Message 007

Communication from the Commission - TRIS/(2025) 3005

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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

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2. Spain

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

5.

6. COUNTERCLAIM TO THE COMMENTS

Comments submitted by:

The Coordinator of Agroecological Consumer Cooperatives of Catalonia - Coopsconsum and the l'Era Association wish to express that they share the concerns raised by SEAE (Spanish Society of Organic Agriculture and Agroecology), the Business Association for Organic Agriculture (AE2), the Vidasana Association and the Agroecological Network of School Cooks (XAMEC).

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

The chosen name—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 for organic farming, which has proven to be sustainable for decades and is subject to strict controls that ensure it meets the qualities claimed. This violates the provisions of Regulations (EU) 2018/848 and (EU) 2022/2115, as it

does not grant this status to organic production.

Counterclaim regarding misunderstandings, confusion, and unfair competition with organic farming.

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 goal is to offer 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' on the market, where it is often used without any technical basis or control system behind it.

It is important to note that the use of any label —including organic production— can lead to misunderstandings if the consumer does not know its exact meaning or scope. However, this does not invalidate its usefulness, but rather highlights the need to reinforce 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 with organic farming, we want to emphasise that sustainability is not an exclusive attribute of organic production. Although organic production is certainly a system recognised as sustainable, it is not the only one. In the communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committees as well as
to the Committee of the Regions (19.02.2025 COM(2025) 75 FINAL) 'A vision for agriculture and food. Working together to create 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.

The SAP certification will be based on a system accredited by ENAC according to ISO/IEC 17065:2012. 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 an instance of unfair preferential treatment, 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 implement sustainable practices, thus contributing to the common goal of improving the sustainability of the European agri-food system and including organic production that meets the SAP standards.

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 the provision of food information to consumers, amending Regulation (EC) 1924/2006 and Regulation (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 stipulate: 'Food information should not be misleading, in particular:

- on the characteristics of the food and, in particular, on its nature, identity, qualities, composition, quantity, duration, country of origin or place of provenance, and method of manufacture or production;
- attributing to food effects or properties that it does not possess;
- suggesting that the food has special characteristics, when, in reality, all similar foods possess those same characteristics, especially highlighting the presence or absence of certain ingredients or nutrients'; and 'Food information should be accurate, clear, and easy for the consumer to understand'.

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

From 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, verifiable agricultural practices, and not as a simple loose use of the term 'sustainable'. Sustainability is not a quality that an item simply possess or does not possess, but rather a gradual goal. Yet it is often used simplistically to highlight one item as a positive example or to criticise others as unsustainable based on concrete actions. This binary view distorts the real meaning of the concept and undermines 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 help guide farms toward more agroecological systems.

The SAP distinction is not applied in a generic or isolated manner, 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, Article 5 of Regulation (EU) 2018/848 itself recognises that organic production is a sustainable management system, but in no case does it establish the exclusive use of the term 'sustainable' for this model.

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

Therefore, the SAP label does not mislead people regarding the characteristics of foods or attribute properties they do not possess, but rather certifies the production method according to specific, auditable criteria. In conclusion, the SAP proposal fully respects the European legal framework, particularly with regard to food information, and rightly pursues the objective of improving its clarity and credibility for consumers. Far from violating Regulation 1169/2011, the draft Regulation strengthens it, offering the market a reliable label based on objective criteria and addressing sustainability in the interest of the general public.

By the same token, 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 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 stipulate: 'Any practice that contains false information and, therefore, about its truthfulness, or information that, in any way, including its general presentation, deceives or may deceive the average consumer, even if the information is practically correct, about one or more of the following elements, and that in either of these two cases may cause the consumer to make a decision about a transaction that he would not have made 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, customer support after sale and complaints management, the procedure 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 the tests or controls carried out on the product'.

Counterclaim

From the SAP initiative we want to make it clear that at no time is it our intention to mislead the consumer or offer deceptive information about the product or the production system, as regulated by Directive 2005/29/EC, specifically in Article 6(1) (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 oversight.

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

Furthermore, clear and differentiated communication will be ensured 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 information they need 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 agricultural holdings. Therefore, it cannot be considered an unfair practice, since there is no deception, concealment, or misleading information regarding the characteristics of how the product was obtained.

Ultimately, the use of the SAP label responds to the desire to provide more guarantees and information to consumers, avoiding the indiscriminate use of the term 'sustainable' and establishing a clear regulatory framework that encourages free and informed purchasing choices.
-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 Justification of Green Claims, which states that it does not reflect the reality of complex agri-food systems in a multidimensional way. Furthermore, the PEF fails to adequately consider the use of inputs such as pesticides, the negative and positive external impacts of different agricultural production methods on biodiversity, soil quality, deforestation, and planetary boundaries. In this respect, the approach should be reviewed.

Counterclaim.

Regarding the objection raised about 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 Justification of Green Claims, we put forward the following argument:

• The PEF is not used as the only assessment tool within the SAP system. It is a methodological support 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 proposal for a Green Claims Directive (COM (2023) 166 final), has warned about the limits of the PEF in capturing the complexity of agri-food systems, but in no case has its use been prohibited or totally 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:

-The use of phytosanitary products and fertilisers.
-The conservation of biodiversity.
-Soil health.
-The water footprint.
-Energy and emissions management.
-Animal welfare.
• Therefore, the use of the PEF within the SAP is rigorous, proportional, 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 regulations, but rather an informed and contextualised application of the recognised PEF methodology, integrated within a much broader and balanced system. This combination ensures the reliability of the SAP label and prevents the confusing or unverifiable use of the term 'sustainable' in the agri-food sector.

On environmental aspects: The proposed regulation fails to address key issues such as the environmental and health impacts of the pesticides that continue to be authorised under its umbrella, the impact of GMOs (including NGTs) on biodiversity, etc.

Counterclaim.

It is inaccurate to claim that the SAP regulation does not address the environmental and health impacts of pesticides. In fact, the proposal includes measures aimed at gradually reducing the use of phytosanitary products, especially the most harmful ones, as well as strengthening the monitoring and control of their use. In addition, the proposal promotes agricultural practices that reduce dependence on chemicals, such as crop rotation, integrated pest management, and precision agriculture.

It is also important to keep in mind that the regulation is part of a broader European strategy, such as the Green Deal and Farm to Fork, which set clear targets for pesticide reduction and the transition 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.

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

Counterclaim

The indicator that measures the net income of the agricultural operation (E.1.4.1) is a valid and relevant tool for evaluating the economic sustainability of a farm. While 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 farms. Furthermore, this type of calculation allows for a direct analysis of economic performance, showing whether the activity is viable overall, before going into more technical details.

Regarding the remuneration of family labour, the regulations allow 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 might 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 by a single metric, but by a series of complementary elements. This indicator, despite its limitations, serves a useful function within this global framework.

The indicator DIVERSIFICATION OF INCOME SOURCES (E.2.1.1) should reduce risks and/or increase potential income sources through other non-agricultural activities; 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 of the indirect effects it promotes. While the indicator assesses the existence of economic activities complementary to agricultural production, the practices that it encourages generate significant positive social and environmental impacts 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 educational sessions in rural areas. These activities have a direct social impact on:
-Job creation in rural areas, which often have limited opportunities.
-Revitalisation of the local economy, benefiting other sectors such as commerce and services.
-Maintenance and promotion of the cultural and natural heritage of the rural environment, as this becomes an asset for new activities.
-Education and awareness about the rural environment and agriculture, especially through educational sessions.
-Improving the quality of life of the rural community by offering services and opportunities.

2. Promoting the transformation of agricultural products with sustainable potential: The transformation of agricultural products into non-agricultural goods can have positive environmental impacts on:

-Reducing food waste by adding value to products that might not be sold directly.
-Promoting short marketing circuits, reducing the carbon footprint associated with transportation.
-Creation of 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 in the face of external factors such as market fluctuations or the effects of climate change (which have a clear environmental and social impact). A less vulnerable company is more capable of adopting practices sustainable over the long term.

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

In conclusion:

The indicator E.2.1.1, although located in the economic bloc, is more than 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 takes a reductionist view of its importance and scope.

Within the quality production topics, PRODUCTION FOLLOWING CERTIFIED QUALITY SCHEMES in plant production (E.3.2.1) does not consider organic farming as quality production, as it only specifies DOP or PGI certification schemes.

Response

The next revision of the standard will consider including Organic Farming in practice E.3.2.1.

Regarding social aspects, the assessment of social sustainability 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 DECENT WAY, to guarantee that the salaries of working personnel are at least those stipulated in the collective agreement.

S.3.1.1 COMPLY WITH THE OBLIGATIONS DERIVED FROM EMPLOYMENT, to guarantee that all workers have an employment contract that complies with the collective agreement of the sector.

S.3.3.1 GUARANTEE THAT THERE IS NO CHILD LABOUR

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 GUARANTEE SAFETY AT WORK, OPERATIONS AND FACILITIES.

Other factors are included in the evaluation that are difficult to demonstrate and therefore lack content, such as GUARANTEE FREEDOM OF ASSOCIATION AND THE RIGHT TO COLLECTIVE BARGAINING (S.3.4.1.), using as an evaluation criterion that freedom of association is guaranteed among the company's personnel.

The assessment of social sustainability based on these indicators rewards compliance with basic legal requirements and defends the competitive advantage of Catalan farms included in the SAP certification system in the European context.

Counterclaim

While the assessment of social sustainability in the SAP certification includes indicators based on basic labour rights and horizontal legal requirements, presenting these as a simple validation of legal compliance and a defence of competitive advantage in the European context is an oversimplification and ignores the purpose and added value of the SAP system.

1. The inclusion of these aspects responds to the explicit intent to align with European Union guidelines and establish a reference framework that can be extrapolated globally. This is not 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 considers an evolutionary approach, 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 methods become available.

2. The SAP is a recognition and assessment of real effort: It is true that the SAP values actions that, in many cases, Catalan farmers and ranchers are already taking, such as having employment contracts that comply with regulations and guaranteeing health coverage for 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 in imported products.

3. It is a differentiation and recognition of 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, the SAP offers a verified guarantee of a certain level of social commitment. This recognition of compliance with labour regulations provides added value to the SAP system products compared to imported products where these standards may be lower or unverified. It is not just about competition, but also about transparency and empowering consumers 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 merely a declaration of intent, but an auditable process that guarantees 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 their lack of content or their irrelevance. Their inclusion, from the outset, demonstrates a willingness to consider them and move toward 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 reflect the long-term vision, purpose, and added value that the SAP certification brings to the Catalan agri-food sector.

This new regulation could lead to trade barriers, as it could create competition among Catalan SAP-certified products that include assessment indicators that do not correspond to the logic of European legal standards, given the use of environmental footprints. Other indicators are not clearly defined or are difficult to demonstrate, such as some of the proposed social standards.

Counterclaim:

In no case does the SAP imply any barrier to trade, but rather:

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 to restrict trade, but to promote an agroecological transition by encouraging more sustainable agricultural practices. Furthermore, the SAP offers added value for products that obtain certification, based on the verification of practices that go beyond European legal minimums, responding to a growing demand for products produced in a more responsible and sustainable manner. The SAP allows Catalan products to differentiate themselves on a market increasingly concerned with sustainability.

2. Complementarity with European legal standards: The SAP does not intend to contradict or replace European legal standards, but rather to complement them and examine in greater depth specific aspects 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 toward a more comprehensive assessment of sustainability, which goes beyond simple regulatory compliance, providing a guide for continuous improvement.

3. The environmental footprint as relevant information for improvement: The use of environmental footprints is not an arbitrary imposition for purposes of restricting trade, but rather an increasingly recognised and sought-after tool for assessing the true environmental impact of products and identifying critical areas for reducing them. Providing this information to producers within the SAP system allows them to make more informed decisions to improve the environmental sustainability of their farms. 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, fine-tuning the definitions and verification methods 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 evaluation and integration as levers for improvement.

5. The SAP can open new markets and increase the competitiveness of Catalan producers, including organic producers. The SAP has the potential to follow a similar trajectory, differentiating products based on their overall sustainability and

offering a path for continuous improvement, opening up new business 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 for the Catalan agricultural sector. The SAP seeks to offer added value based on criteria that go beyond the legal minimums. The use of environmental footprints and the inclusion of social and economic indicators respond to the need to make progress on the path toward sustainability, with the primary objective of improving and enhancing the value of Catalan products on the global market.

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