

SUSTAINABLE FOOD SYSTEMS LAW: POLICY RECOMMENDATIONS FOR A MEANINGFUL TRANSITION

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Executive summary

The EU's Sustainable Food Systems (SFS) framework legislation is a unique opportunity to initiate a historic shift towards a sustainable European food system which ultimately also delivers on health and social fairness. This report presents four priorities and associated policy recommendations that the EU's SFS framework legislation should enshrine to build a comprehensive and consistent policy approach bringing together all food system sectors and actors, from production to consumption.

Priority 1: Take a food systems approach

- The overarching objective of the SFS Law must be that enable an ambitious, just and systemic transition to environmentally-sound, fair and healthy food systems that operate within planetary boundaries.
- To achieve such a transition, the SFS Law must first of all be rooted in the recognition of the food system's complexity and of the subsequent need to evaluate food sustainability by considering the wider system from which food products result and within which they are processed, transported, sold, consumed, and disposed of.
- This systemic approach should be reflected in the definitions, methodologies and indicators designed to monitor and measure progress towards food system sustainability.

Priority 2: Set a new governance framework for the EU food system

- The law must take the form of a framework legislation laying down the definitions, guiding principles and overarching objectives for the EU food system **binding all food-related laws and policies**, particularly the Common Agricultural and Fisheries Policies (CAP and CFP).
- The law should define competence sharing among EU institutions and support food democracy to address institutional power concentration in the food sector. As such, the SFS law should:
 - **spread policy making competences and responsibilities across all relevant DGs** as well as within different Council formations and Parliament Committees;
 - foresee the creation of a **European Food Council** and encourage the creation of Food Policy Councils at different levels of governance;
 - guarantee **funding lines to encourage social innovation and experimentation** at the local level.
- The law should set a **legal framework for National Sustainable Food Plans** through which national and local authorities would set out how they will deliver on the objectives of the SFS Law. It should include a set of recommendations for Member States for the effective achievement of overarching objectives through measures of national

competence: **revision of national dietary guidelines, minimum requirements applying to the food environment, and measures supporting the accessibility and affordability of food.**

Priority 3: Develop enabling food environments

- Addressing the consumption side is key to transitioning to truly sustainable food systems. But the dominant policy approaches to shifting dietary patterns have so far been based on the so-called ‘consumer responsibility narrative’. Such an approach relies predominantly on improving the information available about food products, and expecting consumer behaviour to change accordingly.
- Depending on responsible consumer choices to change large-scale dietary trends is both ineffective and morally questionable. Food consumption choices are determined by a much more complex combination of factors and influences – the food environment¹.
- Food environments today are disproportionately shaped by the profit-driven interests of private actors, particularly in the middle of the food supply chain (retailers, advertisers, processors, and the food service sector). This segment of the chain has been characterised by increasing power concentration over the past three decades.
- Initiating a just dietary transition requires a comprehensive food environments approach to food-related policymaking. The SFS Law should introduce **strong EU level measures on public and private procurement and marketing**, which are key levers of change.
- As many key competences relating to consumption-side policies fall under national competence, the SFS Law should **require action at national and local level through National Sustainable Food Plans**.

Priority 4: Ensure strong accountability and fairness throughout the food chain

- In the current food system, food is generally treated as a commodity instead of a common good, with private interests consequently having a disproportionate influence on determining what is produced and sold on the EU market.
- The concentration of power in agrifood value chains and unsustainable trade policies also hinder the transition to sustainable models of food production in the EU, as farmers get squeezed by bigger players and are forced into a price-taking position.
- The SFS Law should lay the bases to address the social and environmental harm caused by industrialised food production, particularly by:

¹ The food environment refers to the “*physical, economic, political and sociocultural context in which consumers engage with the food system to make their decisions about acquiring, preparing and consuming food.*” (HLPE, 2017).

- establishing a clear regime of corporate responsibility for actors in the middle of the food chain;
- bringing the EU's food trade policy within a socially and environmentally safe operating space;
- providing strong enforcement mechanisms.

Introduction

A sustainable food system ensures everyone has easy access to healthy, environmentally sustainable, culturally appropriate and nutritious diets at all times, regardless of their socioeconomic position in society. It does so through production, distribution and consumption processes that operate within [planetary boundaries](#), while contributing to the protection and restoration of natural resources and ecosystems, including water, soil, air, biodiversity and landscapes. A sustainable food system also provides viable livelihoods and dignified working conditions to all workers employed in it, wherever they are, and respects and protects human rights. The animals involved in such a system enjoy the highest welfare standards. Representatives of all food system actors, at every level of governance, must be involved in the development and management of a sustainable food system.

But the current food system is a far cry from being sustainable, healthy or fair, and time is running out to address the pressing social and environmental crises it faces.

Today, around 38 million people in the EU face some degree of food insecurity (1), with the trend growing since 2015 and further accelerated by the impacts of the COVID-19 pandemic and the war in Ukraine. At the same time, European diets, characterised by excessive consumption of ultra-processed foods, animal proteins, fat, sugar and salt, are key drivers of non-communicable diseases (NCDs), including cardiovascular diseases, type 2 diabetes and some cancers (2). In 2019 alone, the EU lost over 814,000 citizens to premature deaths associated with an unhealthy diet (3).

Current food systems are impinging heavily on planetary boundaries, globally causing around one third of all greenhouse gas (GHG) emissions, depleting biodiversity on land and at sea and driving rapid deforestation in the Global South (4). Our current food system is rooted in the excessive use of chemical inputs, extractive land management and monocropping, industrialised livestock rearing highly dependent on feed imports, as well as widespread food loss and waste, all of which have devastating impacts on climate, biodiversity, soils, air, water and nature (7). Agroecological alternatives exist, but the context of heavy industrialisation makes it difficult for them to thrive.

Power imbalances and corporate capture skew the food system towards a profit-driven model with little regard for the health, well-being and dignity of the workers employed in it, let alone the animals involved (8). Globalised supply chains, along with the trade agreements that underpin them, amplify these failings. This results in human rights violations, dire working conditions and economically unsustainable livelihoods. Seasonal workers and small scale

farmers are among the worst affected. These same actors are also those who have the least access to, and representation in, policymaking.

The multiple interconnected crises we are currently facing - from the triple planetary crises of climate change, biodiversity loss and pollution, to the spread of diet-related diseases, premature mortality and the cost-of-living crisis - have further emphasised our food system's failings. Lower-income households and small-holder food producers have been the worst hit by supply chain disruptions and inflationary increases in food prices, whereas large industry players have seen their profits rise steadily.

The food system we have built over the past 60 years in the EU is clearly not sustainable and requires urgent systemic transformation. The transition can only be initiated through a holistic policymaking approach (9) that addresses every one of the shortcomings identified above and considers their many interconnections.

The Common Agricultural Policy (CAP), one of the EU's main food-related policies, has historically focused on increasing productivity and ensuring cheap raw materials for the food industry. This has driven the EU food system to overproduction, overconsumption, waste, dumping in third countries, and the exploitation of natural resources to the brink of ecosystem collapse. At the same time, the Common Fisheries Policy (CFP) has failed to reach its objectives of sufficiently reducing the overexploitation of fish populations, contributing to the EU's environmental ambitions, and fostering a just transition to low-impact fisheries. Other social and environmental imperatives for the food system have been addressed in separate policy areas, little coordination or consistency, resulting in extreme policy incoherence, conflicting objectives and gaping loopholes (9).

The systemic approach outlined in the Farm to Fork Strategy represents a first promising move towards addressing these incoherences, and the SFS Law must be the first legislative medium concretely translating those cross-cutting commitments into EU law. We need a comprehensive and consistent policy approach bringing all food system sectors and actors, from production to consumption, within a coherent framework tracing the path to sustainability for the whole EU food system.

The objectives and way forward laid out in the Farm to Fork Strategy have been under attack since its publication. The agriculture and agro-chemical lobbies, as well as politicians with a vested interest in maintaining the status quo, have taken advantage of the current crises to undermine the EU's environmental ambitions, pushing for ever-greater production through the increased use of harmful agricultural inputs, supposedly in the name of food security. But with food production in Europe already being hampered by an increasingly extreme and unpredictable climate, the resultant degradation of soils and ecosystems from agricultural inputs will only threaten food security *more* (6, 7). Only by ensuring environmental and social sustainability in our food systems can we future-proof them against climate and geopolitical shocks and ensure that everyone has access to food that is nutritious and culturally acceptable now and in the future.

The only way in which we will be able to produce enough healthy and nutritious food for everyone in the long term, is through a transition to sustainable food systems. That depends on a shift to organic farming, agroecology and low-impact fisheries, and sustainable diets

rooted in local, fresh and nutritious food with a clear reduction in the consumption of industrially-produced animal² products.

This report presents some of the measures that the EU's SFS framework legislation should enshrine in order to encourage a transition to sustainable food systems across the EU and its Member States. The report presents four key building blocks: adopting a food systems approach, reforming governance, reshaping food environments, and ensuring accountability and fairness throughout food value chains. Each comprises an overview of the issues at hand and specific recommendations.

Key recommendations

- 1. Take a food systems approach**
- 2. Set a new governance framework for the EU food system**
- 3. Develop enabling food environments**
- 4. Ensure strong accountability and fairness throughout the food chain**

1. Take a food systems approach

As its overarching objective, the SFS Law must enable an ambitious, just and systemic transition to environmentally-sound, fair and healthy food systems that operate within planetary boundaries. This should be broken down into specific objectives that address the following imperatives:

1. Drive a steep reduction in greenhouse gas (GHG) emissions, other forms of pollution, and adverse impacts on biodiversity from food production, consumption, and all operations in between, notably by setting targets against which progress can be monitored;
2. Ensure that everyone - future generations included - can effectively access sustainable, healthy, affordable and culturally appropriate diets, encouraging in particular a reduction in the production and consumption of ultra-processed foods and animal products from industrial livestock operations.
3. Provide safe and dignified working conditions and a fair income to all producers and workers throughout the food system;
4. Create the conditions for all food system actors, at all levels of governance, to take part in shaping and managing food systems democratically;
5. Urgently end all socially and environmentally harmful subsidies (8) and align investments, public funding, and private financing with the objectives of the law and the EU Farm to Fork and Biodiversity strategies.

² Maintaining an intensive livestock farming system is directly linked to the excessive use of synthetic inputs: in Europe [two thirds of all cereal crops](#) and [70% of all oilseed crops consumed are used as livestock](#) feed – an additional 30 million tons of soy, mainly for feed, is imported from South and North America, contributing to the EU protein deficit. By phasing out intensive farming - and therefore reducing the overall size of livestock herds - feed production will decrease - and thus the use of associated inputs, freeing up agricultural land to produce food for people.

Furthermore, it is essential for the SFS Law to embrace fundamental principles that would guide all future food-related policies. This means encompassing existing legal principles as well as enshrining new ones:

I. Existing legal principles:

- Environmental principles, such as the precautionary principle, the 'polluter pays principle', and principles requiring preventive action to anticipate and avoid environmental damage and, when pollution occurs, responsive action to rectify environmental damage at source;
- The right to food and nutrition, and the right to a healthy environment, together guaranteeing everyone's access to healthy and sustainable food;
- The rights of the public to access information, participate in decision-making processes and access effective remedies, stemming from the Aarhus Convention and EU law.

II. New fundamental principles driving future food related policies:

- The costs of negative (health, environmental and social) externalities must be reflected in food prices;
- The overall volume of natural resources used by food systems must remain within planetary boundaries;
- Fair and sustainable governance guarantees the participation in decision-making processes of a wide array of decision-makers and food system actors from the public, private and civil society sectors.

These objectives and principles must then be operationalised through concrete measures, such as the ones presented below.

Such a system-based approach is essential, as food sustainability cannot be assessed only at the scale of individual products and must instead be evaluated by considering the wider system from which food products result and within which they are processed, transported, sold, consumed and disposed of (48). Product-based approaches, such as Life Cycle Assessments (LCAs), do not reflect the complexity of the agrifood system and its external impacts, and therefore tend to favour input-intensive farming and aquaculture while disregarding the benefits of organic farming and agroecology, including to society.

This systemic approach should be reflected in the definitions, methodologies and indicators designed to monitor and measure progress towards food system sustainability, which should take into account the complexity of agrifood systems.

In the following Sections 2, 3 and 4, more specific objectives for the SFS Law relating to key structural elements of the food system will be outlined. These Sections include an explanation as to why these are considered crucial objectives for the SFS Law (*Rationale*) and the recommended policy interventions needed to ensure each contributes to a meaningful transition to sustainable food systems (*Solutions*).

2. Set a new governance framework for the EU food system

Rationale

The increasing industrialisation of the EU's food, agriculture and fisheries sectors has supported the concentration of market and financial power in the hands of ever fewer agribusiness and food industry actors (11). These actors wield significant influence over the setting and framing of the EU agrifood and fisheries policy debate. As a consequence, limited silver-bullet "solutions" - end-of-pipe technologies enhancing efficiency instead of sustainability and greater economies of scale favouring intensification and specialisation - have been prioritised at the expense of more systemic and transformative approaches, such as dietary changes, organic farming and agroecology, social innovation and innovative supply chain solutions (e.g. direct sales, sustainable public and private procurement, etc.). Similarly, issues of food access, nutrition, poverty, and social exclusion still represent major blind spots of the policy (14).

The lack of policy coherence in EU food-related policy, on top of running contrary to key principles of EU law³, is also a critical obstacle to the transition. Many EU policies affect European food systems – agriculture, trade and transport, food safety, environment, animal welfare, rural and global development, research, education, fiscal and social policies, internal market regulation, competition, and many others. These policies have been developed in isolation over the years, leading to a multiplication of objectives and policy tools in inconsistent and inefficient ways. Gaps and contradictions across different sectors are the rule, not the exception (21–24).

Solutions

To ensure a fair, inclusive, multi-level and science-based transformation of food systems, the SFS Law must put forth concrete measures to restructure the governance of EU food policies and their implementation.

The need for a serious governance reform has been increasingly recognised across EU institutions, policy fora and academic circles, civil society and citizens as a key priority to transition the EU food system towards sustainability (12, 16–20). Governance reforms ensuring that a wider set of actors, sectors and stakeholders have a say in food-related policymaking, and upholding more democratic processes - with robust safeguards against conflicts of interest - would allow for more representative priorities and new coalitions of interest to emerge. This would lead to a more equal representation of all food system actors, particularly those facing different forms of economic, gender-based or racial discrimination (15).

³ Policy coherence is a principle in EU law, as laid down by art. 13.1 TEU and Art. 7 TFEU. Moreover, Art. 11 of the TFEU, covering the "integration principle", makes environmental integration mandatory and posits an obligation to mainstream environmental protection across all EU policy areas.

Changes in governance structures must also include the concrete involvement of national and local bodies, which have crucial competences in food-related policy and will therefore be essential in driving the transition. Member States will need to develop and implement coordinated actions at national and sub-national level coherently with the wider EU direction of travel and ensure a balanced representation of interests in participatory processes.

I. Make the SFS Law an effective framework regulation

The SFS Law should set a clear and consistent direction of travel for the whole food system, bringing together the various sectoral policies that affect food production, processing, distribution and consumption.

It should set mechanisms and provisions to make food policies consistent, establish common objectives, and avoid contradictions between competing policies. Putting an end to these costly inefficiencies requires a systemic shift to holistic policymaking.

To do so, this law must take the shape of a framework regulation laying down the definitions, guiding principles and overarching objectives for the EU food system binding all food-related laws and policies, including the CAP and CFP. The sustainability principles and standards outlined in the SFS Law should apply to food produced, processed, and circulated within the EU as well as to imports, avoiding detrimental impacts on human rights, public health and the environment in non-EU countries.

The overarching objectives established in the SFS Law will be key in setting the direction of travel for the transition of the EU food system to sustainability. These objectives must therefore be as concrete and ambitious as possible and must address all three dimensions of sustainability coherently, in line with the general objectives and targets laid out in the European Green Deal and the Farm to Fork and Biodiversity strategies.

II. Redefine institutional structures and support food democracy

The new governance framework should also be reflected in better competence-sharing within the EU institutions: roles and responsibilities must be redefined, and new cross-cutting structures are required to bridge the mandates of different departments in EU institutions. More specifically, institutional power concentration and vested interests should be addressed, ensuring that EU level policymaking competences and responsibilities with regards to food-related policies are adequately distributed across all relevant Directorate Generals (DGs) of the European Commission as well as within different Council formations and Parliament Committees, so that decision-makers responsible for health, social and environmental policies are fully involved in shaping and implementing food policies. This should also be mirrored at other levels of governance.

The SFS Law should also include robust mechanisms to achieve a transition founded upon democratic principles in which citizens have a say in shaping food policies - in other words 'food democracy' (25). By tackling the democratic deficit in food systems and facilitating bottom-up approaches, the SFS Law can create a governance structure that can respond more readily to the concerns and aspirations of citizens. This is crucial to make the EU's food system socially sustainable. In particular, the SFS Law should:

- Encourage the creation of **Food Policy Councils** at different levels of governance, concretely involving all relevant food systems actors;
- Establish a **European Food Policy Council** supporting civil dialogue and strengthening the links between EU-level action and local governance structures;
- Recognise the key role and responsibility of **cities and local authorities** in contributing to food system transition;
- Guarantee funding and a conducive policy environment for **social innovation and locally-led experimentation**, from community-supported schemes and farmers' markets to citizens' panels⁴;
- Strengthen and recognise the value of the European Citizens' Initiative as a democratic tool to encourage citizen participation in European policymaking⁵.

III. Frame Member States' involvement through National Sustainable Food Plans

To ensure coherence between the EU and national levels in the transition, the SFS Law should set a legal framework for **National Sustainable Food Plans** (NSFPs) through which national and local authorities would set out how they will deliver on the objectives of the SFS Law. Such plans would reflect national specificities and needs while aligning with EU-wide overarching objectives for the food system, as laid out in the SFS Law.

Drawing from the positive example of EU climate governance, NSFPs should be revised regularly (for example every five years), Member States should be required to publicly report on progress against quantitative and qualitative indicators (on a yearly basis), and an independent agency such as the European Environment Agency should be conferred the competences to scrutinise the implementation process, monitor progress towards common objectives, and advise the European Commission and Member States on policy development.

As a bare minimum, NSFPs should include:

- a description of the policy measures and funding sources that will be implemented to deliver on the objectives of the SFS Law, including time-bound intermediary targets;
- an explanation of governance structures, in particular the identification of competent public authorities in charge of implementation and specification of the responsibilities according to territorial levels;
- robust mechanisms to ensure the full representation and democratic participation of civil society in food-related decision-making, placing the locus of policy planning and strategy development at the local level;
- a strong monitoring and evaluation framework, as well as clear accountability mechanisms (26);

⁴ An example of such panels is the [EU Citizens' Panel on food waste](#) which was recently convened by the European Commission. More such panels could be organised on other food/food system-related topics, both at local, national and EU level.

⁵ Of the seven successful ECI's carried by civil society, three have called for change through more sustainable and fair food systems. These include the '#StopGlyphosate' ECI, the 'End the Cage Age' ECI, and the 'Save Bees and Farmers' ECI.

- a regular review of national dietary guidelines in light of health and environmental sustainability considerations and concrete plans to ensure their implementation via the adoption of healthy and sustainable diets.

NSFPs should be a key element in the national-level implementation of SFS Law provisions to support and facilitate equitable access to policymaking for all relevant actors in the food system (27). Citizens' political agency should be promoted, with the guarantee that effective mechanisms are in place to offer equal conditions for those who are economically marginalised or who face cultural, gender, racial or other kinds of discrimination.

IV. Set a robust framework to track progress in the transition

With its Farm to Fork Strategy, the EU embarked on a long-term and complex transition path towards sustainable food systems. The SFS Law should on one hand set an unambiguous direction of travel through clear objectives and science-based and time-bound targets covering key environmental and social dimensions of sustainability. On the other hand, it must put in place roadside kerbs that ensure the EU remains on the right path: a robust policy monitoring and evaluation framework. This should include indicators to measure progress and mechanisms to hold the EU and national governments accountable if progress slips off track, including a trigger for when corrective measures should be taken. Furthermore, the SFS Law and related sectoral policies, including the CAP and CFP, should be evaluated independently to ensure transparency and institutional accountability.

3. Develop enabling food environments

Rationale

To ensure that diets contribute to a sustainable food systems transition, thereby also supporting many EU political priorities⁶, it is important to understand how eating patterns are established and what must be done to help them effectively shift in an equitable and effective way. Addressing consumption patterns requires a comprehensive 'food environment' approach across all relevant policymaking.

Food environment

The food environment refers to the "*physical, economic, political and sociocultural context in which consumers engage with the food system to make their decisions about acquiring, preparing and consuming food.*"(28)

Food environments can be seen as the spaces in which people make decisions about food and the multitude of factors which influence these decisions. Food environments encompass the external contexts within which food decisions are made, which are strongly shaped by

⁶ The [European Green Deal](#), [A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system](#), [Europe's beating Cancer Plan](#), [European Pillar of Social Rights](#).

dynamics in the food sector. To a large extent, food environments are commercially determined, especially by actors in the ‘middle’ of the food chain (see Section 4) (29).

Enabling a transition to diets that contribute to a sustainable food system therefore requires an unequivocal shift away from the approach focused on leveraging “responsible consumer choices” (13) to promote sustainable diets - also known as the “consumer responsibility narrative”. Focusing on consumer responsibility as the basis of policymaking is both ineffective and unfair.

According to the “consumer responsibility” approach, labelling, awareness-raising and education about better food choices are sufficient to redirect consumption choices. This is invalidated by overwhelming evidence that food choices are constrained and shaped by a whole range of physical, economic, political and socio-cultural influences, most of which are beyond the individual’s control (30, 31).

The “consumer responsibility” model is also morally questionable. Consumers are often unable to make more sustainable food choices, even if they want to. A recent European consumer survey attests to the willingness of many consumers to shift to more sustainable eating habits but also to the difficulties they encounter when acquiring their food. The main perceived barriers to sustainable eating, in addition to the lack of information or knowledge, are price and the unavailability of sustainable foods (32).

Moreover, the responsibility to avoid consuming unethical products - e.g. food that: is produced under exploitative working conditions (33); results directly in the loss of ecosystems; violates human rights, or causes animal suffering - should not lie with individual consumers. The EU, Member States and local authorities, as duty bearers, have an obligation to protect the human rights to health, food and a healthy environment, which means taking positive action to limit the availability and accessibility of food detrimental to consumer or planetary health and ensuring the availability, affordability, accessibility and desirability of healthy and sustainable food for present and future generations.

Solutions

Food demand patterns are an outcome of food systems but can also be important levers of change. The SFS Law should lay out a clear plan of action to address food consumption patterns by acting on food environments and leveraging the most effective policy measures available. Only by putting in place robust mechanisms to change the structural factors affecting food consumption choices can the EU and Member States initiate a fair and inclusive shift to healthy and sustainable diets (35).

Food policies can effectively reshape food environments by putting in place measures addressing ‘food entry points’⁷, and specifically the availability, affordability, accessibility and desirability of foods. These different aspects must be addressed comprehensively, which requires complementary measures taken at EU, national and local levels.

⁷ I.e.: food characteristics, food labelling, food promotion, food provision, food retail, food prices and food trade. For a full exemplary list of associated policy measures, see [Food Environments & EU Food Policy: Discovering the Role of Food Environments for Sustainable Food Systems](#)

I. Adopt strong EU-level measures on public and private procurement and marketing

Within the limit of its competencies, the EU should take bold action to shape enabling food environments. First, sustainable food procurement is a key lever of change, through which core challenges of the EU food system can be addressed. The strong purchasing power of public administrations must be harnessed to provide citizens with healthy meals in line with official dietary guidelines, based on products issued from sustainable practices, such as organic agriculture and other agroecological practices, fair working conditions and favouring small-scale farmers (36). The SFS Law should therefore include a strong set of minimum mandatory general and specific sustainability and health requirements for public food procurement⁸.

Private procurement should also be addressed, with a focus on the biggest actors who have direct influence on the diets of Europeans and have the means to change. The SFS Law should mandate large food retailers and hospitality businesses to align the average content of their ready-meals, take-away and sit-in meals with dietary recommendations based on the best available science on nutrition and sustainable diets (37).

Finally, the EU has a strong track record of regulating the marketing of unhealthy products for consumer protection, with alcohol and tobacco being notable examples. In light of the devastating impacts of unhealthy and unsustainable diets on human health and the environment, the SFS Law should include strong provisions to restrict the marketing and end all harmful subsidies for the promotion of foods associated with unhealthy diets - i.e on the excessive consumption of ultra-processed foods, animal proteins, and foods high in fats, salt, and sugar - and/or with negative environmental, human rights and animal welfare impacts, particularly animal proteins resulting from factory farming.

II. Require action at national and local level through National Sustainable Food Plans

To enhance consistency in national implementation, the SFS Law should ensure that Member States carefully consider all the elements of food environments and adopt the most effective and comprehensive policy measures to create enabling food environments through their National Sustainable Food Plans (NSFPs). In particular, the SFS Law should encourage Member States to act as a priority on the following aspects:

- Careful accounting of the true social and environmental cost of food, in line with the Farm to Fork Strategy's stated ambition to make the sustainable option the most affordable one;
- Fiscal measures both favouring healthy and sustainable food products and discouraging unhealthy and unsustainable foods;

⁸ These should relate to supporting: healthy diets, organic and other agroecological products, small-scale farmers, climate action, decent working conditions, fair trade and animal welfare. For a more in-depth analysis of minimum mandatory sustainability requirements for public procurement that could support a shift to enabling food environments, see [the Manifesto for establishing Minimum Standards for Public Canteens across the EU](#).

- Rules regarding prominent location in stores (end of aisle, checkout) of unsustainable and unhealthy foods;
- Restricting the promotion and advertisement of unsustainable and unhealthy foods, and banning it when aimed at children and young people;
- Providing transparent information and communicating better on the benefits of sustainable production systems such as organic agriculture and agroecology;
- Revision of national dietary guidelines in light of health and environmental sustainability considerations;
- Measures supporting the accessibility and affordability of sustainable and healthy food, particularly for lower income households.

Policies must drive a just dietary transition

Food security has four dimensions: food availability, access, utilisation and stability. Contrary to the misinformation spread by industrial agriculture and agri-chemical lobbies as well as some conservative politicians, food security cannot be reduced to a matter of increasing production yields. Rather, it concerns how the food is produced, distributed and consumed, and whether people have the physical and economic means to access nutritious and culturally acceptable food in adequate quantities. Ensuring people's ability to feed themselves with healthy and sustainable food requires governments' interventions ensuring conducive environments and regulating the interference of third parties. Producing more food is not an adequate response and would merely serve to maintain the untenable status quo. Several points can be made in response to this narrative:

- Currently, the EU has a food accessibility, not availability, problem. In 2020, 8.6% of the EU population and more than one in five people at risk of poverty (21.7%) were unable to afford a proper meal every second day (1). The current food inflation is likely to compound this situation.
- The EU food system's dependency on fossil fuels, imported fertilisers and animal feed, as well as excessive product speculation, are what is driving food prices up. Continuing with business as usual is unlikely to bring any relief to struggling households, while moving towards an agroecological model which is more resilient, fairer, healthier, more knowledge-intensive and based on shorter supply chains is key to a just transition (39).
- Current food prices, despite being unaffordable to many, do not reflect the 'true costs' of the food system in terms of its impacts on society and human rights, including producers' livelihoods, health, the environment and animal welfare. These costs disproportionately burden the most vulnerable groups (e.g. in terms of ill health from poor diets). 8 in 10 Europeans agree that food prices should reflect the 'true costs' of food (40).
- The transition to a sustainable food system will incur costs, yet they are estimated to be far less than the costs of inaction⁹. These transition costs must be equitably

⁹ According to the recommendations of the [German Commission on the Future of Agriculture](#), the projected annual economic cost of a radical transformation of agriculture would be far less than the environmental and health costs involved in continuing with the status quo unchanged.

distributed across society, guaranteeing both good livelihoods to producers and access to sustainable, healthy diets for all.

- Healthy and sustainable food habits (including reducing consumption of animal products and wasting less food) can help mitigate the increase in food prices (41) while also bringing health and environmental co-benefits.
- For low-income communities that are already struggling to access healthy food, social support policies are necessary. Various proposals are currently being discussed in several European countries, such as food vouchers (42) or social security for food (43).
- Financing social benefits also requires new sources of funding, which could be made available by redirecting funding currently used to subsidise unsustainable practices.

4. Ensure strong accountability and fairness throughout the food chain

Rationale

From the local corner shop to the large multi-national grain trader, food is treated as a commodity instead of a common good, and food systems are run by private interests. While some of these private actors have placed sustainability and human wellbeing at the heart of their operations, that is far from the norm; the general rule dictates that profits come before people or the planet. This is especially true in some parts of the food system where power has gradually concentrated over past decades, leading to the emergence of extremely large and powerful players who control sizable shares of the market (11) and have therefore a huge influence on the food system.

The lack of binding regulatory measures in the EU and internationally to hold transnational corporations, including the financial sector, accountable for their operations across food systems has hindered the implementation of sustainability goals (27). Similarly, the EU's trade policy and trade agreements are not currently driving sustainability across the EU's food value chain. On the contrary, they often rather impede it, for instance through dumping practices and trade in unsustainable, unsafe and/or unethical agrifood products.

The concentration of power in agrifood value chains and unsustainable trade policies also hinder the transition to sustainable models of food production in the EU, as farmers get squeezed by bigger players and are forced into a price-taking position. While most of the added value is captured by the big players, low farmgate prices are driving many farms out of business and trapping farmers in the industrialised growth model which they have been pushed to embrace over past decades. In the current system, many farmers are not financially able to consider a viable transition to sustainable operations, even if they wish to.

There cannot be sustainable food systems without sustainable and fair food

production

Food production accounts for the lion's share of the environmental impacts linked to the food system. Not all farming systems have the same impact. While agroecological food production models have proved sustainable and resilient in recent crises, industrialised agriculture causes dramatic issues: from pesticide use to unsustainable irrigation, endless monocultures, to industrialised fisheries or factory farms, this intensive and highly specialised model of production is wreaking havoc for nature and climate, while at the same time destroying livelihoods, violating human and workers' rights, and harming our health.

The industrialised food system is driving the sector towards its own extinction - both on land and at sea. The farming population is ageing and shrinking, and we are sacrificing valuable farm diversity in favour of ever bigger and more specialised farms. Rural areas are emptying, while young and new entrants that would like to settle in a farming activity, and notably those following an agroecological approach, struggle to access land and are put off by decimal salaries. The impacts of biodiversity loss and climate change are hitting farmers increasingly hard.

Despite decades of pressure by civil society to integrate environmental and social objectives in the CAP and CFP, the EU's agricultural and fisheries policies have so far failed to address these pressing issues, in many cases even exacerbating them. Many small and medium scale farmers apply virtuous and agroecological practices, working with nature instead of against it. The same is true for organic farming, a model of food production which has proven its many environmental benefits. These approaches provide excellent quality food to people despite being largely forgotten by EU policies to date. Supporting them should be at the core of the SFS Law, especially ensuring producers can live from their production.

Solutions

In order to set in motion a meaningful transition to food system sustainability in the EU, the SFS Law should tackle the major power imbalances and vested interests affecting our food systems. It must include accountability instruments and frameworks that prevent corporate harm to people and the planet and ensure effective access to justice and remedies to individuals and communities in accordance with international human rights principles and standards. A strong accountability framework entails putting in place a regime of legal liability and enforceability mechanisms in a way that states as duty-bearers assert their regulatory powers over businesses to protect food as a matter of public interest in the EU and abroad.

I. Address the social and environmental harm caused by industrialised food production

The SFS Law should require Member States to protect people and the planet by exercising their regulatory powers on third parties to prevent people from being deprived of accessing healthy and sustainable food now and in the future. This should be done by regulating those sectors that could have a negative impact on the achievement of the SFS Law's overarching goals and establishing the necessary administrative and legal provisions, including national and extraterritorial obligations. In cases of non-compliance, Member States should take

procedural action and apply penalties while ensuring the grievances of those affected are fully redressed.

There are also fundamental problems of fairness in our food systems, and consequent needs for value redistribution. The Directive on Unfair Trading Practices (UTP) has the potential to address this (21), as demonstrated by its Spanish equivalent - the "Food Chain Law" (44) - which outlaws purchasing below production costs. However, most Member States would require more ambitious measures in order to effectively address structural unfairness in food systems.

The SFS Law must stimulate a deep transition in the animal farming sector, enabling a re-territorialisation of animal farming across the EU based on the principle that animal numbers must respect the ecological carrying capacity of farmland in any given local territory considered. In areas with animal numbers above the ecological carrying capacity of the land, herds will have to be reduced. In areas defined instead by specialised arable farming animals raised in accordance with high animal welfare standards should be reintegrated. The aim should be to achieve a balanced, circular, mixed and extensive model of livestock farming benefiting sustainable producers and the environment, with overall far fewer farmed animals than there are today.

II. Establish a clear regime of corporate responsibility for actors in the middle of the food chain

Food business operators in the middle of the supply chain (particularly retailers, advertisers, the food service sector (34) and processors) have increasingly concentrated their power over the past three decades. For instance, in 2011, the five largest food retailers had a combined market share of over 60% in 13 EU Member States, up from this being the case for only eight Member States in 2000 (45). This affords them huge influence over consumers' food choices. This concentration of power should inspire recognition of a corresponding responsibility for these actors to develop enabling food environments in which healthy and sustainable food choices are the default option.

The SFS Law must include clear provisions addressing duty of care and mandatory objectives for middle-chain actors and include mechanisms to hold them accountable for their actions. Such actors include retailers, processors, food service companies (e.g. restaurants, fast food chains, catering services), advertisers and other economic operators (e.g. delivery services), that have a disproportionate influence on food environments. The minimum sustainability requirements envisaged by the Commission, if robustly designed, could be the tool to require these powerful actors to reshape food environments.

A recent study by City, University of London (29), which reviews evidence showing that actors in the middle of the chain exert an influence on the environmental impacts of producers and consumers, emphasises the importance of taking a policy approach that will facilitate a transition to a value chain of mutual responsibility, where actors internalise the risk and costs of Scope III emissions as much as Scope I¹⁰. The report also argues that labelling schemes,

¹⁰ Scope I emissions are the direct GHG emissions from sources owned or controlled by a company, Scope III are not produced by the company itself, and not the result of activities from assets owned or controlled by them, but by those that it's indirectly responsible for, along the whole value chain.

agri-environmental schemes and public awareness campaigns, on their own, will fail to drive a transition in behaviours of farmers or consumers. A more comprehensive approach is necessary.

III. Bring the EU's trade policy within a socially and environmentally safe operating space

The EU's trade policy must be brought in line with the objectives of the Farm to Fork strategy and the principles and objectives of the SFS Law. This means fundamentally rethinking the EU's trade policy, moving away from the current focus on ever-increasing imports and exports which are driving environmental degradation, human rights violations and animal suffering, as well as wreaking havoc in local food markets. Achieving sustainable, healthy and fair food systems in the EU and in partner countries must be an explicit objective of EU trade policy. Environmental and social policy, including animal welfare safeguards, should be binding and enforceable. The SFS framework must ensure trade policies favour agroecological models of production, support dignified living conditions and a fair income for farmers, and refrain from depriving people in non-EU countries of the ability to feed themselves.

Concretely, the SFS Law should require the introduction of binding 'mirror measures' in relevant EU legislation while taking due account of the situation of smallholder farmers in the Global South to ensure the reciprocity of standards in exportation and importation. Liability mechanisms for traders importing raw agrifood products and seafood into the EU should also be strengthened by expanding corporate accountability instruments across food chain sectors. The EU regulation to prevent, deter and eliminate illegal, unreported and unregulated fishing (IUU Regulation) and the new Deforestation and Forced Labour Regulations are first steps in the right direction. Expanding due diligence to all food imports, and covering issues beyond deforestation and IUU fishing, is necessary to shift the burden of responsibility onto importing companies in all sectors.

IV. Provide strong enforcement mechanisms

Sustainability criteria and principles defined in the SFS Law should be steered to ensuring business responsibilities for the respect of human rights and the environment with a regime of administrative, civil and criminal liability in case of harm. Enforcement mechanisms in line with the Aarhus Convention should be a guarantee of the enforcement of rights and obligations derived from the SFS Law, including access to justice for citizens and civil society organisations.

Conclusion

There is mounting and undeniable scientific evidence that our current food systems are imposing an extreme strain on the planet, and that sustaining this rate is simply impossible and making us increasingly vulnerable. Building a resilient food system that can resist external shocks instead of amplifying them is essential to protect the lives of future generations. There is an urgent need to transform our food systems to ensure long-term benefits for people and

the planet. EU policies have a key role to play, and although change is happening, it is far from the required speed and scale. The SFS Law is a crucial opportunity for the EU to show leadership by prioritising the acceleration of this transition and improvement of people's lives.

To achieve this, our four priorities are essential building blocks that will lay the foundations to enable the transformation of our food systems:

- Take a food systems approach
- Set a new governance framework for the EU's food systems
- Develop enabling food environments
- Ensure strong accountability and fairness throughout the food chain

It is now time for policy to follow science, listen to citizens and confront vested interests. The SFS Law is an unmissable chance to finally steer our food systems in a new direction, benefiting people, animals and the planet.

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