

Farm to Fork Strategy

Impact on EU market participants

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Abstract

The study examines one of the core elements of the European Green Deal - the Farm to Fork Strategy. It has a goal to translate the intentions and proposals of the Strategy into the business language and evaluate potential impacts for the agri-business and other value chain players like IKEA. Using legal doctrine method, the study analyses the documents on the Strategy's actions, adding experts' opinions where the context is needed. The main conclusions drawn from the research include new legal requirements for labelling, placement of products on the market and potential overall impact on the business environment, both positive and negative.

Key words: *European Green Deal, Farm to Fork Strategy, Common Agriculture Policy*

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Abbreviations

| | |
|------|--|
| EU | European Union |
| F2F | Farm to Fork Strategy |
| TFEU | Treaty on the Functioning of the European Union |
| CAP | Common Agriculture Policy |
| FSFS | Legislative Framework for Sustainable Food Systems |
| MS | Member State(s) |

1. Introduction

1.1 Background

The New Green Deal is a roadmap to boost the EU economy and make it sustainable, with people, climate, and environment in focus.¹ Its new Farm to Fork strategy is responsible for achieving these goals in food systems: it aims to transform the EU food chains into a sustainable food system, and therefore it will obviously bring changes to all participants of the agricultural sector in the EU.²

In the EU food systems, food retailers and wholesalers are critical actors: they are in contact with millions of Europe's consumers, they operate the systems ensuring reliable sourcing and distribution of foods, they link suppliers and consumers and react to consumers' changing demands and influence it, playing a key role in nudging their customers towards more sustainable products and services. The sector engages 5 million large and small companies and 29 million people working daily in pursuing these valuable objectives to offer consumers the best choice of quality, innovation, and price.³

While it is obvious that business possesses a lot of power⁴ in the food chains and is often interested in gaining a competitive advantage by conducting a more sustainable business, the main challenge for the business in understanding of the Farm to Fork Strategy is that the Strategy and its Action plan is not translated into

¹ European Union: European Commission, Communication from the Commission: *The European Green Deal*, 11.12.2019, COM(2019) 640 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX%3A52019DC0640>

² European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

³ EuroCommerce, Response to Roadmap "Framework for Sustainable Food Systems" https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13174-Sustainable-EU-food-system-new-initiative/F2745647_en

⁴ "This shift cannot take place without all major actors in the food system, including—but not limited to—the middle part of the European food supply chain, assuming a key responsibility and engaging in meaningful action in this process". Source: European Union: European Commission: *EU Code Of Conduct On Responsible Food Business And Marketing Practices, A common aspirational path towards sustainable food systems*, 2021 available at https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy/sustainable-food-processing/code-conduct_en

business language and requires special effort to understand what kind of change it will bring to the agri-business and other market participants. It is also said⁵ that the discrepancy between the Strategy's objectives and its 27 specific legal actions creates an extra challenge for the shift in the food chains, which is set as the main goal of the Strategy.

The study is dedicated to solving exactly this problem: it attempts to provide clearer overall view of the changes brought to the business by the strategy and understanding of what part of the strategy will be translated into legislation and what part will lead to some other changes in the EU business reality.

As the study is an internship project at IKEA, the Strategy is also viewed through the lens of the company pursuing sustainable sourcing of agriculture materials.

1.2 Purpose and research question

The purpose of the study is to clarify what changes the EU Farm to Fork strategy might bring for the agri-business. The sub-questions will be, therefore:

- what Farm to Fork strategy is, its goals and structure and what actions it proposes.
- what kind of requirements, if any, the Strategy actions might entail and whom the requirements are addressed to.
- what other impacts these changes may have on the downstream business players such as IKEA.

1.3 Delimitations

The research is mainly based on the information provided by the European Commission. The strategy is new, therefore the knowledge on its enforcement mechanisms is limited, except when its enforcement is assessed by the Commission itself. While understanding the CAP development as an essential part of F2FS, considering time frames and expected format of the study, it was decided to stay within its objectives and exclude the detailed Strategic Plans contents.

⁵ Schebesta, H., Candel, J.J.L. *Game-changing potential of the EU's Farm to Fork Strategy*. Nat Food 1, 586–588 (2020). <https://doi.org/10.1038/s43016-020-00166-9>

1.4 Materials and method

The study applies the legal dogmatic method, when analysing materials such as EU law, the European Commission's working documents and other legal sources. More specifically, the main material of this research is Farm to Fork Strategy and all EU laws and policies which the strategy aims to review and adjust to reach its targets in shift to sustainable food systems.

To answer the research question, the study analyses the Farm to Fork Strategy's text and declared objectives, and the actions proposed in its action plan. Most of the proposed actions include a roadmap and an impact assessment providing the reasoning of the revision of legislation, as well as solution alternatives and impacts. These documents serve to inform the stakeholders and the public of the Commission's intentions on each initiative. Each analysed document is viewed from a perspective of the legal requirements or other impacts the initiative may have on the agri-business and other economic actors. In the absence of the Commission's documents on the action, and in order to get a better understanding of the CAP a policy with long history, which requires a historical approach, the study uses additional sources like EU official pages, experts' official reports and blogs, as well as comments from business community affected by the Strategy.

The research is conducted in the middle of the realization of F2F strategy when many of its planned actions are not yet in place. Therefore, for some of its actions, the reasoning behind them and expected impacts are analysed based on the updates at the EU project pages.

1.5 Structure

The study starts with a chapter presenting the Strategy itself, its position and role in the Green Deal, and the proposed action plan. To better serve the research questions, the actions are then grouped by the impacts they bring to the food chain actors. Almost every action is then described in a separate subchapter, with some exceptions where such division was not possible due to the nature of the initiative (e.g. multiple labelling initiatives are assessed all together by the Commission). Some actions allotted more space, as for instance, to the Common Agriculture

Policy, as it is a significant part of F2F Strategy and the entire Green Deal, and its impact is of a special interest for the business involved in the food chain.

The first group of actions are the ones enabling the business environment, as this group contains the central or essential policies which provide the reasoning behind the plan and create frameworks for future changes. The chapter also includes an overview of potential impacts that will be brought up by restriction of the use of pesticides, and promotion of organic farming, as one of the main objectives of the Strategy, and some proposed mitigation actions.

The second group of actions includes initiatives that may potentially change legal requirements.

And the last group of actions are the ones that could provide benchmarks or practical guidance for the interested actors.

The strategy also contains some commitments which did not become actions, e.g. the Organic Action Plan which was added to the analysis, as organic farming is one of the essential goals of the Strategy, and its roadmap is presented by the Commission.

The conclusions contain the main findings, forecast, and recommendations for the business in the EU food chain, and proposals for future research.

2. Farm to Fork Strategy

2.1 Introduction

2.1.1 F2F strategy as a part of the European Green Deal

On December 11th, 2019, The European Commission proudly presented The European Green Deal – a “roadmap for **making the EU's economy sustainable** by turning climate and environmental challenges into opportunities across all policy areas and making the transition just and inclusive for all”.⁶ The European Green Deal is declared to boost the efficient use of resources by moving to a clean, circular economy and stop climate change, revert biodiversity loss and cut pollution⁷. It outlines investments needed and financing tools available, explains how to ensure a just and inclusive transition, and is designed to cover all sectors of the EU economy. It also promises to put people and their health first, fight inequality, pay attention to the regions, industries and workers who will face the greatest challenges of the transition.⁸

One of the key elements of the EU Green Deal is the Farm to Fork Strategy (F2F). Its goal is described as achievement of “a **fair, healthy and environmentally friendly food system**”.⁹ To balance these three aspects, the food systems would “involve farmers, entrepreneurs, SMEs and big businesses generating jobs and wealth for themselves and local and national economies by producing, trading and selling a diversity of nutritious foods to European citizens at affordable prices with a skilled and decently-paid workforce, using environmentally-sustainable production methods that protect biodiversity, water, soils and air and minimize environmental health risks, food waste and greenhouse gas emissions, with high

⁶ European Union: *The European Green Deal sets out how to make Europe the first climate-neutral continent by 2050, boosting the economy, improving people's health and quality of life, caring for nature, and leaving no one behind*, Press release 11 December 2019, https://ec.europa.eu/commission/presscorner/detail/en/ip_19_669, accessed 8 May 2022

⁷ Ibid.

⁸ European Union: European Commission, *Communication from the Commission: The European Green Deal*, 11.12.2019, COM(2019) 640 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX%3A52019DC0640>

⁹ Ibid. Here figure 1

standards of animal welfare”.¹⁰ To have a better scale and the fuller picture, here must be added that the EU Food systems provide over 44 million jobs in the EU, and that the EU is one of the world's largest producers and exporters of agricultural products.¹¹ The agriculture, a headspring of the food chain, is responsible for 10.3% of the EU's GHG emissions,¹² it contributes to biodiversity loss, soil depletion, air and water contamination.

Therefore, the goals of the EU Green Deal on reaching climate neutrality and sustainability are unachievable without significant changes in agricultural sector. Speaking in Glasgow, Dr. Agnes Kalibata, Rwanda's minister of agriculture and animal resources, president of the Alliance for a Green Revolution in Africa (AGRA) and a UN Secretary General's Special Envoy to the 2021 Food Systems Summit, warned that millions could suffer food insecurity if climate negotiations did not address links with food and agriculture: “*The intersection between climate and food is profound – if we do not address food systems-driven climate emissions, we simply cannot make our 1.5 C target; and if we don't, food systems will suffer the most*”.¹³ Saying so, she also emphasised what was already mentioned in the sustainable food systems definition – the food systems are not only responsible for the harm to the nature, but are a vulnerable and important network to provide the change.

All this equally applicable to the current EU food system, which is famous for its high safety and quality standards, but do not guarantee that sustainability part is evenly tackled: the researchers claim that it is the first time in the history of EU food law that the union has addressed food sustainability in a comprehensive manner, from primary production to the consumer.¹⁴ It is also emphasized that a

¹⁰ European Commission, *Towards a Sustainable Food System - European Commission*, available at : https://ec.europa.eu/info/sites/default/files/research_and_innovation/groups/sam/scientific_opinion_-_sustainable_food_system_march_2020.pdf

¹¹European Union: *Actions by topic: Agriculture Vibrant rural areas and quality agricultural products*. https://european-union.europa.eu/priorities-and-actions/actions-topic/agriculture_en, accessed 23 April 2022

¹² European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹³ United Nations: *The Food Systems Summit 2021*, <https://www.un.org/en/food-systems-summit/news/un-special-envoy-calls-focus-food-next-climate-talks-limit-global-heating-and>

¹⁴ Schebesta, H., Candel, J.J.L. *Game-changing potential of the EU's Farm to Fork Strategy*. *Nat Food* 1, 586–588 (2020). <https://doi.org/10.1038/s43016-020-00166-9>

long-term vision is required to align the transition of the European agricultural and food system with the global objectives of the Green Deal: climate neutrality, restoration of natural resources and biodiversity, food security and human health.¹⁵

To help reaching these goals, namely building sustainable food systems in line with the Green Deal policy, F2F sets six objectives for agriculture and food, along with specific quantitative targets: to reduce the overall use and risk of chemical pesticides by 50% and the use of more hazardous pesticides by 50%, as well as 25% of agriculture land under organic farming by 2030.

These objectives are:

- Ensure sustainable food production;
- Ensure food security;
- Stimulate sustainable food processing, retail, hospitality and food services' practices;
- Promote sustainable food consumption, and facilitate the shift towards healthy, sustainable diets;
- Reduce food loss and waste;
- Combat food fraud along the food chain.¹⁶

It is repeatedly said¹⁷ that this transition to a more sustainable agricultural and food system is only possible when it is of concern for all actors in the food value chain. Farmers are obviously important actors in the process of managing such transition, and the Common Agriculture Policy (a part of the F2F strategy) reform aims to reflect the ambitions of the F2F by supporting sustainable agricultural practices. The strategy also aims to help changing the power balance in the food chains, and

¹⁵ European Parliament, Policy Department for Structural and Cohesion Policies, Guyomard, H., Bureau J.-C. et al. (2020), *Research for AGRI Committee – The Green Deal and the CAP: policy implications to adapt farming practices and to preserve the EU's natural resources*, available at: https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/AGRI/DV/2020/11-30/IPOL_Study_Green_Deal_and_the_CAP_EN.pdf

¹⁶ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>.

¹⁷ European Parliament, Policy Department for Structural and Cohesion Policies, Guyomard, H., Bureau J.-C. et al. (2020), *Research for AGRI Committee – The Green Deal and the CAP: policy implications to adapt farming practices and to preserve the EU's natural resources*, available at: https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/AGRI/DV/2020/11-30/IPOL_Study_Green_Deal_and_the_CAP_EN.pdf

for this it is very important that all the actors of the EU food market get clarification on their role, and they own roadmap. While the role of the processor and distributor in the transition to more sustainable food system is understood as important, too,¹⁸ most of the actions cannot be “translated” into changes of business reality.

Unresolved vague definition of food sustainability and the gap between the goals and the proposed actions (the action plan see below) only add complicity to understanding and use of the strategy by the business actors.

2.1.2 The action plan

In the previous chapter the Strategy’s objectives are presented, but the Strategy also has an agenda-setting function. The commitments and their timing are listed in an action plan, which accompanies the strategy. The original plan consisted of 27 individual actions of a mixed nature: some of them are new legislative initiatives, while others suggest revision of the existing legislation. There are also actions which are non-legislative by nature (Code of Conduct) or present another complete action plan (e.g., Common Agriculture Policy). These actions, serving transformation of the agricultural sector to make it more sustainable, declared to serve reaching the following specific targets:

- rewarded removal of CO2 emissions;
- advancement of energy efficiency solutions;
- 50 % reduction in the overall use and risk of chemical pesticides and in the use of more hazardous pesticides by 2030;
- at least 20 % reduced use of fertilizers by 2030;
- measures for a more sustainable animal sector, animal welfare and plant health;
- 50 % reduction of EU sales of antimicrobials in farming and aquaculture by 2030;
- 25% of organically farmed area and a significant increase in organic aquaculture by 2030;

¹⁸ “This shift cannot take place without all major actors in the food system, including—but not limited to—the middle part of the European food supply chain, assuming a key responsibility and engaging in meaningful action in this process”. Source: European Union: European Commission: *EU Code Of Conduct On Responsible Food Business And Marketing Practices, A common aspirational path towards sustainable food systems*, 2021 available at https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy/sustainable-food-processing/code-conduct_en

- recommendations to each Member State on the 9 objectives of the common agricultural policy (CAP) to be included in their strategic plans;
- measures for increasing sustainability of fish and seafood production;
- clarifying competition rules and monitoring the implementation of the unfair trading practices (UTPs) directive.¹⁹



Figure 1. Farm to Fork Strategy's schematic structure. Source: Farm to Fork Strategy - European Commission.

Following the structure of the strategy (see picture 1), the actions in the plan are grouped into the four clusters: sustainable food production, sustainable processing and distribution, sustainable consumption, and waste. This division is arguable, as some actions are applicable to the entire chain, such as, for example, Legislative Framework for Sustainable food systems and the Contingency Plan. Some other actions, like the Labeling programs, Origin Indication and the Date Marking Initiatives, are placed by the strategy in the consumption and waste but it should be mentioned that they influence the entire chain, too.

¹⁹ European Union: European Parliament, *Legislative Train Schedule*, <https://www.europarl.europa.eu/legislative-train/api/stages/report/current/theme/a-european-green-deal/file/farm-to-fork-strategy>

Here must be mentioned that some declarations of the Strategy are not in the list of actions. For example, the Strategy announces that “EU trade policy should contribute to enhance cooperation with and to obtain ambitious commitments from third countries in key areas such as animal welfare, the use of pesticides and the fight against antimicrobial resistance”. This must mean that the Commission will aim to include a sustainability chapter in the EU bilateral trade agreements with the third countries, but it is not reflected in the plan.

In April 2022, the plan was reviewed and a new action, Revision of the Marketing Standards for Seeds and Forests, was added, while some other actions, such as Proposal for a revision of the pesticide’s statistics, and all non-legislative actions, disappeared from it. Moreover, the actions are now grouped differently, the new categories are:

- *Actions, empowering citizens to make healthy and sustainable choices*
- *Actions, supporting farmers and fishers and enabling the transition*
- *Actions for nature and climate*²⁰

None of these classifications does help translating the actions into the language of sustainable business: it is not visible where the requirements may be met. Therefore, the study analyses the consolidated list of the actions, including those disappeared by the second plan, and group the actions into three pillars by their nature: the legislative initiatives, the ones containing guidance, and the third group will be the actions changing the business environment. There is nothing new in such classification; the EU policy instruments at the EU level are often placed into the following broad categories:

- (1) "Hard" legally binding rules;
- (2) "Soft" regulation;
- (3) Education and information;

²⁰ See Appendix B

(4) Economic instruments.²¹

The only difference for this study is that education, information and economic instruments are all placed in the Enabling environment category.

Also, it was considered necessary to add Organic Action Plan to the list, although it has never been presented in the action plan, while it is an important part of the declared strategy, as it aims to reach 25% of agricultural land under organic farming by 2030 (see the table below).

| Enabling business environment | Legislation | Guidance |
|--|--|--|
| Q4 2023 Legislative framework for sustainable food systems | Drafted – Corporate Sustainable Due Diligence Directive | Q3 2022 Clarification of the scope of competition rules in the TFEU with regard to sustainability in collective actions |
| In place Recommendations Member State addressing the nine specific objectives of the | Q2 2022 - Revision of the Sustainable Use of Pesticides legislation | In place - The EU Code of Conduct on Responsible Food Business and monitoring framework |
| CAP reform: Recommendations on CAP strategics plans in place | In place - Reformulation of processed food, including the setting of maximum levels for certain nutrients | Q4 2023 Revision of the EU school scheme |
| In process - Revision of the EU promotion programme for agri-food products | Q3 2022 - Revision of EU marketing standards for agricultural, fishery and aquaculture products to ensure the uptake and supply of sustainable products | Q4 2023 Minimum mandatory criteria for sustainable food procurement |
| Did not get the realization Non-legislative initiatives to improve transparency in the food chain | Q2 2022 - Revision of rules to facilitate placing on the market of biopesticides | Not in the Action Plan The integrated nutrient management action plan |
| In place Contingency plan for ensuring food supply and food security | Q3 2022 - Setting up of Farm Sustainability Data Network to | |

²¹ European Union: European Commission, *Better Regulation Toolbox*, 2021, available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en, accessed 5 may 2022, p.120

| | | |
|--|--|--|
| | contribute to a wide uptake of sustainable farming practices | |
| In place - Carbon Farming | 2022 Legislative initiatives to enhance cooperation of primary producers to support their position in the food chain | |
| 2021/22 Coordination to enforce single market rules and tackle Food Fraud | Q3 2022 - Revision of EU marketing standards for agricultural, fishery and aquaculture products to ensure the uptake and supply of sustainable products | |
| 2023 Proposal for a revision of the pesticides statistics Regulation | Q4 2022 Revision of the feed additives legislation to reduce the environmental impact of livestock farming | |
| Not in the Action Plan Organic Action plan | Q4 2022 Nutrient profiles to restrict promotion of food high in salt, sugars and/or fat | |
| | Q4 2022 Harmonized mandatory front-of-pack nutrition labelling Origin indication for certain products Revision of rules on date marking | |
| | Q4 2022 Revision of the marketing standards for seeds and forests | |
| | Q2 2023 Revision of Food Contact Materials legislation | |
| | Q2 2023 Legislation for plants produced by certain new genomic techniques | |
| | Q2 2023 EU-level targets for food waste reduction | |
| | Q4 2023 Sustainable food labelling framework to empower consumers to make sustainable food choices | |
| | Q4 2023 Revision of the animal welfare legislation to broaden its scope and ensure a higher level of animal welfare | |

Figure 2. Action plan regrouped

2.2 Business environment

2.2.1 Introduction

Some of the proposed actions do not directly offer changes to the legislation, but enable the environment for business conduct, what should not be understood as these elements of the Strategy are of less importance. Quite the opposite. This classification might simply mean that these actions are as such present large scale plans, and the Framework Initiative for Sustainable Food Systems and Common Agriculture policy are of good examples.

2.2.2 Legislative Framework for Sustainable Food Systems (FSFS)

As announced in the Farm to Fork Strategy action plan, the proposal for a legislative framework for sustainable food systems will be adopted by the Commission by the last quarter of 2023. It is expected to become one of the flagship initiatives of the strategy and accelerate the transition to sustainable food systems and make this process easier, by

- promoting policy coherence at EU and national level,
- mainstreaming sustainability in all food-related policies
- strengthening the resilience of food system,
- developing common definitions and general principles and requirements for sustainable food systems and foods
- addressing the responsibilities of all actors in the food system. Combined with certification and labelling on the sustainability performance of food products and with targeted incentives, the framework will
- combined with certification and labelling on the sustainability performance of food products and with targeted incentives, allowing operators benefit from sustainable practices and progressively raise sustainability standards so as to become the norm for all food products placed on the EU market.²²

²² European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

Currently, the preparation process for the proposal is going on. In the Inception Impact Assessment, the main reasons for the adopting of the new framework proposal are explained as:

- no specific EU framework law on food sustainability similar to the EU framework law on food/feed safety, i.e. General Food Law (GFL)²³
- an absence of the horizontal regulatory instrument at the Union level, while sectoral legislation, such as Common Agricultural Policy or Pesticide Directive do address sustainability issues but not build up a holistic system,
- the Fitness Check of the General Food Law Regulation concluded in 2018 that the current legislative framework governing the EU food chain can not adequately address new challenges in food sustainability in general as it is sector based and its main perspective is a protection of human health and consumers' interests in relation to food.²⁴

To summarize the goals of addressing these issues and the ones of the labeling framework, the main objective of Union level intervention, how it is explained in the text of the public consultation on the Framework document, is to ensure that all foods placed on the EU market increasingly become sustainable through a socially responsible food value chain while enabling the environment for future policy and legislation, ensuring coherence with all EU food-related policies in terms of sustainability objectives, including biodiversity and climate objectives.²⁵

The framework is therefore expected to bring all the elements of the sustainable food system together. The European Commission links FSFS to the sustainable food labeling framework to empower consumers to make sustainable food choices, which is on the list of F2F action plan as a separate action (2024), as the latter is announced to be a part of the FSFS. Some of the missing horizontal regulatory instruments are already drafted, too, such as a proposal for Corporate Sustainability Due Diligence Directive (2.3.2) or Deforestation Regulation (not in F2F). They will

²³ Legislative Initiative on a framework for a Union sustainable food system, DG SANTE Dora Szentpaly-Kleis Unit D1, EU Expert group on General Food Law and sustainability of food systems, https://ec.europa.eu/food/system/files/2022-02/gfl_expg_20211130_pres-02.pdf, page 4

²⁴ European Commission, *Inception Impact assessment for Legislative Framework for Sustainable Food Systems proposal*, ref. Ares(2021)5902055 - 28/09/2021, page 3

²⁵ European Union: *Sustainable EU food system – new initiative*, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13174-Sustainable-EU-food-system-new-initiative/public-consultation_en, accessed 11 May 2022

be designed to cut across all sectoral policies and level up the field of food supply chain regulation.

What will the initiative bring to the business? Hope more clarity and the holistic view on the food chains regulation. This clarity is crucial for the practical actions. As already mentioned above, the directive would serve the transition to the sustainable food systems, but one of the main obstacles in reaching sustainability is the ambiguity of its terms. The Scientific Advice Mechanism Unit of the European Commission, determined the sustainable food system as “food systems that balance all three sustainability aspects would involve farmers, entrepreneurs, SMEs and big businesses generating jobs and wealth for themselves and local and national economies by producing, trading and selling a diversity of nutritious foods to European citizens at affordable prices with a skilled and decently-paid workforce, using environmentally-sustainable production methods that protect biodiversity, water, soils and air and minimize environmental health risks, food waste and greenhouse gas emissions, with high standards of animal welfare”.²⁶ Therefore, the better all the legislative acts and initiatives of this complex system are unified, and more clear the goals of all the stakeholders and the requirements for their activities are defined in the framework, the easier will be the transition to the more sustainable food chains.

Some more (likely) consequences are prognosed in the Inception Impact Assessment for the Framework: in the short term, introducing sustainability requirements for foods and food-related operations is expected to bring about extra costs for everyone in food production and distribution. This could result in higher prices for buyers and/or reduced margins for food system actors. The impact is expected to be lower in some sectors of agriculture, fisheries and aquaculture, where sustainability has guided EU policy for some time. Speculating about these consequences, the same Impact Assessment emphasizes again the importance of clear communication with all the actors along the food chain.²⁷

²⁶ European Union: The Scientific Advice Mechanism Unit of the European Commission, A scoping review of major works relevant to scientific advice towards an EU sustainable food system. 26p. web version. 2019 doi: 10.2777/044579, available at <https://op.europa.eu/en/publication-detail/-/publication/bb4f21b6-7148-11e9-9f05-01aa75ed71a>, accessed 21 April 2022

²⁷ European Commission, *Inception Impact assessment for Legislative Framework for Sustainable Food Systems proposal*, ref. Ares(2021)5902055 - 28/09/2021, page 2

In the longer term, consumption and production patterns are prognosed²⁸ to change through an enabling environment with common objectives and principles, improved knowledge and awareness and assuming a domino effect on trading partners. The demand for sustainable product is expected to increase, which would result in a competitive advantage for sustainably acting actors. Some more detailed expectations of sustainable (in terms of F2F strategy) production see in Pesticide use initiative chapter.

2.2.3 Common Agricultural Policy (CAP)

The CAP is an EU policy, which has been influencing European farmer decisions since long ago: it originated in 1950 when share of agriculture in the European economy was much bigger. Considering the long history of the policy, it is essential to provide some historical context here. The initial objectives of the CAP of that time were to:

1. *increase agricultural productivity through the promotion of technical progress and the optimal utilization of factors of production, notably labor;*
2. *ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;*
3. *stabilize markets (in case of crisis, weather, lower yields);*
4. *provide food security, seen in terms of the availability of supplies;*
5. *to ensure that supplies reach consumers at reasonable prices.*²⁹

This subsidising based on these principles generally lead to overproduction, artificial pricing and asymmetries in competition in the food market. The CAP has always been heavily criticized for not reaching its goals (though it did help stabilize markets but at great cost and by market distortion³⁰) and that is why it has been

²⁸ Ibid.

²⁹ Grant, Wyn: *The Common Agricultural Policy: An Overview*, Europe Now journal 2020, available at: <https://www.europenowjournal.org/2020/11/09/the-common-agricultural-policy-an-overview/>

³⁰ “*One of its most important instruments was intervention buying, which meant that the EU undertook to purchase surplus produce from farmers at a price that gave a floor to the market, provided certain quality standards were met. This gave farmers an incentive to maximize production, as they knew that if they could not sell on the market, the EU would always buy their production at a price that would exceed the marginal cost of production. As a consequence, supply often came to exceed demand for many commodities, leading to the infamous butter mountains and wine lakes, which had to be disposed of*”. Source: Grant, Wyn: *The Common Agricultural Policy: An Overview*, Europe Now journal 2020, available at: <https://www.europenowjournal.org/2020/11/09/the-common-agricultural-policy-an-overview/>

reformed multiple times. Today the CAP is facing new challenges because of its cost for EU budget³¹ and the relationship between agriculture, climate change and environmental impact, that receives more and more attention. It is not the first attempt to make the CAP “greener”, but many of the previous measures did not improve the environmental outcomes, as claimed by CAP researchers.³² The new approach, so called “delivery model”,³³ aims to ensure that subsidising strongly supports sustainable practices. The new CAP Regulations, constituting the basic acts, were published in the Official Journal on 6 December 2021 and will come into force in January, 1st 2023.³⁴

Placing the CAP reform along with other F2F actions creates certain confusion with understanding of its role, as the scope of CAP is wider than that of F2F. Even the Strategy itself points out that the new CAP must focus directly on the Green Deal,³⁵ while the latter addresses some agriculture issues like impacts of climate change, pollution, and biodiversity loss in its other strategies. Thus, CAP reform is not fully covered by F2F.

The new CAP elements covered by F2F objectives, are the following:

- 1) *help farmers to improve their environmental and climate performance through a more results-oriented model, when it is essential to improve the efficiency of direct payments to farmers who need it and who deliver on the green ambition, rather than to entities who merely own farmland*
- 2) *better use of data and analysis,*

³¹ The CAP accounts for less than a third (31.95% or €386.6 billion) of the 2021-2027 EU’s Multiannual Financial Framework budget (€1.21 trillion). Around 70% of the CAP budget supports the income of six to seven million EU farms. Source: European Union: *EU farm policy reform: Parliament and Council strike a deal*, <https://www.europarl.europa.eu/news/en/press-room/20210617IPR06468/eu-farm-policy-reform-parliament-and-council-strike-a-deal>, accessed 21 April 2022

³² Grant, Wyn: *The Common Agricultural Policy: An Overview*, Europe Now journal 2020, available at: <https://www.europenowjournal.org/2020/11/09/the-common-agricultural-policy-an-overview/>

³³ European Union, *Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans), and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013*, OJ L 435, 6.12.2021, p. 1–186

³⁴ The previous CAP expired in 2020 and had to be replaced by the new one, but this action was postponed to the end of 2022, the policy replaced by the transitional rules. Source: European Union, *CAP transitional regulation: 2021-22*, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/transitional-regulation_en, accessed 29 April 2022

³⁵ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

- 3) *improve mandatory environmental standards, encourage of uptake of new voluntary standards*
- 4) *increase focus on investments into green technologies and digital tools and practices,*
- 5) *ensure a decent income allowing farmers to provide for their families and withstand crises of all kinds.*³⁶

According to the recent course aligned with these F2F targets,³⁷ the main changes brought up by the new CAP in the area of farmers support (the elements 1 and 5) will be:

- More support for those who apply climate- and environment- friendly practices (fixed minimum budget share for eco-schemes, at least 35% of the rural development budget to environmental and climate-related measures)
- 10% of national direct payments to support small and medium-sized farms
- Tailor-made measures to help farmers deal with crises
- More transparency on how EU funds are spent, higher sanctions for repeated infringements (for farmers)³⁸

These changes help continue to decouple the farm production from the direct payments and thus will likely lead to lower supply in future, as farmers are supported to focus more on *how* to produce rather than quantity.

The CAP elements 3) and 4) are listed action plan steps and their development is examined in the chapters [2.2.10] and [2.3.3-2.3.10], [2.4.7]. The green investments support is not directly included in the action plan. Instead, a special foundation established to support those.

³⁶ Ibid.

³⁷ “the National SP of the future CAP must reflect the ambitions of the F2FS, notably by supporting sustainable agricultural practices” European Parliament, Policy Department for Structural and Cohesion Policies, Guyomard, H., Bureau J.-C. et al. (2020), *Research for AGRI Committee – The Green Deal and the CAP: policy implications to adapt farming practices and to preserve the EU’s natural resources*, available at: https://www.europarl.europa.eu/meetdocs/2014_2019/plmrep/COMMITTEES/AGRI/DV/2020/11-30/IPOL_Study_Green_Deal_and_the_CAP_EN.pdf

³⁸ European Union, *EU farm policy reform: Parliament and Council strike a deal*, <https://www.europarl.europa.eu/news/en/press-room/20210617IPR06468/eu-farm-policy-reform-parliament-and-council-strike-a-deal>, accessed 21 April 2022

2.2.4 CAP Strategic Plans recommendations to Member States

As mentioned in the previous chapter, the CAP is a policy; and it is implemented through a specific procedure, CAP Strategic Plan. Recommendations to each Member State on the nine specific objectives of the CAP is another important F2FS action: the new CAP contains an essential procedural change aiming to create better solutions for specific conditions: unlike before, each Member State has to develop its own CAP Strategic Plan and then submit it for the Commission's adoption.³⁹ The recommendations for the Plans address following elements:

- *The capacity of Member States to ensure objectives in the CAP chapter must be carefully assessed in the Strategic Plans and monitored throughout implementation.*
- *new 'eco-schemes' are appropriately resourced and implemented in the Strategic Plans.*
- *particular attention to addressing the Green Deal targets, and those stemming from this strategy and the Biodiversity Strategy for 2030. It will ask Member States to set explicit national values for those targets, taking into account their specific situation and the abovementioned recommendations. Based on these values, the Member States will identify the necessary measures in their Strategic Plans.*⁴⁰

The strategy additionally stresses that, among other sustainable practises, the ones that reduce the use of pesticides through the CAP “will be of paramount importance and the Strategic Plans should reflect this transition and promote access to advice”.⁴¹

The new CAP Strategic Plans contain the details and conditions of subsidising sustainable farming activities according to the “delivery model” and above elements, as the goals of the new CAP are now wider and focus on sustainable aspects of agriculture, as never before. Achievement of the CAP objectives is also

³⁹ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

⁴⁰ Ibid.

⁴¹ Ibid.

planned through “green” investment into innovations, mandatory and voluntary standards.⁴²

As mentioned in the previous chapter, the Regulations detailing the implementation of the new CAP are already adopted. Member States submitted their CAP strategic plans. The Commission is assessing these plans and providing comments to the MS who should revise them if necessary and resubmit to the Commission who then has six months to finally approve the plans in order to make them applicable from 1 January 2023.

What will these changes in implementation of the national CAP give to business?

If implemented as planned, the new CAP model will lead to supply the market with products produced accordingly to the high environmental and social demands. This will support compliance of corporate sector with upcoming EU and MS legislations on corporate social due diligence and reporting. As often the case when governments interfere the market through regulation, it may result in higher production cost and prices of final products thus placing EU farmers in less competitive position versus imports. Therefore, it is of crucial importance that EU places equally high standards on imported products, both their quality and social and environmental impacts. We start to see this in form of upcoming deforestation-free regulation and other legislative initiatives.

Here comes the question, how should the responsible business align its supply strategies and sustainability goals if it plans to source at the EU agriculture market? The CAP is designed to improve the environment and social aspects of production and does not directly answer this question. But high-level comparison of the IKEA’s sustainability aspects for agriculture (fig.3) and the consolidated system of

⁴² See chapter 2.2.3 on CAP elements

the new CAP's objectives (fig.4) shows a lot of commonalities.

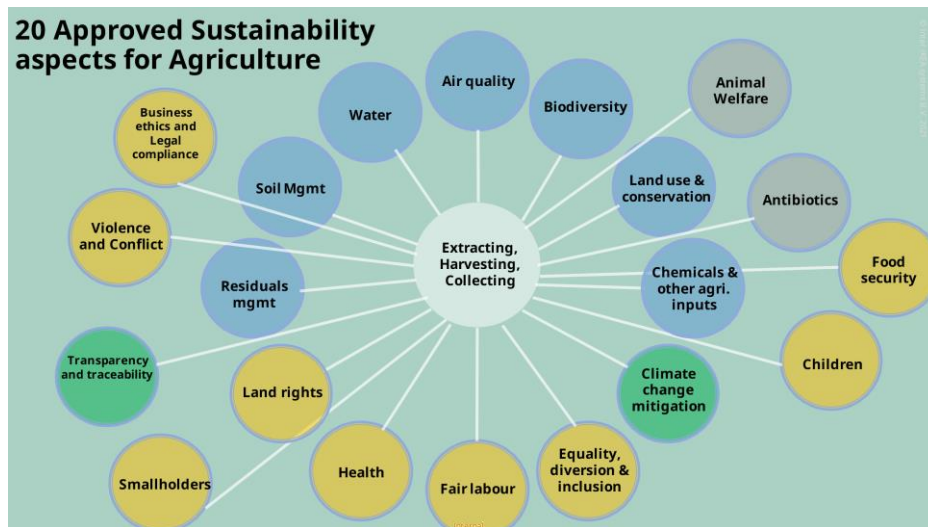


Figure 3. IKEA principles on responsible sourcing of agricultural raw materials⁴³



Figure 4. Common Agriculture Policy objectives⁴⁴

Although it would be interesting to make a more detailed comparison of IKEA agriculture aspects and CAP objectives, it is thought that building its supply chains in accordance with these aspects (for example, prioritizing the suppliers who

⁴³ IKEA Internal document, usage approved by the owner.

⁴⁴ European Union: European Commission: *Common Agriculture Policy*, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/new-cap-2023-27/key-policy-objectives-new-cap_en#latest, accessed 29 April 2022

support young farmers, products with high standards of chemical content and those produced in line with regenerative agriculture), IKEA supports CAP objectives, and other F2F and the Green Deal targets.

2.2.5 Organic action plan

The new EU organic⁴⁵ legislation, which is applicable from 1 January 2022, is not listed as an action of the F2F: it was adopted before the latter and then postponed for a year. But the Organic Action Plan has to be mentioned here in the farming chapter, as one of the objectives of the strategy is reaching 25% of EU agricultural lands under organic farming by 2030, and the changes in the organic legislation are the part of the process of transformation of the food chain. Additionally, they serve some other F2T objectives, such as fair competition for farmers and preventing fraud along the food chains.⁴⁶ Itself, the Organic Plan from 2021 mentions this objectives and calls organic farmers “the pioneers of the sustainable agriculture of the future”.⁴⁷

The changes in the organic legislation, aiming to help these objectives:

- production rules are simplified;
- the control system is strengthened;
- the same requirements for producers in third countries;
- organic rules for a wider list of products and additional production rules;
- new system of group certification to help smaller farmers;

⁴⁵ The key features of organic farming in EU, according the Organic action plan, are about 30% more biodiversity at land farmed organically than land farmed conventionally. Organic farmers are not allowed to use synthetic fertilizers at all and use a limited range of chemical pesticides. In addition, the use of GMOs and ionizing radiation is also prohibited, and the use of antibiotics is severely restricted. Source: European Union: *European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on an Action Plan for the Development of Organic Production*, 2021, COM(2021) 141 final

⁴⁶ European Union, *The future of organics*, https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/future-organics_en#newlegislation, accessed 29 April 2022

⁴⁷ European Union: *European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on an Action Plan for the Development of Organic Production*, 2021, COM(2021) 141 final

- more uniform approach to reducing the risk of accidental contamination from pesticides.⁴⁸

According to the Organic Plan, this regulation was intended to modernise the sector and harmonise the rules, providing a stable regulatory framework for the organic farming.⁴⁹

It is supposed that the Member states will include organic farming in their future CAP strategic plans (on CAP, see 2.3.2).⁵⁰ All Member States will develop their own strategy on reaching their goals and monitoring the progress.

Concerning aquaculture, the Commission encourages EU Member States to include the increase of organic aquaculture among the objectives of their reviewed Multi-annual National Strategic Plans for aquaculture and the new Strategic Guidelines for the sustainable development of EU aquaculture, adopted in 2021.⁵¹

The issues with the organic farming is the capacity of the EU, and of its different MS, to reach the target set out for organic farming. The reduction in use of mineral fertilizers, chemical pesticide and antibiotics does align with the goals of reduction of these substances, covered by F2F strategy, but concerning GHG emissions, the outcome is less clear. The GHG emissions produced by organic agriculture are lower per hectare, but generally higher per kilogramme of product, compared to “conventional” agriculture.⁵² This happens because organic farming provides less yields and the product quality is worse; therefore, it requires more agricultural land in the EU, or the situation may result in the increase of imports from the third countries and thus cause so called indirect land use.

⁴⁸ European Union, *The future of organics*, https://ec.europa.eu/info/food-farming-fisheries/farming/organic-farming/future-organics_en#newlegislation, accessed 29 April 2022

⁴⁹ European Union: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on an Action Plan for the Development of Organic Production*, 2021, COM(2021) 141 final

⁵⁰ In December 2020, the Commission published recommendations to Member States on their future CAP strategic plans. These recommendations include the target of 25% of agricultural land under organic farming by 2030.

⁵¹ European Union: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on an Action Plan for the Development of Organic Production*, 2021, COM(2021) 141 final

⁵² Rööös, E. Sundberg, C., Salomon, E. and Wivstad, M., *Organic Production and Climate Change– from a Swedish perspective*, Swedish University of Agricultural Sciences,[2014]. available at <https://www.slu.se/globalassets/ew/org/centrb/epok/dokument/klimatsyntes-broschyr-webb-eng.pdf>

For the projected impact of the Organic Plan, see 2.3.3 where it is analysed together with the restricted pesticide use impact.

2.2.6 Carbon farming initiative

The Farm to Fork Strategy announced the EU carbon farming initiative, which aims, within the context of the climate pact, to reward farmers for the verified provision of ecosystem restoration, emission reduction and carbon sequestration services.⁵³

According to the F2F strategy, farming practices that help removing CO₂ from the atmosphere contribute to the climate neutrality objective and should be rewarded, either via the common agricultural policy (CAP) or other public or private initiatives.⁵⁴ This action would also create a business model for the farmers to improve farmers' income. For these goals, the Commission will develop a regulatory framework for certifying carbon removals based on robust and transparent carbon accounting to monitor and verify the authenticity of carbon removals.

As could be seen from the impact assessment paper, the initiative on developing this regulatory framework will have to set common minimum standards for the certification and/or methodologies on monitoring, reporting and verification, or provide for comprehensive rules on the certification of each type of carbon removal, as well as a system of verification bodies.⁵⁵

This new regulatory framework will not likely directly influence agri-business, although the initiative proposes that industrial companies can also have “greater

⁵³European Union: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions on an Action Plan for the Development of Organic Production*, 2021, COM(2021) 141 final

⁵⁴European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

⁵⁵European Commission, *Call for evidence for an impact assessment, Certification of carbon removals – EU rules*, Ref. Ares(2022)869812

opportunities to be rewarded for carbon removals of high quality and environmental integrity”.⁵⁶

2.2.7 Contingency plan for ensuring food supply and food security

The Contingency plan for ensuring food supply and food security in times of crisis was adopted by Commission in November 2021. It outlines areas for improvement that were identified during the Covid-19 pandemic, principles that should be adhered to in times of crisis, and the creation of a European food security crisis preparedness and response mechanism (EFSCM).

The main conclusions were that the existing policy frameworks that apply to the food supply chain are operational and reliable.⁵⁷ The plan also explained the importance of preparedness for the future crises, communication, and collaboration along the entire food chain, but it doesn't have any guidelines for the food chain actors; there is a statement that “Supply chains need to remain operational and trade flows smooth”, but the responsibilities for bringing together all the stakeholders and building a communication system are laid exclusively on European Commission and Members states'. It is also their task is to enhance the knowledge of vulnerabilities and risks and their mitigation.

At the same time, all the other stakeholders (stakeholders groups) of the food supply system are seen as a part of an early warning system;⁵⁸ therefore, there might be expected that they participate in creating specific dashboards for monitoring food supply and food security, complementing those already existing, as well as in digitization to help improving market transparency.

⁵⁶ European Commission, *Call for evidence for an impact assessment, Certification of carbon removals – EU rules*, Ref. Ares(2022)869812.

⁵⁷ European Union: European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Contingency plan for ensuring food supply and food security in times of crisis*, COM/2021/689 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2021:689:FIN>

⁵⁸ Ibid.

2.2.8 Promotion EU products programme

The EU's Agricultural Promotion policy, as declared at the official webpage of the programme, aims helping the European farmers and food industry sell their products in an increasingly competitive global marketplace.⁵⁹

Under the Farm to Fork strategy, The Commission is undertaking a review of the policy, with a view to enhancing its contribution to sustainable production and consumption, and in line with the shift to a more plant-based diet, with less red and processed meat and more fruit and vegetables. The conducted evaluation found that the policy has broadly achieved its objectives and found no major inconsistencies with other EU policies. At the same time, the promotion policy could be better aligned with political priorities and contribute to other objectives of the Farm to Fork strategy, namely in supporting the agri-food sector's competitiveness.⁶⁰ The European food products are famous for their quality but are not equally good at the sustainability included in them. While developing this missing part and adding to the sustainability, it is reasonable to use the competitive advantage of the quality standards and promote the goods inside and outside the EU.

Therefore, the objective of reviewing the strategy is to strengthen the competitiveness of the Union agricultural and food sector by increasing the awareness of the qualities of EU food products and nudging the consumers to make healthier choices while buying the food that rewards the producers for their efforts in transition to the more sustainable production. The programme is offering several options for its realization, but there is no sign that there will be used tools stricter than soft law. Most likely, the programme will continue focusing on its usual practice, financial awarding the initiatives aiming at increasing the awareness and recognition of Union quality schemes, and one of the results will be a loss of competitiveness of the sectors that would not get the support.⁶¹

⁵⁹ European Union: *EU farm and food products – review of policy on promotion inside and outside the EU* https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12782-EU-farm-and-food-products-review-of-policy-on-promotion-inside-and-outside-the-EU_en, accessed 11 April 2022

⁶⁰ European Commission, *Inception Impact Assessment, EU farm and food products – review of policy on promotion inside and outside the EU*, 2021, ref. Ares(2021)1118814..

⁶¹ Ibid.

2.2.9 Food Fraud

On its Meeting with Food Fraud Network 13 May 2020, the Commission clarified that now there is a definition of food fraud on EU level, it is “any suspected intentional action by businesses or individuals for the purpose of deceiving purchasers and gaining undue advantage therefrom, in violation of the rules referred to in Article 1(2) of Regulation (EU) 2017/625)”⁶², but that a criminal or judicial definition of the Food Fraud rests itself under the sole competency of Member States. The F2F strategy foresees only to enhance coordination to enforce single market rules and tackle Food Fraud, including through the strengthening of OLAFs⁶³ investigative capacities.⁶⁴

The Commission’s limited ambitions towards creating a unified legal definition of the food fraud allows to draw a conclusion that a such definition on EU level is not considered to be an important objective in combating the food fraud. With the thought that the meaning of such combatting is growing simultaneously with the growing value of the sustainably produced product, there should be reasonable to search for other changes in the food fraud combatting system, regarding the business role. Among other measures designed to enhance such a coordination and important for this research of business role in the Strategy, are the ones from conclusions of Council of the EU on further steps to improve ways of tackling and deterring fraudulent practices in the agro-food chain:

- *clarify the legal responsibilities on agri-food business operators with regard to food fraud and develop more efficient tools to promote agri-food business operators to inform the competent authorities of suspected and/or identified cases of food fraud without creating an excessive administrative burden*
- *ensure that national legislation enables proactive cooperation between relevant authorities and that penalties for food fraud are sufficiently severe to act as a*

⁶² European Union: *Food Safety. Food fraud: What does it mean?* https://ec.europa.eu/food/safety/agri-food-fraud/food-fraud-what-does-it-mean_en

⁶³ OLAF (European Anti-Fraud Office) investigates fraud against the EU budget, corruption and serious misconduct within the European institutions, and develops anti-fraud policy for the European Commission . Source: European Union, *OLAF (European Anti-Fraud Office)* https://ec.europa.eu/anti-fraud/index_en

⁶⁴ European Commission: Directorate-General for Health and Food Safety, *EU Food Fraud Network meeting 13 May 2020, Summary Report*, available at https://ec.europa.eu/food/system/files/2020-06/food-fraud-reports_20200513_minutes.pdf

deterrent to crime and encourage sharing of best practices (e.g. in a memorandum of understanding) between the relevant authorities;

- support and guide agri-food business operators to develop their food safety management and quality control systems with a view to detecting and dealing with food fraud, in addition to food safety and quality deviations.

- assess the need to reinforce the rules and guidance on traceability, e.g. the need for stricter requirements for traceability documentation;

- continue to develop an integrated strategy against food fraud.⁶⁵

These “future steps” demonstrate the full acknowledgment of the agri-food business's role and need in the Food Fraud combating system; that likely means that the mentioned corresponding guidance for the business will be designed soon. Currently, it doesn't exist.

2.2.10 Setting up of Farm Sustainability Data Network to contribute to a wide uptake of sustainable farming practices

In its Farm to Fork strategy, the Commission announced the intention to convert the existing farm accountancy data network (FADN) into a Farm Sustainability Data Network (FSDN).⁶⁶

FADN is the only European Commissions' source of microeconomic data based on harmonized bookkeeping principles. It is based on national surveys and does not monitor all EU agricultural holdings but only provides data on holdings which, due to their size, can be considered commercial (80,000 FADN sample farms).

Data is collected through a Liaison Agency in each Member State or nominated bodies and includes farms' income region, economic size and type of farming,

⁶⁵ European Union, *Next steps how to better tackle and deter fraudulent practices in the agri-food chain- Council Conclusions* (2019) <https://www.consilium.europa.eu/media/41865/st15154-en19.pdf>, accessed 29 April 2022

⁶⁶ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

FADN potential use for the assessment of environmental impacts of the common agriculture policy (e.g. GHG emissions) has already been explored. Since initially it is however not an environmental database there are some challenges in its use (e.g. lack of information on management practices) which require to further enlarge the data-set or to cross it with other data sources.⁶⁷ It is planned that the FSDN initiative will expand the scope of the current FADN network to also collect farm level data on environmental and social farming practices, and thus also provide European farmers with reporting tool on their farm performance.⁶⁸

This change is likely connected to the Commissions' targets on better collection of statistics to have a better understanding of the pesticide use.

2.3 Legislative initiatives

2.3.1 Introduction

This chapter gathers all the Farm to Fork Strategy's actions proposing a change to the existing legislation or adoption of a new act. As we currently are in the middle of the process planned by the Strategy, some of the actions are more developed, while some – much less, moreover they are very heterogeneous in the scale and weight but likely serve the same goal – to create a new legislative framework promoting different aspects of sustainability in the EU food chains. However, for this study, understanding the goals of the legislative changes is only a part of the task; the central part would be seeing the changes in the business reality this change may bring.

For the legislative intervention on the EU level, the Union has a range of tools. The article 288 TFEU establishes three types of binding acts: regulations, directives, or decisions. A *regulation* is an act which is applied directly and is usually adopted when it is important to have one uniform implementation in all Member States. A

⁶⁷ European Union: European Network for Rural Development: *The Farm Accountancy Data Network*, https://enrd.ec.europa.eu/evaluation/back-basics/farm-accountancy-data-network_en, accessed 11 April 2022

⁶⁸ European Union: *Farm accountancy data network*, https://ec.europa.eu/info/food-farming-fisheries/farming/facts-and-figures/farms-farming-and-innovation/structures-and-economics/economics/fadn_en, accessed 8 April 2022

directive is binding in terms of the objective, but must be general in nature and leave the form and methods to the Member states⁶⁹. Unlike a regulation, a directive is not directly applicable in the Member states, therefore it must be transposed to a nation law to become binding.

Some of the actions call for adoption of a *framework directive*, which sets out general principles, procedures, and requirements for legislation in different sectors and then supplemented by subsequent directives with specific rules for sectors, products, etc.⁷⁰

The third type, *decision* is act binding in its entirety on those to whom the decision is addressed (e.g. individuals, companies or Member States).

2.3.2 Corporate Sustainability Due Diligence Directive

In March 2022, the European Commission adopted a proposal for a Directive on corporate sustainability due diligence (CSDD). As stated in the Commission's press release, the new legislation aims to foster sustainable and responsible corporate behavior throughout global value chains by bringing new responsibilities for companies, playing a pivotal role in building a sustainable economy and society.⁷¹ The companies⁷² now will be required to identify and prevent, end or mitigate adverse impacts of their activities on human rights and on the environment along their value chains.⁷³ In return, the companies expected to benefit from harmonized of due diligence requirements in the single market and legal certainty, consistency between companies on obligations stemming from existing and proposed EU initiatives on responsible business conduct, and level playing field on the market.⁷⁴

⁶⁹ European Union: European Commission, *Better Regulation Toolbox*, 2021, available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en, accessed 5 May 2022, p.121

⁷⁰ *ibid*

⁷¹ Just and sustainable economy: Commission lays down rules for companies to respect human rights and environment in global value chains, Press release 23 February 2022, Brussels https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1145

⁷² All EU-registered companies with over 500 employees and over €150 million turnover worldwide, and non-EU companies with turnover over €150 million in the EU fall under the scope of the Directive. Source: European Union, Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final

⁷³ European Union, Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final, from preamble

⁷⁴ *Ibid*

The new directive is mostly built on the concepts drawn from UNGPs and OECD guidance, which are already recognized by many companies and thus might be already in use, but unfortunately the borrowed rules also inherited the ambiguity of the concepts. Moreover, there is a new concept, namely a “well-established business relationship”,⁷⁵ which only adds uncertainty. The vagueness of the concepts might lead to a lower liability for the partner’s activities and thus undermine the possibility for the business to see the promised benefits from the new due diligence system.

The obligations, brought by the directive to companies, are as follows:

- Integrate due diligence into corporate policies, build due diligence system and monitor its effectiveness. This might include an action plan, “where necessary” (depending on the complexity of their activities)
- identify actual or potential adverse human rights and environmental impacts;
- prevent or mitigate potential impacts,
- put actual adverse impacts (their own and of their subsidiaries) to an end where possible and minimize extent where not,
- establish and maintain complaints procedures,
- publicly communicate on due diligence
- In case of identifying an actual or potential impact companies are to take “appropriate measures” - a measures, “capable of achieving the objectives of due diligence”.⁷⁶

Another important feature of the directive is that it is a horizontal instrument, cutting through all the sectoral legislations and enhancing them. The following laws were selected from the list of the complemented laws, provided by the Directive, as they are the most relevant for the agri-business activities:

- The Zero Deforestation Products Regulation: will be complemented by introducing value chain due diligence on activities that are not covered by

⁷⁵ Ibid, section 3 (g)

⁷⁶ Ibid

the Zero Deforestation Products Regulation but which could lead to deforestation.

- EU environmental law: it introduces various environmental requirements for companies, but does not cover enterprise value chains and thus generally does not apply to value chains outside the EU. When the Directive is adopted, civil liability for adverse environmental effects of this Directive will be complementary to the Environmental Liability Directive.
- Existing EU health, safety and fundamental rights legislation, which targets very specific negative impacts (such as discrimination, particular health aspects related to hazardous substances, threats to workers' health and safety, violations of children's rights, etc.) within the Union³⁵ but does not apply to company value chains outside the Union.
- EU climate legislation, including the European Climate Law, by “setting in stone the Union's climate ambition, with the intermediate objective of reducing net greenhouse gas emissions greenhouse gas emissions by at least 55% by 2030”.⁷⁷

These examples demonstrate that the Directive aims to bring more liability for the companies' activities that caused the adverse impact by filling the gaps in the vertical legislation. Such liability, though, would only take place if a company responsible for the impact breached articles 7 (Prevention of potential negative impacts) and 8 (Removal of real negative impacts) of the Directive and that the impact resulted in damage⁷⁸ – which means that the liability will not be inevitable to the extent needed to level playing field – and still, it is an unprecedented change in the legislation when sustainable practices become mandatory and will prolong the “polluter pays” principle to the entire chain, and similarly make companies more careful to the human rights' adverse impacts.

There will also be an effect of synergies – how the legislator describes it - from the combined action of the proposed Directive with some other laws on reporting, such

⁷⁷ Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937 COM/2022/71 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0071>, from preamble

⁷⁸ Ibid, section 20 para 65

as the proposal for a Corporate Sustainability Reporting Directive.⁷⁹ For the business, it seems to mean more and detailed reporting. However, hopefully, the companies will be able to use the same reporting systems for the information gathering and publishing to report under both directives. Thus, the result will be one reporting channel - more care for the impact.

At the expectation of all these likely positive changes is based an optimistic perception of the new legislation by the business. Radu Mares, an acting research director of Raoul Wallenberg Institute, characterized this reaction as a “surprising level of business support”, explaining that the business is expecting new “green” investment opportunities, predictability and legal certainty, and protection against unscrupulous competitors and thus leveled the ‘playing field’ by imposing compliance costs on all competitors.⁸⁰ It should not be though ignored that the new requirements will also lead to increased reporting, audits, new tracking records systems, contract changes, et cetera. Thus, more internal work and demand for consultants’ services will increase costs for all actors.

The Proposal also contains an important obligation for the Commission to help businesses by providing guidance on non-binding standard contractual clauses. There is also a possibility that the Commission, in consultation with Member States and stakeholders, the European Union Agency for Fundamental Rights, the European Environment Agency and, where appropriate, international bodies with expertise in due diligence, may issue guidelines, including for specific sectors or specific negative impacts. As it will be described later in chapter 2.3.1, such guidance is another important tool of the EU policy.

⁷⁹ European Union, Proposal for a Directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937, COM/2022/71 final, from preamble

⁸⁰ Mares, Radu The new EU Directive on Corporate Sustainability Due Diligence: origins, compliance effects and global significance. Published in RWI “Humanrighter” blog, April 2022. <https://rwi.lu.se/blog/the-new-eu-directive-on-corporate-sustainability-due-diligence-origins-compliance-effects-and-global-significance/>

2.3.3 Revision of the Sustainable Use of Pesticides Directive (SUD)

Pesticides (plant protection products) which are used against plant pests, plant diseases and for weed control, can have harmful effects on both the environment and human health, therefore they are strictly regulated at EU level.

The existent Sustainable Use of Pesticides Directive (SUD) is a framework directive, adopted in 2009. The Directive is designed to enhance the high level of protection achieved through the entire regulatory system for pesticides, complementing the EU legislation on placing on the market of pesticides (Regulation (EC) No 1107/2009), on pesticide residues (Regulation (EC) No 396/2005) and on pesticide statistics (Regulation (EC) No 1185/2009).⁸¹ Its aim is to achieve the sustainable use of pesticides by setting minimum rules to reduce the risks to human health and the environment that are associated with pesticide use and promoting the integrated pest management.

Implementation of the SUD relies heavily on the training of the actors involved at all levels of the industry, including pesticide advisors, pesticide distributors, professional users, and inspectors of pesticide application equipment. Under the Directive, all Member States are required to adopt national Action Plans, containing quantitative objectives, targets, measurements and timetables to reduce the risks and impacts of pesticide use.⁸²

The main actions of these Plans must include:

- training of users, advisors and distributors
- inspection of pesticide application equipment
- the prohibition of aerial spraying
- the protection of the aquatic environment and drinking water
- limitation of pesticide use in sensitive areas
- information and awareness raising about pesticide risks
- systems for gathering information on pesticide acute poisoning incidents, as well as chronic poisoning developments, where available

⁸¹ European Commission: *Combined Evaluation Roadmap/Inception Impact Assessment, European Commission, Revision of the sustainable use of pesticides Directive*, Ref. Ares(2020)2804518 - 29/05/2020

⁸² European Union: *Food Safety. Main actions*. https://ec.europa.eu/food/plants/pesticides/sustainable-use-pesticides/main-actions_en

The reason for current revision of the SUD, as the Commission explained in its inception impact assessment, is that the SUD is seen as a crucial tool to achieve the Farm to Fork Strategy goals and therefore should be strengthened. Indeed, the F2F strategy contains the promise to achieve with the SUD revision: it must help 50% reduction in the overall use and risk of chemical pesticides and in the use of more hazardous pesticides by 2030, to decrease the contribution of chemical pesticides' use to soil, water and air pollution, biodiversity loss and possible harm to non-target plants and animals.⁸³ And currently (May 2022) the pesticide use is the only indicator of the F2F progress, according to the official European Commission webpage.⁸⁴

Recent reports on the implementation and audits of the Commission, the European Parliament and the European Court of Auditors, as well as many petitions concerning the use of pesticide, point to weaknesses in the implementation, application and enforcement of the SUD and a failure to sufficiently achieve its overall objective, thus need for revision by the Commission.⁸⁵

The new evaluation by the Commission, according to its Inception Impact Assessment, needs to assess the reasons for the observed weaknesses in implementation, application and enforcement and the relevance of its objectives today, and the progress towards them. It has to investigate the link with other relevant EU legislation and its impact on the achievement of the objectives.⁸⁶

The Commission also planned⁸⁷ to enhance provisions on integrated pest management (IPM) and promote greater use of safe alternative ways of protecting harvests from pests and diseases, using of alternative control techniques, such as

⁸³ European Union: European Commission, *Communication from the Commission: The European Green Deal*, 11.12.2019, COM(2019) 640 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX%3A52019DC0640>

⁸⁴ European Union: *Food Safety, Farm to Fork progress*, https://ec.europa.eu/food/plants/pesticides/sustainable-use-pesticides/farm-fork-targets-progress_en

⁸⁵ European Commission: *Combined Evaluation Roadmap/Inception Impact Assessment, European Commission, Revision of the sustainable use of pesticides Directive*, Ref. Ares(2020)2804518 - 29/05/2020

⁸⁶ Ibid.

⁸⁷ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

crop rotation and mechanical weeding. It will be one of the main tools in reducing the use of chemical pesticides in general, especially the more hazardous.

Currently, the public consultation with the stakeholders is conducted and the Commission has to choose the instrument of further enhancing the Directive action by second quarter of 2022.

Whatever the tool for the improved pesticide use is chosen, it is important to know that there is already a research on the possibility of these goals' achievement. Wageningen University and Research (WUR) published in 2021 an Impact Assessment of EC 2030 Green Deal Targets for Sustainable Crop Production, where it analysed the projected impact of proposed changes in use of pesticide, chemical fertilisers, and transition to organic farming.

According to the assessment at macro level, the realisation of these objectives of the F2F strategy will result in:

- lower yields, negatively affect production and result in a decrease of the produced volumes per crop in the entire EU on average ranging from 10 to 20%, what will cause
- a price increase. By consequence, international trade will also change:
- EU exports were found to decline and
- EU imports will increase (the volume of the import of products can double).
- the income of farmers is likely to suffer since revenues tend to decline, probably at a faster pace than expected cost declines
- competitive disadvantage relative to EU imports (raises a level playing field issue, causing an increase in trade dependency),
- indirect land-use effects (because of imports, close to 7 million ha),
- reduced EU contribution to 'zero-hunger' SDG
- moreover, expanding organic production may face market constraints (e.g. insufficient demand growth) that could erode the current price premium for organic products and therewith their attractiveness/profitability: a price

premium is needed to cover additional costs per unit of product. These aspects need further research.⁸⁸

Among the recommendations proposed by WUR to reduce the negative impacts, are: innovations in crop protection techniques, such as biocontrol, breeding, precision agriculture, biostimulants and other techniques that contribute to the resilience of crop production against pests, weeds and diseases, and removing legislative barriers to new breeding techniques, in order to shorten the breeding process significantly.⁸⁹

2.3.4 Revision of rules to facilitate placing on the market of biopesticides

On the EU level, the use of pesticides is regulated by the EU Regulatory Framework⁹⁰ for Plant Protection Products. The purpose of the regulation is to ensure protection of both human and animal health and the environment and improve the functioning of the internal market through the harmonisation of the rules on the placing on the market of plant protection products, while improving agricultural production.⁹¹ In general, any plant protection product (the product, that protects crops or other useful plants) requires an authorization by MS authorities prior to be placed in the market.⁹² Until recently, the requirements for micro-organisms were based on principles which were very similar to those for chemical active substances.

To achieve the objectives on F2F strategy on more sustainable use of pesticide, there is a need to provide farmers with a less hazardous plant protection products to substitute the ones being restricted by the new pesticide use policy. For these goals, the Commission acts to facilitate the placing on the market of pesticides containing biological active substances and reinforce the environmental risk

⁸⁸ Bremmer J., Gonzalez-Martinez A., Jongeneel R., Huiting H., Stokkers R., Ruijs M., *Impact Assessment of EC 2030 Green Deal Targets for Sustainable Crop Production*, Wageningen University and Research, 2021

⁸⁹ Bremmer J., Gonzalez-Martinez A., Jongeneel R., Huiting H., Stokkers R., Ruijs M., *Impact Assessment of EC 2030 Green Deal Targets for Sustainable Crop Production*, Wageningen University and Research, 2021

⁹⁰ A system of regulations.

⁹¹ Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, [2009] OJ L 309

⁹² The legal framework is defined in the Regulation (EC) No 1107/2009 (EC, 2009).

assessment of pesticides, to shorten the pesticide authorisation process by Member States.

In February 2022 Member States endorsed four regulations which will simplify the process of approval and authorisation of biological plant protection products which contain micro-organisms (one of the bio-active substances):

- Draft Commission Regulation, amending Regulation (EU) No 283/2013, as regards the information to be submitted for active substances and the specific data requirements for micro-organisms
- Draft Commission Regulation, amending Regulation (EU) No 284/2013, as regards the information to be submitted for plant protection products and the specific data requirements for plant protection products containing micro-organisms
- Draft Commission Regulation, amending Regulation (EU) No 546/2011, as regards specific uniform principles for evaluation and authorisation of plant protection products containing micro-organisms
- Draft Commission Regulation, amending Annex II to Regulation (EC) No 1107/2009, as regards specific criteria for the approval of active substances that are micro-organisms.⁹³

These acts reflect the specific biological properties of micro-organisms, thus follow an approach based on the biology and ecology of each micro-organism and consider the most recent research. The regulatory requirements will be made more 'fit-for-purpose' and flexible. This will play an essential role in fastening the access to the market for micro-organisms used in biological plant protection products, and thus provide EU organic farmers with new sustainable alternatives for controlling plant pests, as biological plant protection products are permitted to use in organic agriculture.

The acts will now be scrutinised by the European Parliament and the Council. If they do not object, the acts will be adopted and be applicable in Q4 2022.⁹⁴

⁹³ European Union: European Commission, *Food Safety: Micro-organisms used in plant protection products*, available at: https://ec.europa.eu/food/plants/pesticides/micro-organisms_en

⁹⁴ Ibid.

For all other stakeholders who are not directly connected to pesticide use, the new requirements improving access to the EU market for biopesticides will possibly mean lower costs for sustainably farmed products. In addition, focusing only on relevant data is associated with less animal testing⁹⁵ because fewer experiments on animals will be required. Thus, these changes help targeting both organic production (or at least less pesticide) and animal welfare in food production.

2.3.5 Revision of the feed additives legislation to reduce the environmental impact of livestock farming

There are three commitments in the F2F strategy regarding the feed additives.

To support the ongoing transition towards more sustainable livestock farming, how it is declared in the F2F strategy, the Commission will facilitate the placing on the market of sustainable and innovative feed additives.⁹⁶ The Regulation on feed additives states that prior being placed on the market, feed additives must be authorized after a scientific evaluation demonstrating its safety to human and animal health and environment and efficacy (to have specific effects determined by the legislator).⁹⁷ The Regulation has not undergone an evaluation since its entry into force in October 2003. The current revision is planned to evaluate how it has performed in delivering its objectives of ensuring the safety of human and animal health and environment and functioning of the market and to what extent it is still relevant. The evaluation is in process and the decision is awaited by the second quarter of 2022.

The Commission also intends to examine EU rules to reduce the dependency on critical feed materials (e.g. soya grown on deforested land) by fostering EU-grown

⁹⁵ Ibid.

⁹⁶ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

⁹⁷ European Union, Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition, OJ L 268 , 18.10.2003

plant proteins as well as alternative feed materials such as insects, marine feed stocks (e.g. algae) and by-products from the bio-economy (e.g. fish waste).⁹⁸

There is another announcement from the Commission connected to the animal welfare and feed additives but not presented separately in the action plan. It is a promise to reduce overall EU sales of antimicrobials for farmed animals and in aquaculture by 50% by 2030, based on the evidence that antimicrobial resistance (AMR) linked to the excessive and inappropriate use of antimicrobials in animal and human healthcare linked to human deaths and considerable healthcare costs.

None of these actions are currently developed enough to decide what changes they will bring. By analogy with the situation with food ingredients, it can be speculated that there will be changes in labelling and traceability systems, and thus new burden on the actors involved in placing such products on the market.

2.3.6 Revision of Food Contact Materials legislation

Food contact materials (“FCMs”) include food packaging, everyday household items as well as machinery and surfaces used in food manufacturing, preparation, storage, transport and distribution.⁹⁹ In order to protect consumers from possible chemical substances migration from FCMs into food, Regulation (EC) No 1935/2004 sets basic EU rules for all FCMs, which aims to secure a high level of protection of human health, protect the interests of consumers and ensure that the internal market functions effectively.

The Regulation sets requirements on FCMs for human health safety, as well as on labelling and traceability. It also allows specific rules to be introduced for particular materials and establishes a process for the risk assessment of substances by the European Food Safety Authority (EFSA) and eventual authorisation by the Commission. This has been achieved primarily for plastic FCMs, and for many other materials, specific rules do not exist at EU level and national legislation may

⁹⁸ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final

⁹⁹ European Union: European Food Safety Authority, *Food contact materials*, <https://www.efsa.europa.eu/en/topics/topic/food-contact-materials>, accessed 29 April 2022

apply. Additionally, the present EU legislation until recently had never been evaluated since it was introduced in 1976.

Therefore, the initiative will focus on the issues:

- The absence of specific EU rules for most sectors non-plastic FCMs
 - The positive authorized list approach and lack of focus on the final article
 - Lack of prioritization of the most hazardous substances and up-to-date assessments
- Poor exchange of safety and compliance information in the supply chain, thus a compromised ability to ensure compliance
- Poor enforcement of rules on FCMs in general
 - Rules do not sufficiently recognize the specificity of SMEs
 - Rules do not encourage development of safer and more sustainable alternatives
 - Not always clear subject matter clear and definitions

The tool to address these issues is not decided yet, but likely the new Regulation will be adopted on FCM. The proposed changes might include the new unified requirements for packaging, and therefore relevant transition costs transposed to the entire chain. In addition, general EU rules would set legal requirements to ensure the safety of the final materials, whereas industry would be required to determine how the goals would be achieved and implement self-regulation guidelines, customized for each of the concerned sectors,¹⁰⁰ what will put extra burden on the package producers.

At the same time, the unified requirements will lead to less fragmentation on the market and legal certainty for the businesses, active in multiple MS, and prognosed in the impact assessment, likely increased global competitiveness of EU businesses due to EU higher standards in the absence of harmonized global standards.¹⁰¹

¹⁰⁰ European Commission, Inception Impact Assessment, Revision of EU rules on food contact materials, ref. Ares (2020)7731375

¹⁰¹ Ibid

2.3.7 Revision of the marketing standards for seeds and forests

In the EU, seed and propagating materials of registered plant varieties need to be officially examined and certified prior to be marketed.¹⁰²

The current EU legislation on plant and forest reproductive material (PRM legislation) serves guaranteeing the identity, performance, quality, and health of all PRM.¹⁰³ It is proven¹⁰⁴ to function successfully and contributing to fostering an internationally competitive PRM industry, however, the legislation and its implementation in the Member states is outdated. For example, the Member States employ different systems of calculation payment for the registration and certification, thus affecting costs for the breeders.¹⁰⁵ Accordingly, the Commission aims to modernize it and to align it with the goals of the European Green Deal and its strategies. The revision is expected to result in a more harmonized, simplified, efficient and effective implementation of the legislation across the EU, and more open to integrate new and future developments, and to contribute to sustainability goals.¹⁰⁶

Today, the new legislation is not adopted yet but taking into consideration the detailed study and the Commission's statements mentioned above, one can expect that it will not bring many changes in the standards themselves but will help lower the costs for the breeders and harmonize and simplify the requirements for them. That will mean faster certification, lower costs, fewer barriers to the market, better competition, and more predictability for all stakeholders. The simplification and harmonization of these standards' usage might play an essential role as plant breeding is seen as a significant part of the innovation. The need for such innovation is mentioned in the Sustainable use of pesticide directive as the one helping to cope

¹⁰² European Union: EU marketing requirements, https://ec.europa.eu/food/plants/plant-reproductive-material/legislation/eu-marketing-requirements_en, accessed 19 April 2022

¹⁰³ European Union: Future of EU rules on plant and forest reproductive material, https://ec.europa.eu/food/plants/plant-reproductive-material/legislation/future-eu-rules-plant-and-forest-reproductive-material_en#consultation-activities, accessed 8 April 2022

¹⁰⁴ European Commission, Directorate-General for Health and Food Safety, Haines, R., Papadopoulou, L., McEntaggart, K. (2021). *Data gathering and analysis to support a Commission study on the Union's options to update the existing legislation on the production and marketing of plant reproductive material : final report*, Publications Office. <https://data.europa.eu/doi/10.2875/406165> p. III

¹⁰⁵ Ibid, p. 6

¹⁰⁶ European Union: *Future of EU rules on plant and forest reproductive material*, https://ec.europa.eu/food/plants/plant-reproductive-material/legislation/future-eu-rules-plant-and-forest-reproductive-material_en#consultation-activities, accessed 8 April 2022

with lower supply due to increased organic farming and lower pesticide and fertilizer use.

2.3.8 Legislation for plants produced by certain new genomic techniques (NGT)

The initiative develops a legal **framework** for plants obtained by targeted new genomic techniques (mutagenesis and cisgenesis) and for their food and feed products.

Organisms produced by NGTs are already regulated as GMOs by a harmonized EU-level framework based on Articles 114 TFEU (Directive 2001/18, Regulations 1829/2003 and 1830/2003) as well as Articles 43 and 168(4)(b) TFEU (Regulation 1829/2003), but this framework does not include the sustainability aspect. Any action in this area should continue to be at EU level to ensure the smooth functioning of the internal market of plants obtained by targeted mutagenesis or cisgenesis, and a high level of protection of health, environment and consumers, in accordance with Article 114 TFEU. The Commission considers that action at the same level would prevent fragmentation of the internal market in case Member States decided to take their own initiatives. The action is also linked to the achievement of the objectives of EU-level strategies (notably the European Green Deal and the Farm to Fork and Biodiversity Strategies).¹⁰⁷

The innovation techniques in agriculture will get more and more attention for addressing the likely lower supply due to restricted pesticide and fertilizer use, and this action aims enabling innovation and the contribution of safe NGTs to the objectives of the European Green Deal and the Farm to Fork Strategy, while not compromising a high level of protection of human and animal health and the environment.

With this view, the changes will aim:

¹⁰⁷ European Commission, Inception Impact Assessment, *Legislation for plants produced by certain new genomic techniques*, ref. Ares(2021)5835503

- To ensure the placing on the market of plants produced by targeted mutagenesis or cisgenesis provided they are safe for health and for the environment.
- To ensure that the legislation takes into account whether the plants and their products contribute to sustainability,
- To promote a future-proof legislation that is able to keep up with scientific developments, and which is proportionate to the risk involved.
- To ensure that the legislation provide legal clarity and certainty, is enforceable and uniformly applied and sets out proportionate requirements and efficient and transparent procedures, thus enhances the competitiveness of the EU agri-food sector, and possibly beyond, and ensure a level-playing field.¹⁰⁸

The policy action might lead to new requirements to the actors involved in placing these products on the EU market, in form of labelling and traceability.

2.3.9 Food labelling - revision of rules on information provided to consumers and establishing nutrient profiles to restrict promotion of food high in salt, sugars and/or fat (food reformulation)

The EU Commission is planning to establish a legislative proposal in 2024 for a framework for sustainable food labelling to empower consumers to make sustainable food choices. The framework is a part of the Sustainable Food System Framework initiative, as well as part of revision of the Regulation on Food Information to Consumers (FIC).

It aims to provide consumers the information related to the sustainability of food products. In synergy with other food labelling initiatives like the ones on front-of-pack nutrition labelling, animal welfare labelling, “green claims”, it will cover the provision of consumer information relating to the nutritional, climate, environmental and social aspects of food products.¹⁰⁹

¹⁰⁸ Ibid

¹⁰⁹ European Union: European Economic and Social Committee: *Towards a sustainable food labelling framework to empower consumers to make sustainable food choices*, <https://www.eesc.europa.eu/en/our->

As stated to the working document the European Commission's Section for Agriculture, Rural Development and the Environment, the aim of a labelling framework should not be to qualify foods as sustainable, but rather support the development towards a more sustainable food system. Thus, the labelling framework should provide useful pointers for mindful and interested consumers, be simple and based on a few guiding principles:

- there should be a ban on displaying a sustainability label or claim which is not based on a certification scheme or not approved by public authorities.
- sustainability labelling should be voluntary, but include all three pillars of sustainability (environmental, social, and economic), to encompass the entire food value chain from production to consumption.
- the role of labelling must not be overestimated, there should be a realistic understanding of what sustainability labelling can and cannot deliver.
- labelling is of great importance only where the producer/manufacturer is not available to provide the requested information, therefore products in shorter supply chains do necessary need a labelling scheme.

There was also expressed a need in the New Sustainable Dietary Guidelines which would provide farmers, processors, retailers and foodservices with a clearer direction.¹¹⁰

Food labeling initiative aims to ensure better labelling information to help consumers make healthier and more sustainable food choices and tackle food waste, by proposing following three F2F actions:

- introduce harmonized mandatory front-of-pack nutrition labelling (simplified nutrition information provided on the front of food packaging aiming to help consumers with healthy food choices, concerning of food high in salt, sugars and/or fat)

work/opinions-information-reports/opinions/towards-sustainable-food-labelling-framework-empower-consumers-make-sustainable-food-choices, accessed 29 April 2022

¹¹⁰ European Union: European Economic and Social Committee: *Towards a sustainable food labelling framework to empower consumers to make sustainable food choices*, <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/towards-sustainable-food-labelling-framework-empower-consumers-make-sustainable-food-choices>, accessed 29 April 2022

- extend mandatory origin or provenance information for certain products (some meat and milk products, tomato, potato, durum, rice)
- revise the rules on date marking ('use by' and 'best before' dates)

The initiatives offer several options for their realization and will result in new legal requirements on labelling. Currently they are under the process of adoption (a projected Regulation proposal by end of 2022). According to the Inception Impact assessment, the likely impacts, relevant for the agri-business, will be:

- added one-time cost for operators, including third countries exporters
- simplified compliance for food business operators active in several national markets and preserve a level-playing field for all operators
- reduce the costs operators currently face in complying with a variety of national mandatory origin labelling schemes for certain food products
- higher demand for some products
- reduced market fragmentation and a harmonized single market with incentives for healthy and sustainable food across the whole EU – a leveled player field
- strong economic potential for food business operators that offer healthy and sustainable food.¹¹¹

2.3.10 Animal welfare

The Farm to Fork Strategy adopted by the Commission on 20 May 2020 recognized that better animal welfare improves animal health and food quality, reduces the need for medication and can help preserve biodiversity, Considering this, it announced that the Commission will, by the end of 2023, revise the EU animal welfare legislation to align it with the latest scientific evidence, broaden its scope, make its enforcement easier, ultimately ensure a higher level of animal welfare and consider options for animal welfare labelling to better transmit value through the food chain.¹¹²

¹¹¹ European Commission, *Inception Impact Assessment, Revision of food information to consumers*, ref. Ares(2020)7905364

¹¹² European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork*

The ongoing fitness check already points to weaknesses in the design, implementation, compliance and enforcement of the EU animal welfare legislation, and the lack of clarity of certain provisions, what leads to divergent transposition across the EU Member States, undermining even playing field for EU business operators and hindering an effective and uniform enforcement. Caused by consumers demand, there is a number of different animal welfare labelling schemes have emerged, leading to unequal guarantees, confusing consumers and unfair market conditions for businesses operating in different EU Member States.

The action will therefore lead to the higher but harmonized mandatory requirements in animal welfare at farm level, transport and slaughter and likely new labelling system, or at least ban on insufficiently grounded self-declarations on animal welfare, this is to ensure proper consumer informing and promoting the fair competition, as animal welfare requires efforts expenditures and must be accordingly rewarded.

Among the impacts, described in the action's Impact Assessment, the changes in animal welfare standards are expected to bring additional costs, transposed to the entire chain, but better meat quality and food safety - also benefit for all stakeholders, higher productivity and cost-savings from a reduced use of veterinary medicines and other expenses. In turn, processors and retailers might benefit from products that are better aligned with their corporate social responsibility approaches.¹¹³

Strategy for a fair, healthy and environmentally-friendly food system, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹¹³ Revision of the EU legislation on animal welfare, Inception Impact Assessment, the European Commission Ref. Ares(2021)4402058 - 06/07/2021

2.3.11 EU marketing standards for fishery and aquaculture products

A revision of marketing standards “to provide for the uptake and supply of sustainable agricultural, fisheries and aquaculture products”¹¹⁴ is one of the steps towards sustainable food systems, as stated in F2F.

The system of the marketing standards for fishery and aquaculture is currently set in Regulation 1379/2013 on the common organisation of the markets in fishery and aquaculture products (the CMO Regulation), while the standards themselves are provided by three older Council regulations.¹¹⁵ The Commissions’ evaluation in 2018 concluded that the current marketing standards have a positive but limited impact in terms of their objectives:

- limited contribution to the sustainability of products marketed in the EU
- restricted scope of covered products, aquaculture not covered at all
- lack of contribution to fair competition
- lack of transparency along the whole supply chain,

Furthermore, the evaluation indicated a low level of control by national authorities to ensure compliance with the current standards.¹¹⁶

The existent marketing standards apply to both EU and non-EU products placed on the EU’s internal market¹¹⁷ and require certain quality, content and presentation characteristics. The new proposal would address the mentioned shortcomings, particularly the contribution to objectives of enabling the market to be supplied with sustainable products and helping to achieve a level playing field.¹¹⁸

¹¹⁴ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹¹⁵ Regulation 2406/96 for certain fishery products, Regulation 1536/92 for preserved tuna and bonito and Regulation 2136/89 for preserved sardines and sardine-type products. Source: European Commission, *Inception Impact Assessment, Review of the marketing standards framework for fishery and aquaculture Products*, ref. Ares(2020)196295

¹¹⁶ European Commission, *Inception Impact Assessment, Review of the marketing standards framework for fishery and aquaculture Products*, ref. Ares(2020)196295

¹¹⁷ Council Regulation(EC) No 2406/96 of 26 November 1996 laying down common marketing standards for certain fishery products, art.2

¹¹⁸ European Commission, *Inception Impact Assessment, Review of the marketing standards framework for fishery and aquaculture Products*, ref. Ares(2020)196295

There are several options for the reformation of the standards offered, from non-reforming them to a very transparent system or discontinuing the standards¹¹⁹ at all. Depending on the chosen option, the consequences will be different. The likely impact of stricter and better coverage would be a more level playing field for fishery and aquaculture products and a positive impact on EU producers.

2.3.12 EU-level targets for food waste reduction

The Commission's commitment under F2F is halving per capita food waste at retail and consumer levels by 2030, by proposing legally binding targets to reduce food waste across the EU. It will also use the new methodology for measuring food waste.¹²⁰

The existent Waste Framework Directive protects public health and the environment through the proper management of waste, applying the EU's waste hierarchy, which promotes waste prevention, re-use and recycling over waste recovery and disposal.¹²¹ The mandatory targets are though not set.

The initiative on setting the binding targets for waste reduction will improve waste management by:

- reducing waste generation by re-use of products or components
- reducing mixed waste
- increasing preparation for re-use or recycling of waste by improving separate collection.¹²²

Currently, the initiative is at the stage of collecting the information from MS, but the setting of the new binding requirements for retailers and consumers were declared initially.

¹¹⁹ Ibid.

¹²⁰ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹²¹ European Union: European Parliament, *Directive 2008/98/EC of The European Parliament and of The Council of 19 November 2008 on waste and repealing certain Directives*, OJ L 312, 22.11.2008, p. 3–30, art 4

¹²² European Union: *Environmental impact of waste management – revision of EU waste framework*, https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13225-Environmental-impact-of-waste-management-revision-of-EU-waste-framework_en, accessed 11 April 2022

2.4 The soft law, guidance and other

2.4.1 Introduction

Guidance instruments are usually not binding and designed to help actors to comply with requirements and provide a common language and homogeneous practice. But it might happen that in the future or in some member states the guidelines of EU level become a legislation, therefore these instruments always deserve attention.

The Commission defines such instruments as “soft” regulation: “*When the subsidiarity and proportionality analysis of possible ways to address a given problem demonstrate that traditional law instruments (regulations, directives, decisions) are not necessary, the Commission may resort to "soft", more flexible approaches instead*”.¹²³ A range of such instruments is very wide and can be of different nature.

2.4.2 Clarification of the scope of competition rules in the TFEU with regard to sustainability in collective actions

The strategy contains an intention to support primary producers by “*clarifying the competition rules for collective initiatives that promote sustainability in supply chains*”.¹²⁴ And it continues with a prognosis that “*It will also help farmers and fishers to strengthen their position in the supply chain and to capture a fair share of the added value of sustainable production by encouraging the possibilities for **cooperation** within the common market organizations for agricultural products and fishery and aquaculture products*”.¹²⁵

Therefore, the role of voluntary initiatives of actors within the private sector aiming at achieving sustainability is fully recognized by F2F: such initiatives would raise the bar above the mandatory requirements or develop a voluntary standard in the

¹²³ European Union: European Commission, *Better Regulation Toolbox*, 2021, available at https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how/better-regulation-guidelines-and-toolbox_en, accessed 5 may 2022, p.122

¹²⁴ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹²⁵ Ibid

lack of applicable provisions¹²⁶. The problem is that the collective actions in this sphere might lead to the risk of breaching the Article 101 of TFEU, that prohibits agreements between two or more independent market operators which restrict competition.¹²⁷

To encourage collective cooperation and help align compliance to competition rules with sustainability initiatives, the Commission will issue guidance on the scope of collective action permissible under EU competition rules.¹²⁸

2.4.3 The EU Code of Conduct on Responsible Food Business and Marketing Practices

As stated in the F2F Strategy, the food industry and retail sector should show the way by increasing the availability and affordability of healthy, sustainable food options to reduce the overall environmental footprint of the food system.¹²⁹

The European Commission, together with relevant stakeholders, developed a Code of Conduct to encourage environmentally and socially sustainable practices among food manufacturers and retailers, and multiple EU and company's associations participated in the code co-creating process, and seek business commitments to take concrete actions.¹³⁰ The code itself is based on OECD-FAO Guidance, therefore it doesn't bring any new guidance, but for the signatories it is binding. Many of them are very powerful companies¹³¹ of the EU market, and some, for example Unilever

¹²⁶ European Union, *Competition policy. Food*. https://ec.europa.eu/competition-policy/sectors/agriculture/food_en

¹²⁷ European Union, Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007, 2008/C 115/01, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT>, art.101

¹²⁸ European Union, *Competition policy. Food*. https://ec.europa.eu/competition-policy/sectors/agriculture/food_en

¹²⁹ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹³⁰ European Union: European Commission: *EU Code Of Conduct On Responsible Food Business And Marketing Practices, A common aspirational path towards sustainable food systems*, 2021 available at https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy/sustainable-food-processing/code-conduct_en, p.3

¹³¹ See appendix C

and E-Commerce, are IKEA's partners; such connections demonstrate the domino effect of sustainability enhanced in the supply chains by this initiative.

2.4.4 Revision of the EU school scheme

The EU school fruit, vegetables and milk scheme is a special budget scheme for school nutrition, set at the EU level by four Regulations.¹³² The MS that wish to participate in the scheme, must apply for it and develop a strategy for six years. The goal of this scheme is to promote healthy diets and habits, as part of the comprehensive approach in the Farm to Fork Strategy for the “creation of a favorable food environment that makes it easier to choose healthy and sustainable diets”.¹³³

The amendment to the existing regulations will aim to expand the coverage of the children, scope of the products, model of distribution, the educational measures, governance mechanisms and the budget for the scheme, thus not causing any direct effect for the business but influencing the consumer's diets and business environment.

2.4.5 Minimum mandatory criteria for sustainable food procurement

In its communication on the Green Deal, the Commission stated that public authorities should lead by example and ensure that their procurement is green. The

¹³² The following regulations set out the EU school fruit, vegetables and milk scheme (please refer to the consolidated version of each regulation):

EU Regulation 1308/2013, Articles 22 to 25 and Annex V;

EU Regulation 1307/2013, Article 5 and Annex I;

EU Implementing Regulation 2017/39, with rules for uniform implementation of the scheme;

EU Delegated Regulation 2017/40, with additional specific rules for the implementation of the scheme. Source: European Union: *School scheme explained*, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/market-measures/school-fruit-vegetables-and-milk-scheme/school-scheme-explained_en, accessed 8 May 2022

¹³³ European Commission, *Combined evaluation roadmap/Inception Impact Assessment, Review of the EU school fruit, vegetables and milk scheme*, ref. Ares(2021)4222996

Commission also announced its intention to propose further legislation and guidance on green public purchasing.¹³⁴

According to the Sustainable Europe Investment Plan and European Green Deal Investment Plan, the Commission will propose minimum mandatory green criteria or targets for public procurements in sectorial initiatives, EU funding or product-specific legislation. It is expected that such minimum criteria will set a common definition of a ‘green purchase’. The Commission also plans to support these efforts with guidance, training activities and the dissemination of good practices.¹³⁵

This action will not lead to any direct requirement changes for the business but might result in a proper guidance on what is considered to be “green”.

¹³⁴ European Union: European Commission, Communication from the Commission: *The European Green Deal*, 11.12.2019, COM(2019) 640 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1588580774040&uri=CELEX%3A52019DC0640>

¹³⁵ European Commission, Environment Directorate-General, Emmanuelle Maire, Enrico Degiorgis, *New policy developments – GPP and the European Green Deal, Sustainable production, products and consumption*, 2020. Available at <https://ec.europa.eu/environment/gpp/pdf>

2.4.6 The integrated nutrient management action plan

The farm to fork strategy announced that the Commission would “draw up an Integrated Nutrient Management action plan to help reduce nutrient losses by at least 50%, while ensuring that there is no deterioration in soil fertility”¹³⁶ but did not include such action into its list. This action was considered necessary to mention here as it is tightly connected to food production.

This action will aim to find and address the implementation and enforcement gaps and these need to be addressed, and develop a holistic approach to the nutrient cycles.¹³⁷ The initiative doesn’t propose any mandatory requirements at the moment and only examines the stakeholders opinions, but might play a role in the development of new legislation on nutrient management.

2.4.7 Proposal for a revision of the pesticides statistics Regulation

The Commission also plans to propose changes to the 2009 Regulation concerning statistics on pesticides by 2023.

In the light of the upcoming changes in sustainability reporting and overall transparency, the statistics data will play even more significant role by helping “overcome data gaps and promote evidence-based policymaking”, how it is described in the Commissions’ Impact Assessment on pesticide use directive¹³⁸.

The environmental risk of pesticide use varies considerably from one pesticide to another, depending on their active substances and use patterns. Measuring the real use of pesticides would allow a better estimate of the risks by crop and region for different compartments of the environment and for human health. Nowadays, countries deliver data on the agricultural use by crop every five years under

¹³⁶ European Union: European Commission, *Communication from the commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system*, 20.5.2020, COM(2020) 381 final, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0381>

¹³⁷ European Commission, *Call for evidence for an initiative Nutrients – action plan for better management*, Ref. Ares(2022)2306028

¹³⁸ European Commission: *Combined Evaluation Roadmap/Inception Impact Assessment, European Commission, Revision of the sustainable use of pesticides Directive*, Ref. Ares(2020)2804518 - 29/05/2020

Regulation (EC) No 1185/2009 concerning pesticide statistics. However, these data are not harmonized on a European scale, as the choice of crops monitored and the reference year vary between countries.

EU harmonized pesticide statistics are also crucial for creating harmonized risk indicators. To calculate true risk indicators, it is necessary combine toxicity data with that on the quantities used and other information, such as time and method of application, type of crop, soil etc., as this all influences their effect on human health and the environment. However, apart from the crop type, statistics on these factors are not yet available. The current risk indicators have therefore been developed based on pesticide sales statistics and other data.¹³⁹ This issue the Commission committed to address in the framework regulation on Statistics on Agricultural Input and Output that will also cover pesticide statistics.¹⁴⁰

These changes are not likely to impact the market actors directly but will influence the business environment and might affect reporting burden for EU farmers.

¹³⁹ European Union: *Agri-environmental indicator - consumption of pesticides*
https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Agri-environmental_indicator_-_consumption_of_pesticides, accessed 29 April 2022

¹⁴⁰ European Commission: *Combined Evaluation Roadmap/Inception Impact Assessment, European Commission, Revision of the sustainable use of pesticides Directive*, Ref. Ares(2020)2804518 - 29/05/2020

3. Summary and conclusions

F2F strategy re-evaluates the role of food and the food systems in everyday life of people and the entire supply chains.

The role of food chain and its environmental and social impacts finally received the level of attention it deserves. Considering diverse impacts, F2F clearly urges to shift all the processes connected to food production, distribution and consumption. The Strategy sets the direction from the EU perspective; it doesn't say how, it only says what. Obviously, actors across the food chain require clarify on how to reach the goals and what is expected from them? The strategy is neither a clear and structured plan for the business seeking to understand its requirements and impacts. An up-to-date guidance for the business will be necessary to facilitate its implementation. Important role of retailer sector in food chain is recognised but the strategy still lacks practical recommendations, as well as clarification of terms and definitions.

The F2F is a plan to achieve sustainable food systems. It carries many challenges inherent to most sustainability plans: its targets are hard to detail, prioritize and quantify. However, the need of urgent action is there. The strategy is only a beginning of setting up the sustainable food system; it can't be ideal, but to enable changing for better, one has to start acting and review the actions along the process. It's important that the strategy is not a separate phenomenon, it is tightly interconnected with all the targets of the Green Deal and other initiatives, especially the Biodiversity strategy.

As it can be concluded after examining the main policies and initiatives of the Strategy, most significant changes it will bring are: 1) a better levelled playing field, 2) fair competition conditions and 3) a competitive advantage for the sustainably acting businesses. The support provided to the farmers practising sustainable agriculture will further strengthen the EU market as a source of a low risk sustainably produced agricultural products. An essential role of the Strategy is also

to provide a holistic view of all the declared goals and thus fill the gaps in legislation and other regulation mechanisms. At the same time, the concern was expressed that actions to restrict the use of pesticide and promote organic farming might cause negative impacts such as loss of farm income, decrease of production which will lead to increase of indirect land use (in third “producing” countries) due to the need to raise imports into EU – those may be contrary to the main objectives of F2F. The desire to apply the same strict quality and sustainability requirements for imports will come with higher costs for companies to control the longer supply chains and higher reputation risks.

Unfortunately, the Strategy doesn’t address these risks, nor fully recognise the actors who may loose in the transition. It neither shows the intention to design mitigation actions or that it entirely understands possible negative impacts. For example, the proposed solution to increase investments in the “green” innovations may not be sufficient to mitigate negative impacts of restricted use of pesticides and promoted organic farming.

The legislative initiatives mostly aim at the same goals as policies, however they would provide more specific actions (and not all the policies were transposed into actions). Among those, the most important changes will stem from harmonized mandatory standards for placing on the market some foods or materials for food production, and respective labelling communication required by those standards. In general, these changes mean administrative and transitional costs, however, are expected to promote European products and, ideally, provide businesses with the product with “sustainability included”. This in turn will ease the effort business have to put to comply with EU laws.

The proposed Corporate Sustainability Due Diligence Directive sets direct compliance obligations for business including retail sector; additionally, it enhances the companies’ indirect compliance, obliging companies to understand risks in their supply chain and bear the responsibility for the actions of their partners.

All the conclusions made in this research will depend on the enforcement and implementation of the Strategy and its elements at the Member States level.

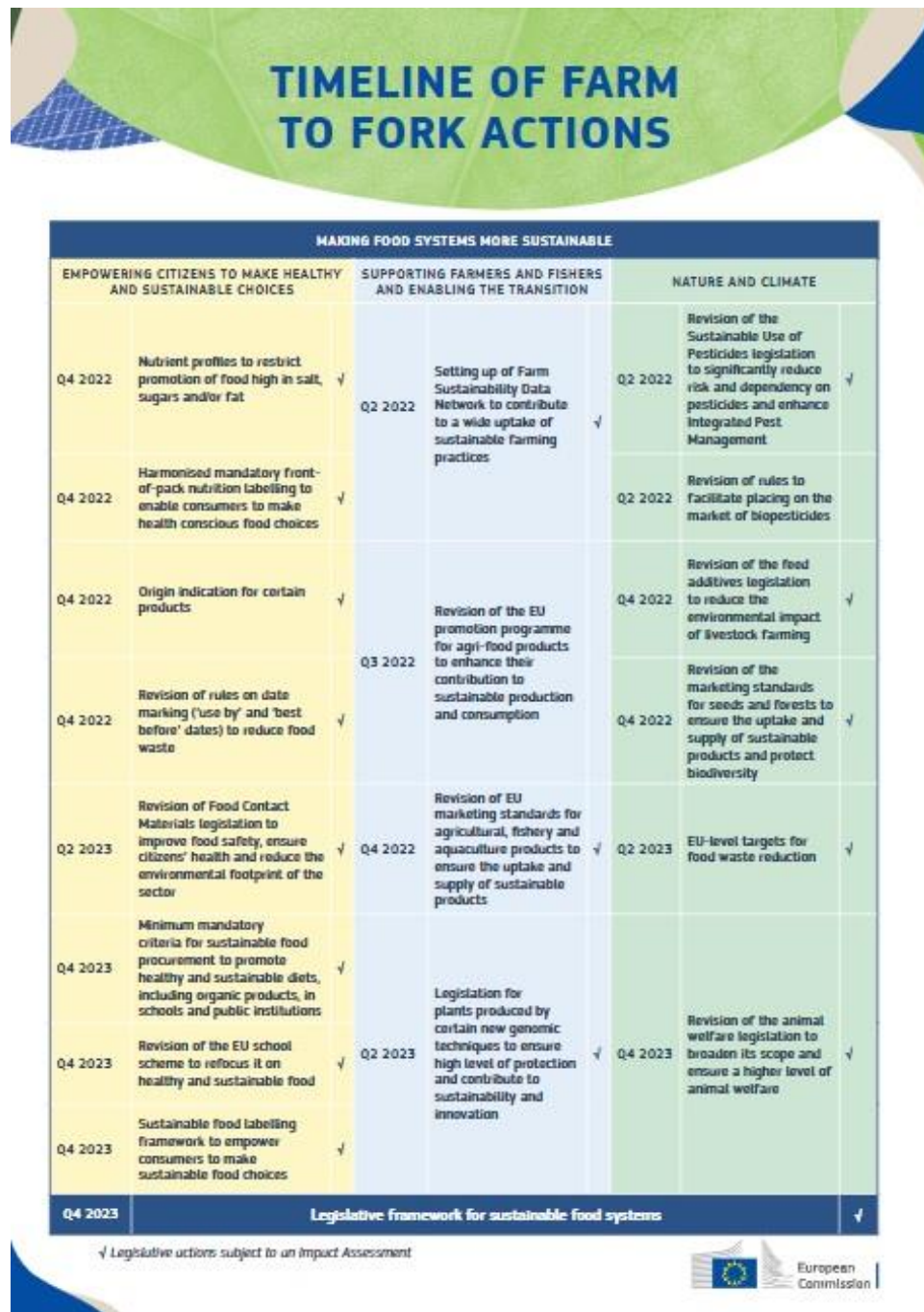
The topic of the shift towards sustainability in food system sets the need for future studies: multiple initiatives are planned to become a legislation in the nearest future, and it would be of great interest to see what the real implication on the Strategy's target they will get, what mechanisms will be developed for their implementation and how the progress will be measured.

Appendix A

| | | |
|-----------------------------|--|--------------------|
| Systemic actions | Proposal for a legislative framework for sustainable food systems | 2023 |
| | Contingency plan for ensuring food supply and food security | Q4 2021 |
| Farming | Recommendations to the national Member States for CAP strategic plans | Q4 2020 |
| | Revision of the Sustainable Use of Pesticides Directive | Q1 2022 |
| | Revision implementing regulations to facilitate biologically active substances in Plant Protection Product | Q4 2021 |
| | Proposal for a revision of the pesticides statistics Regulation | 2023 |
| | Revision of the existing animal welfare legislation | Q4 2023 |
| | Revision of the feed additives Regulation to reduce the environmental impact of livestock farming | Q4 2021 delayed |
| | Transform Farm Accountancy Data Network Regulation into a Farm Sustainability Data Network | Q2 2022 |
| | Clarification of the scope of competition rules in the TFEU with regard to sustainability in collective actions. | Q3 2022 |
| | Enhance cooperation of primary producers to support and improve transparency | 2021/22 |
| | EU carbon farming initiative | Q3 2021 |
| Processing and distribution | Improve the corporate governance framework, integrate sustainability into corporate strategies in food chains | Q1 2021 |
| | Develop an EU code for responsible business conduct | Q2 2021 |
| | Stimulate reformulation of processed food | Q4 2021 |
| | Nutrient profiles to restrict promotion of salt, sugars and/or fat | Q4 2022 |
| | Revision of food contact material legislation (health, food safety, environment) | Q4 2022 |
| | EU marketing standards for agricultural, fishery and aquaculture products | 2021/22 |
| | Coordination to enforce single market rules and tackle Food Fraud | 2021/22 |
| Consumption | Harmonize mandatory front-of-pack nutrition labelling (health) | Q4 2022 |
| | Proposal to require origin indication for certain products | Q4 2022 |
| | Minimum mandatory criteria for sustainable food procurement to promote healthy and sustainable diets | Q3 2021 |
| | Sustainable food labelling framework to empower consumers to make sustainable food choices | 2024 |
| | Review of the EU promotion programme | Q4 2020 |
| | Review of the EU school scheme legal framework (health and sustainability) | 2023 |
| Food waste | Proposal for EU-level targets for food waste reduction | 2023 |

Appendix B

The later action plan as for April 2022.¹⁴¹



¹⁴¹ https://ec.europa.eu/food/system/files/2022-04/f2f_timeline-actions_en.pdf

Appendix C

EU Code of Conduct Responsible Food Business, list of signatories

EU associations

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|--|
| AIPCE-CEP (European Association of Fish Processors - European Federation of National Organizations of Importers and Exporters of Fish) |
| COCERAL (European association of trade in cereals, oilseeds, pulses, olive oil, oils and fats, animal feed and agrosupply) |
| COPA COGECA (European farmers and European agri-cooperatives) |
| Croplife Europe |
| EU Specialty Food Ingredients |
| EuroCommerce |
| Euro Coop (European Community of Consumer Co-operatives) |
| EMF (European Flour Millers) |
| FEDIOL (EU vegetable oil and proteinmeal industry association) |
| FoodDrinkEurope |
| FoodServiceEurope |
| Freshfel (European Fresh Produce Association) |
| Independent Retail Europe |
| UECBV (European Livestock and Meat Trading Union) |

Associations with concrete commitments

| |
|---|
| ANCC (Associazione Nazionale Cooperative di Consumatori) |
| Brewers of Europe |
| CEEV (Comité Européen des Entreprises Vins) |
| FEDEPESCA (Federación de Asociaciones Provinciales de Empresarios Detallistas de Pescados y Productos Congelados) |
| HISPA COOP (Confederación Española de Cooperativas de Consumidores y Usuarios) |
| Natural Mineral Waters Europe |
| Spirits Europe |
| UNESDA (European Soft Drinks Industry) |
| WFA (World Federation of Advertisers) |

Companies

| |
|--------------------------------|
| AB Inbev |
| Ahold Delhaize |
| Archer Daniels Midland |
| Barilla |
| Carrefour |
| Central England Cooperative |
| Coca-Cola |
| Colruyt Group |
| Coop Italia |
| Coop Sweden |
| Danish Crown |
| Danone |
| Decathlon |
| Diageo |
| Eroski |
| Ferrero |
| Fyffes |
| Greenyard |
| ICA Gruppen |
| Jeronimo Martins |
| Kellogg's |
| Kerry Group |
| Metro AG |
| Midcounties Cooperative |
| Mondelez |
| Nestlé |
| Nomad Foods |
| ORKLA |
| Paulig Group |
| PepsiCo |
| Pernod-Ricard |
| Puratos Group |
| REWE Group |
| Royal DSM |
| Sodexo |
| SONAE MC |
| Suntory Beverage & Food Europe |

| |
|--------------------|
| Syngenta |
| Tesco |
| Unilever |
| Viterra |
| Yara International |

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