

Contributions and concerns on the draft Regulation governing the use of the certification mark for Sustainable Agricultural Production, which includes the technical standards to be promoted in sustainable agricultural production

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- ✓ The name chosen -sustainable- leads to misunderstandings and is confusing for consumers, as it evokes characteristics that are not guaranteed by the proposed standards and criteria.
- ✓ The use of the term “sustainable” also represents unfair competition to organic, which has been proving to be sustainable for decades and is subject to strict controls that guarantee its suitability for the qualities it is claimed to have. It violates the provisions of the Regulations (EU) 2018/848 and (EU) 2022/2115, by not granting this condition to organic production.
- ✓ It implies an additional violation of letters a), b) and c) of article 7.1. and of article 7.2. of Regulation (EU) 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers and amending Regulations (EC) 1924/2006 and (EC) 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC, and Commission Regulation (EC) 608/2004, which establish: “Food information shall not be misleading, in particular:
on the characteristics of the food and, in particular, on the nature, identity, qualities, composition, quantity, duration, country of origin or place of provenance, and method of manufacture or production
attributing to the food effects and properties that it does not possess.
suggesting that the food possesses special characteristics, when, in reality, all similar foods possess these same characteristics, in particular by highlighting the presence or absence of certain ingredients or nutrients; and “Food information shall be precise, clear and easy to understand for the consumer.”
- ✓ In the same way it vulnerates, letters a) and b) of article 6.1 of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer practices in the internal market, amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC)

2006/2004 of the European Parliament and of the Council, which establish: “Any practice containing false information and for such reason as to its truthfulness or information which, in any form whatsoever, including its general presentation, misleads or is likely to mislead the average consumer, even if the information is factually correct, on one or more of the following elements, and which in either of these two cases it makes or may make you take a decision about a transaction that you would not have taken otherwise:

- the existence or nature of the product;
 - the main characteristics of the product, such as its availability, its benefits, its risks, its execution, its composition, its accessories, after-sales customer assistance and the handling of complaints, the procedure and date of its manufacture or supply, its delivery, its appropriateness, its use, its quantity, its specifications, its geographical or commercial origin or the results that can be expected from its use, or the results and essential characteristics of the tests or controls carried out on the product.
- ✓ The use of the Product Environmental Footprint (PEF) methodology as one of the measures for the calculation of the environmental sustainability violates the statement of the European Commission in the proposal on the Substantiation of Green Claims, where it claims that it does not reflect the reality of complex agri-food systems in a multi-dimensional way. Also, the PEF does not properly consider the use of inputs such as pesticides, the negative and positive externalities of different agricultural production methods on biodiversity, soil quality, deforestation and planetary boundaries. In this sense, the approach should be revised.
 - ✓ About the environmental aspects: the proposed regulation does not address such essential aspects as the environmental and health impacts of pesticides that continue to be authorized under its umbrella, the impact on biodiversity of GMOs (including NGTs), etc.
 - ✓ Regarding the economic aspects, one of the indicators takes into account the income (E.1.4.1 CALCULATE THE NET REVENUE OF THE AGRICULTURAL OPERATION), which refers to the net income as the difference between total income and total expenditure. An absolute value can provide information on the total amount of benefits or losses. However, in order to measure real economic sustainability, it should be calculated on the basis of a base value, e.g. net income / assets, net income / AWU, etc. Moreover, it is not clear how family work retribution should be taken into account in this calculation, being a common problem in farm accounts.
 - ✓ The indicator DIVERSIFICATION OF REVENUE SOURCES (E.2.1.1) should reduce risks and/or increase potential income sources through other non-agricultural activities, does not measure any social or environmental impact.

- ✓ Within the quality production themes, PRODUCTION UNDER CERTIFIED QUALITY SCHEMES in plant production (E.3.2.1) **does not consider organic farming as quality production**, as it only specifies PDO or PGI certification schemes.
- ✓ In terms of social aspects, the social sustainability assessment includes various indicators but they are all based on minimum core labour rights and horizontal legal requirements in force and subject to labour inspection:
 - S.1.1.2 REMUNERATE STAFF DECENTLY, to guarantee that the salaries of the working personnel are at least those stipulated in the collective bargaining agreement.
 - S.3.1.1 FULFIL THE OBLIGATIONS ARISING FROM THE EMPLOYMENT, to ensure that all workers have an employment contract that complies with the collective bargaining agreement of the sector.
 - S.3.3.1 GUARANTEE THAT THERE ARE NO UNDER-AGE WORKERS
 - S.5.1.3 GUARANTEE HEALTH COVERAGE AND ACCESS TO MEDICAL CARE
- ✓ The same applies to indicators controlled by national regulations related to the prevention of risks at work, such as S.5.1.2 ENSURING SAFETY IN THE WORKPLACE, OPERATIONS AND FACILITIES
- ✓ Others are included in the assessment that are difficult to prove and are therefore devoid of content, such as the GUARANTEE FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING (S.3.4.1.), using as an assessment criteria freedom of association between company staff is guaranteed.
- ✓ The evaluation of social sustainability based on this type of indicators **awards compliance with basic legal issues** and advocates competitive advantage in the European context of the Catalan farms included in the SAP certification scheme.

This new regulation could imply barriers to trade, as it could create competition between Catalan SAP-certified products that include evaluation indicators that do not correspond to the logic of European legal standards, as there is the use of environmental footprints. Other indicators are not clearly defined or difficult to prove as for example some of the proposed social standards.

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