

ROYAL DECREE.../2026 OF... APPROVING THE DETAILED RULES FOR THE PRODUCTION OF ORGANIC SEA SALT AND OTHER ORGANIC SALTS AND BRINE FOR FOOD AND FEED

Organic production represents a strategic pillar for the sustainability of the agri-food system, both in Spain and in the European Union. Spain has historically been a pioneer in the regulation and promotion of this form of production, as evidenced by the fact that organic production was regulated in Spain in the 1980s, years before the first European regulation on organic agriculture was published in 1991. It is currently one of the leading organic producers at both European and global level.

Within the European Union (EU), 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, which set the aspirational target of having 25% of the European Union's Utilised agricultural area (UAA) under organic production.

Regulation (EU) No 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 constitutes the basic Regulation governing this matter. Article 2 sets out the scope of application; while 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, including sea salt and other salts for food and feed.

In 2018, the European Commission started the technical work for the development of a delegated regulation laying down the detailed organic production rules for sea salt and other salts. The delegated regulation was adopted by the European Commission on 2 May 2023, but was subsequently rejected by the European Parliament on 11 July of the same year due to limitations on the production of mine salt. This rejection has created a regulatory vacuum that directly affects legal certainty and fair competition in the internal market.

Salts and brines can be obtained by using different methods and come from different origins. Specifically, sea salt and salt from saltwater springs are produced through the natural concentration and evaporation of seawater, relying solely on the action of the wind and the sun. In the case of spring brines, these are obtained from salty spring water through evaporation caused by the wind and the sun until the desired concentration is reached, using the same process as that used to obtain spring salt, but without allowing it to crystallise completely. Other salts, such as rock salt, are extracted directly, among other techniques, by drilling and cutting, processes which often involve the use of explosives. Consequently, for the purposes of this regulation, any reference to other types of salt should be understood to refer to the product's origin – whether marine, mined or other – and not to its composition.

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.

Given the variety of production methods, as well as the important role played by the conservation of natural areas and traditional methods of sea salt production in Spain's coastal regions, and the use of spring brine, it is necessary to establish detailed and mandatory production rules for the production of organic sea salt and other organic salts and brines for food and feed. It is also appropriate to establish production and processing rules for products of other origins, in line with the principles of organic production. In order to support and facilitate compliance with organic production rules, operators must take preventive measures at all stages of production, preparation and distribution, in accordance with Article 28(1) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018.

Spain played a leading role, both in the inclusion of sea salt and other organic salts in Annex I of the basic regulation and in the subsequent work on drafting the delegated regulation, given the importance and tradition of sea salt production in Spain's Mediterranean and Atlantic regions. In this context, and pursuant to Article 21(2)(b) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, Member States may lay down detailed national rules, provided that they respect the principles and objectives of the basic regulation.

The lack of a harmonised European regulation has meant that organic salt 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.

Consequently, this Royal Decree aims to lay down detailed national rules on the production of organic sea salt and other organic salts and brines intended for human consumption and for the manufacture of animal feed. This Regulation responds to the demands of the sector itself, of the autonomous communities via the Coordination Committee for Organic Production, and of the Ministry of Agriculture, Fisheries and Food in connection with its commitment to developing organic production and promoting more sustainable production systems.

This Regulation seeks to supplement Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulation on obtaining, distributing and selling edible salt and brine. The purpose of this Regulation is to define, for legal purposes, what is meant by edible salt and brine, and establish certain requirements, such as their characteristics and analytical methods. This Royal Decree is therefore supplementary to this Regulation, and organic sea salt and other organic salts and brines intended for food and feed must comply with this Regulation.

In addition, organic salt for feed, understood as sodium chloride, must comply both with the provisions of this Royal Decree and with the current regulations applicable to products intended for animal feed.

This Royal Decree lays down specific definitions, general requirements for production, specific requirements for the preparation and processing of organic salt and brine, including prohibited practices, processes and techniques, requirements for the conversion period, and specific rules on the labelling and preparation of organic salt and brine, in line with the European legal framework.

Where applicable, operators shall provide an environmental assessment to the competent authority or to the control authority or to the control body. The content of this environmental assessment shall be based on Annex IV of 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.

This Royal Decree establishes a clear, uniform and proportionate regulatory framework, thereby strengthening legal certainty for operators, improving market transparency and fostering consumer confidence.

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 Regulation is justified by the need to establish a detailed regulation for the production of organic salt for food and feed. The principle of efficiency has also been considered by limiting administrative burdens to the minimum necessary to achieve the intended objectives, as has the principle of proportionality, since the initiative contains only the essential provisions. In accordance with the principle of transparency, in addition to the public consultation and information process, the processing of this provision has included consultation with the autonomous communities, the representative entities of the affected sectors and consumers, and a mandatory report has been issued by the Interministerial Commission for Food Management. Finally, the Royal Decree adheres to the principle of legal certainty by maintaining consistency with the rest of the applicable national and European legal framework and providing the necessary transitional periods for operators to adapt to the Regulation.

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.

This Royal Decree has undergone the information procedure provided for in 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 rules on information society services, and Royal Decree 1337/1999 of 31 July 1999 governing the provision of information in the field of technical standards and regulations and regulations on information society services, and the notification procedure provided for in Article 45 of Regulation (EU) No 1169/2011 and amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and by which Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive

2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC, and Commission Regulation (EC) No 608/2004.

Therefore, at the proposal of the Minister for Agriculture, Fisheries and Food and the Minister for Social Rights, Consumer Affairs and the 2030 Agenda, in agreement with the Council of State and following deliberation of the Council of Ministers at its meeting of XX XX 2026.

THE FOLLOWING IS DECREED:

Article 1. *Purpose*

The purpose of this Royal Decree is to establish the detailed production rules for organic sea salt and other organic salts and brines for food and feed supplementing the principles and rules laid down in Regulation (EU) No 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. It also sets out the necessary requirements and conditions for this type of production.

Article 2. *Scope of application*

1. This Regulation shall apply to the production of organic sea salt and other organic salts, for food and feed, as well as organic spring brines.
2. This Regulation applies without prejudice to other national and European Union regulations concerning the marketing of salt and brine for food and feed.
3. Organic processed products with agricultural ingredients and salt will be outside the scope of this Regulation as they fall within the scope of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018.
4. The following are expressly excluded from the scope of this regulation: seawater, brines not derived from springs, other synthetic products resulting from chemical reactions, as well as effluents or by-products from the chemical industry, desalination plants or potash flotation processes.

Article 3. *Definitions*

For the purposes of this Royal Decree, the following definitions shall apply:

1. Organic salt: salt obtained from the sea, rock salt deposits or saline springs, as defined and designated in Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulations for the production, distribution and sale of edible salt and brine used in food and feed, and which complies with the applicable European and national provisions and the requirements of this Royal Decree.
2. Organic brine: brine as defined in Royal Decree 1424/1983 of 27 April 1983, originating from spring sources and complying with the European and national provisions applicable to it and the requirements of this Royal Decree.

3. Drying: any process designed to cause the moisture contained in a product to evaporate through the application of air or heat.

4. Preparation unit: in accordance with Article 3(44) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, in the context of this Regulation, the preparation unit shall be considered to be the place where preservation or processing operations (such as drying) or any other operation carried out on the unprocessed product that does not alter the original product, already harvested and stored after harvesting, such as screening, milling, washing, spinning, compacting, packaging or labelling related to organic production, are carried out.

5. Production unit: subject to the provisions of Article 3(9) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, this shall comprise:

a) For organic salt and spring brine, all areas of sedimentation, brine piping, evaporation (concentrators), crystallisation (crystallisers), harvesting, washing, centrifuging and storage after harvesting.

b) In the case of organic sea salt, this includes all areas involved in sedimentation, brine channelling, evaporation (concentrators), crystallisation (crystallisers), harvesting, washing, centrifuging and post-harvest storage.

c) In the case of organic rock salt, the deposit as a whole, including the extraction, purification and storage area after extraction.

Article 4. General requirements

1. Salt and brine production and preparation units must comply with horizontal environmental legislation, in particular Law 21/2013 of 9 December 2013 on environmental assessment and, where appropriate, undergo an environmental assessment, as well as Law 7/2022 of 8 April 2022 on Waste and Contaminated Soils for a Circular Economy, in particular those measures relating to the reduction of food waste, and Law 1/2025 of 1 April 2025 on the prevention of food losses and food waste, in particular as regards the provision of food waste and prevention plans.

2. Production and preparation must take place in areas that are not contaminated by products or substances not authorised for use in organic production, or by contaminants that compromise the organic nature of the products.

3. Operators preparing organic salt and brine shall establish and update appropriate procedures for the systematic identification of the crucial stages of processing.

Without prejudice to Article 28 of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, operators shall, in particular:

a) take precautionary measures and keep records of those measures;

b) implement appropriate cleaning measures, monitor their effectiveness and keep a record of these operations;

c) ensure that non-organic salt and brine are not placed on the market with an indication referring to organic production.

4. The preparation of salt and brine – whether organic, in conversion or non-organic – shall be kept separate from one another, either in time or in space. When preparing or storing organic, in-conversion and non-organic salt, in any combination, within the same preparation unit, the operator shall:

a) inform the competent authority or, where appropriate, the control authority or control body;

b) carry out the operations continuously until the preparation phase has been completed, separately in time or space, with respect to similar operations that are carried out with other types of salt and brine (organic, in-conversion or non-organic);

c) store organic, in-conversion and non-organic salt and brine, before and after operations, separate from one another, either in space or in time;

d) keep available an up-to-date record of all operations and quantities prepared or processed;

e) take the necessary measures to ensure the identification of lots and avoid mixtures or exchanges between organic, in-conversion or non-organic salt and brine;

f) carry out operations involving organic salt and brine, or those in conversion, only after the equipment has been properly cleaned when equipment is shared for the production of both organic and non-organic salt and brine.

5. Techniques, products or substances that reconstitute properties lost in the processing and storage of organic salt and brine, that correct the consequences of negligent action when preparing or processing organic salt and brine, or that are otherwise liable to mislead as to the true nature of salt and brine intended to be placed on the market as organic, shall not be used.

Article 5. *Specific requirements for the production and preparation of organic salt and brine*

1. The use of the following practices, processes, treatments and techniques is prohibited:

a) the extraction of rock salt using explosives;

b) extraction by solution or artificial dissolution of deposits underground or on the surface of rock salt;

c) purification of salt by flotation, electrostatic separation, thermoadhesive separation or heavy-media separation;

d) the use of processing methods that reconstitute the previous solid form after artificial dissolution, such as recrystallisation;

e) the use of plastic coatings as a contact layer at the bottom of the evaporation and crystallisation pond;

f) the supply of brine obtained by dissolution mining;

g) production systems in vacuum evaporation plants or other artificial evaporation or crystallisation systems. It is considered that the evaporation and crystallisation phase should only occur under the influence of the sun and wind;

h) the dissolution of salt or brine in water once produced for the production of organic brines.

i) the forced extraction of brine from saline aquifers.

j) techniques for the preparation of salt and brine for food prohibited under implementing acts adopted pursuant to Article 16(3) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018.

k) the techniques for the preparation of salt and brine for animal feed that are prohibited under the implementing acts adopted in accordance with Article 17(3) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018.

2. No additives or technological aids shall be used at any stage of production, preparation and storage of organic salt and brine.

3. In addition, in the preparation of organic salt and brine:

a) with the exception of iodine, no minerals may be added to salt and brine intended for human or animal consumption. In the case of iodine, its addition shall only be permitted where it is mandatory under the legislation of the country of destination.

b) only products authorised for cleaning and disinfection in processing and storage facilities, in accordance with Article 24 of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, may be used for this purpose.

Operators shall keep records of the use of such products, which shall include the date or dates on which each product was used, the name of the product, its active substances and the place of such use.

Until Annex IV to Commission Implementing Regulation (EU) No 2021/1165 of 15 July 2021 authorising certain products and substances for use in organic production has been drawn up and the relevant lists published, hot and cold water may be used for cleaning, and hot water and steam may be used for disinfection.

Article 6. Conversion

1. For salt and brine to be considered organic, the production rules laid down in Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, as well as in this Royal Decree, must have been applied to the production unit during a conversion period of at least 18 months prior to the first harvest.
2. In accordance with Article 10(2) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, the conversion period shall start, at the earliest, when the operator has notified its activity to the competent authority and has registered with an approved control authority or control body for the control and certification of organic salt and organic brine.
3. In accordance with Article 10(3) of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, a previous conversion period may be recognised retroactively.
4. For the purposes of this Royal Decree, such recognition may only be granted if the holder demonstrates that no practices, products or substances prohibited in the production of the products covered by this Regulation have been used in the production unit, in accordance with Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018, during the preceding 18 months.

Article 7. Labelling

The legal names of salts and brine certified in accordance with this Regulation shall comply with the following regulatory frameworks:

- a) Salts for human consumption: these shall be designated in accordance with the provisions of Royal Decree 1424/1983 of 27 April 1983.
- b) Brine for human consumption: this shall be designated in accordance with the provisions of Royal Decree 1424/1983 of 27 April 1983.
- c) Salts for animal feed: They must comply with the designations and requirements laid down in the specific legislation on animal feed, in particular the provisions of 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.

2. The provisions of Article 30 of Regulation (EU) No 2018/848 of the European Parliament and of the Council of 30 May 2018 on labelling shall apply.

Single additional provision: *Single Market Clause*

Goods lawfully marketed in another Member State of the European Union or in Turkey, or originating from and lawfully marketed in the Contracting Parties to the EEA Agreement are presumed to be compatible with these rules. The application of these rules is subject to Regulation (EU) No 2019/515 of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State.

Single transitional provision: *Sale of product stocks*

Products covered by this Regulation, manufactured before the date of entry into force of this Royal Decree and complying with the provisions applicable at the time of their production, may be marketed up to a maximum period of 18 months after certification, including labels and labelled packaging purchased previously.

First final provision: *Amendment to Spanish Food Code approved by Decree 2484/1967 of 21 September 1967.*

Sections 1 and 2 of Chapter XXIV of the Spanish Food Code, approved by Decree 2484/1967 of 21 September 1967, shall read as follows:

‘Section 1 Salt and brine.

Salt and brine shall be governed by the provisions of Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulation on obtaining, distributing and selling edible salt and brine.

Section 2. Vinegars.

Vinegars shall be governed by the provisions of Royal Decree 661/2012 of 13 April 2012, which establishes the quality regulation for the production and marketing of vinegars.

Second final provision: *Amendment of Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulation on obtaining, distributing and selling edible salt and brines*

A paragraph 3 is added to Article 2 of Royal Decree 1424/1983 of 27 April 1983 approving the Technical and Health Regulation on obtaining, distributing and selling salt and edible brines, with the following wording:

‘2.3. Organic sea salts and other organic salts and brine for human consumption must also comply with the provisions of Royal Decree /2026 of [] approving the detailed production rules for organic sea salt and other organic salts for food and feed *TO BE COMPLETED BY THE BOE*’.

Third final provision: *Jurisdiction*

This Royal Decree 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.

Fourth final provision: *Entry into force*

This Royal Decree shall enter into force on the day after its publication in the Official State Gazette.

Done in Madrid, on 2026.

FELIPE R.

The Minister of the Presidency, Justice and Relations with Parliament