



Report

Pathways towards a legislative framework for sustainable food systems in the EU



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EXECUTIVE SUMMARY

The combination of concerns about dietary health, the need to meet climate goals and achieve broader environmental sustainability as well as the UN Sustainable Development Goals (SDGs) have led to the widespread recognition that the ways food is produced and consumed in Europe are no longer tenable and that a transformation of the EU's food and agriculture sectors is required. The urgency of such a shift has only been reinforced by the Covid-19 pandemic. The need for a change in direction is recognised in the European Commission's Farm to Fork Strategy which commits the EU to a transition to sustainable food systems and the development of a legislative framework for sustainable food systems (SFS) to enable this to happen. The process for developing a new policy framework has been launched with the recent publication of the European Commission's inception impact assessment for a 'Sustainable Food System Framework Initiative'. Although this sets out four policy options, the purpose of this paper is to offer some outline proposals on what the scope and focus of the sustainable food legislative framework might be and how this might work in practice, identifying potential governance options.

The **role of a new SFS legislative framework** would be to create the conditions and drive the wide range of changes required to bring about the transition to sustainability within the web of EU food systems. Its key roles are threefold:

- to provide the guiding framework which outlines the direction of travel, sets out common definitions and principles and strengthens the collective effort to transition towards sustainable food systems in the EU;
- to provide the legislative basis, strengthened governance and new resources required to improve the coherence of existing policies and support additional efforts required beyond existing legislation and practice; and
- to add value to the policy processes being taken forward within both EU sectoral policies and the Member States where formal legal competence and practical expertise lie for many aspects of food supply and, even more, food consumption.

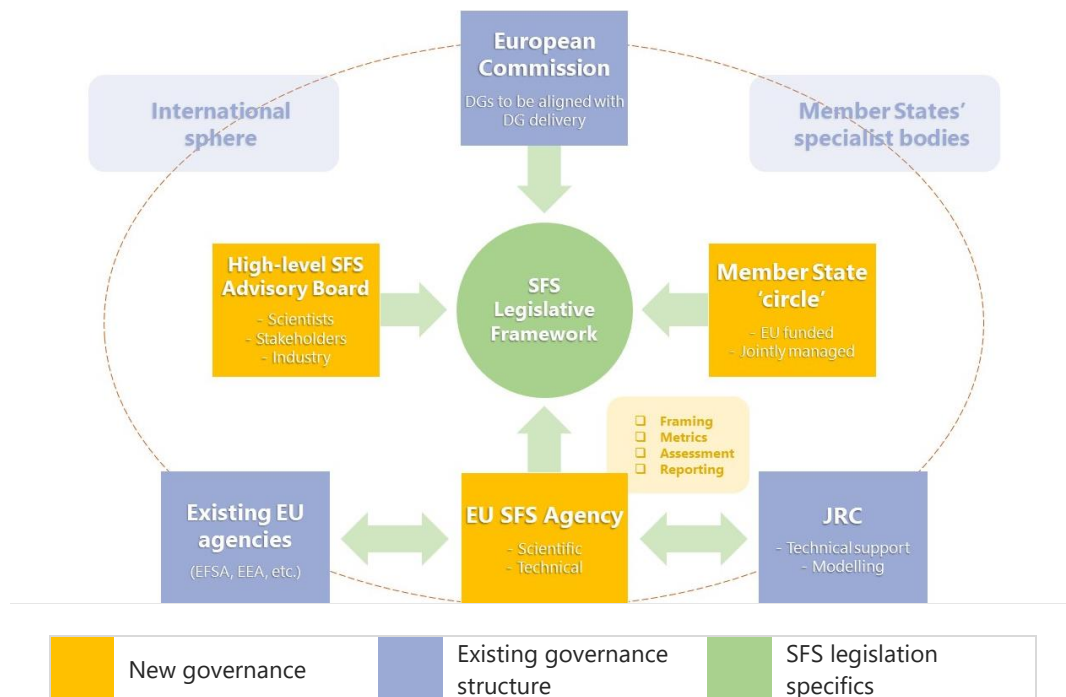
To achieve this ambition, **the scope of the SFS legislative framework** will need to cover food systems as a whole, meaning the entire chain from the inputs supplied to agriculture, aquaculture and fisheries, through the processing, production and distribution processes down to retail and food service outlets and the food choices made by consumers in different contexts. EU policy interventions tend to focus on food supply and food product issues, with less emphasis on consumption. However, creating the right environment within which consumers

can make sustainable food choices will be an important aspect of the transition. This underlines the importance of developing a collaborative partnership between the EU and Member States as many of the demand side policy levers are areas in which they have policy competence. In addition, the SFS legislative framework will need to have an international dimension with an explicit link to trade policy and practice, given that so many elements of EU food systems are connected with activities in other parts of the world. Although the scope of the SFS legislative framework necessarily would be broad, its focus would be to provide a strong cross-cutting mechanism, joining up relevant aspects of the various policies that could have an influence on the transition to sustainable food systems, ensuring coherence and removing inconsistencies.

One of the challenges in promoting a shift towards sustainable food systems, is the **lack of a common definition** of what this means either in law or in practice. There are risks to including a definition within the SFS legislative framework, as the process of political negotiation could lead to a science and evidence-based definition becoming watered down, open to interpretation and ultimately unworkable in practice. To avoid this, an alternative approach to making it operational might be through the development of a set of applicable criteria covering all the dimensions of sustainability. Either way, it would be helpful to establish a set of principles to which all sustainable food systems should adhere at whatever scale they operate. Whatever approach is taken, it is clear that some specificity about what is meant by 'sustainable food systems' will be required. Any definition and/or principles would have to be converted into more concrete parameters through mechanisms set up under the legislation, including the introduction of metrics designed to allow measurement of key characteristics, outcomes and changes over time. As well as setting the overall direction of travel, the SFS legislative framework will also have to set out the main outcomes and objectives it seeks to achieve, using these as the foundation for development more concrete, time-bound targets which would need to be in line with targets identified in relation to the Green Deal, Farm to Fork Strategy, the Biodiversity Strategy, climate legislation and public health.

Setting up the appropriate **governance structures** required to drive the transition towards sustainable food systems will be essential. There are a number of elements to this (see diagram). It is proposed that the key mechanisms would be the development and implementation of multi-annual Action Plans at both EU and Member State level. These would be designed in a complementary way and would cover allow for the inclusion of the full range of activities required on both the production and consumption side, respecting the different areas of competence of the EU and Member States and seeking a coherent EU level approach alongside the flexibility to address diverse conditions and food cultures.

Second, dedicated institutional support in the form of the creation of a new SFS Agency and a High Level SFS Advisory Board would help steer delivery and provide core services such as monitoring and reporting. Third, cooperation, engagement and public participation will be key, and suitable processes would have to be put in place to enable this to happen. The sharing of experiences and knowledge between Member States will also be key and some form of 'help-desk' or Member State 'circle' could help facilitate such exchanges.



Finally, there are a number of areas where new legal requirements would have to be put in place via the new SFS legislative framework where these go beyond the measures that are already in place in other policy instruments. Some key areas include:

- providing the mechanisms required to create coherence and consistency between the many policy areas and interventions that affect the sustainability of food systems, including requirements to revise other policies to remove elements that are inconsistent with sustainable food systems;
- the development of data and metrics to be able to measure and assess progress towards the sustainability of food systems, including requirements to report regularly on progress to ensure accountability and transparency;
- developing a new generation of EU sustainability standards aligned with the transition to sustainable food systems to complement existing standards, creating a harmonised EU baseline above which more specialised and voluntary standards could be built; and

- creating a provision to promote and explore important long-term questions and policy dilemmas on emerging topics where an EU-wide or multiple Member State approach is appropriate.

In conclusion, there is a growing corpus of scientific evidence that European food systems are not sustainable as they are (SAPEA 2021). Coordinated action to significantly re-set the course on several different fronts is now required with some urgency. The nature and scale of the issues and requirements for attaining sustainability point towards the need for a comprehensive and systems-based approach, rather than seeking to rely on piecemeal adjustments. Robust foundations will be required for a far-reaching strategy that brings together different strands into a coherent matrix of new and amended policies. For this reason, the transition needs to be underpinned by new binding legislation in the form of a SFS Legislative Framework. On these foundations could be built the much broader focus across multiple policy domains and in areas of both EU and Member State competency that will be required in the coming decades.

A holistic approach to food sustainability in Europe is not something that can be addressed by EU institutions alone, rather it requires the active participation of Member States and local bodies encompassing the public and private sectors as well as civil society. This requires new governance structures and a fresh willingness to cooperate and collaborate.

It will take time to assemble a fully coherent approach and to test it thoroughly with the large range of stakeholders with an interest. Making an early start is thus important. The challenges and options sketched out in this paper are presented as a contribution to the debate on the principle of introducing such legislation and its potential contents.

1. INTRODUCTION AND PURPOSE

The combination of concerns about dietary health, the need to meet climate goals and achieve broader environmental sustainability as well as the UN Sustainable Development Goals (SDGs) have led to the widespread recognition that the current ways we produce and consume food in Europe are no longer tenable and require urgent change (IPBES, 2019; IPCC, 2019; SAPEA, 2020; IFPRI, 2021). Agreeing a new approach is now a matter of urgency but it has been climbing the agenda since before the pandemic. In 2018, a paper from IEEP proposed that “A major transformation of the EU food and agriculture sector is necessary and involves the development of coherent and synergistic policies; a new contract between farmers and society; appropriate governance; alongside new approaches to addressing consumption as well as production” (Bas-Defossez et al, 2018). A follow up paper in 2021 showed that the changes required had become more pressing and critical to the delivery of climate mitigation targets (Meredith et al, 2021). The task of establishing an appropriate legal foundation for the transition ahead has since become a priority as the process of preparing new EU legislation has got underway during 2021¹.

The EU’s Farm to Fork Strategy, published in May 2020, commits to a transition to sustainable food systems, underlining the important interrelationships between health, ecosystems, supply chains, consumption patterns and planetary boundaries. This highlights that “a sustainable food system will be essential to achieve the climate, biodiversity and other environmental objectives of the Green Deal, while improving the incomes of primary producers and reinforcing the EU’s competitiveness”. The Covid-19 pandemic only served to reinforce these issues, bringing to the fore issues relating to the sustainability of current supply chain models, including areas of vulnerability and highlighting the importance of resilient, robust and sustainable food systems both from an economic and social perspective but also to minimise impacts on the natural world to reduce the risks of future pandemics (IFPRI, 2021; OECD, 2021a, b).

A key cross-cutting action announced in the Farm to Fork strategy is the development of a new EU legislative framework for sustainable food systems, due for publication towards the end of 2023. The European Commission’s inception impact assessment for a ‘Sustainable Food System Framework Initiative’ (European Commission, 2021) stresses the fact that the price and cost of food does not take account of the negative environmental and social impacts that

¹ The European Commission published its [inception impact assessment](#) for the Sustainable Food System Framework Initiative on 28 September 2021.

occur in their production and processing, meaning that that consumption decisions are driven by short-term economic costs, that disregard the longer-term environmental and social costs to society. To address this, it sets out four possible future policy options, one of which is comprehensive framework legislation on the sustainability of the Union food system. This appears the logical outcome of the analysis offered in the Farm to Fork strategy itself as well as in the inception impact assessment and it is the opportunities offered by this policy option that form the focus of this paper.

The purpose of the EU initiative as a whole is stated as being “to make the Union food system sustainable, whilst ensuring the integrity of the single market and promote a global transition based on common objectives and sustainability criteria” with a more specific objective of ensuring that “all foods placed on the EU market increasingly become sustainable”. A range of sub-objectives are also outlined which cover: enabling better policy coherence at EU and national level; mainstreaming sustainability in all food-related policies; strengthening the resilience and sustainability of whole food systems including its production, distribution and consumption; and avoiding the externalisation of unsustainable practices.

This proposed sustainable food systems (SFS) legislative framework has the potential to address the transition towards sustainable food systems in a holistic way. It can achieve this by providing an overarching framework for addressing common sustainability challenges relating to production, processing, distribution and consumption in a coordinated and collaborative way as well as setting the direction for the effort required, not least within the food industry and in individual countries.

It provides an opportunity for the EU to show leadership in this area, working collaboratively with Member States to stimulate action and provide the governance structures and EU policy levers to enable a transition to greater sustainability and improved resilience. However, it needs to be sufficiently flexible to enable Member States to take the actions that are best suited to their situations, particularly given that there is no EU competency for many of the policy levers that Member States will need to use to address consumption challenges. More than in many other spheres of EU intervention it needs to be sensitive to the cultural traditions and diversities within the Union and to take an inclusive approach to changing perceptions and mindsets. Getting the impressive range of different actors within the food system on board will be the hallmark of success.

The purpose of this paper is to offer some outline proposals on what the scope and focus of the sustainable food legislative framework might be and how this might work in practice, identifying potential governance options.

After setting the context (section 1) and highlighting the urgency of moving towards more sustainable food systems (section 2), the paper sets out what the role (section 3) and scope (section 4) of the new SFS legislative framework could be. Section 5 focuses on the question of defining sustainable food systems and the principles that underpin their achievement and Section 6 on the setting of objectives and targets. Proposals for a new governance structure to enable the transition to more sustainable food systems and to enable to successful implementation of the SFS legislative framework are set out in Section 7, before turning to some of the more specific interventions that would be required as part of the legislation in Section 8. Chapter 9 provides the key conclusions and recommendations.

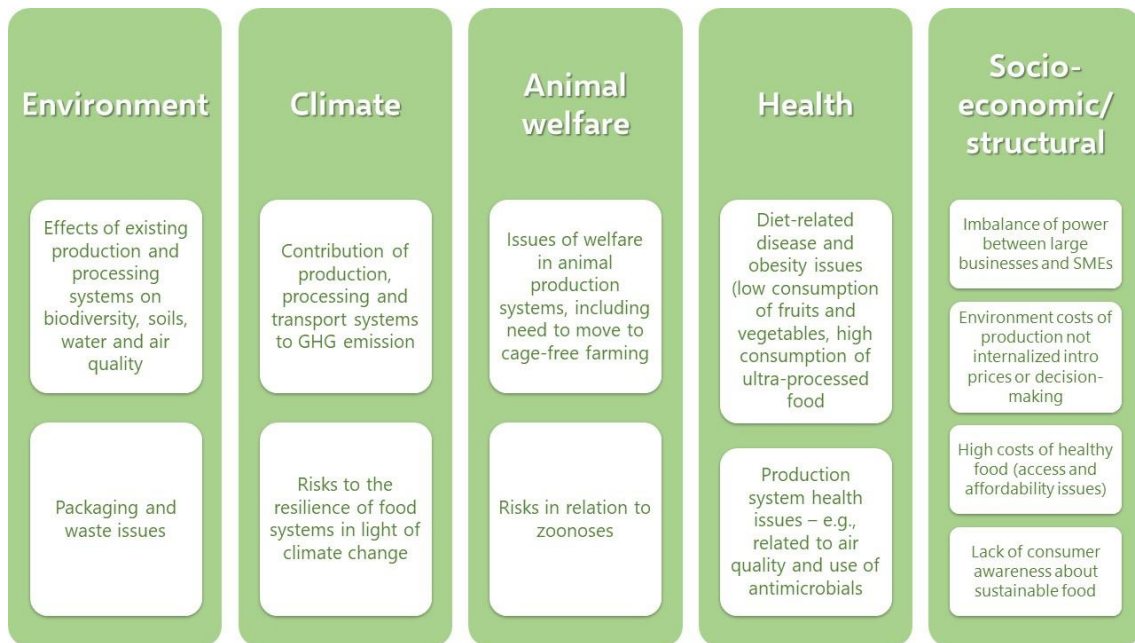
2. WHY AN URGENT TRANSFORMATION OF FOOD SYSTEMS IN EUROPE IS REQUIRED

There are many factors that lead to the current economic, social and environmental unsustainability of food systems. These have been rehearsed in detail in various papers and reports in recent years and recognised in the Commission's inception impact assessment (IPBES, 2019; IPCC, 2019; SAPEA, 2020; European Commission, 2021; IFPRI, 2021). They demonstrate considerable consensus on the need for urgent action, which has been reinforced by the Covid-19 pandemic. A summary of some of the key issues and their drivers is set out in Figure 1 and covers issues related to the environment, climate, animal welfare and health as well as social, structural and economic issues such as those relating to trade, sustainability labelling and standards, the accessibility and affordability of sustainably produced food and concentration of power within the sector.

Given the challenges highlighted here, it is clear that the focus of the proposed legislation on systems rather than individual segments of the supply chain is appropriate and that the framing needs to be sufficiently wide to capture the full range of interlocking issues. Furthermore, new approaches in the EU have to be considered and implemented within a global context so that they do not drive environmental or social damage elsewhere. Seeking to address consumption and supply issues together in a more holistic way is more demanding than the more established focus on the supply side within the EU and will require greater willingness to innovate but it is central to a coherent systems approach. To achieve an effective transition in practice therefore will require significant collaboration between different actors and at different levels of governance, covering, amongst others, policy makers, the many industries in the food chain, land managers, academics, educators and civil society. For most it will require some fundamental changes in mindsets and behaviours, and a rethinking of business models.

At present, major changes of direction are signalled in a number of key EU strategies, proposals and draft legislation that are on the table. They include the Farm to Fork strategy, the wider Green Deal, the Fit for 55 climate package, including the new EU climate law, but there are few corresponding measures on the consumption side and where these do exist (e.g. the review of promotion policy) they generally remain product-related rather than consumer-focussed. The publication of the inception impact assessment for a new Sustainable Food System framework initiative signals that now is the time to initiate the debate on what form this might take and what is required at a more concrete level.

Figure 1: Key factors influencing the unsustainability of European food systems



3. WHAT ROLE FOR A NEW SFS LEGISLATIVE FRAMEWORK IN LIGHT OF THE SUSTAINABILITY TRANSITION REQUIRED?

Given the issues highlighted above, the role of a new SFS legislative framework would be to create the conditions for bringing about the transition to sustainability in the web of EU food systems over a given time period. A successful transition will require a wide panorama of policy interventions and initiatives. Some of the changes required may occur without changes to the current policy framework as fresh information and knowledge is made widely available. Many will be brought about by voluntary initiatives and adjustments in the market. Other changes will need to be driven by the development of existing policies and the work of institutions that are in place already. However, these alone will not be sufficient. A broader, more over-arching frame and set of drivers is required.

The limitations of voluntary measures are clear from the data revealing trends in diet related health issues, environmental degradation, the gap remaining between current GHG emissions from the food system and those needed to meet net zero and other indicators. There are a number of structural factors to overcome, such as the relatively higher costs per calorie of healthier foods and the profitability of producing food to current standards. The independent National Food strategy in England suggests that mandatory measures can be more successful in influencing diet and observes that "For sound commercial reasons...companies invest more money into researching, developing and marketing unhealthy foods" (Dimbleby, 2021)

The key purpose of new SFS legislation would be to drive the wide-ranging set of changes required to achieve sustainable food systems. To do this it has three overarching roles as follows:

1. To outline the **direction of travel, strengthen the collective effort and ensure policy coherence** to transition towards sustainable food systems in the EU;
2. To provide the **legislative basis, strengthened governance and new resources** required for the additional efforts required beyond existing legislation and practice;
3. To **add value to the policy processes being taken forward within both EU sectoral policies and the Member States** where formal legal competence and practical expertise lie for many aspects of food supply and, even more, food consumption.

More specifically, a new legal framework should play a pivotal role in the following areas:

1. It should create the wide **guiding framework** which:
 - a. sets the overall direction of travel and strategic goals, alongside more specific objectives and targets with the dates by which certain levels of sustainability will be met;
 - b. sets out common definitions and principles to clarify what is meant by sustainable food systems and sustainable foods and translate broad sustainability concepts into deliverable outcomes;
 - c. requires coherence and consistency between policies that are relevant to sustainable food systems, linking the many strands of intervention in the multiplicity of areas where action is required;
 - d. requires the necessary actions to be taken to allow the transition to sustainable food systems to be measured, assessed and made transparent and accessible (e.g., putting in place the necessary monitoring and reporting requirements – such as the publications of an annual report on progress towards SFS - as well as the development of appropriate metrics;) and
 - e. specifies the essential elements required to ensure the greatest possible transparency in this far reaching and unavoidably complex undertaking - this would include a high level of openness in all the bodies concerned and active steps to engage not only the Brussels stakeholders but a much larger community reaching out to the Member State and regional/local level.

2. It should provide the **legal foundations** for:
 - a. specific new actions required, for example:
 - the development, review and revision of new EU and Member State Action Plans and their relationship with other policy instruments - see Section 7 for detailed proposals;
 - the introduction of new sustainability standards applying to whole systems or components of systems - see Section 8 for specific ideas;
 - to provide for the introduction of time-limited and strategic EU “thematic” future food initiatives covering multiple Member States or the whole EU and to supplement actions under Member State Action Plans as and when they are required - for example to accelerate the transition to a more sustainable pattern of livestock production in the EU or to advance reductions in food waste on an EU scale;
 - b. filling the many gaps in the current patchwork of different rules and laws and tackling the inconsistencies between policies to create the more coherent and comprehensive approach that sustainability requires. Some of these gaps might be rather specific, others more systemic: many existing

policy measures focus on individual links in the food chain, such as farms or retailers but to date there has been less policy emphasis on food chains as a whole.

3. It should provide the basis for putting the governance systems in place that are tailored to this very particular challenge. Such systems should support and advance the achievement of the objectives of the SFS legislative framework at EU level and in close collaboration with Member States (see proposals in Section 7).
4. It should set rules for the new EU **funding** element of the system and, insofar as it is necessary, to create a new line of expenditure within the existing and future MFF to supply the funds required, some of which would fall within the Common Agricultural Policy (CAP).

4. SCOPE OF THE SFS LEGISLATIVE FRAMEWORK

An important step in bringing about the SFS legislation is to decide on its scope. This requires some clear choices.

To live up to the role envisaged above, the SFS legislative framework will need to cover food systems as a whole, meaning the **entire chain** from the inputs supplied to agriculture, aquaculture and fisheries, through the processing, production and distribution processes down to retail and food service outlets and the food choices made by consumers in different contexts. This is necessary to achieve effective coverage of, and leverage over, the multiple decisions made within the complex web of activities that make up sustainable food systems and to pursue the core objectives in a coherent way. Box 1 sets out some of the strands that must be covered, noting that there is some overlap between them. Here strands are identified on the basis of different material inputs, production processes, foods at the stage they enter consumption and related management choices in supply chains and in the home.

Whilst most EU policy interventions are on the food supply side of the equation, a balanced approach to sustainable food systems needs to include a significant element of involvement in the demand side too, providing support for healthy, affordable and **sustainable choices by consumers**. Without changes in consumption patterns, neither environmental nor health objectives in Europe can be reached. Consumption issues, with their important socio-cultural as well as economic dimensions, need to come within the ambit of the legislation. Creating the right environment for making food choices, for example in supermarkets, is one of a range of elements to be considered. One consequence of this is that many matters where Member States have partial or exclusive legal competence will come within the scope of the SFS legislative framework. This in turn underlines the importance of creating a partnership between the EU and Member States to deliver shared goals and outcomes, create and bring to life the actions arising from the legislation, with a high degree of shared ambition, strong stakeholder participation and embedded mechanisms to promote co-operation and exchange. A simple top-down model with Member States doing no more than complying with obligations and strategies created at EU level will not be credible or sufficient.

Box 1: Selected Areas where action is required in the move towards sustainable systems

Changes in specific production processes and related land uses in the EU to comply with forthcoming EU legislative sustainability requirements, e.g., the reduced use of pesticides, the increase in the area under organics and the switch to cage free pig and poultry systems. These changes imply different land requirements, changes in production intensity, altered input requirements and other systemic changes.

The basic raw materials and manufactured inputs utilized on farms and in other parts of EU food systems need to be produced in a sustainable way. This includes the raw materials, such as livestock feed, inorganic fertilisers, other chemical inputs used on farms, the water and energy deployed at all points in the system etc. Both domestically produced and imported materials should be covered.

The food, livestock feed, fibre and related products from farms, aquaculture and fishing activities need to be produced sustainably. This includes:

- reducing the global and local environmental footprints of different agricultural, aquaculture and fishery outputs and combinations of outputs;
- utilising only certain inputs and technologies to produce these crops, livestock products and fish;
- meeting increasingly ambitious environmental and social requirements specified in law;
- avoiding production in certain sensitive locations;
- Contributing to the restoration of biodiversity
- Respecting good working conditions and contributing to fair livelihoods.

This applies to both domestic and imported foods. Both terrestrial and marine production needs to be covered.

Tightening of sustainability requirements in the processing, production and distribution processes in the food chain. In this sense, sustainability includes the transition to fully circular production systems, the avoidance of waste, the pursuit of resource efficiency etc. Certain materials, such as unnecessary packaging, excess levels of energy, water, wasted ingredients etc need to be removed from the systems where they arise currently. The extent of transport used, the modal pattern and the environmental footprint of the logistical operations as a whole need to be addressed. These chains extend into the home, to restaurants, and catering facilities.

Fostering healthy diets e.g., through improvements in the food environment experienced by consumers and in the formulation of food (e.g., sugar, salt, fat content), potentially lowered consumption of ultra-processed foods and improving the combinations of materials and products, made available. This points to changes in the physical and digital presentation and marketing of foods.

A new alignment between food production in Europe and the revised dietary patterns recommended to improve public health and well-being. This will be a

significant shift towards animal products and more plant-based products, especially fruit and vegetables (Willet et al 2019). Sustainable levels of fishing need to respect not only maximum sustainable yields but also management strategies that lead to the recovery of fish populations and wider marine biodiversity. The shift is required for a combination of environmental and health related reasons, and is a different and complementary challenge to making individual food products sustainable. There are structural implications, involving significant change in some enterprises but none in others. Adjustments to both supply and demand would be driven by a combination of policy initiatives and market dynamics. Imports and exports will continue but patterns will change and there may be a reduction in the total quantity of certain foods produced in Europe and an increase in others as the system adjusts to changing conditions and dietary requirements.

The main focus of interventions under the new legislative framework will be within the EU. However, many elements of the overall EU food system are connected with activities in other parts of the world. These include imports and exports of agricultural inputs, such as fertiliser, seeds, agrochemicals and a range of livestock feeds, trade in agricultural commodities, processed foods, fish products, beverages etc. Important players in the food system include large multinational companies actively developing and promoting products for the global market, helping to shape food choices and cultures as well as the development of critical technologies, such as meat substitutes. In addition, there are significant institutional factors outside the EU as well, such as the role of global food standards, including CODEX Alimentarius, and of bodies such as the World Trade Organisation (WTO). Some of the most sensitive sustainability issues arise in relation to traded products, such as fish, crops and livestock produced in countries where deforestation is occurring, and meat produced in systems relying heavily on antibiotic use.

For these reasons the SFS legislative framework needs to include **an international dimension**, with an explicit linkage to trade policy and practice. This would take account of the impact of EU exports on sustainability in other countries as well as imports within the EU. Assessing the sustainability of foods and supply chains with confidence is not possible without a full understanding of their lifecycle and the issues arising outside the EU where a significant section of the supply chain may be located. This has consequences for the processes of monitoring, data acquisition, assessment, certification, labelling and allocation of responsibilities between different actors. The role of traders as well as primary producers and processors should not be underestimated. There are also implications for sustainability standards. As these rise in the EU, for example in response to Net Zero policy, there may be a larger gap between them and those in countries

exporting food and feed to Europe. If the gap is large enough to reduce EU competitiveness for certain products and so increase imports this could become problematic, undermining the effectiveness of the standards themselves, reducing the livelihoods of EU producers and increasing output in countries where the environmental footprint is greater. Trade policy measures potentially available to prevent such an outcome include the application of core EU sustainability standards to imports (sometimes known as mirror clauses), an issue already starting to get some attention (see Baldock 2020).

Even accepting the need for a global approach, in principle it would be possible to confine the SFS legislation to terrestrially derived foods and exclude those from marine environments on the basis that many of the issues are different, often are rather specific and in many respects are addressed via separate sectoral policy measures. However, **aquaculture, fish and other marine products** are a significant source of nutrients and proportion of the diet for a sizeable number of people. Improved sustainability is critical in this sector and already it can be challenging for consumers to make informed choices. It would be helpful to co-ordinate sustainability metrics, assessments, data collection and labelling for marine products with those for other foods. More sustainable diets may include some substitution between marine and terrestrial foods and there is a logic in having an integrated approach, with a number of common goals and mechanisms without seeking to displace the role of sectoral policies, such as the Common Fisheries Policy (CFP).

The Farm to Fork Strategy is the key policy initiative forming the background and rationale for the SFS legislative framework. The strategy it proposes is wide in scope but there is relatively little focus on **farm animal welfare**. However, in the period since it was published improved welfare has been accepted as a greater priority for the EU. In June 2021, following a vote in the European Parliament, the European Commission undertook to bring forward by 2023 draft legislation that would be designed to bring about the end of cages in livestock farming in the Union by the end of 2027. This has significant implications for an important part of the food chain, whether or not it is considered integral to increased sustainability. It adds a further flank to the F2F frame and the process of transition in agriculture. Including improved farm animal welfare within the scope of the SFS legislation therefore would be logical.

Whilst there are potential drawbacks to widening the scope of the SFS legislation too far and creating an unwieldy structure, the benefits of creating a relatively comprehensive frame are considerable. It would signal that sustainability and public health are the core principles of food policy and apply across the board. The scope for conflicting initiatives would be reduced and the opportunities for

synergy and coherence increased, especially if an effective governance structure is put in place (see below).

On this model, the SFS legislation would provide a strong cross-cutting mechanism, joining up relevant aspects of the various policies that could have an influence on the transition to sustainable food systems (see the figure below for some examples of the range of policies that would be affected). A key role of the SFS legislation would be to require coherence of all relevant policies with sustainable food systems and the phasing out of any inconsistencies.

Figure 2: Range of policies that are relevant to the transition to unsustainable food systems

General Food Law & other food safety policies	Nutrition and public health	Agricultural and related land use policies	Fisheries and aquaculture policy	Bioeconomy and renewable energy
Environment	Climate mitigation and adaptation	Animal welfare	Circular economy, waste reduction	Industrial policy
Unfair competition	Sustainable finance taxonomy	Taxation	Education	Food promotion
Public procurement	Social welfare	Research and Development	Trade	International Development Aid

These different policy strands would not be supplanted by the new legislative framework, but it would bring them together within a common frame so that they supported the key EU objectives relating to SFS in a coherent way. Most of the actions required to deliver more sustainable food systems would be put in place within these sectoral policies but there would be additional policy mechanisms derived directly from the SFS, providing some of the motors for designing, generating and monitoring change.

In the following three Sections we now turn to considering some key elements that should be included in the SFS legislation. We focus particularly on general principles and definitions, governance, and some more specific mechanisms such as setting sustainability standards. These are all important elements but certainly not a comprehensive list. Other elements will be needed in the legislation as well.

5. DEFINITIONS AND GENERAL FOOD SUSTAINABILITY PRINCIPLES

There is currently no common definition or understanding of what is meant by the term 'sustainable food systems' in law or in practice. To provide clarity, increase the functionality of the legislation and ensure that all relevant actors are working towards the same outcomes, the new SFS legislative framework could either define this term or adopt an alternative approach to making it operational, through the development of a set of applicable criteria covering all the dimensions of sustainability for example. Either way, it would be helpful to establish a set of principles to which all sustainable food systems should adhere at whatever scale they operate. This will provide the framing for a clear set of outcomes that the EU seeks to achieve.

There are several definitions that have been developed in recent years (FAO, 2018; Hoes et al, 2019; SAPEA. Of these, the SAPEA Consortium's Evidence Review Report on Sustainable Food Systems adopted a working draft definition of a sustainable food system for the EU as one that:

"provides and promotes safe, nutritious and healthy food of low environmental impact for all current and future EU citizens in a manner that itself also protects and restores the natural environment and its ecosystem services, is robust and resilient, economically dynamic, just and fair, and socially acceptable and inclusive. It does so without compromising the availability of nutritious and healthy food for people living outside the EU, nor impairing their natural environment" (p68).

It is unclear whether a general definition of this kind is required in new legislation or whether it would be better to refer to the web of existing definitions and targets that have been or are being adopted, for example in the Green Deal and the SDGs. One concern with having an umbrella definition in the framing legislation is that it is in danger of attracting a disproportionate amount of attention in the political negotiations preceding agreement, and the final compromise wording in such situations can be cumbersome, perhaps deliberately open to interpretation and ultimately unsatisfactory.

However, some specificity will be required of what is meant by sustainable or "more sustainable" or "healthier" in different aspects of the food system and the new legislation can clarify this by reference to definitions and standards that apply already as well as setting up new processes to develop sustainability standards for example (see below). It may also need to set out new standards quite explicitly. There are good arguments for specifying a healthy "reference diet" for example

(Dimbleby, 2021; Willet et al, 2019). In all cases a solid scientific basis will be important to establish robust definitions.

It is also important to clarify that “sustainable” is meant in a broad sense, including social, environmental and economic and including a global dimension. This could be set out in the Preamble section of the legislation or the main text or both. For this purpose, the SAPEA wording, drawing on the work of scientists, seems a helpful starting point if not the final solution in developing general language and more specific definitions in the text.

Like other reports on this subject, the SAPEA paper highlights that there is no one generic food system in the EU, rather there is diversity of different systems and cultures which vary according to different regional contexts. These are complex adaptive systems and therefore articulating a series of principles which should apply to all food systems, at whatever scale they operate, may be more helpful than trying to capture everything in a single definition.

Building on the principles set out in the SAPEA report we propose that the following principles should be included within the SFS Legislation.

Sustainable Food Systems should:

1. Provide and promote safe, nutritious and healthy food for all current and future citizens in the EU without compromising the availability of and access to safe, nutritious and healthy food for current and future people living elsewhere;
2. Provide food security without harming the environment in the EU and beyond its borders and in a way that contributes to its protection and restoration;
3. Ensure a healthy environment in other territories and for future generations;
4. Be robust and resilient in order to produce food sustainably and contribute to addressing the challenges of climate change and biodiversity loss and the sustainable management of other key resources and components of the biosphere, such as water, soil and air;
5. Be sustainable in social and economic terms, resilient to price shocks and other crises, and responsive to social inequalities and other forms of injustice;
6. Enable local food cultures to flourish and encourage engagement with local communities and consumers more generally;
7. Enhance the food environments in which consumer choices are made to encourage healthy, just, affordable and sustainable outcomes.
8. Increase the transparency of food systems and the accountability of actors within it, both within the EU and beyond.

Whilst principles of this kind are unavoidably broad in scope, they would be converted into more concrete parameters through the mechanisms set up under the legislation, which would include the introduction of metrics designed to allow measurement of key characteristics, outcomes and changes over time. These would include both measurable characteristics, such as the GHG footprint of particular foods and more qualitative/judgement-based criteria set by public bodies and consultative processes established under the legislation. Some of these metrics could be revised and/or amplified over time.

6. OBJECTIVE AND TARGET SETTING

The SFS legislation should set out the main outcomes and objectives being sought, referencing relevant definitions as required. It is suggested that, at the broadest level, these objectives could be:

- The attainment of sustainable food systems within the EU;
- More specifically, meeting the relevant goals of the Farm to Fork and associated strategies by 2030; and
- Attaining much improved levels of sustainability by say 2040, noting developing commitments, including for GHG emissions reductions, etc.

These would be the foundation for the fixing of more concrete time-bound targets, which would need to mesh with Green Deal, Farm to Fork and Biodiversity Strategies, climate and public health improvement targets wherever relevant. An example might be that x% of the food produced/consumed in the EU would be in categories meeting the “sustainable” criteria by 2030. There could also be specific consumption targets for example by 2030, 70% of EU citizens consume a healthy diet, according to WHO guidelines or 30% more fruit and vegetables eaten and 30% less meat by 2032, an approach proposed in the recent independent English National Food Strategy (Dimbleby, 2021). Targets for emissions reductions for key components of the food system could be developed alongside separate targets for sequestration. There is also a potential role for sectoral policy targets such as 60-70% of CAP subsidies to be used to reward and incentivise sustainable land management outcomes by 2030 (Charveriat et al 2021).

More detailed targets could be set in timebound Action Plans rather than in the basic law itself, which might make the new SFS easier to agree in the first place. One compromise would be to fix the initial supply side, generic sustainability target(s) in the basic EU law and develop the health and consumer objectives in the EU and Member State Action Plans.

7. THE QUESTION OF GOVERNANCE

One of the key roles of the SFS legislative framework will be to set out the governance required to drive forward the transition towards sustainable food systems. This occurred previously in the case of the 2002 General Food Law Regulation (Regulation (EC) No 178/2002) which set up a number of structures and mechanisms, including a new EU agency, EFSA (the European Food Safety Agency). Some ideas on the different governance structures and ways of working required for a holistic and systems focused approach are set out below.

7.1 Essential structure

The SFS legislation would set up a new structure, laying down the objectives being sought, the accompanying definitions and ways of translating general goals into more concrete actions. It would establish new processes and means of co-ordination between different policies and entities-and there would be new bodies and mechanisms, including funds, created to enable the desired outcome.

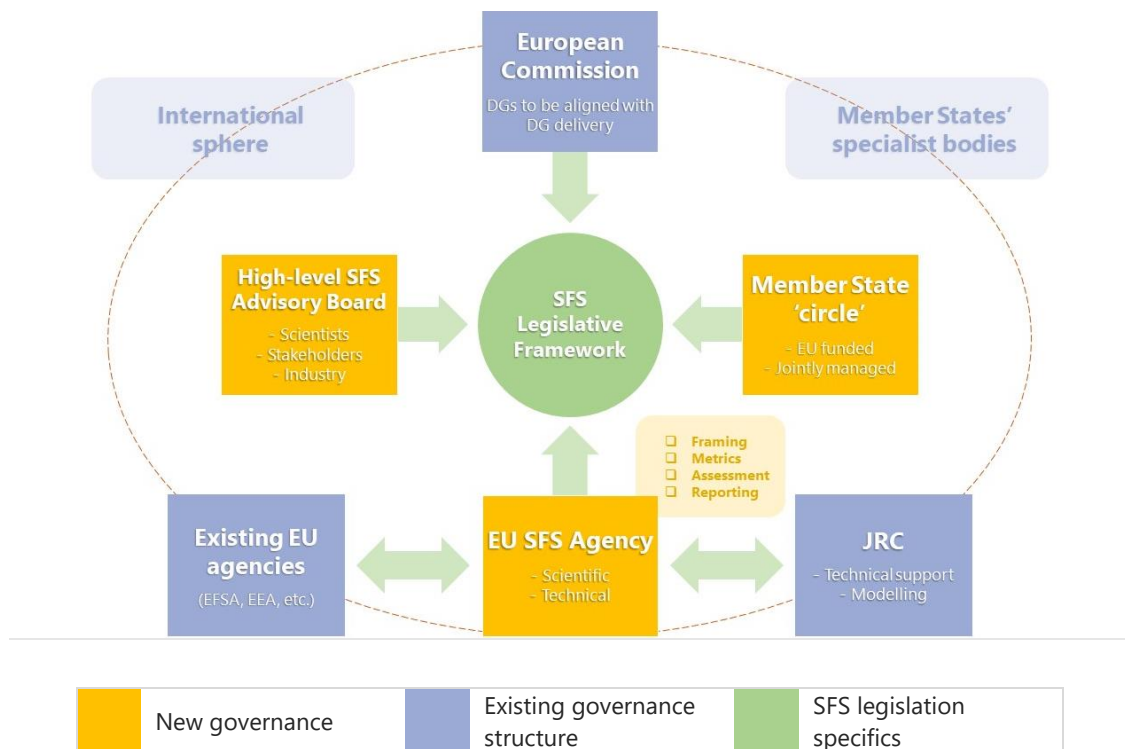
The main mechanisms for driving forward progress could be multiannual Action Plans at both EU and Member State levels. These would be designed to mesh together to cover the full range of legal competences and political legitimacy required, seeking a coherent Union level approach alongside the flexibility to meet diverse conditions and food cultures. They could have a duration of either five or seven years. A five-year cycle would allow them to be reviewed fairly frequently whereas a seven-year cycle would allow alignment with the EU budget cycle. They would be renewed and revised on a regular cycle, creating a dynamic for progress and keeping abreast of new goals, technologies and scientific insight. A more detailed sketch of how these Plans might work is set out in 7.2 below.

Such action plans would reduce the burden of detail required in the new primary SFS legislation and make it easier to agree within a reasonable period. The roles and rules for the Action Plans would be in the primary SFS legislation. Given the need to launch the first EU Action Plan soon after the SFS legislation comes into force it would be desirable for this to be developed in parallel to the legislation with the aim of getting it agreed at the same time or very soon afterwards.

The second key element of the new governance arrangements would be the creation of well-designed, dedicated institutional support to help drive delivery and provide core services such as monitoring and reporting. This would include a new bespoke Agency and a High Level SFS Advisory Board. These are described further in Section 7.3 below and shown in outline in Figure 2.

A third critical aspect of the new SFS governance would be the high priority given to cooperation, engagement and much enhanced public participation. Appropriate processes and arrangements would be established in the new legislation to ensure that this ambition could be delivered in practice. Some specific proposals are developed further in Section 7.4 below.

Figure 3: Proposed governance structure to accompany the SFS legislative framework



7.2 Developing and applying Action Plans

Delivery of the objectives in the SFS law requires a wide range of initiatives and coordination mechanisms across many different policy sectors, introduced and applied in a coherent way. EU and Member State elements need to move forward in concert, while respecting the different competences and political processes involved. One way of achieving this would be via dedicated SFS Action Plans which would be time limited and renewed regularly, perhaps every five years. Renewable plans would keep the focus on a sequence of related actions, starting with the most pressing issues, allow adaptation to lessons learned and to new developments, including scientific knowledge and technological innovation. Some lessons could be learned from experience with the development of CAP Strategic Plans, although the latter are much more focused on the expenditure of

EU funds, which would not be the main objective of the proposed SFS Action Plans.

A number of the most important measures that could be developed under the Action Plans are set out in Section 8 below.

In terms of structure, two interlocking types of Action Plan would be created:

- I. **An overall EU Action Plan (EU-AP)**, with its own timebound targets, timetable, measures to be adopted and implemented, governance, reporting regime etc. It would provide the primary mechanism to deploy EU policies to advance towards the given targets and launch the accompanying initiatives that will be required to secure progress. The first draft EU-AP should be developed and presented in parallel to the primary SFS legislation and launched as soon as possible after the legal foundation had been adopted. The legislation would need to spell out how the EU-AP is to be agreed, reviewed, revised and ultimately replaced by its successor. The main themes to be addressed in Action Plans would be specified, allowing for revision over time. The SFS legislation also would set out the relationship with MS Action Plans (outlined below) and with other EU policy e.g. rural development interventions under the CAP. It would be subject to evaluation and review every five or seven years. Where relevant, the role and sources of funding required to deliver elements of the EU-AP would be set out and, possibly, a new budget line created if this is necessary. A number of core EU activities would be undertaken within the ambit of this EU-AP, such as the co-ordinated development of sustainability standards, new measurement and data requirements, measures to engage/direct/guide the private sector, specific forms of innovation, research and communication. It would be the umbrella for the Member State Action Plans but these would extend more broadly, especially on the demand side, whereas the EU AP would probably be more supply side focused, while still embracing food systems as a whole.
- II. Associated, but not simply subsidiary, **Member State Action Plans (MS-AP)**. These would help to frame and drive indigenous mechanisms as well as apply EU policy nearer to the ground level. These would need to be adopted by Member States within a certain time period. They would be renewable and last for five years. There would be some compulsory elements which would be common to all plans so that there was a coherent EU wide approach and reasonable protection for the Single market and level playing field, alongside more diverse elements and measures selected by Member States to meet their own priorities, resources, institutions and culture. Measures would not necessarily be national in scope, some may be regional or more local or aimed at particular groups within society with particular needs. A certain level of

governance e.g., public participation would be obligatory. There would be incentives to support and to encourage the more demanding aspects of transition and to encourage innovation, ambition and cooperation. The plans would build on existing strategies and plans emerging in some Member States, such as Denmark and France. They might include more detailed targets in appropriate areas of policy e.g., improving critical aspects of the food choice environment faced by consumers in supermarkets, canteens and other venues, reducing food poverty, improving diet related education, strengthening of public procurement rules, changes in rural land use etc. Issues such as alterations in VAT rates to encourage a switch to sustainable foods and other taxes or domestic measures could be addressed within the wide frame of what is permissible under EU law. These plans would draw on some common elements e.g., EU targets, common EU sustainability standards, required stakeholder participation, access to the range of relevant EU funds, reporting, metrics etc. There would be scheduled reporting and review processes. To avoid inappropriate, onerous and politically contentious approval processes, these MS-APs could be presented to the European Commission or to the new SFS Agency (see below) for a relatively light and rapid review process with the aim that they would be recognised as both compatible with EU law and with the EU-AP. They would not need to be approved in any wider sense. However, some form of mechanisms to ensure accountability would be required at EU level so that sufficient action is taken at both EU and Member State level and within a specified timeframe, given the urgency for change highlighted above. Some process of review or accreditation seems necessary to ensure legal consistency and to provide a sound basis for providing EU co-funding of those measures which were eligible for such funding. Such measures might include specific forms of targeted transition funding, support for applying high standards of public engagement, pilot projects etc. Large scale EU funding for measures in these MS-APs is not envisaged but some level of EU support would be helpful and would represent a contribution to cohesion within the Union, helping to resource measures in less affluent Member States. A system of financial incentives for more ambitious approaches could be built into this structure. For example, higher co-funding rates could be made available to support MS with the greatest challenges, such as above average food poverty and there could be some competitive funding lines for front runners to encourage ambition.

7.3 Steering and advisory bodies

The complexity of putting a food systems-based approach to greater sustainability in place on a European scale is not to be underestimated. It will require a well-honed matrix of co-ordination, data management, marshalling

scientific evidence, social and market tracking and timely cross-cutting actions. It suggests the need for supplementary institutional capacity to amplify and reinforce the work of existing bodies, all of which will continue to have their place in assisting the transition to more sustainable food systems. Examples in other fields of complex or technical EU policy, such as the regulation of chemicals, underline the value of institutional innovation, such as the creation of the European Chemicals Agency in Helsinki.

The development of sustainable food systems is a slightly different challenge requiring an exceptional combination of different themes, disciplines, policies, diverse economic actors and social dynamics. A greater than usual degree of both horizontal and vertical coordination is needed. At a global level a debate about whether to create a new “IPCC for Food”, potentially a form of science-policy interface, has been gathering momentum in the context of the UN Food Systems Summit this year.

Within the EU the strong tradition of new specialist agencies taking on technical and scientific tasks in an independent way. Although some might consider it would be easier in the short run simply to continue with the present institutional architecture, for example by simply extending the current remit of EFSA, a willingness to innovate and create a new body, with a fairly lean architecture, seems more appropriate for the ambitious objectives and cross-cutting issues considered here.

Given some readiness to depart from the status quo there are many options. At EU level, the array of issues that must be addressed as part of the transition to sustainable food systems are the responsibility currently of multiple DGs of the Commission, with overall responsibility sitting with DG SANTE, responsible for health and food safety. DG SANTE is working actively with other DGs, JRC and others to develop the options for the new legislation, including the publication in September of the Inception Impact Assessment (European Commission 2021) and there is clear momentum. Nonetheless, without criticism of any of the current actors, it seems reasonable to consider whether changes within the organisation of the European Commission and European Parliament might be helpful to allow such a cross-cutting agenda to be pursued in the most effective way. For example, there could be a case for some reorganisation within the Commission to reflect the considerable ambitions of the Green Deal, with one DG having broader responsibilities for the food system as a whole, potentially including agriculture. Such choices would lie with the Commission and similarly with the European Parliament.

However, other changes in governance could be achieved through the requirements of the new SFS legislation and our primary focus here is on the

potential for innovation at the EU level to support the existing institutions. Here we outline the case for three closely related additions to the existing architecture, shown diagrammatically in Figure 2.

First, it would be efficient to bring together authoritative and independent expertise on the more technical, scientific and data dependent issues facing the journey to sustainable food systems under one roof. This is the argument for creating a new, slimline independent EU **Sustainable Food Systems Agency** with a primarily technical and scientific expertise and corresponding staff. As with other EU agencies, accountability could be ensured by a governing body, including both Commission officials from the relevant DGs and some representation of Member States and the European Parliament.

The role of the SFS Agency would be to support and facilitate the operation of the whole sustainability transition at the more technical and scientific level as well as the bodies ultimately responsible for delivering it, including the European Commission and Member States. Once it was established, its expertise would feed into the design and review of the Action Plans and consultation machinery and the different forms of reporting required, relieving the Commission of the task of doing so and reducing reliance on any particular DG within the Commission. The Agency would support the Commission but it would retain independence to ensure its scientific authority and freedom from political pressure. Given the wide spectrum of perspectives, the cultural sensitivities surrounding food, the evolving evidence base and sometimes difficult judgements and trade-offs to be made, the building of trust will be an essential part of the transition to sustainability. A palpably independent body clearly committed to robust science and evidence could help to build confidence and increase the prospects for success. The Agency would need to be trusted by stakeholders and Member States as well as the EU institutions. It would need a strong international as well as domestic reputation. This would be central to its culture.

The Agency would be responsible for assembling and publishing the evidence base and the data required to advance policy goals, including appropriate measurement and metrics, use of indicators, the approach to monitoring and related. It could support and oversee the production of reports by Member States, industry and others (but not reports that Member State are obliged to submit to the Commission under other EU laws). It could play a significant role in developing sustainability standards, co-ordinating the overall effort and stepping in where other bodies were not competent to do so and gaps needed to be filled. It would not take over all the sectoral standard setting roles or advisory responsibilities of current bodies (e.g. the role of the International Council for the Exploration of the Sea (ICES) with respect to fisheries and Total Allowable Catches for fish stocks

(TACs). It could work closely with the JRC which has an established presence in this field as a research body, with expertise in modelling for example that the Agency would not need to duplicate. It would need to engage closely with these specialist bodies, for example by establishing or servicing working groups where there were tensions between different goals or metrics. As elsewhere in the new architecture, the Agency would need to give high priority to maintaining transparency, ensuring that as much information as possible is publicly available.

It could also be proactive in developing specific initiatives or commissioning work in particular areas. This could involve positive socio-cultural as well as scientific initiatives, e.g., to examine local food cultures, highlighting those that are particularly sustainable.

The Agency could be responsible for producing an official Annual Report on progress towards more sustainable food systems in the EU. This would report on data trends and more qualitative developments, providing an overall picture of progress as well as a break down by different foods and parts of the food system. This could be a high-profile document attracting serious attention from the media as well as governments and the many actors in the food system. Over time, with increasing experience of utilising new metrics and measuring change it would become easier to identify leaders and laggards and to use the report to help motivate greater ambition amongst the key players and to inspire innovation. There could be awards for outstanding achievements and a role for citizens' juries in nominating contenders and winners.

At the strategic level, the Agency should have oversight on how the many moving parts in the SFS legislation were working together and each year it could report on whether progress was sufficient to meet long term targets. It could advise on whether targets needed to be reviewed and revised at appropriate times.

A **second** new source of support for both the EU institutions and the Member States could be a new **High Level SFS Advisory Board**. This would be drawn from the key stakeholder and relevant scientific communities at both the European and national levels. The purpose of this would be to embody the participatory approach at the highest level, to provide strategic advice and stakeholder feedback to policy development and implementation, to balance the more technocratic mandate of the Agency, to represent the different strands of the food systems and to ensure that more local voices were heard in the Brussels conversation. This Advisory Board is likely to need its own secretariat, but this could be modest in size. Its remit might include the powers to quiz the Agency on its work and propose technical projects.

Many of the steps required to achieve sustainable systems can be achieved only if there is a positive response from consumers and their interests would need to be represented effectively on this board. Similarly, the food industry in the broadest sense is a pivotal player and it would be highly beneficial if their views and intentions could be communicated clearly and well-focused dialogue encouraged where it is particularly needed, for example through the development of time limited working groups.

The case for a **third** institutional innovation is rather different. The task of delivering many of the goals of the new policies will fall on the Member States and more local bodies. Success depends on a shared understanding of the mission and the steps required to meet it, including the challenges along the way. Member State authorities are likely to need support in developing and running the processes required, much as they do with the implementation of the CAP. For many years the Commission (DG AGRI), has been offering support through initiatives such as the European Network for Rural Development Contact Point in Brussels. This is an EU funded organisation that fosters exchange and information flows within national rural authorities as well as arranging seminars, training and exchanges. It is interactive with Member State bodies as well as offering expertise from the centre.

There is a good case for building such a facility to support the transition to sustainable food systems within the Member States and to facilitate learning between them. If Member State Action Plans are adopted, as proposed here, they could be expected to be more diverse than the CAP Strategic Plans now being developed by national authorities under the Common Agricultural Policy. They would be more than an implementation plan to comply with EU law; they would reflect national priorities and initiatives designed to suit local requirements. For this reason, active exchange between Member States would be valuable in its own right, irrespective of EU requirements.

It is possible to envisage an EU funded central “**help point**” to support Member States, which would not necessarily need to be based in Brussels, although it would need some presence there. This would support implementation and innovation at the national and sub-national levels, drawing on pan European expertise, comparing experience, circulating updated information and research results, sharing the experience of pilot projects, organising visits to leading centres of excellence and experimentation and other supportive activities.

Alternatively, this function could be incorporated into a forum that was also focused on actively bringing Member State expertise and representatives together in a more co-operative structure, which would receive EU funding and perhaps national contributions but not be managed solely by the Commission.

This would reflect the more autonomous role of Member State engagement and their action plans, the need to innovate and experiment and to learn from mistakes. Advice could be supplied by both the new Agency and the Commission. Nonetheless, it might be easier to exchange national experiences in an honest and productive way in a forum where there was not an anxiety that the Commission had a close eye on whether national plans conformed with EU requirements, as it is their job to do. This second option could be termed a **Member State SFS “Circle”** and we have denoted it as such in the governance diagram, Figure 3.

Finally, it is worth noting that the Member States too might find that they want to appoint new bodies to help drive the sustainability transition and there could be a productive dynamic both between these new actors and also with the Brussels community. Institutional innovation could unlock some of the dynamism and momentum needed to help move this multi layered agenda forward.

7.4 Greater cooperation and engagement/participation

High levels of transparency and a participatory culture would be critical elements in building trust and gaining the legitimacy and public consent required in a mission that depends so much on building and retaining public confidence as well as the willingness of both consumers and actors in the supply chain to make significant changes at a personal as well as professional level. Close public engagement has been a feature of many of the national initiatives relating to future food policy and its importance in this sphere is emphasised by the OECD amongst others (OECD 2021a). The “Pathway for Sustainable Food Systems” developed with multiple levels of public participation by the Swedish Government is a good example (Government Offices of Sweden, 2021). There are others in Canada and France.

Hence there would be a requirement for enhanced public and stakeholder participation and cooperative processes as a core element of the governance systems being put in place with a balanced representation of the different interests. The SFS legislation itself could specify the essential elements required to ensure the greatest possible transparency and constructive participation in this far reaching and unavoidably complex undertaking. This would include a high level of openness in all the bodies concerned and active steps to engage not only the elite Brussels stakeholders but a much larger community reaching down to the local level. This is one of the areas where the case for EU funding at both the European and more local levels seems particularly strong, helping to ensure that standards of participation do not diverge significantly within the EU.

The type of processes and arrangements put in place to establish this approach might include:

1. New arrangements to bring together EU and Member State bodies, both national and regional, in fora enabled to co-create new measures and initiatives in many areas in parallel to more traditional models of centrally developed EU policy delivered by Member States on the ground. Mixed working groups could be part of this, with a mandate to develop and share thinking on issues of common interest for example on food taxes and on rural land use where there is primarily Member State competence.
2. There would be active encouragement of co-operation between Member States, learning from each other and from the variety of Action Plans. As outlined above, this could be via a "Help point" or formal "Circle" of Member State representatives, meeting regularly and setting up their own working groups if required. There would be scope for encouraging fresh forms of engagement in such a Circle. For example, it could be chaired by a Member State holding the "Sustainable Food Presidency" role for a period. Such a presidency role would not have to follow the usual rotating EU Presidency model and could be designed to introduce a modest competitive element and create a platform for leading performers to play a potentially more visible and influential role. It might create a form of incentive for greater ambition at Member State level.
3. Deepened participation by stakeholders, including scientists, health, environmental, social and agricultural NGOs, consumer representatives, and Member State agencies would be the other cardinal principle for governance alongside transparency. This would need to apply at both the EU and Member State levels. Some of this would be based on existing models, such as the creation of stakeholder platforms in Brussels and national capitals to cover specific issues as well more strategic questions. The Action Plans would include a budget for these platforms which would be required to engage more e.g., through public webinars in different languages.

There would also be more use of citizen juries or similar small-scale participatory mechanisms in developing and applying policy. These would be run by Member States and regions as part of their own Action Plans. They would be eligible for at least partial EU funding if they met certain clearly defined conditions. EU level Platforms also could commission their own citizen juries at a European scale from time to time and would have access to dedicated budgets for this purpose. There could be active development of good practice and learning by doing.

4. In steering change through supply chains as a whole it will be necessary to have a strong understanding of the nature of these chains, the way they are changing and the diverse actors within them. This is one reason why greater engagement with the many different players in the food industry is essential. Mechanisms will be needed to maintain this engagement. Good engagement channels should reflect the pivotal role of agri-food and other companies in delivering the full suite of goals, not least in shaping the food choices and food experience of consumers. Clearly industry representatives would have a role in EU and corresponding national stakeholder platforms. There may be a role for specialist stakeholder platforms as well, for example in relation to new technologies.

Amongst the broader issues to discuss would be the technological options being developed, the availability of sustainable supplies from different sources, the issues with meeting industry targets, the extent to which foreign competition was inhibiting movement towards sustainability etc. Public sector leaders would need to be well informed about market dynamics to steer Action Plans effectively and industry people would need to know which approaches amongst their options would be acceptable to policy makers, which metrics were being developed by the EU etc. This would be a useful forum for exploring how to resolve key challenges identified, not to question agreed objectives.

The following diagram shows the potential division of responsibilities at EU and Member States level in relation to the governance structures described above.

Figure 4: Outline of the different responsibilities at EU and Member State level



8. KEY MEASURES/MECHANISMS/INTERVENTIONS

One of the key roles of the SFS legislation would be to provide the legal foundation for those policy measures required to step up the pursuit of sustainability, going beyond the measures that can be adopted already within current gamut of EU policy, including food safety, agriculture and fisheries. The legislation would ensure that appropriate powers and mechanisms could be deployed and, where necessary, supported with EU funds. Some of the measures and responsibilities contained within this catalogue might be rather specific and set out in detail, others less so. One priority would be to establish the right machinery of coordination and assessment, which might involve new requirements which are cross-cutting in nature and which do not currently exist in sectoral or thematic policies. Another priority would be to create the foundations for new cross-sectoral initiatives, such as integrated approaches to the future of livestock or the reduction of waste throughout the food chain or meeting the organic target under the Farm to Fork strategy with its implications for consumers as well as producers. Some of these might best be delivered via the EU and Member State Action Plans.

The sections below illustrate some of the issues where it seems particularly likely that a new Sustainable Food Systems legislative framework could add value in the EU, however this is a potentially wide field and the list is only illustrative.

8.1 Promoting policy coherence

One of the key roles of the SFS legislative framework will be to provide the mechanisms required to create coherence and consistency between the many policy areas and interventions that affect the sustainability of food systems (see Figure 2). The requirements are likely to include new processes, legal adjustments and measures to establish changed responsibilities, governance systems and the role of the SFS Agency. New reporting systems will be needed to underpin coherence and allow implementation to be tracked effectively and made accountable.

There is also a strong chance that changes will need to be made to the EU legislation underpinning the current policy regimes in the different sectors, such as the CAP and CFP but also in other spheres, such as promotion policy and procurement policy. For example, it may be desirable to alter objectives and sub-objectives, to modify certain rules and processes and to create new coordination arrangements and cross-linkages. Where areas of inconsistency are found, changes will be required to ensure coherence and remove conflicts. EU food promotion policy for example could be altered to focus only on sustainable

products under agreed criteria. Undertaking a comprehensive review of relevant existing EU policies and running a consistency / coherence check against the principles of sustainable food systems would be a helpful start. The SFS legislation could require a regular audit of this kind, with representation from both the High Level SFS Advisory Board and the Agency on the steering group.

8.2 Data, metrics and reporting to improve transparency

There is a clear need to be able to measure the extent of sustainability in EU food systems, regularly to assess and report on progress towards achieving sustainability and the effects that this is having within and outside the EU. Measurement and reporting should be robust, reliable and accessible both to actors in food systems and to the general public so that communication is transparent. It is a key parameter in translating general principles into concrete outcomes, ensuring that management of change is clearly focused, that certification, labelling and other information is reliable and, ultimately, in helping to raise awareness of the issues involved.

Certain elements will be needed within the SFS legislative framework to put such a system in place.

First is a requirement to **establish metrics and methodologies to allow measurement and monitoring and assessment of the different elements of sustainability in relation to food systems** – economic, social and environmental (see for example Charveriat et al, 2021). These should cover the full range of principles set out in Section 5 above and allow for reporting against the targets and outcomes set up in the EU and Member State Action Plans. They should provide a means of measuring both the level of sustainability achieved at any given point in time as well as progress against a baseline situation. They should also be able to provide clarity on any potential trade-offs in achieving the range of outcomes identified to facilitate open and transparent discussion on how to resolve such issues. Ideally these metrics could be applicable at a range of scales, including within a particular entity or sector to track progress in individual areas. Certain metrics may be widely applicable, such as the GHG intensity of a foodstuff, others utilised more selectively, such as the conservation status of an individual fish stock. Data sources will need to be strengthened and assured within the EU and at a more global level, given the wide range of foods imported to Europe- and also exported.

These metrics and methodologies must ensure that objectivity and verifiability are given due weighting, but qualitative information will need to be collected alongside quantitative data. For example, this could include evidence to help in assessing the sustainability of different production methods, new and old and to

cover the full extent of the food chain, including less accessible and geographically remote components, to the necessary degree.

Second, the legislation should provide **the legal foundation for the systems that will be needed to establish the required flow of data**, including the measurement of product and system characteristics and changes in the outcomes being sought. There may be a role for the development of a number of scoring systems and their deployment in labelling regimes. Reliable data needs to be available to permit different approaches to labelling if they are selected - they might include a dashboard of different scores for different criteria for example.

The development of the metrics, methodologies, EU scoring systems and the production of the Annual Report could be allocated to the new Agency once it is in operation: it would become the centre of such expertise.

8.3 Establishing sustainability standards for foods and food systems

EU standards already play an important part in regulating food production, distribution, consumption and disposal in Europe. Food safety considerations are the key consideration in many of these standards. Far fewer standards address environmental and sustainability goals, although there are some, for example relating to fish and fisheries and the production and sale of organic foods. Given the need to advance sustainability, help consumers, producers and traders to make the right choices and minimise the scope for confusing, conflicting and misleading claims, there seems to be a good case for developing a new generation of EU sustainability standards aligned with the transition to sustainable food systems. It will need to be a dynamic process, allowing for continuous development, for example to keep abreast of new scientific knowledge and growing understanding of the implications of achieving net zero and the restoration of biodiversity for the food system. Many standards would apply to all foods, including imports, but some would apply only to particular products or segments of the food chain.

New sustainability standards would complement rather than replace existing standards wherever possible. The aim would be to create a coherent and consistent overall suite of standards, a harmonized Europe wide baseline on top of which more specialised and voluntary standards could be built. This might require some revision of existing standards for example to reconcile efforts to reduce food waste with those to protect consumers from the sale of food that is no longer fresh.

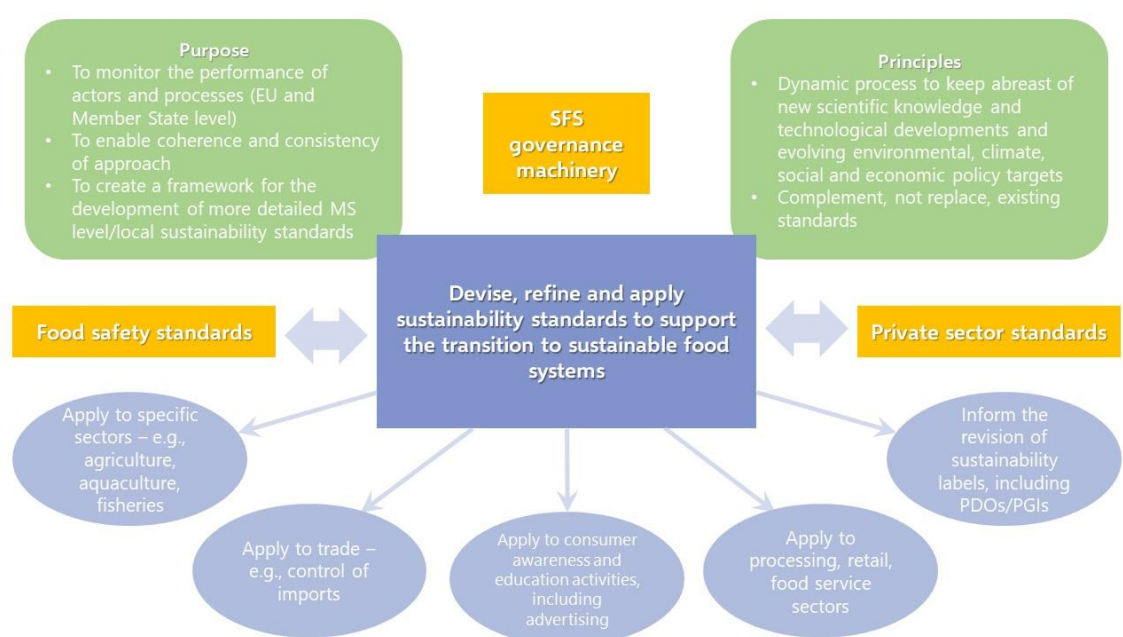
The role of a new suite of standards is shown in outline in Figure 5. They sit alongside food safety standards and need to be consistent with them. They are a

baseline for standards developed by farmers, processors and retailers which would continue to have scope to develop their own standards and labels provided that they were consistent with EU standards, which would be obligatory. Similarly, Member States might set standards of their own provided that they remained within the parameters permitted by EU standards and legislation. These would be set out in their Action Plans.

Standards would apply in a number of policy fields, as illustrated in the lower half of the figure. These would include agriculture and relevant components of the CAP, aquaculture and fisheries, novel foods, trade in food products and the operation of retailers and processors, with the related codes of conduct. Wherever possible these standards would be applied through relevant existing policies (which in any case will need to be reviewed as part of the process of moving to greater sustainability) to avoid new enforcement and control systems needing to be set up.

To help drive the transition, alongside the setting of targets, the SFS legislative framework should set out a requirement for baseline EU sustainability standards to be put in place, potentially applicable to all those operating in the food chain – from production, through processing, packaging and distribution. These should reflect the new objectives for the environment and social equity and for greater fairness in the food chain.

Figure 5: Role and function of a new suite of standards to underpin the transition to sustainable food systems



8.4 Promoting European future food initiatives

The pursuit of more sustainable food systems involves exploring and confronting a number of important long-term questions and policy dilemmas. For example:

- What is the appropriate role for livestock production in Europe both over time on the emerging pathway to Net Zero and in the coming decade that is also beneficial for biodiversity?
- To what degree is it desirable in health, environmental and social terms actively to promote alternatives to meat, including synthetic products?
- What are the best means of promoting a healthier level of vegetable and fruit consumption and corresponding levels of production?
- What are the most effective and socially just combinations of positive incentives and targeted taxes and levies in achieving dietary change?
- How do we achieve a balanced new land use distribution at a European as well as more local scale to accommodate both changes in the modes and levels of livestock production alongside a larger role for carbon sequestration and habitat restoration as required by the Biodiversity Strategy?

There is yet to be a clear political consensus or developed policy formula to address a range of critical issues of this kind. However, the capacity to do so and to move the sustainability agenda forward needs to be created. Some of these debates are moving fast already and there are clear linkages to the policies being developed under the Green Deal. The SFS legal framework could play a part here in preparing for the future as well as engaging with more immediate requirements. It could provide the legal foundations for EU initiatives focused on emerging topics where a European approach was appropriate.

The legislation could create the capacity to launch new initiatives and set out the rationale for them. An indicative list might be helpful or this could be prepared within the EU Action Plan. Initiatives could be EU wide, they might focus on a cross-cutting issue or involve a particular sector or group of Member States, depending on the topic and the presence of a strong rationale.

Such initiatives could bring together proactive research, the enhanced engagement of stakeholders at different geographical scales and locations, funding for pilot projects, active consumer engagement, market research and other activities appropriate to the topic. There would need to be governance and reporting arrangements. An element of EU funding generally would be required and rules for this would need to be established and linked both to current funds and a possible new fund in the next MFF.

The SFS legislative framework could provide the powers, funding and other essentials to enable special time-limited initiatives of this kind to be put in place.

9. CONCLUSIONS AND RECOMMENDATIONS

There is a growing corpus of scientific evidence that European food systems are not sustainable as they are (SAPEA 2021). Coordinated action to significantly re-set the course on several different fronts is now required with some urgency. Indeed, in adopting the Green Deal, the Farm to Fork and Biodiversity strategies and increasingly ambitious climate mitigation targets the EU has exposed the need for building and maintaining a much more sustainable set of food systems. The case is even stronger and more urgent when unacceptable levels of food poverty, the obesity crisis and the large gap between average diets and those judged healthy and sustainable are taken into account. This is not just a matter of changes on the supply side. The empowerment and behaviour of consumers is critical too and there is a fairness and social justice agenda to address at the same time. Hence the need for a comprehensive and systems-based approach rather than seeking to rely on more piecemeal adjustments.

Because of the nature and scale of the issues, robust foundations will be required for a far-reaching strategy that brings together different strands into a coherent matrix of new and amended policies. For this reason, the transition needs to be underpinned by new binding legislation in the form of a SFS Legislative Framework. Voluntary approaches will not be enough. Perhaps understandably, some see the adoption of a comprehensive new legislative framework as a slightly daunting step, not least because of the complexity of the issues and the multiplicity of the actors involved. In the September 2021 Commission Inception Impact Assessment this approach is noted as one option alongside other more limited pathways, such as tweaking existing policies and legislation. However, there are gaps in the present armoury of policy measures available and the data, reporting and coordination mechanisms to underpin them. The challenge goes beyond improved enforcement of present legislation, which does not capture the full spectrum of sustainability parameters now needed. In this paper, it is suggested that the nature and scale of the issues and requirements for attaining sustainability is such that new binding legislation to create a SFS legislative framework is appropriate and could provide the foundations for the much broader focus that will be required in the coming decades.

The paper has sought to sketch out some of the challenges that the legislation would be designed to tackle and to offer proposals on the means that could be adopted, including the setting of targets and objectives, the pursuit of policy coordination and coherence, the creation of a much greater capacity to measure, assess and report on sustainability and the establishment of a new governance regime and architecture. These are far from the only options worth consideration but it is time to begin the debate on the contents of future legislation as well as

the principle of introducing it. It will take time to assemble a fully coherent approach and it needs to be tested thoroughly with the large range of stakeholders with an interest.

One of the conclusions of this paper is that a holistic approach to food sustainability in Europe requires the active participation of Member States and local bodies. It is not a project that can be addressed by the EU institutions without a significant degree of interaction between the EU and national levels. Some of the governance proposals made are intended to reflect that principle.

It would be helpful for the Commission to build rapidly on the inception impact assessment, to prompt creative thinking and intensified exchange on the topic, establishing an inclusive approach from the outset. As concrete proposals are developed, they could be made available in an early form rather than waiting for a full suite of polished propositions to emerge relatively late in the process. This would also help to focus attention on some of the early preparatory work that could be undertaken to build a full sustainability approach before the legislation is agreed. There is considerable scope for reviewing and amending existing policies alongside the adoption of a new strategic approach. The two go hand in hand.

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