

EXPLANATORY MEMORANDUM FOR EUROPEAN UNION LEGISLATION WITHIN THE SCOPE OF THE UK/EU WITHDRAWAL AGREEMENT AND WINDSOR FRAMEWORK

COM(2023)2781 final + ANNEX

COMMISSION DELEGATED REGULATION (EU) 2023/2781 AMENDING REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AS REGARDS DETAILED PRODUCTION RULES FOR ORGANIC SEA SALT AND OTHER ORGANIC SALTS FOR FOOD AND FEED

Submitted by the Department for Environment, Food and Rural Affairs

06 July 2023

SUBJECT MATTER

1. By virtue of the Windsor Framework, the EU organic regulations continue to apply in respect of Northern Ireland. This includes Regulation (EU) 2018/848 which came into force on 1 January 2022, repealing Council Regulation (EC) No 834/2007.
2. Regulation (EU) 2018/848 sets out the rules on production, certification, labelling and advertising of organic food and feed. It applies to organic products which are produced, processed, packed, sold or imported into the EU or Northern Ireland.
3. A Delegated Regulation to establish specific methods to produce organic sea salt and other organic salts for food and feed in accordance with Regulation (EU) 2018/848 has been adopted by The European Parliament and by the Council. This Explanatory Memorandum outlines the changes and impacts to Northern Ireland.

Background

4. Since 1 January 2022, when Regulation (EU) 2018/848 came into force, organic production and labelling of organic products such as sea salt and other salts for food and feed has been included in the scope of the Regulation. However, as salt is not an agricultural product, specific methods to produce organic sea salt and other organic salts for food and feed in accordance with Regulation (EU) 2018/848 need to be established. Hence, this new Delegated regulation aims to fill this gap.
5. Organic salts that are produced, prepared, labelled, distributed and placed on the market as food or feed, imported into or exported from the EU, must be in accordance with the general rules for organic production laid down in Regulation (EU) 2018/848.
6. Given the variety of methods in which salt may be obtained, detailed production rules to obtain organic sea salt and other organic salts for food and feed have been

established. These rules ensure operators undertake every stage of production, preparation and distribution in compliance with Regulation (EU) 2018/848. This includes:

- a. Approved production and preparation methods for organic salt;
- b. Approved products and substances for production of organic salt;
- c. Requirements to obtain salt from natural and sustainable sources;
- d. Specific labelling rules - for salt to be labelled as organic, salt must represent over 50% of the dry matter by weight; and all ingredients of agricultural origin added to the salt must be organic.

7. In summary, the EU Commission has adopted detailed production rules for organic sea salt and other organic salts for food and feed, both produced in the EU and imported from third countries, which will be directly applicable in all Member States and Northern Ireland.

SCRUTINY HISTORY

8. The Parliamentary scrutiny history relevant to this Explanatory Memorandum is contained in the attached Annex A.

MINISTERIAL RESPONSIBILITY

9. Responsibility lies with the Secretary of State for Environment, Food and Rural Affairs.

INTEREST OF THE DEVOLVED ADMINISTRATIONS

10. Defra officials meet monthly with the Devolved Governments through the Organics Four Nations Working Group to discuss organic policy across the United Kingdom. The Devolved Administrations of Northern Ireland, Scotland and Wales were consulted and agreed to the production of this Explanatory Memorandum; and provided no further comments.

LEGAL AND PROCEDURAL ISSUES

11.

i. **Legal Base**

Article 54 of Regulation (EU) 2018/848.

ii. **Voting Procedure**

N/A

iii. **Timetable for adoption and implementation**

The proposed Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. The amendments made to Annex II of 2018/848 by Article 1(2) of the proposed regulation, inserting the detailed production rules for Organic Sea Salt and other salts for food and feed shall apply from two years from the date of entry into force of the proposed regulation.

POLICY IMPLICATIONS

12. The new Delegated Regulation amends Regulation (EU) 2018/848. Due to the Windsor Framework, this Regulation will apply in Northern Ireland.
13. Operators in Great Britain will continue to follow Retained Council Regulation (EC) No 834/2007, and Commission Regulations (EC) Nos 889/2008 and 1235/2008. NI operators are required to meet different standards from GB operators in some areas of organic production.
14. The trade of organic products between the UK and the EU is provided for in the Trade and Cooperation Agreement (TCA), Annex 14: Organic Products. Under the TCA, the EU and the UK recognise equivalence for organics, therefore goods produced in NI/EU are considered as organic in GB (and vice versa). Therefore, organic salt produced in NI can be exported to GB and remain labelled as an organic product. However, if the product undergoes further processing in GB, it cannot be sold as organic as it will no longer be considered a product of the EU/NI.
15. Currently, in GB, the scope of the organic regulations does not allow for salt to be certified as organic. Organic certification is limited to food and feed, whereas salt is considered a mineral. Therefore, this means businesses in NI may produce and market sustainably produced salt as organic, whereas businesses in GB cannot.
16. A review of the GB organic regulations that apply in Great Britain is upcoming and will cover the full organics regulatory regime including production of salts.

CONSULTATION

17. No consultation has taken place and impact assessment is not within scope.

FINANCIAL IMPLICATIONS

18. Not applicable.

A handwritten signature in blue ink that reads "M Spencer". The signature is fluid and cursive, with the first letter 'M' being particularly large and stylized.

**THE RT. HON. MARK SPENCER M.P.
MINISTER OF STATE FOR FOOD, FARMING AND FISHERIES
DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS**

PARLIAMENTARY SCRUTINY HISTORY RELEVANT TO A:

COMMISSION DELEGATED REGULATION (EU) 2023/2781 AMENDING REGULATION (EU) 2018/848 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE DETAILED PRODUCTION RULES FOR ORGANIC SEA SALT AND OTHER ORGANIC SALTS FOR FOOD AND FEED (AND ANNEX)

CONSOLIDATED EM ON 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

DATE DEFRA EM SIGNED: 17/3/2022

SCRUTINY COMMITTEES' RECOMMENDATIONS:

COMMONS	LORDS
SCRUTINY COMPLETED (OUTCOME AGENDA NO 1 11/5/22)	CLEARED BY HOL LETTER 2/7/22. SIFTED FOR SCRUTINY TO THE PROTOCOL ON IRELAND/NORTHERN IRELAND SUB-COMMITTEE (AT CHAIR'S SIFT NO 17; 1/4/22)