing of products obtained outside their territory which comply with this Regulation.

Therefore, in its relationship with EU law, it should be noted that the regulation relates to **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**, which constitutes the European framework standard governing organic production, and which is directly applicable.

The draft is integrated as a detailed national standard within the framework of that Regulation, determining specific requirements for the production of organic sea salt and other organic salts intended for food and feed.

The Regulation includes sea salt and other salts in Annex I, allowing them to be considered organic products subject to production rules, although there is as yet no harmonised delegated act at European Union level, following the failure to adopt a European delegated regulation, approved on 2 May 2023, which was rejected by the European Parliament in July 2023, and which was intended to set out organic production rules for these products.

Article 21(2)(b) of Regulation (EU) 2018/848 allows Member States to lay down detailed national rules, provided that those rules are in line with the Regulation and do not prohibit, restrict or impede the placing on the market of products obtained outside their territory and comply with the Regulation.

Consequently, the proposal is consistent with the relevant European Union regulations to which it relates, and specifically with Regulation (EU) 2018/848, taking into account

the possible adoption of delegated acts that might supplement the provisions of Regulation (EU) 2018/848.

In this regard, reference should be made to **Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing lists thereof**, in relation to Article 5 of the draft, which provides that *'Until Annex IV to Commission Implementing Regulation (EU) 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production and establishing their lists has been drawn up, hot and cold water may be used for cleaning, and hot water and steam may be used for disinfection'*.

Furthermore, the implementation of the draft will be linked to **Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products**, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Regulations (EC) No 1/2005 and (EC) No 1099/2009 of the Council, and Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC of the Council, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC of the Council and Council Decision 92/438/EEC (Official Controls Regulation) (Official controls of the food chain), in so far as controls falling within its scope in the application of this Royal Decree are concerned, as is the case with the rest of the legislation on the subject.

III.2. c) Conformity with national law

The draft complements the existing regulations on salt and brines for human and animal consumption, set out in **Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulations for the production, circulation and sale of salt and edible brines**, which define basic products and hygiene and marketing conditions. The proposal sets out specific requirements for organic production, without replacing or repealing the current regulations; however, in its second final provision, it amends Article 2 of the aforementioned Royal Decree to stipulate that organic sea salt and other organic salts intended for human consumption must comply with the provisions of the proposed regulation.

It is also related to **Law 17/2011 on food safety and nutrition**, which refers to **Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002, laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down**

procedures in matters of food safety in the context of the marketing of safe food and feed.

Finally, the regulation is related to **Decree 2484/1967 of 21 September, approving the text of the Spanish Food Code**, which it also amends.

The choice of a royal decree is justified from both a substantive and a procedural perspective, as it is a legal instrument whose status is legally appropriate and suitable for regulating the production of organic salt and other organic salts for food and feed at national level.

Furthermore, the draft also complies with the general conferral of regulatory powers to the Government in Article 97 of the Constitution, specified in favour of the Council of Ministers in Article 5(1)(h) of Law 50/1997 of 27 November 1997 on the Government.

In addition, the fourth final provision of Law 28/2015 of 30 July 2015 on the protection of food quality provides as follows: *'The government is authorised to approve quality standards for food products, with the aim, among others, of adapting to European Union regulations and of simplifying, modernising and enhancing existing standards as well as improving the competitiveness of the sector, including advancements brought about by technological innovation.'*

III.2. d) Repeal of regulations

The draft does not result in the repeal of any legislation.

III.2. e) Entry into force

The fourth final clause stipulates that the Royal Decree shall enter into force the day after its publication in the 'Official State Gazette'.

In accordance with the provisions of the second paragraph, in fine, of Article 23 of Law 50/1997, of 27 November 1997, it cannot be expected for its entry into force until 2 January or 1 July following its adoption, providing for its entry into force on the day following that of its publication in the Official State Gazette, so that this quality standard is in operation as soon as possible, since this rule is not applicable to this draft because it is not in fact assumed. since the project does not impose new obligations on natural or legal persons carrying out an economic or professional activity as a result of the exercise of that activity, but, on the contrary, allows for new methods of production and marketing which are considered to be beneficial for operators and consumers, and it is therefore appropriate to derogate from both that rule and the 20-day rule laid down in the Civil Code.

If this national standard is not established, organic salt produced in accordance with the general provisions of Regulation (EU) 2018/848 and on the basis of private standards which, lacking a common framework regarding production details, would

result in certified production exhibiting a high degree of heterogeneity, both in terms of production methods and the stringency of control requirements—the latter being the cornerstone of the organic production system—and would create distortions of competition in both the domestic and EU markets. The regulation therefore allows for the pursuit of new economic activities; it does not impose any additional obligations.

IV. ALIGNMENT OF THE DRAFT WITH THE CONSTITUTIONAL ORDER OF JURISDICTION

The draft is issued pursuant to Article 149(1)(13) and Article 149(1)(23) of the Spanish Constitution, which confer exclusive competence on the State over the principles and coordination of the general planning of economic activity, and basic environmental protection legislation, without prejudice to the powers of the Autonomous Communities to lay down additional protection rules, respectively.

The draft respects the doctrine of the Constitutional Court. Thus, with regard to Rule 13, in Ruling 58/2015 of 18 March 2015, Legal basis 2, it is clarified that: ‘In general, as has been recognised by constitutional doctrine, the State’s jurisdictional authority in the basic texts and coordination of economic planning is projected onto the livestock subsector, given the recognised and express relationship it has with general economic policy (SSTC (Constitutional Court rulings) 145/1989, Legal basis 5; 158/2011 of 19 October 2011, Legal basis 8 and 207/2011, of 20 December 2011, Legal basis 7). Thus, the Court has held that it is for the State, pursuant to its responsibility for general organisation of the economy, to establish the overall guidelines for the organisation and regulation of the national agricultural market, leaving it to the Autonomous Region to adopt, within the framework of those general guidelines, any measures which are not contrary to them but complementary, concurrent or neutral, in such a way that, if they are aimed at improving the structures of its own agriculture and livestock farming, they do not interfere negatively or distort the general organisation established by the State, instead either aiding it or being innocuous to state organisation. In addition, the Court has recognised the powers of the Autonomous Regions to adopt the necessary provisions in addition to European law and to implement and apply community legislation within their territorial scope provided that, *ratione materiae*, the Autonomous Regions have such jurisdictional authority and do not exceed the boundary established by community and basic national or coordinating legislation (STC (Constitutional Court Ruling) 104/2013 of 25 April 2013, Legal basis 5).

There are no conflicts in this regard.

V. DESCRIPTION OF THE PROCEDURE

V.1 HANDLING OF THE LEGISLATIVE PROPOSAL AND CONSULTATIONS CARRIED OUT

In compliance with the provisions of Article 26 of Government Law 50/1997, of 27 November 1997, the draft has been submitted for approval through the following procedures:

- Public consultation, prior to the preparation of the text of the draft, through the MAPA web portal to obtain the opinion of interested citizens and organisations (Article 26(2), Law 50/1997 of 27 November 1997), from 14 January to 4 February 2025:

https://www.mapa.gob.es/es/alimentacion/participacion-publica/detalle/consulta_rd_sal_ecologica

- Hearing and public information of the draft Royal Decree, through the MAPA website, to obtain additional contributions to the proposed text from citizens or entities (Article 26(6), Law 50/1997), from 27 November to 18 December 2025.

<https://www.mapa.gob.es/es/alimentacion/participacion-publica/detalle/ta-rd-sal-marina-ecologica>

- Receipt of the opinion of the sectoral organisations concerned (Article 26(6) of Law 50/1997 of 26 November 1997). A compilation of the observations received and their corresponding assessments is attached to this report.
- Consultation of the Autonomous Communities (Article 3(1)(k) of Law 40/2015 of 1 October 2015, on the Legal Regime of the Public Sector, and Article 26 of Government Law 50/1997, of 27 November 1997) A compilation of the observations received and their corresponding assessments is attached to this report.

Similarly, the following reports were requested:

- Mandatory report of the Technical General Secretariat of MAPA, in accordance with Article 26(5), paragraph 4, of Law 50/1997 of 27 November 1997, issued on 11 December 2025 without observations.
- Report of the Ministry of the Presidency, Justice and Relations with the Courts requested on 25 July 2024 (Article 26(9), on the quality of regulatory activity, of Law 50/1997 of 27 November 1997). It was received on 20 January 2026, together with formal comments which are incorporated into this report and the final text.
- Report of the Ministry of Territorial Policy and Democratic Memory (Article 26(5), sixth paragraph, of Law 50/1997 of 27 November 1997), issued on 19 December 2025.

- Report by the Ministry of Social Rights, Consumer Affairs and the 2030 Agenda, in accordance with Article 26(5), fourth paragraph, of Law 50/1997 of 27 November 1997, issued on 12 December 2025, in which a formal observation is made regarding the report.
- Report of the Ministry of Health, in accordance with Article 26(5), first paragraph, of Law 50/1997 of 27 November 1997, issued on 12 December 2025 without observations.
- Report of the Ministry of Economy, Trade and Enterprise, in accordance with Article 26(5), first paragraph, of Law 50/1997 of 27 November 1997, received on 14 January 2026 with no observations....
- Report of the Ministry of Industry and Tourism, in accordance with Article 26(5) of Law 50/1997 of 27 November 1997. Received on 10 December 2025 without comments...
 - Report of the Interministerial Commission for Food Management (CIOA), in accordance with Article 4 of Royal Decree 950/2021 of 2 November 2021, establishing the Interministerial Commission for Food Management and determining its composition and functions. Issued a favourable report in March 2026.
 - Report of the Ministry of Ecological Transition and Demographic Challenge. It issued a report in May 2026 with an observation on Article 4 and some observations on the report.

At the request of the Ministry for Ecological Transition and Demographic Challenge, the following two reports are also required:

- Report pursuant to Article 26(5), first paragraph, of the Government Law, to the Ministry of Finance (Directorate-General for State Assets), in view of the potential existence of mining operations in areas reserved for the State under Law 22/1973 of 21 July 1973 on Mining.
- Report of the National Commission on Markets and Competition.

Finally, the Opinion of the Council of State will be obtained, in accordance with the provisions of Article 22(2) of Organic Law 3/1980, of 22 April 1980, of the Council of State.

V.2 COMPLIANCE WITH MANDATORY PROCEDURES IN EUROPEAN UNION LAW

- Notification to the European Commission in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. Pending
- Similarly, it has been notified to the European Commission, in accordance with Article 45 of Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, as it contains mandatory provisions on food information. Pending

V.3 COMPLIANCE WITH MANDATORY NOTIFICATION PROCEDURES TO THE WORLD TRADE ORGANIZATION

In accordance with Article 2.9.2 of the Agreement on Technical Barriers to Trade, this draft Royal Decree would be transmitted to the Secretariat of the World Trade Organization (WTO), accompanied by the corresponding notification form, indicating the products covered by the rule and their tariff heading, as well as the objective and *raison d'être* of the draft. However, the Ministry of Economy, Trade and Enterprise does not consider it necessary to notify the WTO of this draft, as it is a national production standard that complies with the European basic regulation on organic production and aims to harmonise the production of organic salt within the country.

VI. IMPACT ANALYSIS

VI.1 ECONOMIC IMPACT

The regulation has a positive impact on the sector concerned by enabling it to better position its products in the market and promoting its development prospects. The introduction of a national standard shall make it possible to harmonise the production of organic salt across the country and boost production of this type of salt, following in the footsteps of other countries, such as France, which have already established their own national standards, whilst fully complying with the rules on the free movement of goods. In turn, this shall help to boost the production of spring brine.

As the European Union states, 'Established in 1993, the EU's single market is one of the European Union's greatest achievements. It ensures that goods, services, people and capital can move freely throughout the EU: these are the "four freedoms".' The single market allows EU citizens to live and work anywhere within the EU, giving them better employment opportunities. It offers consumers a greater variety of high-quality services and products that they can trust because they are safe and environmentally friendly. The single market boosts trade by making the EU a more important trading partner on the global stage. It promotes growth and competition and creates new

opportunities for EU businesses by giving them access to a domestic market of 449 million consumers.

Looking ahead, the Single Market is a key element for the success of the EU's green and digital transitions; it is at the heart of the EU's new industrial strategy; and it represents a driver for competitiveness, growth and recovery from the COVID-19 crisis in the EU.

Organic production, also known as biological or organic farming, is a system of agri-food management and production that combines best environmental practices with a high level of biodiversity and the conservation of natural resources, as well as the application of strict animal welfare standards, with the aim of producing goods that meet the preferences of certain consumers for products derived from natural substances and processes.

To enable consumers to distinguish organic products, all packaged items must bear the **EU logo** and the numerical code of the control body responsible for the operator in charge of the organic product, in addition to the operator's own brand name and the specific terms relating to organic production.

The new regulations reflect developments in this rapidly growing sector and aim to ensure fair competition for farmers whilst preventing fraud and maintaining consumer confidence through the following measures:

- simplification of production rules through the phasing out of a number of exceptions and exclusions;

- strengthening the control system through stricter preventive measures and rigorous controls throughout the supply chain;

- application to producers from non-EU countries of the same rules that apply to EU producers;

- expansion of the list of products covered by organic production standards (e.g. salts, cork, beeswax, wool, etc.) and the introduction of supplementary production standards (e.g. for deer, rabbits and poultry);

- facilitation of certification for small farmers through a new group certification scheme;

- adopting a more consistent approach to reducing the risk of accidental pesticide contamination.

As indicated in the impact analysis document published by the Commission on the occasion of the then proposed regulation:

The preferred option is expected to remove obstacles to the development of organic farming in the EU thanks to clearer and simpler production rules. The removal of exceptions will lead to the development of organic inputs, notably seeds. The implementation of the action plan will bring more synergies with other EU policies, help

addressing specific needs of the organic sector and improve access to third country markets. Fair competition will be improved notably thanks to simpler and clearer rules and to the move from equivalence to compliance for CBs in third countries. Consumer confidence will be addressed with stricter production rules taking into account evolving societal concerns (animal welfare, EMS for processors and traders). Fraud prevention will be higher, thanks to a more efficient control system, based on risk-assessment, and a more reliable import regime. Because of incomplete data notably on the economics of organic farms and operators, on prices, on the market size and on trade flows, impacts mentioned in the report are only qualitative.

... Production costs could be higher because of stricter rules. Stricter rules can be seen as a barrier to conversion, particularly because of the lack of availability of inputs such as organic seeds when stricter rules are implemented. Higher production costs could lead in the short term to a market contraction because of higher consumer prices, but this should not continue in the medium and long term, since the development of inputs in their organic form, more adapted to organic production, should boost organic yields. The introduction of an EMS entails additional costs for operators the first year it is implemented, but they should be compensated by energy savings afterwards.

Micro-enterprises will be exempted from the requirement to apply an EMS system. Small farms are under-represented in the organic sector. While 69 % of all agricultural holdings have less than 5 ha, only 18.7 % of organic holdings have less than 5 ha. The requirements for small farms, including those with processing activities, will be simplified if they apply group certification which will be introduced in the preferred option. The option will bring more legal clarity. The preferred option also entails much simplification and a reduction in the administrative costs. The number of information obligations for operators will be reduced by 17 out of the existing 80.

Regulation (EU) 2018/848 **allows for the certification of organic salt** based on compliance with the general organic production standards set out therein, but without establishing detailed production standards. **This has led to the proliferation, both in Spain and across the rest of the EU, of salts certified as organic by private certification bodies which, in the absence of detailed common standards, do not ensure harmonisation of production systems, resulting in certified production that is highly heterogeneous**, both in terms of production methods and the stringency of control requirements—the very cornerstone of the organic production system. This has led to distortions of competition, both in the domestic and EU internal markets. Other Member States have already introduced regulations governing this type of production. **France** published an official order dated 15 July 2024 setting out rules for the organic production of salt, which supplement the provisions of Regulation (EU) 2018/848.

As there is no unified official statistical register due to the recent creation and regulatory development of this sector, **information has been requested from the**

certification bodies in order to be able to assess the impact of the draft on the saline sector.

The data show that organic salt accounts for a marginal, virtually negligible share of the global market. Spain is one of Europe's leading salt producers, with total annual output exceeding **4 million tonnes**, which is used in the food and chemical industries, for de-icing, and for export. In this context, salt sold under an organic label accounts for **less than 0.05 % of the total salt market in Spain; it is this salt that is affected by the draft Royal Decree**. These figures show that this is a niche and highly specialised sector. Its current scale underscores the need to provide the sector with clear, rigorous and strict regulations to guide its growth, thereby avoiding distortions or misleading labelling in a mass market as well-established as that of conventional salt.

An analysis of the structure of the salt sector in Spain shows that **the markets for sea/spring salt and rock salt operate in separate and non-substitutable commercial channels:**

- **Total volume:** Spain produces between 4 and 5 million tonnes of salt annually (estimated figures due to disclosure restrictions applying to certain operations).
- **Solar Evaporation Channel:** About 1 million tons are produced exclusively by solar evaporation of seawater and spring water (representing about 22 % of the total national volume).
- **Niche food market:** In fact, **only 7 % of all the salt produced in Spain is used for human consumption**. If animal feed (livestock nutrition, which is also regulated under this bill) is included, the combined figure could be around **7–8 %**.
- **Different uses of salt:** The **remaining 92 %** of national production is absorbed by purely industrial uses outside the food sector (chemical industry, chlorine generation, water treatment and de-icing). **These mass markets are where mining extraction and dissolution salts are primarily directed. By not competing in the same channel, the regulation of organic salt has no capacity to distort the general market or free competition.**

The figures show that the size of the regulated market—certified organic salt in Spain—is economically marginal within the sector as a whole. **The draft Royal Decree regulates a strictly voluntary agri-food sector, which accounts for a negligible proportion of national production**, as 92 % of national salt production is used for non-food industrial purposes.

The draft Royal Decree **does not prevent the production of organic rock salt or mine salt; it merely restricts the extraction methods to bring them into line with the principles of organic production**. The draft allows for the production of various types of salt, including rock salt or mine salt, which would be covered by the phrase ‘... and other organic salts...’ in Article 2. Rock or mine salt is not mentioned in the

exclusions referred to in Article 2(4). Even more obvious is the definition of organic salt provided for in Article 3(1) of the draft Royal Decree, which explicitly includes ‘...rock salt deposits...’.

Extractive methods such as solution mining and the use of explosives for rock salt have been excluded from the scope of the draft Royal Decree in accordance with the Community organic production requirements:

- Recital 10 of Regulation (EU) 2018/848¹, which justifies the inclusion of ‘sea salt and other salts’ in the Community framework, states: ‘*Finally, sea salt and other salts intended for human and animal consumption should be included in the scope of this Regulation, as they can be produced using **natural techniques and because their production contributes to the development of rural areas**, thereby conforming to the objectives of this Regulation*’. Under that provision, any technique which deviates from natural methods and sustainable development is, by its very nature, excluded from the spirit and wording of the provision.
- In its reply to the European Parliament (SP (2023)558¹), the Commission stated unequivocally that ‘, **techniques such as solution mining or the use of explosives to extract rock salt are not in line with the objectives and principles of Regulation (EU) 2018/848**’. It also warned that it will closely monitor national regulations to ensure that these sustainability and naturalness criteria are not lowered.
- Infringement of Regulation (EU) 2018/848 (misrepresentation): Article 7(c) of the EU Regulation expressly prohibits the use of processing methods that could mislead consumers as to the true nature of the product. Certifying as ‘organic’ a salt obtained by dissolution would mislead the consumer, suggesting an origin in a natural ecosystem or marine saline.
- **The use of explosives and the artificial dissolution of underground or surface rock salt deposits were excluded from the scope of the Draft Delegated Regulation**, which laid down detailed rules on the production of organic sea salt and other organic salts, drawn up by the European Commission in 2018.

On the other hand, it should be noted that point 2.2.2(e) of Part IV of Annex II to Regulation (EU) 2018/848 stipulates that, in the processing of organic food, ‘**drinking water and organic and non-organic salt...**’ may be used. This implies that the organic food processing industry is not obliged to use organic salt and may use conventional salt if it so chooses, which suggests that potentially a significant

¹ https://data.europarl.europa.eu/distribution/doc/SP-2023-558-TA-9-2023-0258_en.docx

proportion of organic salt produced for food use will be for table use in households or catering, rather than for large-scale industrial use, meaning that the production of large volumes of organic salt should not be necessary to meet potential demand.

In conclusion, the draft Royal Decree aims **to protect organic salt and brine production and to promote its development. This is an economically marginal sector within the wider salt industry, linked to the development of specific geographical areas that combine natural environments with traditional production techniques; these have enabled an increase in biodiversity and the preservation of traditional jobs tied to the local area.**

Impact on competition

Since the proposed regulation does not limit the number or variety of market operators, does not restrict the ability of operators to compete and does not reduce their incentives to compete, it is not expected to have negative effects on competition in the market. On the contrary, the effect will be beneficial: ensuring fair competition between industries within the framework of the single market, providing the same conditions to all producers and improving the competitiveness of the sector.

Impact on market unity

The draft contains no provisions that may be considered to be in conflict with Law 20/2013, of 9 December 2013, on the Guarantee of Market Unity.

VI.2 BUDGETARY IMPACT

The implementation of this draft Royal Decree has no budgetary implications, as there is no administrative nor staff expenditure arising from its application.

Consequently, the implementation of the regulation will result in neither an increase nor a decrease in public revenue.

VI.3 ANALYSIS OF ADMINISTRATIVE BURDENS

Administrative burdens refer to all administrative tasks to be carried out by companies and citizens to meet the obligations under the Royal Decree.

As regards the possible creation of such burdens by the draft, Article 2(1)(e) of Royal Decree 931/2017 of 27 October 2017, governing regulatory impact analysis reports requires the text of this document to include 'identification and measurement of said administrative burdens'.

A preliminary analysis of the proposal's impact suggests that the regulation to be approved does not impose any additional administrative burdens on the operators concerned or on the public; consequently, the burdens are limited to those that already existed prior to the proposal. The regulations are always in line with the provisions of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and the labelling of organic products and repealing Regulation (EC) No 834/2007, seek to establish the general and specific requirements for the production of organic salt, as well as to set out the practices and substances prohibited for this type of production, without imposing any additional administrative burdens beyond those laid down in European legislation on organic production.

VI.4 IMPACT DUE TO GENDER

For the purposes of Article 19 of Organic Law 3/2007 of 22 March 2007 on effective equality between women and men, and Article 26(3)(f) of Law 50/1997 of 27 November 1997 on the Government, the purpose of gender impact reports is to analyse and assess the outcomes that may result from the adoption of the legislation from the perspective of eliminating inequalities and its contribution to achieving the objectives of equal opportunities and treatment between women and men, based on baseline indicators, projected outcomes and projected impacts. The gender impact report is a tool for collecting information on social realities, from a gender perspective, for all citizens affected by the Regulation, in order to identify and assess the various effects that seemingly neutral regulatory provisions could have on women and men and, ultimately, to identify any potential existing inequalities and the possible effects of the proposed regulation on both sexes.

With regard to the gender impact analysis of this draft, we must start from the fact that the regulations aim to improve the functioning of certain economic activities, without specifically impacting the operators based on their gender. Consequently, the draft does not include any measures that have a positive or negative impact on the basis of gender for the purposes of Article 26(3)(f) of Law 50/1997 of 27 November 1997 on the Government.

Likewise, there is no evidence to suggest that the objectives of equal opportunities policies and, in particular, of Organic Law 3/2007 on the effective equality of women and men, are being violated within the agri-food or fisheries sector.

The assessment of the gender impact in relation to the elimination of inequalities between women and men, as well as in relation to the fulfilment of the objectives of equality policies, is null, since they do not follow from the very purpose of the regulation or from its application in this area.

VI.5 OTHER IMPACTS

Impact on childhood and adolescence

No impact on childhood and adolescence is foreseen, resulting from Article 22 quinquies of Organic Law 1/1996 of 15 January 1996, on the Legal Protection of Minors, partially amending the Civil Code and the Civil Procedure Law, and Article 2(1)(f) of Royal Decree 931/2017 of 27 October 2017.

Impact on family

No impact on family is foreseen in accordance with the requirements of the tenth additional provision of Law 40/2003 of 18 November 2003 on the Protection of Large Families, introduced by Law 26/2015 of 28 July 2015, amending the system of protection for children and adolescents, and Article 2(1)(f) of Royal Decree 931/2017 of 27 October 2017.

Impact on equal opportunities, non-discrimination and universal accessibility for persons with disabilities

The draft Royal Decree has no other impacts in regard to equal opportunities, non-discrimination or universal access for persons with disabilities.

Climate change impact

In accordance with Government Law Article 26(3)(h), the draft has no direct impact on climate change, either in terms of mitigation and adaptation.

Environmental impact

The draft Royal Decree is not expected to have any impact on the environment, as these are activities already covered by environmental legislation, which this draft does not alter or amend, being limited to specifying post-marketing requirements for food quality purposes, rather than environmental ones, such as provisions relating to the methods of production, preparation and processing of organic salt, imposing specific technical prohibitions and requirements on production facilities and post-production processes.

Sea salt production in Spain is linked to specific geographical areas where vast tracts of land, natural environments and traditional production methods come together, thereby enhancing biodiversity and sustaining traditional livelihoods tied to the local area.

Similarly, the production of brine – specifically spring brine that flows naturally – is notable for its historical significance and its connection to certain regions of Spain, where it has helped to preserve a habitat rich in biodiversity, typical of the wetlands associated with saline environments.

Most of the production of marine and spring salt, which is the subject of the draft Royal Decree, is located in Nature Reserves, Natural Parks or Natura 2000 areas, areas whose biodiversity, fauna and flora are already strictly controlled by *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora*. In addition, horizontal legislation on environmental assessment (*Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment and Law 21/2013 of 9 December 2013 on environmental assessment*) acts as a preventive measure in relation to any new draft or substantial modification of an existing activity.

Organic certification for the production of salt and brine is fully in line with traditional production methods and does not result in any additional environmental impact. Extractive methods such as solution mining and the use of explosives for rock salt have been excluded from the scope of the draft Royal Decree in accordance with the Community organic production requirements:

- Recital 10 of Regulation (EU) 2018/8481, which justifies the inclusion of 'sea salt and other salts' in the Community framework, states: *'Finally, sea salt and other salts intended for human and animal consumption should be included in the scope of this Regulation, as they can be produced using natural techniques and because their production contributes to the development of rural areas, thereby conforming to the objectives of this Regulation'*. Under that provision, any technique which deviates from natural methods and sustainable development is, by its very nature, excluded from the spirit and wording of the provision.
- In its reply to the European Parliament (SP (2023)558²), the Commission stated unequivocally that *'techniques such as solution mining or the use of explosives to extract rock salt are not in line with the objectives and principles of Regulation (EU) 2018/848'*. It also warned that it will closely monitor national regulations to ensure that these sustainability and naturalness criteria are not lowered.
- Infringement of Regulation (EU) 2018/848 (misrepresentation): Article 7(c) of the EU Regulation expressly prohibits the use of processing methods that could mislead consumers as to the true nature of the product. Certifying as 'organic' a salt obtained by dissolution would mislead the consumer, suggesting an origin in a natural ecosystem or marine saline.
- **The use of explosives and the artificial dissolution of underground or surface rock salt deposits were excluded from the scope of the Draft**

² https://data.europarl.europa.eu/distribution/doc/SP-2023-558-TA-9-2023-0258_en.docx

Delegated Regulation, which laid down detailed rules on the production of organic sea salt and other organic salts, drawn up by the European Commission in 2018.

It should be noted that these restrictions on the use of explosives or on dissolution mining **do not imply that the production of rock salt or mine salt is excluded from the scope of the Royal Decree**, as is clear from the definition of ‘ecological salt’ set out in Article 3.1 of the draft Royal Decree, which explicitly includes ‘...**rock salt deposits**...’ Furthermore, rock salt or mine salt is not mentioned amongst the exclusions set out in Article 2(4).

Finally, it should be noted that the traditional saline sector operates under a zero waste model. As salt is a stable foodstuff, it is exempt from the requirement to indicate the minimum durability date (*Annex X, paragraph 1(d) of Reg. (EU Regulation No 1169/2011)*), which helps to improve food preservation and reduce associated waste. In addition, this production is in line with the principles of circular economy and the hierarchy of priorities of Law 1/2025 of 1 April 2025 on the prevention of food loss and food waste. Logistical issues are channelled into secondary channels for human consumption, whilst volumes that do not meet this standard are diverted to animal feed (organic feed) or conventional industrial uses, ensuring full utilisation through standard commercial grading.

VII. EX POST EVALUATION

Having considered the provisions of Article 28(2) of the Government Law and Article 3 of Royal Decree 286/2017 of 24 March 2017 regulating the Annual Regulatory Plan and the Annual Regulatory Evaluation Report of the General State Administration and creating the Board of Regulatory Planning and Evaluation, due to the nature and content of the regulation, it is considered that the draft regulation is not subject to evaluation based on its results.