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COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**amending Regulation (EU) 2018/848 of the European Parliament and of the Council on
detailed production rules of organic products**

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

amending Regulation (EU) 2018/848 of the European Parliament and of the Council on detailed production rules of organic products

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard 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 834/2007¹, and in particular Article 9(11), Article 12(2)(e), Article 14(2)(c), Article 15(2)(a), Article 15(2)(d), Article 21(1) and Article 54(2) thereof,

Whereas:

- (1) Regulation (EU) 2018/848 and in particular Chapter III thereof, lay down basic requirements with regard to production rules of organic products.
- (2) Article 12(2)(e) of Regulation (EU) 2018/848 provides for delegated acts to be adopted, laying down detailed production rules with regard to specific plant and plant products. This Regulation amends point Part I of Annex II of Regulation (EU) 2018/848 by adding further detailed rules and cultivation practices for growing plants for the production of ornamentals and herbs in pots to be sold to the final consumer as well as for production of sprouts by moistening of seeds.
- (3) Article 14(2)(c) of Regulation (EU) 2018/848 provides for the possibility to amend point 1.9.6.2.(b) of Part II of Annex II as regards the feeding of bee colonies. The possibility to use pollen from organic apiculture could avoid the larvae to starve. In order to ensure quality and adaptation to technical restraints this Regulation amends the above point referring to the feeding of bee colonies by adding organic pollen.
- (4) Article 15(2)(a) and (d) empower the Commission to amend among others provisions concerning feed for carnivorous aquaculture animals and to add further detailed conditions per species for juvenile production. The current rules on feed for carnivorous aquaculture animals include a general quantitative restriction on plant origin feed, which does not reflect the needs of each species and stages of development. In fact, the general provisions on feed for aquaculture animals require that animals shall be fed with feed that meets the animals' nutritional requirements at the various stages of their development as laid down under point 3.1.3.1. of Part III of Annex II of Regulation (EU) 2018/848. Moreover, with respect to juvenile production, the larval rearing is characterised by three phases the egg hatching and autotrophic phase when larvae consume their yolk sac reserves, the heterotrophic phase when larvae are fed on plankton and the final weaning to artificial diets. This last phase of

¹ 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. 1–92.

larval development leads to the juvenile form and conditions for juvenile production are hereby provided to incorporate the most recent knowledge on the sector in line with organic principles.

- (5) On the basis of Article 21(1) of Regulation (EU) 2018/848, the Commission is empowered to lay down detailed production rules for products not falling within any of the categories of products for which specific production rules are laid down in that Regulation. These rules should also address the obligation to convert. On this basis, detailed production rules for the production of organic sea salt and other salts for food are introduced in Annex II to Regulation (EU) 2018/848.
- (6) In order to ensure quality, traceability and compliance with Regulation (EU) 2018/848, also rules on the splitting of holdings into organic, in-conversion and non-organic production units are established for the production of organic sea salt and other salts for food.
- (7) The risk of non-compliance with organic production rules may be higher in salt holdings that include production units that are not managed under those rules. Therefore, after an appropriate conversion period, all salt holdings which aim to become organic should be entirely managed in compliance with the requirements applicable to organic salt production. However, holdings including both units managed under organic production rules and units managed under non-organic production rules should be allowed under certain conditions, including in particular the conditions of clear and effective separation between organic, in-conversion and non-organic production units and between the products produced by those units. Article 9(11) to Regulation (EU) 2018/848 empowers the Commission to amend paragraph 7 of this Article by adding further rules on the splitting of holding into organic, in-conversion and non-organic production units, in particular in relation to products listed in Annex I, like sea salt and other salts for food. Considering the specificity of salt production and advice from experts these rules are established in this Regulation.

HAS ADOPTED THIS REGULATION:

CHAPTER I

PLANT PRODUCTION RULES

Article 1

Further details and cultivation practices for production of sprouts by moistening of seeds

In point 1.3 of Part I of Annex II to Regulation (EU) 2018/848, the following sentence is added:

‘Only organic seeds can be used for the production of sprouts by moistening of the seeds. No derogation from point 1.8.1. of Part I of Annex II to Regulation 2018/848 can be granted by control authorities or control bodies for the production of sprouts by moistening of the seeds.’

Article 2

Further details and cultivation practices for growing plants for the production of ornamentals and herbs in pots to be sold together with the pot to the final consumer

In point 1.4.(a) of Part I of Annex II to Regulation (EU) 2018/848 the following sentence is added:

‘The pots may contain soil from certified organic areas which may be mixed with materials authorised in accordance with Article 24 (1) (b). Where possible the soil should be recycled.’

CHAPTER II

LIVESTOCK PRODUCTION RULES

Article 3

Production rules for insects other than bees for feed

1. In Part II of Annex II to Regulation (EU) 2018/848, after point 1.2.2 (h), the following is added:

‘(i) one single generation from egg to adult for insects other than bees for feed.’;

2. In Part II of Annex II to Regulation (EU) 2018/848, after point 1.3.4.4.5, the following point is added:

‘1.3.4.4.6. For breeding purposes, non-organic breeding insects may be introduced once per calendar year for the purpose of genetic regeneration of populations. They shall be reared subsequently in accordance with the organic production rules. In addition, the weight of non-organic breeding insects introduced shall not exceed 0.5% by weight of the production per species and calendar year.’

3. In Part II of Annex II to Regulation (EU) 2018/848, in point 1.4.1.(e) the word ‘bees’ is replaced by ‘bees and insects other than bees for feed’.

4. In Part II of Annex II to Regulation (EU) 2018/848, after point 1.9.6, the following is added:

‘1.9.7. For insects other than bees for feed

[1.9.7.1 Origin of animals]

1.9.7.2 Nutrition

With regard to nutrition, the following rules shall apply:

- (a) at least 20 % of the feed shall come from the farm itself or, if this is not feasible or such feed is not available, shall be produced in cooperation with other organic or in-conversion production units and feed operators using feed and feed material produced or constituted in the same region. *[The feed shall preferably be constituted of by-products that cannot be used for food]*;
- (b) up to 30 % on average of the feed formula of rations may comprise in-conversion feed from the second year of conversion. This percentage may be increased to 100 % if this in-conversion feed comes from the holding where insects are kept.

1.9.7.3. Housing and husbandry practices

With regard to housing and husbandry practices, the following rules shall apply:

- (a) used organic substrates, including frass, uneaten or spilt feed and egg laying material, shall be removed as often as necessary *[and disposed of in a secure manner either by returning them to the holding where insects are kept or by processing them into 'products produced by insects' to be purchased and used by third parties];*
- (b) housing materials used should not cause injuries to insects; in particular, grid floors in which insects can lose their legs, sharp materials or materials containing contaminants *[or unauthorised products and substances according to this Regulation]* shall not be used;
- (c) structural elements shall be either made of raw materials that cannot be used by insects as a feed source or consist exclusively of raw materials that can be used by insects as a feed source provided those materials meet the requirements of this Regulation on feed;
- (d) materials made of recycled paper or board, such as egg cartons, shall not be used as structural elements due to a higher risk of the presence of contaminants *[or unauthorised products and substances according to this Regulation];*
- (e) appropriate husbandry practices should ensure the prevention of cannibalism between insects as much as possible.

1.9.7.4. Animal welfare

With regard to animal welfare, the following additional rules shall apply:

- (a) mutilations, such as the trimming of wings or removal of taluses, are prohibited;
- (b) transport conditions shall respect the physiological needs of insects;
- (c) killing methods such as freezing, steam vapour, boiling water or oil, can be used provided they are applied in line with point 1.7.7. of Part II of Annex II of that Regulation; in particular, the duration of killing of insects should be as short as possible.'

Article 4

Feeding of bee colonies

Point 1.9.6.2.(b) of Part II of Annex II to Regulation (EU) 2018/848 is replaced by the following:

'(b) bee colonies may only be fed where the survival of the colony is endangered due to climatic conditions. In such case, bee colonies shall be fed with organic honey, organic pollen, organic sugar syrups, or organic sugar.'

CHAPTER III
AQUACULTURE

Article 5

Feed for carnivorous aquaculture animals

Point 3.1.3.3. paragraph (e) of Part III of Annex II to Regulation (EU) 2018/848 is replaced by the following:

‘(e) organic feed materials of plant or animal origin.’

Article 6

Further detailed conditions for juvenile production

In Part III of Annex II to Regulation (EU) 2018/848 after point 3.1.2.2. the following point is added:

‘3.1.2.3. Juvenile production

In the larval rearing of marine fish species, rearing systems preferably the ‘mesocosm’ or ‘large volume rearing’ may be used. These rearing systems shall meet the following requirements:

- (a) an initial stocking density below 20 eggs or larvae per liter;
- (b) larval rearing tank volume of minimum 20 m³; and
- (c) feeding of larvae on the natural plankton developing in the tank that is supplemented as appropriate by externally produced phytoplankton and zooplankton.’

CHAPTER IV

SEA SALT AND OTHER SALTS FOR FOOD

Article 7

Organic, in-conversion and non-organic production of sea salt and other salts for food at the same holding

In paragraph 7 of Article 9 of Regulation (EU) 2018/848 the following part is added:

‘As regards sea salt and other salts for food, the holding may be split provided that there is a clear and effective separation between the production units. Operators should keep records and ensure constantly updated information regarding all production units as defined in point 10 of Part VIII of Annex II.’

Article 8

Production rules for sea salt and other salts for food

In Annex II to Regulation (EU) 2018/848 after Part VII, the following part is added:

‘Part VIII: Sea salt and other salts for food

1. Scope
 - 1.1. This Regulation applies to sea salt and other salts for food understood as food grade salt obtained from the sea, from underground rocks salt deposits or from natural brine. It does not apply to salt from origins other than those mentioned above, notably the salt which is a by-product of chemical industries.
 - 1.2. In addition to the production rules laid down in Articles 9 to 11, the rules set out in this Part shall apply to organic production of sea salt and other salts for food.
2. Composition
 - 2.1. Organic salt shall be consisting predominantly of sodium chloride as defined in *Codex Alimentarius* Standard 150-1985 for food grade salt².
 - 2.2. By the way of derogation from point 2.1., the level of sodium chloride may be lower in case when the provisions of Union law or provisions of national law compatible with Union law defines this level differently (for example: *Fleur de sel, sal marina virgin, sel gris*).
 - 2.3. The organic salt may comprise natural secondary products, which are composed mainly of calcium, potassium, magnesium and sodium sulphates, carbonates, bromides and calcium, potassium, magnesium chlorides.
 - 2.4. Natural contaminants may not be present in the final product at levels higher than maximum levels as defined in *Codex Alimentarius* General Standard 193-1995³ for contamination and toxins in food and feed or as defined in the national legislation, whichever is more strict.
 - 2.5. The levels referred to in point 2.4. shall be in line with the European legislation in case such legislation is established for salt.
3. Inputs
 - 3.1. Products and substances used as plant protection products, fertilisers, soil conditioners and nutrients, even if authorised for organic production in the acts adopted on the basis of Article 24(1)(a) and (b) of Regulation (EU) 2018/848, are not authorized for production of organic salt.
 - 3.2. Food additives, processing aids and non-organic agricultural ingredients, even if authorised for organic production in the acts adopted on the basis of Article 24(2)(a)

² *Codex Alimentarius*, Standard for Food Grade Salt. Codex Stand Number 150-1985, http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2B150-1985%252FCXS_150e.pdf.

³ *Codex Alimentarius*, Standard for contaminants and toxins in food and feed. Codex Stand Number 193-1995, http://www.fao.org/fao-who-codexalimentarius/sh-proxy/en/?lnk=1&url=https%253A%252F%252Fworkspace.fao.org%252Fsites%252Fcodex%252FStandards%252FCODEX%2B193-1995%252FCXS_193e.pdf

and (b) of Regulation (EU) 2018/848, are not authorized for production of organic salt.

3.3. By the way of derogation from point 3.2., the use of iodine in organic salt production should be allowed.

4. Cleaning and disinfection products

Only products for cleaning and disinfection authorised pursuant to Article 24 for use in processing and storage facilities shall be used for that purpose.

5. Practices, processes and treatments

5.1. The use of the following practices, processes and treatments is permitted:

- (a) supply of fresh sea water to produce organic sea salt;
- (b) supply of fresh salt spring water or fresh salt lake water for salt obtained from natural brine;
- (c) direct solar energy and wind for the crystallization of the organic sea salt and obtained from natural brine;
- (d) drying with solar evaporation;
- (e) sieving and sorting by mechanical means;
- (f) crushing and grinding by mechanical means;
- (g) milling by mechanical means;
- (h) traditional techniques of harvesting;
- (i) salt flower harvesting only from crystallizer's water surface;
- (j) rock salt mining by mechanical breaking and grinding.

5.2. The use of the following practices, processes and treatments shall be prohibited:

- (a) rock salt mining with explosives or solution mining;
- (b) use of any chemical treatment, including chemical purification;
- (c) refining;
- (d) upgrading of salt, such as:
 - (i) flotation,
 - (ii) electrostatic separation,
 - (iii) Thermoadhesive Process,
 - (iv) Heavy-Medium Separation (HMS);
- (e) upgrading of brine, such as:
 - (i) chemical brine purification (e.g. with lime or caustic soda, soda ash or other),
 - (ii) sedimentation by adding flocculating agents,
 - (iii) gypsum slurry process,
 - (iv) mother liquor concentration with non-solar energy;
- (f) technologies of vacuum processes with a high [energy] footprint, such as:

- (i) Multi-Effect Evaporation (MEE),
- (ii) Mechanical Vapour Compression or Recompression (MVC, MVR),
- (iii) Thermal Vapour recompression (TVR),
- (iv) recrystallization,
- (v) flash evaporation,
- (vi) open pan evaporation with artificial heating (e.g. steam-heated immersion coils, external heating units, etc.);
- (g) chemical treatments and washing, such as process vacuum, flotation with reagents, electrostatic separation, purification with lime or caustic soda and soda ash and sedimentation by adding flocculating agents;
- (h) nanofiltration;
- (i) use of cooling technologies;
- (j) centrifugation;
- (k) *[use of energy other than solar or wind to concentrate or evaporate salt water or brines;]*
- (l) artificial evaporation;
- (m) supply of sea water, salt spring water or salt lake water other than fresh water;
- (n) salt flower harvesting other than crystallizer's water surface;
- (o) use of water or non-saturated brine to dissolve rock salt (solution mining).

6. Environmental aspects

- 6.1. Organic salt production techniques shall prevent or minimise any contribution to the contamination of environment, should contribute to biodiversity preservation and sustainable use of resources, as well as have almost zero *[the lowest possible]* ecological footprint and biodiversity preservation.
- 6.2. The operator shall provide environmental assessment to the control authority or control body. The content of the environmental assessment shall be based on Annex IV to Directive 2011/92/EU⁴ of the European Parliament and of the Council.
- 6.3. The operator shall provide a sustainable management plan proportionate to the production unit. Business operators shall draw up as part of the sustainable management plan a waste reduction schedule to be put in place at the commencement of operations. Where possible, the use of energy shall be limited to energy from renewable sources.
- 6.4. The production does not affect significantly the stability of the natural ecosystem or the maintenance of the species in the production area.

7. Water quality

The production of sea salt is considered as organic production provided that the production areas are suitable from health point of view and are of high ecological status as defined by Directive 2000/60/EC⁵. *[Water Framework Directive]*

⁴ 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 (OJ L 26, 28.1.2012, p. 1).

8. Location
 - 8.1. Operations shall be situated in locations that are not subject to contamination with products or substances not authorised for use in organic production, or with pollutants that would compromise the organic nature of the product.
 - 8.2. Salt production shall not be considered as organic when practiced at locations or in areas designated by competent authorities as locations or areas which are unsuitable for such activities.
 - 8.3. Vegetation surrounding the production unit should not be treated with any products and substances used for conventional and organic production.
9. Conversion for salt obtained from the sea or from natural brine
 - 9.1. For salt obtained from the sea or from natural brine to be considered as organic product, the production rules laid down in this Regulation shall have been applied with respect to the production unit during a conversion period of at least three years before the first harvest of organic salt.
 - 9.2. Where the production unit has been contaminated with products or substances not authorised for use in organic production of salt, the competent authority may decide to extend the conversion period for the production units concerned beyond the period referred above.
 - 9.3. In the case of any treatment not authorised for use in organic salt production, the competent authority shall require a new conversion period in accordance with rules referred above.

That period may be shortened in the following two cases:

 - (a) treatment with a product or a substance not authorised for use in organic salt production as part of a compulsory control measure for pests or weeds, including quarantine organisms or invasive species, imposed by the competent authority of the Member State concerned;
 - (b) treatment with a product or a substance not authorised for use in organic salt production as part of scientific tests approved by the competent authority of the Member State concerned.
 - 9.4. In the cases referred to in points 9.2. and 9.3., the length of the conversion period shall be fixed taking into account the following requirements:
 - (a) the process of degradation of the product or substance concerned must guarantee, at the end of the conversion period, an insignificant level of residues in the soil and salt;
 - (b) the harvest following the treatment may not be placed on the market as organic.
 - 9.5. Member States shall inform the Commission and the other Member States of any decision taken by them which lays down compulsory measures related to treatment with a product or a substance not authorised for use in organic salt production.
10. Conversion for rock salt
 - 10.1. For rock salt to be considered as organic product, the production rules laid down in this Regulation shall have been applied with respect to the production unit during a

⁵ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

conversion period of at least 1 year in case of rock salt obtained from a place where explosives were used and at least 6 months in case of rock salt obtained from a place where no explosives were used.

- 10.2. Where the production unit has been contaminated with products or substances not authorised for use in organic production of salt, the competent authority may decide to extend the conversion period for the production units concerned beyond the period referred above.
- 10.3. In the case of any treatment not authorised for use in organic salt production, the competent authority shall require a new conversion period in accordance with rules referred above.
- 10.4. In the case referred to in points 10.2. and 10.3., the length of the conversion period shall be fixed taking into account the following requirements:
 - (a) the process of degradation of the product or substance concerned must guarantee, at the end of the conversion period, an insignificant level of residues in the salt;
 - (b) the harvest following the treatment may not be placed on the market as organic.
11. Organic and non-organic production at the same holding
 - 11.1. Organic, in-conversion and non-organic production units shall be adequately separated in accordance with the minimum separation distances set by Member States.
 - 11.2. Where organic, in-conversion and non-organic products, in any combination, are prepared or stored in the preparation unit concerned, the operator shall:
 - (a) inform competent authority or, where appropriate the control authority or control body, accordingly;
 - (b) carry out the operations continuously until the production run has been completed, separately in place or time from operations performed on any other kind of product (organic, in-conversion or non-organic);
 - (c) store organic, in-conversion and non-organic primary and final products, before and after the operations, separate by place or time from each other;
 - (d) keep available an updated register of all operations and quantities processed for organic, in-conversion and non-organic production, including information on additives used and practices, processes and treatments applied in non-organic salt production;
 - (e) take the necessary measures to ensure identification of lots and to avoid mixtures or exchanges between organic, in-conversion and non-organic products;
 - (f) carry out operations on organic or in-conversion products only after suitable cleaning of the production equipment.

12. Misleading nature of products

Products, substances and techniques that reconstitute properties that are lost in the production or storage of organic salt, that correct the results of negligence in the production of organic salt, or that otherwise may be misleading as to the true nature of products intended to be marketed as organic salt, shall not be used.

13. Obligation of operators
- 13.1. Operators producing organic salt shall establish and update appropriate procedures based on systematic identification of crucial production steps.
- 13.2. The application of the procedures referred above shall ensure that the produced organic salt comply with this Regulation at all times.
14. Precautionary measures
- Operators shall comply with and implement the procedures referred to in point 12 and without prejudice to Article 28 of this Regulation, shall in particular:
- (a) take precautionary measures;
 - (b) implement suitable cleaning measures, monitor their effectiveness and keep records of these operations;
 - (c) guarantee that non-organic products are not placed on the market with an indication to organic production.
15. Preparation
- If preparation operations, other than processing, are carried out on salt, the general requirements laid down in points 1.2, 1.3, 1.4, 1.5 and 2.2.3 of Part IV of Annex II to this Regulation shall apply *mutatis mutandis* to such operations.
16. Record keeping obligation
- Operators should keep record regarding the production units/sites concerned and the amount of the production.'

CHAPTER V FINAL RULES

[Article 9

*Repeal
tbc]*

Article 10

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2021.

Done at Brussels,

*For the Commission
The President
[...]*