

DRIVING REAL CHANGE IN THE EU FOOD SYSTEM

How the proposed Sustainable Food Systems Framework Law should mobilise the private sector to drive the sustainability transition

We, the undersigned organisations, welcome the European Commission's development of a legislative proposal to ensure the EU food system is sustainable, resilient and satisfies the right of all people to healthy, nutritious and sustainable food. It is imperative that the Sustainable Food Systems Framework Law (**SFS Law**) fast-tracks the necessary transformation of the EU food system to make it fit for purpose in the current age of climate and biodiversity breakdown, global supply chain shocks, growing inequality, escalating diet-related healthcare concerns, and concentration of market influence in fewer food system actors.¹

Commercial food system actors are instrumental actors in this transition, especially the 'middle of the chain' actors between producers and consumers that hold greater market influence. The SFS Law must mobilise their capacity to determine the sustainability of their operations and products, shape the EU food environment, and improve the sustainability and resilience of the EU food system. Voluntary initiatives have proven inadequate to deliver these structural sustainability improvements.² It is therefore necessary that the SFS Law includes appropriate **legal obligations** for commercial food system actors.

However, we understand the Commission is *not* proposing to include any binding obligations for commercial actors in its legislative proposal. We are very concerned about the adequacy of this approach and its potential to drive the necessary food system transformation. This is even more disappointing given the introduction of "primary responsibility (strengthened due diligence) for food system actors" was an option presented during the public consultation and assessed under the Impact Assessment.³ This option must not be disregarded.

We therefore call on the Commission to include, **as a minimum**, the following key elements in its SFS Law proposal:

1. **Binding legal obligations on large and medium-sized 'middle of the chain' actors to ensure the sustainability of their operations and products.** Large and medium-sized middle-chain actors such as food processors, wholesalers, retailers and food service businesses should be legally obliged to ensure that their food operations and the food products they make available on the EU market are consistent with the sustainability principles and objectives enshrined in the SFS Law.

¹ ClientEarth, BirdLife, EEB & WWF, 2022, [Nature restoration and food security: Why bringing back nature cannot wait](#); Chang, K., Gunter, M. J., Rauber, F., Levy, R. B., Huybrechts, I., Kliemann, N., et al., 2023, '[Ultraprocessed food consumption, cancer risk and cancer mortality: a large-scale prospective analysis within the UK Biobank](#).' *eClinical Medicine*, Vol. 56.; Kornhuber, K., Lesk, C., Schleussner, C.F. et al., (2023) '[Risks of synchronized low yields are underestimated in climate and crop model projections](#)', *Nature Communications* 14, 3528; IPES-Food, 2017, [Too big to feed: Exploring the impacts of mega-mergers, consolidation and concentration of power in the agri-food sector](#); European Commission, (2014) [The economic impact of modern retail on choice and in innovation in the EU food sector](#).

² MSI Integrity (2020), [Not Fit-for-Purpose](#); Greenpeace International (2021), [Destruction: Certified](#); European Parliamentary Research Service, (2020), [Towards a mandatory EU system of due diligence for supply chains](#), European Parliament; Grunert, K. G., Hieke, S., Wills, J., (2014) '[Sustainability labels on food products: Consumer motivation, understanding and use](#)', *Food Policy*, Volume 44, pp. 177-189; Garnett, T., (2013) '[Food sustainability: Problems, perspectives and solutions](#)', *Proceedings of the Nutrition Society*, 72(1), 29-39.

³ Based on the draft version of the Impact Assessment published by Politico in March 2023.

2. **A time-bound process to enact binding minimum sustainability requirements for specific food sectors, starting with the food processing, wholesale, retail and food service sectors.** The SFS Law should include a time-bound obligation on the Commission to present legislative proposals to establish binding minimum sustainability requirements, applicable to both food operations and food products, for specific sectors. The SFS Law should specify that these minimum sustainability requirements must: build on the sustainability principles and objectives in the SFS Law; include comprehensive and objective criteria addressing the environmental, social, health and economic dimensions of sustainability; be based on independent and science-based sustainability and health benchmarks; and include criteria that will drive the transition to a clean, healthy, fair, circular and sustainable food system.
3. **Appropriate due diligence obligations to verify sustainability.** Completing an appropriate due diligence process is necessary to ensure that large and medium-sized food processors, wholesalers, retailers and food service businesses verify the consistency of their operations and products with the sustainability principles and objectives in the SFS Law. This process should be consistent with other due diligence requirements adopted or currently being developed at EU level and require relevant companies to gather reliable and verifiable evidence, assess the consistency of their operations and products with the sustainability principles and objectives, identify any risks of inconsistency and, if necessary, take steps to resolve them. Using third-party certificates or assurances must not replace the due diligence obligations or be taken as evidence of compliance. If necessary, secondary legislation could be used to establish detailed rules for uniform implementation by specific sectors in alignment with other applicable EU legal requirements.
4. **A robust enforcement framework and accountability mechanisms.** Member States should be obliged to establish independent and properly resourced authorities to implement and enforce the SFS Law, including companies' compliance with the new legally-binding obligations it should create. EU-wide implementation and coordination should be overseen and actively facilitated by the Commission. Member States should also be required to establish a complaints mechanism that allows interested parties, including consumers and civil society organisations, to trigger enforcement action in cases of perceived non-compliance and to have the law's implementation and enforcement reviewed under independent administrative or judicial procedures before national courts. The SFS Law should include robust transparency obligations for food system actors and Member States alike to publicly report on their implementation of the sustainability principles and objectives.

The SFS Law cannot end up being a declaration of good intent, but must mobilise the potential of commercial actors in shaping the transition to a sustainable EU food system. We remain at your disposal to discuss our recommendations.

Yours sincerely,

