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Minimum sustainability requirements: A key pillar for the Sustainable Food Systems Framework Law

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The Sustainable Food Systems Framework Law (SFS Law), currently being drafted by the European Commission, is a key opportunity to implement the vision set out in the EU Farm to Fork Strategy and create both overarching objectives and effective forward-looking policies for the whole food chain. Amongst the policy tools of potentially greatest value in such a framework law would be binding standards in the form of minimum sustainability requirements (MSRs).

MSRs are a form of policy put forward by the European Commission in its Inception Impact Assessment for the SFS Law and refer to the creation of binding sustainability requirements either for food chain operators or for food products. As with existing food safety requirements, MSRs could establish a baseline for environmental, social, and economic sustainability. However, since previous EU standard setting legislation has not sought to encompass the food chain as a whole, there has been some debate about whether and how MSRs should be included in a draft law.

In this context, it is timely to examine the relevance and role of an MSR system and consider the contours of how it could work. This *Note* makes the case for why an MSR regime should be included in the European Commission's proposal for an SFS Law and suggests some design principles that could be applied.

NOTE

KEY MESSAGES

An MSR regime should be included in the SFS Law. On a number of environmental, social and economic indicators, the EU agrifood system is unsustainable. By creating specific requirements through delegated acts for issues that are unregulated, MSRs can contribute to supporting the 2020 Farm to Fork's vision, although revision of other legislation including the CAP is also necessary. MSRs would provide clear additionality to other voluntary policy pull measures such as labelling and form a critical part of a holistic, whole food chain approach.

MSRs should be dynamic and address key priorities. Prioritising less regulated but highly impactful sectors in the centre of the food chain is essential. For example, in food processing, minimums could be set for the proportion of energy from renewable sources. Likewise, standards could be set for the proportion of plant proteins in processed foods and meals. The standards themselves should be able to be reviewed when timely in light of new environmental agreements and commitments.

A workable legal frame for MSRs is feasible, despite some challenges. In order for MSRs to be implemented, the SFS Law needs to set clear and specific enough objectives that are aligned with the Farm to Fork Strategy's vision and support the creation of delegated acts to lay out operational minimum standards.

The criteria and design underlying MSRs must be determined with strong input from civil society and other stakeholders. Whilst based on technical criteria, they will help shape the entire food system, with implications for how we produce, process, sell and consume food.

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INTRODUCTION

In May 2020, the European Commission launched the Farm to Fork Strategy, setting out its vision for a more sustainable, just and resilient food system. As a strategy, the Farm to Fork (F2F) is not a legally binding law in and of itself. Instead, the F2F objectives are set to be implemented through revising current EU legislation as well as creating new legislative projects to fill in the gaps.

The principal new piece of legislation proposed by the Commission concerning food is a new Legislative Framework for Sustainable Food Systems, shortened here to the SFS Law. Subject to approval by the Regulatory Scrutiny Board, the Commission plans to finish preparing the proposal by autumn 2023, when it will be passed to the European Parliament and the Council for a process of negotiation normally leading to agreement on a revised text which would enter into force in due course.

Since it was first announced, there have been expectations that this framework law could drive the kind of transition in the food sector that has been needed in transforming energy systems and has been called for by many scientists. Given this perspective, and in a paper last year, we proposed a number of goals and policy directions that could be embodied in an ambitious, forward-looking law (Baldock, Aubert *et al.*, 2022). In light of the shorter-term circumstances, the position of some prominent stakeholders and the intense debate over several food or agriculture related proposals in the Farm to Fork Strategy, it is clear that the European Commission is likely to put forward an approach that aims to lay down longer-term foundations accompanied by relatively modest and gradualist policy proposals. The SFS Law as it has since evolved remains a step in the direction of the vision laid out by the Farm to Fork Strategy, and a way to begin a larger transformation. This *Note* takes this as a starting assumption and focuses particularly on one of the policy tools that could play a valuable role in establishing an effective stepwise approach.

Discussions in recent months suggest that the proposal may be structured around definitions, governance, objectives and principles that support the progressive adoption of 'push and pull' measures that would be introduced to influence the food system. Some such measures, including proposals for minimum sustainability requirements, strengthening green public procurement rules and a sustainability labelling initiative have been referred to as particularly promising by the Commission and may well be incorporated in the SFS Law proposal.

Minimum sustainability requirements are one of the policy instruments tested with stakeholders over the last year. These would not be set out in the framework legislation itself but more likely would be embodied in a sequence of secondary legislation addressing gaps in current sustainability requirements for different components of the food chain. Setting such standards would be an opportunity to put a system approach into practice, raising ambition and increasing coherence in the regulatory frame. It would increase the potential for the SFS Law over time to transform the entire food system, including the rules for the middle of the chain, between the farm gate and the consumer.

In this *Note*, we argue for the inclusion in the SFS Law of an obligation to create these sustainability requirements, with a process for putting them in place. We suggest some design principles for them that are both realistic and ambitious and are relevant to the whole food chain. We make the case that while other measures discussed in the context of the SFS Law are important (e.g., labelling and green public procurement), they alone are insufficient to address the challenges facing the food system.

After first addressing the need for minimum sustainability requirements and approaches taken in other EU legislation, we then spell out what they could look like through six design principles and associated governance mechanisms.

1. WHAT ARE MSRs?

In the limited European Commission documentation that has been made available about the design of policies to be advanced within the new SFS Law, the Commission makes frequent references to including both 'push and pull measures' to support the transition towards more sustainable food systems. The general idea is that there need to be both carrots and sticks for all actors, from consumers to input manufacturers, to bring about transition. Minimum sustainability requirements (MSRs) were first set out in the Inception Impact Assessment published by the Commission in 2021, which refers to "general minimum standards to be met for foods produced or placed on the Union market and related food operations, which could be linked, amongst others, to environmental and social aspects" (p. 5). This approach implies that there would be new EU rules applying to food system enterprises with the effect of raising standards and phasing out the least sustainable practices or products in a methodical way. There could be implications for products produced in unsustainable ways which in effect would be excluded from the EU market, as occurs with food safety standards under present legislation.

2. WHY ARE NEW BINDING STANDARDS NEEDED IN THE SFS LAW?

It is becoming increasingly clear that EU agri-food systems are not sustainable, not least with respect to the environment and dietary health. For example, the overall system remains heavily dependent on processes and practices involving continued excessive use of fossil fuels, overuse of inorganic pesticides and fertilizers, overproduction and overconsumption of animal products, extensive food waste, too much use of plastics and packaging and poor working conditions (see for example, EEA, 2020; EEA, 2023a; Paris et al., 2022; Westhoek et al., 2011). Furthermore, the effects of climate change and biodiversity loss are putting long-term productive capacity at risk.

Current policies to address some of these failings are not yet reversing them: despite taking up a third of the EU budget, the CAP's instruments have thus far not significantly reduced GHG emissions, prevented biodiversity loss, or supported a shift to healthy diets that prevent non-communicable diseases (ECA, 2020, 2021; Eurostat, 2021). Very considerable further changes will be needed to bring Europe's food systems into alignment with the kind of scenarios set out in recent studies that have sought to map out the implications of aiming to be within planetary boundaries, actively supporting citizens' health and increasing resilience to both environmental and geopolitical shocks (e.g., Poux & Aubert, 2018; Springmann *et al.*, 2019; Willett *et al.*, 2019). The magnitude of these challenges means that no one single policy, including the SFS Law, is likely to radically shift agrifood systems.

At the same time, the SFS Law offers several interesting policy instruments that can contribute to the beginning of a large-scale transformation. Of the three policy strands that the Commission has floated as key components of the potential SFS Law proposal, the MSR system is the one that clearly goes above and beyond current EU initiatives, such as the Code of Conduct and the Green Claims initiative, in its potential to push operators in the food chain towards alignment with the F2F's vision. Binding standards that change unsustainable practices throughout the food system are needed to contribute to solving the problems mentioned above, in addition to the continuing development of environmental, agricultural and food safety legislation–including a real reform of the CAP. There is the need for faster progress in establishing these conditions and eliminating unsustainable practices in specific areas; MSRs introduced through delegated acts could address a significant number of these concerns relatively quickly compared to other legislative pathways. A new structure for putting MSRs in place would be innovative, provide a concrete mechanism for establishing a coherent food systems approach and complement existing legislation.

At present, certain segments within the food chain are more regulated than others, suggesting that there may be significant gaps arising from the present patchwork of largely sectoral approaches. A 2023 EEA analysis shows that the primary production level is subject to the largest number of EU policy instruments at present (primarily through the CAP), although these are largely economic and financial rather than regulatory, and their effectiveness in bringing about more environmentally friendly practices is often questioned (ECA, 2020, 2021; EEA, 2023b). In contrast with the farm sector, there are relatively few policies and fewer legally binding targets concerned with the sustainability of middle of the chain actors, and the agrifood sector as a whole lacks binding sustainability targets. The Commission has made it clear that it envisages any new MSRs that it proposes in future would be concentrated in sectors where minimum standards are relatively limited at present. This would fill a clear policy gap.

BOX 1. EXAMPLES OF MSRs

Specific MSRs could be used for many purposes as illustrated briefly in this list of some potential options for increasing the sustainability of different processes employed along the food chain. We further develop the different types of MSR (process versus product) as well as further examples in the section on design principles.

- In food processing, minimums could be set for the proportion of energy from renewable sources.
- Standards could be set for the proportion of plant proteins in processed foods and meals.
- In the case of fertiliser companies, process criteria could be introduced to minimise the use of fossil fuels and the environmental footprint of producers of inorganic nitrogen and other fertilisers.
- For all relevant sectors, new standards could require a minimum quantity of by-products that would need to be used elsewhere in the food chain to increase food chain circularity. In the case of brewers, for example, this could mean using spelt grain to create other products.
- Setting standards to increase the proportion of non-fossil fuel dependent transport in the food chain and to squeeze out unnecessary vehicle kilometres.

3. WHAT WOULD BE THE BENEFITS OF MSRs?

While the introduction of a full set of MSRs is a considerable undertaking and there would be challenges, for example in relation to the treatment of imports, they are needed within the SFS Law for a number of reasons. Specifically:

- **They would contribute to a positive food environment.** Understanding of what is meant by sustainability varies within Europe and globally and it is not easy for consumers to navigate the plethora of marketing claims and food labels. A clear, scientifically informed, legislative baseline that systematically raises standards over time, excludes the least sustainable practices or products and requires commitment by industry would be a foundation on which more ambitious initiatives could be built whilst providing consumers with some assurance. This could be comparable to the food safety situation, in which consumers are not tasked to choose between safe and unsafe food, since minimum standards are set to ensure that all food is safe. New MSRs would not preclude the creation of a sustainability labelling system that would allow operators to compete on the sustainability attributes of their products.
- **They would help ensure a level playing field and prevent EU market fragmentation.** Some Member States (MS) have begun working towards creating national strategies for food, for example the French National Food and Climate

Strategy (see Brocard and Saujot (2023) for more information), the German Food and Nutrition Strategy and the Danish Strategy for food, meals and health. As MS become more active in regulating the food chain and introducing their own legislation, consistent EU wide standards would both prevent internal market fragmentation and ensure that pockets of low standards do not persist. While the EU Code of Conduct on Responsible Food Business and Marketing Practices will also make a contribution to the sustainability transition and should inspire companies to go above and beyond current practices, the lack of EU level binding rules allows for fragmentation in standards and market conditions in this sector. Creating common minimum standards would help pull the least sustainable actors up and to protect the most sustainable from being undercut by competitors that are externalising environmental and social costs.

— **Setting EU standards will facilitate and focus discussions with international partners.** In negotiating with third countries over access for imports, it will be EU-level standards that are taken into account and supported with any necessary action rather than diverse measures by MS and the private sector. As Matthews (2023) writes, "Without identifying a standard that is mandatory for EU producers to apply, there are no grounds to introduce import standards" (p.8). If standards are not set at the EU level, then it will be difficult for standards to be upheld in international trade negotiations and the EU needs to be able to pursue reciprocity in standards where required in order to pursue a level playing field for EU producers and operators.

4. HOW DOES EU LEGISLATION RAISE SUSTAINABILITY STANDARDS IN OTHER LARGE AND COMPLEX FIELDS?

A first step in establishing an operational system and legal framework setting specific sustainability requirements would be to elaborate broad EU objectives in the environmental, social and economic domains which are clearly applicable to the food system as a whole as well as its components. These need to be established in the SFS Law itself as foundational to subsequent legislation, including MSRs, and accompanied by principles to achieve these objectives. These objectives should include increasing food system resilience, ensuring EU food systems are sustainable with respect to the environment, human health and welfare, the health and welfare of animals and the overall economic viability of the sectors comprising the food chain, establishing an integrated approach addressing supply and demand holistically in a synchronized way, and supporting fairness and a just transition.

Once such objectives and principles are established, there is a foundation on which to develop operational policies to achieve them, including those applying a "push" approach, where MSRs could have an important role.

As transforming a large and complex system like the entire food chain is a considerable legislative challenge, one question that arises is whether there are existing EU legislative models where lessons can be learned, even if there is no established blueprint to follow. Amongst several possible examples, we have selected two which attempt to raise sustainability standards in large segments of the economy in distinctly different ways while both starting from general principles and converting these into more operational criteria.

The EU Taxonomy approach seeks to classify a very broad swathe of economic activities in terms of their sustainability while the Commission's Ecodesign for Sustainable Products proposal aims to add an additional sustainability dimension to the large range of products covered by the Ecodesign Directive. The contrasting approaches offer a reservoir of experience and help to point to some design principles that could be applicable for an MSR provision in the SFS Law.

4.1. The EU Taxonomy approach

The EU Taxonomy Regulation 2020/852 and its accompanying measures aim to steer financial investments towards economic activities that can be considered sustainable in the current environmental context. It was conceived to allow clarity on what was considered a sustainable investment in order to reorientate capital flows. It is supported through other legislation regarding sustainable finance such as corporate reporting requirements, and evidence to substantiate green claims. It provides EU backing for what is hoped to be a widely used set of standards which will steer the EU economy in a more sustainable direction. It also introduces disclosure and reporting obligations for a range of companies and participants in financial markets.

One of the foundations of the Taxonomy is a set of broad environmental objectives, towards at least one of which operations classified as sustainable must contribute substantially. These objectives are climate change mitigation, climate change adaptation, the sustainable use and protection of water and marine resources, the transition to a circular economy, pollution prevention and control, and the protection and restoration of biodiversity and ecosystems. In addition, such activities must meet a second criterion of Do No Significant Harm (DNSH) to all of the other objectives, while respecting basic human rights and labour standards. To make this approach operational, a set of mechanisms and defined processes are required and are being put into place in a series of stages; these are brought together within a new EU legal regime, most notably the Taxonomy Regulation.

Without attempting a full account of the workings of the Taxonomy approach, some elements are particularly relevant. One is the broad canvas of the regulation and the aim of addressing sustainability in a large range of economic activities. The mechanisms it uses, including delegated acts, also are interesting.

Of particular importance are multiple sets of Technical Screening Criteria (TSC) which lay down the more specific requirements and thresholds that given economic activities

have to report against and meet if they are to be considered as Taxonomy aligned–i.e., contributing substantially to at least one environmental objective and doing no significant harm to the others. These TSCs are elaborated in individual items of secondary EU legislation, taking the form of a series of delegated acts which will be put in place progressively over a period of time. In addition, these TSCs set out criteria intended to allow determination of whether the economic activity in question conforms with the requirement to Do No Significant Harm.

This system already applies to a range of economically significant activities prioritised initially for their impact on the environmental objectives and potential to improve them, but it is not comprehensive. A lot of work has been done on the agriculture sector, but it is not yet included, partly because of difficulties in agreeing on the specific criteria to apply during ongoing discussions around the Common Agricultural Policy. Nor is it complete with respect to all sustainability objectives: there are no agreed social objectives at present, despite recommendations for a social taxonomy by the platform on sustainable finance.

The Taxonomy has been criticised from several perspectives, especially for the inclusion of certain forms of gas production and nuclear power as sustainable, despite the recommendations of expert panels, demonstrating the political nature of the discussions that also will need to occur in creating MSRs (Abedinaj, 2022; Bolduc & Aubert, 2022). Nonetheless, it provides an example of how the broad concept of sustainability can be converted into a workable system for assessing a very large number of different economic activities, utilising an established legal pathway involving the use of delegated acts to cover specific requirements.

4.2. The Ecodesign for Sustainable Products approach

The Ecodesign for Sustainable Products is a legislative proposal launched by the Commission in 2022 to increase the sustainability of a variety of products and intermediary parts, building on the existing Ecodesign Directive. It aims to increase the durability, reusability, upgradability and repairability of products, among other objectives. The proposed legislation sets out information and performance requirements for specific products, rather than operations as in the Taxonomy approach. It furthermore aims to take unsustainable products off the market, rather than simply incentivising the best operations. The Commission's proposal has a carveout for human and animal food and medicine, making it inapplicable to food systems in its current form.

The Ecodesign proposal has multiple features that merit discussion. First, it gives responsibility to all supply chain actors: manufacturers, dealers, online sites, fulfilment centres, and distributors. While the manufacturer is responsible for drawing up the conformity declaration, each operator is responsible for maintaining continued compliance, including ensuring product compliance (e.g., importers) and providing the necessary information to consumers (e.g., dealers). The potential strength of this approach is as it develops over time, a product-based approach can change the whole supply chain in a way that could be interesting from a food systems view. Second, it creates an information requirement in the form of a product digital passport, thus ensuring that products and their parts are traceable throughout the production process and that consumers can easily access information about the product. While this might not be feasible for individual produce in the food sector (indeed, it would likely increase packaging waste as well as costs, if individual apples, for example, needed to have a passport), high volume processed goods could more easily have amended labels to reflect new requirements for the traceability of individual ingredients. This information, although not the only feature of the MSR, could increase the traceability of certain products that would be needed to comply with the MSR in specific cases.

Similar to the Taxonomy approach, the Ecodesign proposal gives the Commission the authority to set out delegated acts that will set specific standards for product types designed to help achieve the general objectives set out above. To make this work, the Ecodesign proposal requires manufacturers to carry out an assessment of the product to determine whether it complies with the requirements, and the manufacturer is supposed to draw up a conformity declaration if the requirements are met. As this proposal is still in the legislative process, it is impossible to assess whether the criteria selection process will be as complicated and controversial as that of the Taxonomy, but it nevertheless will require the making of political choices about which criteria to include and products to prioritise.

As the regulation is still not adopted and may be amended significantly, it is early to say how easy it will be to implement this approach or how far it will be effective in supporting a transition towards more sustainable products. Nevertheless, it has several interesting features worth considering in looking at how an MSR system might be designed for the SFS Law.

5. WHAT DESIGN PRINCIPLES FOR AN MSR SYSTEM?

After considering the Taxonomy and Ecodesign approaches to making sustainability rules for complex systems, here we suggest some requirements of an MSR system that might be applicable to the goal of driving increased sustainability throughout the whole food system.

5.1. Create binding rather than voluntary requirements

If the SFS Law creates a framework with binding rules, going beyond voluntary approaches or a classification regime, as in the Taxonomy, this would be an opportunity to ensure common standards over the Single Market and have a significant influence on global standards for sustainability. There needs to be sufficient additionality over existing EU voluntary approaches, such as product labelling and the Code of Conduct, Green Claims initiative and a new labelling regime that is likely to be proposed in

the SFS Law. A binding rather than voluntary approach would be likely to be more effective at phasing out the most unsustainable practices and products (EEA, 2023b). Furthermore, a MSR regime would complement the Directive on Corporate Sustainability Due Diligence currently being negotiated between the EU institutions.

5.2. Delineate clear, specific overarching criteria

Both the Taxonomy and Ecodesign models rely on broad criteria that are then translated to the sectoral or product level. In the Taxonomy approach, there are six overarching criteria related to environmental sustainability including climate change adaptation, whereas in the Ecodesign initiative there are a number of different aspects related to circularity, such as product durability. In both cases, these criteria are closely linked to the overall objectives of the legislation and create the legal foundation for delegated acts. Thus, as noted earlier, the SFS Law needs to include objectives that are specific and clear, as well as broad criteria for the MSRs. Both need to be appropriate to the food system and legally robust enough to be actionable. In terms of objectives, for example, there is the need to include overarching requirements on climate change mitigation and adaptation, biodiversity conservation, pesticide and nutrient management, food waste reduction, energy efficiency and decarbonization, sustainable use and protection of water and marine resources, food waste reduction, circularity in processing, and packaging recycling, as well as social criteria (see below). One objective that has been proposed by a group of food industries is that of reducing GHG emissions, including Scope 3, which should be taken into account in the SFS Law (Alpro *et al.*, 2023).

5.3. Establish standards on both the practice and product level

One difference between the Taxonomy and the Ecodesign approaches is that the former creates criteria at the level of operations or practices, while the latter sets standards for products. For the food system, both approaches are potentially relevant, given the multiple objectives, the need to encompass both the supply and demand sides and the diverse challenges in different parts of the chain.

There is clearly a role for process standards that would create requirements for the way that food products or inputs are produced and marketed, such as:

- The creation of binding rules eliminating additional requirements (e.g., beyond those specified by health law) simply for aesthetic qualities for fruits and vegetables.
- At the level of supermarkets, there could be specific standards on the placement of healthy products in easily accessible areas in stores.
- There could be specifications to increase the energy and resource efficiency of enterprises supplying inputs such as inorganic fertilisers and food processing companies, as well as to ensure the circular economy approach is applied in a coherent way.

Some processes will need to be phased out as they are polluting, wasteful, hazardous for workers or incompatible with biodiversity requirements, among other environmental or social reasons.

However, there is a role for standards applying to certain foods as well. Again, and without attempting to be exhaustive, we illustrate the possibilities with some examples of possible types of product standards that could be considered in the form of MSRs:

- One case might be standards for key types of processed foods: for example, MSRs could determine the maximum level of certain ingredients that can be added to prepared foods in order to support both dietary health and biodiversity goals, as announced in the Farm to Fork Strategy. In particular, this could mean having maximum amounts of animal products in targeted types of prepared meals or processed food items to create a more positive food environment supporting both dietary health and the environment.
- MSRs could also be developed for the way in which certain foods can be packaged, creating minimum requirements for the types of materials, reusability and recyclability of packaging. Some of the experience of the Ecodesign approach will be relevant here.

The intention would not be to set sustainability standards for all individual foods, which would be an impractical and laborious mission, but rather focus on those with the most negative impacts on food systems. Higher standards will result in changes in the technologies, processes and inputs used, which may indirectly affect the range and price of certain foods on the market.

5.4. Progressively raise certain standards

In a new system, objectives need to be forward-looking, and many will need to be updated as new EU targets are agreed upon–for GHG emission reductions for example. The Ecodesign approach is dynamic, having set up a process involving progressive changes in standards, with the new regulation intended to repeal the older directive. Rather than having to restart the legislative process each time significant developments occur, a dynamic and evolving element is required for many of the criteria or parameters that are put in place. When making specific legislation for sectors, practices or products, the Commission should build in clauses related to the need to raise standards over time in line with the EU's environmental objectives. In practice, this could mean establishing a review requirement every certain number of years. When standards increase, operators should be given an appropriate amount of time to reach the new standards, with specific rules and support for SMEs.

5.5. A transparent and rigorous criteria selection process if delegated acts are used

As noted above, delegated acts may be the most expeditious and efficient way of establishing detailed MSRs within a reasonable timeframe. They are key in operationalising the Taxonomy Regulation. In the new Ecodesign proposal, they also will be used to lay out specific requirements for products. These examples show that using delegated acts to create specific standards is feasible, although their use does not come without the need for caution in terms of governance, accountability and the engagement of stakeholders beyond Member State representatives. Indeed, lessons from the Taxonomy show that there needs to be specific democratic safeguards, as well as a diversity of stakeholder voices included in consultations given that the debate will likely become highly political. The question is then how the politicisation of the criteria is handled, ensuring that this is done in an open and transparent way.

Delegated acts will also allow the Commission to create minimum standards in a reasonable timeframe. Given the legislative process, it is unlikely that the SFS Law will enter into force before 2025. If the Commission then takes a year or two to identify priority sectors or products, work on delegated acts could realistically be seen to begin in 2026 or later. If other forms of legislation are used instead of delegated acts, one could expect the process to take longer, pushing sustainable food systems farther into the future. Therefore, unless a better alternative comes up, delegated acts with significant stakeholder oversight seem like the best option to achieve MSRs.

5.6. Take social and economic criteria into account

The approaches outlined here only cover environmental or circularity criteria, and there is thus the need to incorporate the social and economic pillars as well. Appropriate social criteria would need to include clear references to improving public health and diets, facilitating more sustainable choices by creating appropriate food environments and approaches to meet the needs of the most vulnerable parts of the population. Improved health is fundamental to sustainability in the food sector.

Of specific note is the need to support an increase in the proportion of plant-based proteins in EU citizens' diets and to reduce the environmental and health burdens associated with the elevated consumption of livestock products.

Improved animal welfare standards also belong in this category, as well as fundamentals such as improving poor working conditions in certain parts of the food industry and the need to eliminate child labour, which is still present in cocoa bean production for example.

Economic objectives also will be needed to complete the sustainability set in due course. The affordability of food, fair contracts with farmers, SMEs and other smaller players in the food chain, just transition concerns and compatibility with development objectives in the global South are examples of prominent issues that should find a place on such a list.

CONCLUSION

Putting forward a first proposal on the SFS Law is only the first step in a long road, where the initial text inevitably will be amended by the co-legislators. After this framework law enters into force, the difficult work begins of creating MSRs that are ambitious yet realistic, and support change in a way that is flexible enough to adapt to different country contexts and business situations.

Yet, for the reasons outlined in this *Note*, it is highly desirable to include MSRs in the proposed SFS Law from the outset. High level objectives, improved governance, new labelling requirements, green public procurement and other softer measures all have their place but on their own will not be sufficient to drive change. As the EEA has argued in a recent analysis, "an effective policy mix will need to address the complex determinants of food choices in a coherent and synergistic manner, going beyond purely informational tools, such as food labelling" (EEA, 2023b, p. 41).

New standards alone are not sufficient to drive the transformation that is required. At the same time as establishing new minimum requirements, the EU also needs to do more to support the evolution in practices, the phasing-out of unsustainable products and a faster pace of supportive innovation. This will involve significant investment by many actors in the food chain and some major adjustments in systems incompatible with new standards. Measures to encourage public authorities to work with the private sector to create new sectoral roadmaps and investment plans would be helpful. There is also the question of funding and providing aid for actors with particular challenges in terms of new investments and facing the costs of switching away from unsustainable practices. A good case could be made for Just Transition funding for the food system in the same way as in the energy sector and also for contributing some of the support needed from EU and not only Member State funds. While significant new funding arrangements are not something that can be included in the SFS Law directly, there could be a clause that opens up the need for complementary funding to support SFS Law objectives and mandates the Commission to bring forward proposals for the MFF negotiations, while also ensuring that current spending is aligned with SFS Law objectives.

REFERENCES

Abedinaj, D. (2022). How the energy crisis is pushing nuclear power in the EU taxonomy. *Political perspectives - University of Manchester.* https://sites.manchester.ac.uk/political-perspectives/2022/11/29/how-the-energy-crisis-is-pushing-nuclear-power-in-the-eu-taxonomy/

Alpro *et al.* (2023). Supporting the transition to a sustainable and healthy food system. https://business4sustainablefood.eu/#statement

Baldock, D., Aubert, P.-M., *et. al.* (2022). Towards a Sustainable Food System Framework Law. Think Sustainable Europe. https://think2030.eu/think-timeline/uploads/2023/02/Sustainable-Food-Systems-Think2030-policy-brief.pdf

Brocard, C., Saujot, M. (2023). Environnement, inégalités, santé : quelle stratégie pour les politiques alimentaires françaises ? IDDRI, 34 pp.

Bolduc, N. & Aubert, P.-M. (2022). Towards a transformative SFS legislative framework: in need of a constructive debate on the meaning of "sustainable food system." IDDRI blog post. https://www.iddri.org/en/publications-and-events/blog-post/towards-transformative-sfs-legislative-framework-need

ECA (European Court of Auditors). (2020). Biodiversity on farmland: CAP contribution has not halted decline. *Special report 13/2020.* https://www.eca.europa.eu/EN/publications/SR20_13

ECA (European Court of Auditors). (2021). Common Agricultural Policy and Climate. *Special Report 16/2021.* https://op.europa.eu/webpub/eca/special-reports/cap-and-climate-16-2021/en/

EEA (European Environmental Agency). (2021). Water and agriculture: towards sustainable solutions. https://www.eea.europa.eu/publications/water-and-agriculture-towards-sustainable-solutions

EEA (European Environmental Agency). (2023a). How pesticides impact human health and ecosystems in Europe. https://www.eea.europa.eu/publications/how-pesticides-impact-human-health/how-pesticides-impact-human-health/download.pdf.static

EEA (European Environmental Agency). (2023b). Transforming Europe's food system - assessing the EU policy mix. https://www.eea.europa.eu/publications/transforming-europes-food-system

Eurostat. (2021). Over half of adults in the EU are overweight. https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20210721-2

Matthews, A. (2023). Trade policy approaches to avoid carbon leakage in the agri-food sector. The Left in the European Parliament. https://left.eu/content/uploads/2023/02/GUE-Study-TRADE-Carbon-leakage.pdf

Midler, E., Pagnon, J., Nadeu, E., & Scheid, A. (2023). Environmental and climate assessments of CAP Strategic Plans. IEEP. https://ieep.eu/wp-content/uploads/2023/04/Environmental-and-climate-assessements-of-CAP-Strategic-Plans_IEEP-2023.pdf

NORC. (2020). NORC Final Report: Assessing Progress in Reducing Child Labor in Cocoa Production in Cocoa Growing Areas of Côte d'Ivoire and Ghana. https://www.norc.org/content/dam/norc-org/pdfs/NORC%202020%20Cocoa%20Report_English.pdf

Paris, B., Vandorou, F., Balafoutis, A. T., Vaiopoulos, K., Kyriakarakos, G., Manolakos, D., & Papadakis, G. (2022). Energy use in open-field agriculture in the EU: A critical review recommending energy efficiency measures and renewable energy sources adoption. *Renewable and Sustainable Energy Reviews*, 158, 112098.

Poux, X. & Aubert, P.-M. (2018). Ten Years for Agroecology in Europe: a multifunctional agriculture for healthy eating. Findings from the Ten Years For Agroecology (TYFA) modelling exercise. IDDRI, 73 pp. https://www.iddri.org/sites/default/files/PDF/Publications/Catalogue%20Iddri/Etude/ 201809-ST0918EN-tyfa.pdf

Rockström, J., Gupta, J., Qin, D. *et al.* Safe and just Earth system boundaries. *Nature* (2023). https://doi.org/10.1038/s41586-023-06083-8

Rockström, J., Steffen, W., Noone, K. et al. (2009). A safe operating space for humanity. *Nature* 461, 472–475. https://doi.org/10.1038/461472a

Springmann M., Clark M., Mason-D'Croz D., et al. (2018). Options for keeping the food system within environmental limits. *Nature*, 562 (7728), 519-525.

Westhoek, H., Rood, T., Van den Berg, M., Janse, J., Nijdam, D., Reudink, M., & Stehfest, E. (2011). The protein puzzle. The Hague: PBL Netherlands Environmental Assessment Agency, 221.

Willett, W., Rockström, J., Loken, B., Springmann, M., Lang, T., Vermeulen, S., ... & Murray, C. J. (2019). Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems. *The Lancet*, *393*(10170), 447-492.

Bolduc, N., & Baldock, D. (2023). Minimum sustainability requirements: A key pillar for the Sustainable Food Systems Framework Law. *Note*, IDDRI.

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