Message 007

Communication from the Commission - TRIS/(2025) 3004

Directive (EU) 2015/1535

Notification: 2024/0682/ES

Communication by Member State (Spain) containing general information regarding the above-mentioned notification.

General information - Informations générales - Allgemeine Informationen - Обща информация - Všeobecné informace - Generelle oplysninger - Γενικές πληροφορίες - Informaciones generales - Üldteave - Yleisiä tietoja - Opće informacije - Általános információ - Informazioni generali - Bendroji informacija - Vispārīga informācija - Tagħrif ġenerali - Algemene inlichtingen - Informacja ogólna - Informações gerais - Informații generale - Všeobecné informácie - Splošne informacije - Allmänna upplysningar - Eolas Ginearálta

MSG: 20253004.EN

1. MSG 007 IND 2024 0682 ES EN 17-03-2025 17-10-2025 ES COMMUNICAT 17-03-2025

2. Spain

3A. Ministerio de Asuntos Exteriores, UE y Cooperación
DG Coordinación del Mercado Interior y Otras Políticas Comunitarias
SG Asuntos Industriales, Energéticos, de Transportes y Comunicaciones, y de Medio Ambiente
d83-189@maec.es

3B. Departamento de Agricultura, Ganadería, Pesca y Alimentación
Generalitat de Catalunya
Gran Via de les Corts Catalanes, 612-614 - 08007 - Barcelona
933046700 - darpdg03@gencat.cat

4. 2024/0682/ES - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

5.

6. Response to the SEAE (Spanish Society of Organic Agriculture and Agroecology):

Contributions and concerns regarding the draft Regulation governing the use of the certification mark for Sustainable Agricultural Production, which includes the technical standards to promote sustainable agricultural production.

SEAE (Spanish Society of Organic Agriculture and Agroecology), the Business Association for Organic Agriculture (AE2), the Vidasana Association, and the Agroecological Network of School Canteens (XAMEC) wish to convey our contributions and concerns regarding the proposed Regulation governing the use of the certification mark for Sustainable Agricultural Production. Our concerns about this proposal are based on:

The name chosen—sustainable—leads to misunderstandings and confusion 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 for organic farming, which has proven to be sustainable for decades and is subject to strict controls to ensure its compliance with the qualities it claims to possess. This violates the provisions of Regulations (EU) 2018/848 and (EU) 2022/2115, by not granting this status to organic production. This constitutes a further violation of Article 7.1 (a), (b) and (c) and Article 7.2 of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on

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/EEC, 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 provide:

“Food information should 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 effects and properties to the food that it does not possess
• suggesting that the food has special characteristics, when, in reality, all similar foods possess those same characteristics, particularly highlighting the presence or absence of certain ingredients or nutrients; and
• food information must be accurate, clear, and easily understandable for the consumer.”

Response

Regarding the concern expressed about the use of the term "sustainable," it should be noted that this project pursues precisely the opposite of what is stated in the submitted document. The objective is to provide transparency and guarantees to the consumer by linking the term to a clear, regulated label subject to accredited certification. In this sense, the initiative contributes to reducing the confusion currently generated by the indiscriminate and unregulated use of the term "sustainable" in the market, where it is often used without any technical basis or control system behind it.
It is important to emphasise that the use of any label—including organic production—can lead to misunderstandings if the consumer is not fully aware of its meaning or scope. However, this does not invalidate its usefulness; rather, it highlights the need to strengthen information and communication with the public. In this case, the proposed Regulation defines a set of concrete and verifiable practices to give solidity and credibility to the concept of agricultural sustainability.

Regarding the alleged unfair competition towards organic farming, we wish to emphasise that sustainability is not an attribute exclusive to organic production. Although organic production is certainly a recognised sustainable system, it is not the only one. In the communication from the European Commission to the Parliament, the Council, the European Economic and Social Committees, and the Committee of the Regions (19.02.2025 COM(2025) 75 FINAL) “A vision for agriculture and food.

"Shaping together an attractive agricultural and agri-food sector for future generations" refers to sustainable production systems, in the plural, recognising their diversity and promoting their development, without establishing a monopoly on the concept of sustainability by organic farming.
SAP certification will be based on a system accredited by ENAC according to the ISO/IEC 17065:2012 standard. This will ensure that any product labelled with the SAP label has been produced according to well-defined and verified sustainable practices. As with the EAP, this system certifies quality standards established by the corresponding technical standards; therefore, it is not a comparative grievance, but rather a parallel approach.

Ultimately, this initiative does not aim to supplant or delegitimise organic production, but rather to offer another transparent and controlled certification path for producers who apply sustainable practices, thus contributing to the common goal of improving the sustainability of the European agri-food system and including organic production that meets SAP standards.

Counterclaim on a possible violation of Regulation (EU) 1169/2011 regarding food information for consumers

As part of the SAP initiative, we fully share the principle established in Article 7 of Regulation (EU) 1169/2011, according to which food information must be accurate, clear, easily understandable, and not misleading for the consumer. For this reason, this project was conceived as a certification mark linked to a set of specific, defined, and verifiable agricultural

practices, and not as a simple loose use of the term "sustainable."

Sustainability is not a quality that one either has or does not have, but rather a gradual goal. However, it is often used simplistically to highlight oneself as a positive example or to criticise others as unsustainable based on specific actions. This binary view distorts the true meaning of the concept and weakens its impact. Being sustainable is not a fixed condition, but rather an attitude of constant improvement. The SAP is the objective quantification of sustainability and the tool that will guide farms toward more agroecological systems.

The SAP label is not applied generically or in isolation, but is accompanied by an accredited certification system (ISO/IEC 17065) and a public, open, and transparent technical regulation that precisely defines the required practices. This prevents any undue attribution of properties, qualities, or effects that the product does not possess, in full compliance with the provisions of Regulation (EU) 1169/2011.

Regarding the claim that the SAP project constitutes unfair competition with organic production, it is worth remembering that sustainability is not exclusive to organic production, although this is a well-established example. In fact, Regulation (EU) 2018/848 itself, in Article 5, recognises that organic production is a sustainable management system, but in no case does it establish the exclusivity of the term 'sustainable' for this model.

The principles defined in that Regulation – such as respect for the environment, human and animal health, responsible management of natural resources, among others – are also reflected in the SAP model, which in addition extends the assessment of sustainability to three dimensions: environmental, economic and social.

Therefore, the SAP label does not mislead consumers about the characteristics of the food or attribute properties that it does not possess, but rather certifies the production method according to specific and verifiably auditable criteria.

In conclusion, the SAP proposal fully respects the European legal framework, particularly with regard to food information, and pursues the precise objective of improving its clarity and credibility for consumers. Far from violating Regulation 1169/2011, the draft law strengthens it, offering the market a reliable label based on objective criteria and addressing sustainability in the interest of the general public.

Likewise, it violates Article 6.1(a) and (b) of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 on unfair business-to-consumer commercial 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 that contains false information and is therefore misleading or likely to deceive the average consumer, even if the information is factually correct, about one or more of the following elements, and which in either of these two cases may cause the average consumer to make a decision regarding a transaction that they would not have otherwise made:
• the existence or nature of the product;
• the main characteristics of the product, such as its availability, benefits, risks, performance, composition, accessories, post-sale customer support and complaints handling, the process and date of manufacture or supply, its delivery, its suitability, 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 any tests or controls performed on the product.”

Response

From the SAP initiative, we want to make it clear that at no point is the intention to mislead consumers or offer misleading information about the product or the production system, as regulated by Directive 2005/29/EC, specifically in Article 6.1, letters a) and b). On the contrary, the objective of the project is precisely to provide transparency and clarity by creating a label that certifies specific, defined, and verifiable sustainable agricultural practices, which until now could be freely associated with the term sustainable, without any type of regulation or control.

It is true that the term sustainable can generate confusion if not contextualised correctly. Therefore, this project does not use the concept in a generic or commercial manner, but rather links it to a certification mark, subject to public, auditable, and objective technical standards. In this way, misinformation is avoided and consumers are provided with a clear tool to identify a production system aligned with environmental, social, and economic criteria.

Furthermore, clear and differentiated communication will be guaranteed between Sustainable Agricultural Production (SAP) and Organic Agricultural Production (EAP), highlighting the specific characteristics and requirements of each system. With this differentiation, consumers will have all the necessary information to make an informed purchasing decision, in line with the requirements of Directive 2005/29/EC.

It should be noted that SAP does not seek to replace or imitate EAP, but rather to offer a certified, transparent, and complementary alternative with practices defined based on triple sustainability (environmental, economic, and social) and with a quantification of sustainability, as a tool for continuous improvement for farms. Therefore, it cannot be considered an unfair practice, as there is no deception, concealment, or misleading information regarding the characteristics of how the product was obtained.
In short, the use of the SAP label responds to the desire to give more guarantees and more information to the consumer, avoiding the indiscriminate use of the term sustainable and establishing a clear regulatory framework that favours free and informed choice of purchase.

The use of the Product Environmental Footprint (PEF) methodology as one of the measures for calculating environmental sustainability violates the European Commission's statement in the proposal on the Substantiation of Green Claims, which states that it does not reflect the reality of complex agri-food systems in a multidimensional way. Furthermore, the PEF does not adequately 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 regard, the approach should be reviewed.

Response

Regarding the objection raised regarding the use of the Product Environmental Footprint (PEF) methodology, according to which this approach would violate the European Commission's statement in the proposal on the Substantiation of Green Claims, we put forward the following claim:

• The PEF is not used as the sole assessment tool within the SAP system. It is a supporting methodological tool, useful for quantifying environmental impacts in a standardised and comparable manner, but it is by no means the sole basis for certification. The SAP project establishes a broader set of indicators and criteria, developed to capture the multiple aspects of agricultural and livestock sustainability, including dimensions that the PEF alone does not address.

• It is true that the European Commission, within the framework of the proposed Green Claims Directive (COM(2023) 166 final), has warned about the limitations of the PEF in capturing the complexity of agri-food systems, but in no case has its use been prohibited or completely discouraged. The Commission itself recognises the value of the PEF as a robust scientific basis, especially when used in combination with other complementary approaches, as is the case with the SAP system.

• The SAP project incorporates environmental indicators that go beyond the limitations of the PEF, such as:

- Use of phytosanitary products and fertilizers.
- Biodiversity conservation.
- Soil health.
- Water footprint.
- Energy and emissions management.
- Animal welfare.

• Therefore, the use of the PEF within the SAP is rigorous, proportionate and technically justified, and is part of a multidimensional approach to sustainability, as required by the European context and the policies of the European Green Deal and the Farm to Fork strategy.

• In conclusion, there is no violation of the European Commission's provisions, but rather an informed and contextualised application of the recognised PEF methodology, integrated into a much broader and balanced system. This combination ensures the reliability of the SAP label and avoids the confusing or unverifiable use of the term "sustainable" in the agri-food sector.

Regarding environmental aspects: the proposed regulation does not address essential aspects such as the environmental and health impacts of pesticides that continue to be authorised under its umbrella, the impact on biodiversity of GMOs (including NGTs), etc.

It is inaccurate to assert that the SAP regulation does not address the environmental and health impacts of pesticides. In fact, the proposal includes measures aimed at progressively reducing the use of plant protection products, especially the most harmful ones, as well as strengthening the monitoring and control of their use. Furthermore, agricultural practices that reduce dependence on chemicals, such as crop rotation, integrated pest management, and precision agriculture, are being promoted.
It should also be noted that the regulation is part of a broader European strategy, such as the Green Deal and the Farm to Fork initiative, which set clear goals for reducing pesticide use and transitioning to a more sustainable and safer model for both the environment and public health.

Therefore, it is not true that the regulation ignores these aspects; rather, it lays the groundwork for a realistic and gradual transformation of the agricultural sector, balancing production needs with environmental and health protection.

In terms of economic aspects, one of the indicators takes into account income (E.1.4.1 CALCULATE THE NET INCOME FROM AGRICULTURAL OPERATION), which refers to net income as the difference between total revenue and total expenses. An absolute value can provide information on the total amount of profits or losses. However, to measure true economic sustainability, it should be calculated based on a reference value, e.g., net income/assets, net income/UTA, etc. Furthermore, it is unclear how family labour remuneration should be taken into account in this calculation, a common problem in farm accounts.

Response:

• The indicator that measures the net income of the agricultural operation (E.1.4.1) is a valid and relevant tool for assessing the economic sustainability of a farm. Although it is true that an absolute value does not capture all the economic complexity, it represents a clear, understandable, and easily applicable starting point for the diverse reality of agricultural farms. Furthermore, this type of calculation allows for a direct analysis of economic performance, showing whether the activity is viable in overall terms, before delving into more technical details.

• Regarding the remuneration of family labour, the regulation allows for methodological flexibility and adaptation to local realities, as this aspect is indeed complex and varies depending on the type of farm. This pragmatic approach avoids imposing a rigid formula that could be inapplicable or unfair in some contexts.

• Finally, this indicator must be understood within a broader context. Economic sustainability, like environmental and social sustainability, is not measured with a single data point, but rather with a series of complementary elements. This indicator, despite its limitations, serves a useful function within this overall framework.
The indicator DIVERSIFICATION OF INCOME SOURCES (E.2.1.1) should reduce risks and/or increase potential income sources through non-agricultural activities, but it does not measure any social or environmental impact.

Counterclaim

The claim that the "Diversification of Income Sources" indicator (E.2.1.1) does not measure any social or environmental impact is an incomplete interpretation of its function and the indirect effects it promotes. While the indicator assesses the existence of economic activities complementary to agricultural production, the practice it encourages generates significant positive social and environmental impacts that cannot be ignored.

1. Promotion of activities with intrinsic social and environmental value: The practice explicitly values activities such as offering rural tourist accommodation and organising classroom activities in the rural environment. These activities have a direct social impact on:

- Job creation in rural areas, often with limited opportunities.
- Dynamising the local economy, benefiting other sectors such as commerce and services.
- Maintaining and promoting the cultural and natural heritage of the rural environment, as this becomes an asset for new activities.
- Education and awareness-raising about the rural environment and agriculture, especially through classroom activities.
- Improving the quality of life of the rural community by providing services and opportunities.

2. Boosting the transformation of agricultural products with sustainable potential: The transformation of agricultural products into non-agricultural goods can have positive environmental impacts in:
- Reducing food waste by adding value to products that might not otherwise be sold directly.
- Promoting short marketing channels, reducing the carbon footprint associated with transport.
- Creating value-added products from local resources, promoting a circular economy.
- Potential for the use of agricultural by-products, reducing waste.

3. Reducing dependence on exclusive agricultural production: Diversifying income sources increases the resilience of farms to external factors such as market fluctuations or the effects of climate change (which have a clear environmental and social impact). A less vulnerable business is more capable of adopting long-term sustainable practices.

4. Indirect measurement of positive impacts: Although the indicator does not directly quantify the social and environmental impacts, the practice incentivises activities that by their nature have a high potential to generate them. The existence of these complementary activities is an indirect indicator of greater positive integration of the agricultural farm with its social and natural environment.

In conclusion:

Indicator E.2.1.1, although located in the economic block, goes beyond a simple financial measure. The practice it promotes encourages activities with intrinsic social and environmental value, indirectly contributing to rural revitalisation, heritage conservation, and the promotion of sustainability and resilience in the agricultural sector. Therefore, arguing that it does not measure any social or environmental impact is a reductionist view of its importance and scope.

• Within the themes of quality production, PRODUCTION UNDER CERTIFIED QUALITY SCHEMES in plant production (E.3.2.1) does not consider organic farming as quality production, since it only specifies PDO or PGI certification schemes.
Response
• The next revision of the standard will assess the inclusion of Organic Agriculture in practice E.3.2.1.
• In terms of social aspects, the social sustainability assessment includes several indicators, but all are based on basic labour rights and horizontal legal requirements in force and subject to labour inspection:
S.1.1.2 REMUNERATE PERSONNEL IN A RESPECTABLE WAY, to ensure that staff salaries are at least those established in the collective agreement.
S.3.1.1 COMPLY WITH THE OBLIGATIONS DERIVED FROM THE JOB POSITION, to ensure that all workers have an employment contract that complies with the collective agreement of the sector.
S.3.3.1 GUARANTEE 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 occupational risk prevention, such as

S.5.1.2 ENSURE SAFETY IN THE WORKPLACE, OPERATIONS AND FACILITIES.
• Some other indicators include assessments that are difficult to demonstrate and therefore lack content, such as the GUARANTEE OF FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING (S.3.4.1), using as an assessment criterion the guarantee of freedom of association among company personnel.
• The assessment of social sustainability based on these types of indicators rewards compliance with the basic legal requirements and grants a competitive advantage in the European context to Catalan farms included in the SAP certification scheme.
Response
While the assessment of social sustainability in SAP certification includes indicators based on basic labour rights and horizontal legal requirements, presenting them as a simple validation of legal compliance and a defence of a competitive advantage in the European context is an oversimplification and ignores the intentionality and added value of the SAP system.

1. The inclusion of these aspects responds to the explicit desire to align with the European Union guidelines and establish a reference framework that can be extrapolated at a global level. This is not a merely an exercise in legal validation, but a conscious and necessary first step toward building a robust and internationally recognised social sustainability assessment. The current proposal envisages an evolutionary vision, where these initial indicators represent a starting point that can be enriched and improved over time, incorporating more complex and qualitative aspects as the system develops and more robust verification methodologies become available.

2. The SAP is a recognition and appreciation of the real effort: It is true that the SAP values actions that in many cases Catalan farmers and livestock farmers are already carrying out, such as having employment contracts that comply with the regulations and ensuring the health coverage of workers. However, this compliance is neither automatic nor universal. Recognising and verifying these practices through certification highlights a significant effort on the part of Catalan producers, who often operate in a context of economic and competitive pressure. This assessment is not simply a "reward for legal compliance," but rather a recognition of a level of social commitment that is not always found in other production models, especially with imported products.

3. It is a differentiation and recognition of an added value: To claim that it only defends a competitive advantage in the European context is to ignore the qualitative differentiation that the SAP seeks to establish. In a globalised market, where labour and social standards can vary significantly, SAP provides a verified guarantee of a certain level of social commitment. This recognition of compliance with labour regulations implies an added value for SAP products compared to imported products where these standards may be lower or unverified. It is not just about competition, but also about transparency and providing consumers with tools to make informed decisions based on social sustainability criteria.

4. Verification is a key element: The fundamental value of the SAP lies precisely in the verification by an external entity of compliance with these social aspects. This is not a mere declaration of intent, but an auditable process that ensures a basic level of social sustainability.

5. Regarding indicators such as freedom of association and the right to collective bargaining, the fact that they are difficult to demonstrate does not imply that their lack content or that they are irrelevant. Their inclusion from the outset demonstrates a willingness to consider them and to move towards a more in-depth evaluation in the future, as more effective verification methodologies are developed and clearer standards are established.

In conclusion:

The social sustainability assessment in the SAP represents an initial and verifiable commitment to basic labour standards. This commitment not only highlights the efforts of Catalan producers, but also seeks to establish a qualitative differentiation in the market and build a solid foundation for a more comprehensive and ambitious assessment of social sustainability in the future. Associating these social indicators with a simple competitive advantage does not correspond to the long-term vision, intentionality and added value that SAP certification brings to the Catalan agri-food sector.
This new regulation could lead to barriers to trade, since it could create competition between SAP certified products from

Catalonia that include in their evaluation indicators that do not correspond to the logic of European legal standards, such as the use of environmental footprints. Other indicators are not clearly defined or are difficult to demonstrate, such as some of the proposed social standards.

Response:

Under no circumstances does the SAP involve a barrier to trade, but:
1. The SAP serves as a tool for improvement and added value: The SAP does not seek to create artificial barriers to trade, but rather to provide a sustainability assessment tool that allows the Catalan agricultural sector to assess its current situation and identify areas for improvement. The main objective is not trade restriction, but rather to promote an agroecological transition by encouraging more sustainable agricultural practices. In addition, the SAP offers added value to products that obtain certification, based on the verification of practices that go beyond the European legal minimums, responding to an increasing demand for products produced in a more responsible and sustainable manner. SAP allows Catalan products to stand out in a market that is increasingly concerned about sustainability.

2. Complementarity with European legal standards: The SAP does not seek to contradict or replace European legal standards, but rather to complement them and delve deeper into specific aspects that are considered relevant to the Catalan context and to sustainable agricultural production. The use of environmental footprints and the inclusion of other indicators, even those that may initially seem more difficult to demonstrate, respond to the need to move towards a more comprehensive assessment of sustainability, which goes beyond simple regulatory compliance, providing guidance for continuous improvement.

3. The environmental footprint as relevant information for improvement: The use of environmental footprints is not an arbitrary imposition for restrictive commercial purposes, but rather an increasingly recognised and sought-after tool for assessing the real environmental impact of products and identifying critical points for reduction. Providing this information to producers within the SAP system allows them to make more informed decisions to improve the environmental sustainability of agricultural holdings. The SAP seeks to report on the environmental footprint of products from sustainable farms, with a focus on improvement.

4. Definition and progressive demonstration of indicators as a learning process: The mention of indicators that are not clearly defined or difficult to demonstrate, such as some social standards, reflects a process of continuous development and improvement of the SAP. The SAP will evolve over time, refining the definitions and verification methodologies for all its indicators. The fact that some indicators are initially more complex does not justify their exclusion, but rather encourages the search for solutions for their effective assessment and their integration as levers for improvement.

5. The SAP can open up new markets and increase the competitiveness of Catalan producers, including organic ones. SAP has the potential to follow a similar path, differentiating products based on their overall sustainability and offering a route for continuous improvement, opening up new commercial opportunities based on transparency and accountability.

In conclusion:

The SAP does not aim to create trade barriers, but rather to provide a tool for calculating and improving sustainability in the Catalan agricultural sector. The SAP seeks to offer added value based on criteria that go beyond the legal minimum requirements. The use of environmental footprints, the inclusion of social and economic indicators respond to a need to move towards sustainability, with the main objective of improving and enhancing Catalan products in the global market.

****

European Commission
Contact point Directive (EU) 2015/1535
email: grow-dir2015-1535-central@ec.europa.eu