**The EU consolidated reply to the Questionnaire**

**UN Special Rapporteur on the Right to Food**

**Food systems and human rights**

1. **What are the most salient challenges facing the food systems in your region? Explain why.**

The most salient challenges facing the food systems in the EU are highlighted in the Communication from Commission entitled “A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system”[[1]](#footnote-1), adopted on 20 May 2020 and referred to henceforth as “the F2F Strategy.”

The F2F Strategy is at the heart of the new European Green Deal. It addresses comprehensively the challenges of sustainable food systems and recognises the inextricable links between healthy people, healthy societies and a healthy planet.

The strategy is central to the Commission’s agenda to achieve the United Nations’ Sustainable Development Goals (SDGs) and has identified the following challenges:

* All citizens and operators across value chains, in the EU and elsewhere, should benefit from a just transition, especially in the aftermath of the COVID-19 pandemic and the economic downturn.
* A shift to a sustainable food system can bring environmental, health and social benefits, offer economic gains and ensure that the recovery from the crisis puts us onto a sustainable path.
* Ensuring a sustainable livelihood for primary producers, who still lag behind in terms of income, is essential for the success of the recovery and the transition.
* The shift to sustainable food systems cannot take place without all major actors in the food systems, including, but not limited, the middle part of the food supply chain.
* The COVID-19 pandemic has underlined the importance of a robust and resilient food system that functions in all circumstances, and is capable of ensuring access to a sufficient supply of affordable food for citizens.
* This experience has also made Europeans acutely aware of the interrelations between health, ecosystems, supply chains, consumption patterns and planetary boundaries - more needs to be done to keep people and the planet healthy.
* The current pandemic is just one example: the increasing recurrence of droughts, floods, forest fires and new pests are a constant reminder that food systems are under threat and must become more sustainable and resilient.

The F2F Strategy is a new comprehensive approach to how Europeans value food sustainability. It is an opportunity to improve lifestyles, health, and the environment. The creation of a favourable food environment that makes it easier to choose healthy and sustainable diets will benefit consumers’ health and quality of life, and reduce health-related costs for society. People pay increasing attention to environmental, health, social and ethical issues and they seek value in food more than ever before. Even as societies become more urbanised, they want to feel closer to their food. They want food that is fresh, less processed and sustainably sourced. Moreover, the calls for shorter supply chains have intensified during the current outbreak. In this context, consumers should be empowered to choose sustainable food and all actors in the food chain should see this as their responsibility and opportunity.

1. **What are the examples of ways in which the challenges facing the global food system are having adverse impacts on human rights broadly, and the right to food specifically?**

The F2F Strategy identifies a number of reasons why a transformation to a sustainable food system is needed:

* Food Systems are globally responsible for around 21-37% of total greenhouse gas (GHG) emissions and a key driver of biodiversity loss and environmental degradation. In being a big part of the problem of sustainability, food systems are also a big part of the solution
* Beyond environmental concerns, society is being confronted by overwhelming paradoxes in the food systems
* In the EU, 33 million people cannot afford a quality meal every second day yet 20% of the food produced is wasted and half of the adult population is overweight and obesity is rising
* The COVID-19 pandemic has stressed the importance of robust and resilient food systems. In particular, the economic downturn associated with the public health crisis has increased food insecurity (e.g. European Food Banks Federation reported on a 30% increase in food demand in July 2020 linked to Covid crisis).

European food is already a global standard for food that is safe, plentiful, nutritious and of high quality. This is the result of years of EU policymaking to protect human, animal and plant health, and of the efforts of farmers, fishers and aquaculture producers.

Now European food should also become the global standard for sustainability. The F2F strategy aims to reward those farmers, fishers and other operators in the food chain who have already undergone the transition to sustainable practices, enable the transition for the others, and create additional opportunities for their businesses. EU agriculture is the only major system in the world that reduced greenhouse gas (GHG) emissions (by 20% since 1990). However, even within the EU, this path has been neither linear nor homogenous across Member States. In addition, the manufacturing, processing, retailing, packaging and transportation of food make a major contribution to air, soil and water pollution and GHG emissions, and has a profound impact on biodiversity.

As such, even though the EU’s transition to sustainable food systems has started in many areas, there is an urgent need to reduce dependency on pesticides and antimicrobials, reduce excess fertilisation, increase organic farming, improve animal welfare, and reverse biodiversity loss.

Furthermore, on Climate change and environmental impacts, there is now tangible evidence that climate change has negative impacts on the full enjoyment of human rights, including the rights to life, development, food, health, water and sanitation. Social and economic inequality makes disadvantaged groups suffer disproportionately from the adverse effects of climate change. In various parts of the world, climate change directly impacts food systems, and likewise, food security, leading to the infringement of the right to food, in relation to the availability, accessibility and stability of food supply.  This is especially relevant for the African continent, where the poor are heavily dependent on natural resources and agriculture. Agriculture is the backbone of Africa’s economy and accounts for the majority of livelihoods across the continent. Key risks to agriculture include reduced crop productivity associated with heat and drought stress and increased pest damage, disease damage and flood impacts on food system infrastructure, resulting in adverse effects on food security and on livelihoods at the regional, national and individual household levels.

The annual publication of the Global Report on Food Crises – with funding from the EU – clearly demonstrates the causes (including climate change) of food crises, as well as their extent and depth throughout a large part of the developing world.

The lack of integration of social protection schemes into national plans can have devastating impacts on human rights, including the right to food. Low, variable and unpredictable incomes limit not only the amount but also the diversity and quality of food that households can afford, access and consume. As a result of this, the consumption of available cheap but unhealthy food is indirectly incentivized in the place of more nutritious food and healthy alternatives. Even where sufficient high-quality food is available, some households lack the minimum financial resources to access food. This challenge exists within countries at all levels of income but it is particularly evident in crisis-affected areas. The inability to establish social protection systems at the national level is not only detrimental to the immediate needs of those most in need, but can also hinder long-term transformational changes in livelihoods. By addressing structural constraints to access to food, such as lack of income, lack of education and opportunities for employment, social protection systems can have a considerable impact on the right to adequate food for the most vulnerable people.

Unsustainable (often intensive/industrial) farming, resulting in the over-exploitation of lands and water resources, and increased use of pesticides, lead to soil erosion and to reduction in natural habitats. Moreover, industrial agricultural practices encourage the standardization of agro-ecosystems and crops, resulting in the over-dependence on a few staple crops, leading to biodiversity loss. Unsustainable practices in the areas of agriculture and food production, directly affect the protection of natural resources and the local natural ecosystems that small farmers depend upon for their livelihoods, with effects on the access to natural resources and to the right to eat safe, nutritious and culturally appropriate food.

1. **Are there specific challenges that your country has faced in attempting to employ a rights-based approach to transforming food systems without leaving anybody behind?**

The F2F Strategy recognises that all citizens and operators across value chains, in the EU and elsewhere, should benefit from a just transition, especially in the aftermath of the COVID-19 pandemic and the economic downturn. This means:

* Ensuring food security, nutrition and public health – making sure that everyone has access to sufficient, nutritious, sustainable food that upholds high standards of safety and quality, plant health, and animal health and welfare, while meeting dietary needs and food preferences
* Preserving the affordability of food, while generating fairer economic returns in the supply chain, so that ultimately the most sustainable food also becomes the most affordable, fostering the competitiveness of the EU supply sector, promoting fair trade, creating new business opportunities, while ensuring integrity of the single market and occupational health and safety.

Regarding a rights-based approach, on 31 May 2021, in its conclusions on the EU's priorities for the 2021 UNFSS[[2]](#footnote-2), the Council of the EU stated that it is

* “fully committed to working with countries from all regions of the world and with all relevant stakeholders to achieve an ambitious outcome at the Summit and effective follow-up actions, driven by the overarching human rights principles and the right to food approach.”
* In accordance with the overarching principle of the 2030 Agenda ‘to leave no one behind’, the transition of global food systems must be equitable and inclusive, and based on a human rights approach. Special attention should be paid to the poorest and the most vulnerable, and to the rights of local communities and indigenous peoples.”
1. **To what extent has the UN Food System Summit (UNFSS) considered those challenges in its deliberation? Please explain**

The inclusive nature of the Summit, demonstrated by the participation of large segments of public worldwide through the food systems dialogues and actions tracks, enabled all relevant stakeholders to provide direct contribution to the Summit. The several work-streams at the foundation of the UN Food Systems Summit and the follow up actions are key for defining an operational pathway towards achieving food systems transformation, with specific reference to fragile contexts. In particular, the on-going work of the Action Tracks, aiming to obtain inclusive and broad-based inputs, have the power to enhance significant progress towards food systems transformations and the achievement of the Sustainable Development Goals.

Within the UNFSS process, the Action Tracks (AT) with the most direct relevance to food systems related to AT2 on “ Shift to “Sustainable consumption patterns” and to agricultural policy AT3 “Boosting nature positive production at scale”.

The discussions in both AT2 and AT3 have led to the recognition of several “solution clusters” of game-changing ideas, which cover a number of the challenges to the production process, identified by the F2F Strategy, namely the need for:

* “Enabling, inspiring and motivating people to enjoy healthy and sustainable options”, with solution clusters on “Healthy Food Environment”, including the EU action on the Code of Conduct on responsible food business and marketing practices, developed by shift the EU food business associations and food business to support the shift.
* “Information-investment: Motivation, Education and Information to Shift Demand for Healthy and Sustainable Food Consumption” and “Healthy Food Environments”, discussed with Member States.
* A Solution Cluster has been proposed on “One Health”, including Antimicrobial Resistance (AMR), as to strengthen AMR.
* Slashing food loss and waste and transitioning to a circular economy” with proposed solution clusters “Food is never waste”.
* Furthermore, AT.2 has been working on the School Meals Coalition proposition.
* Making “Transformation through innovation for nature-positive production”
* Achieving “Deforestation-free and conversion-free food supply chains”
* Addressing how innovative farming techniques can lead to a “Transformation through agroecology and regenerative agriculture”
* Focusing on better soil health (“Global Soil Hub Investing in Land Restoration”)
* Considering the degradation of both land and water resources in the “Land-freshwater nexus”
* Including “Monitoring, stakeholders and evidence” in the systems policy approach
* Embracing “Aquatic and Blue Foods” as integral to a food system approach
* Recognising the role of “Repurposing public support to food and agriculture” in order to bring about system change

Though the rights of indigenous people were not referred to explicitly in the F2F Strategy, the Council Conclusions on the EU's priorities for the 2021 UNFSS included the following reference:

“In accordance with the overarching principle of the 2030 Agenda ‘to leave no one behind’, the transition of global food systems must be equitable and inclusive, and based on a human rights approach. Special attention should be paid to the poorest and the most vulnerable, and to the rights of local communities and indigenous peoples”.

This relates directly to the solution cluster proposed in AT3 on “Indigenous Peoples’ food systems Indigenous Peoples Food Systems”.

1. **What are the specifics obligations of states and responsibilities of businesses in terms of preventing and addressing adverse impacts caused by the unsustainable production or consumption of food?**

Within the F2F Strategy, the new EU “Code of Conduct for Responsible Business and Marketing Practice” is one of the first deliverables. The Code sets out the actions that the actors ‘between the farm and the fork’, such as food processors, food service operators and retailers, can voluntarily commit to undertake to tangibly improve and communicate their sustainability performance.

These actions can be directly relevant and implementable within their own operations or may encourage collaboration with industry peers and other food system stakeholders (such as farmers and consumers) to make similar changes.

The Code of Conduct has entered into force on 5 July 2021[[3]](#footnote-3)and is so far signed up by 65 interested parties (both associations and companies).

Moreover, to accelerate and facilitate the transition and ensure that all foods placed on the EU market become increasingly sustainable, the Commission will make a legislative proposal for a framework for a sustainable food system by end of 2023. This will promote policy coherence at EU and national level, mainstream sustainability in all food-related policies and strengthen the resilience of food systems.

The Commission will work on common definitions and general principles and requirements for sustainable food systems and foods, as well as responsibilities of all actors in the food system. Combined with certification and labelling on the sustainability performance of food products and with targeted incentives, the framework will allow operators to benefit from sustainable practices and progressively raise sustainability standards such that they become the norm for all food products placed on the EU market.

1. **Despite the challenges of the pandemic, what are the specific examples of rights-based initiatives and good practices (including policy, standards and programmes) that have successfully improved people’s access to adequate food in a sustainable and systemic way?**

*Treaty objectives in the domain of agriculture and food supply*

Article 39 of the Treaty on the Functioning of the European Union (TFEU) sets out the specific objectives of the CAP:

* To increase agricultural productivity by promoting technical progress and ensuring the optimum use of the factors of production, in particular labour;
* To ensure a fair standard of living for farmers;
* To stabilise markets;
* To ensure the availability of supplies;
* To ensure reasonable prices for consumers.

These objectives are both economic [Article 39, paragraph 1(a), (c) and (d)] and social [Article 39, paragraph 1(b) and (e)] and are intended to safeguard the interests of both producers and consumers.

In practice, the objectives of the CAP have remained unchanged since the Treaty of Rome came into force, given that their wording has proved extremely flexible and capable of accommodating the countless reforms seen since the 1980s[[4]](#footnote-4) that continuously increased the environmental ambition of the CAP[[5]](#footnote-5). It should be pointed out that, as evidenced by settled case law, the objectives of the CAP cannot all be fully achieved at the same time. Consequently, the EU legislator has significant discretion in the scope of the reforms, depending on market developments and the priorities set by the EU institutions at a given time.

*Treaty objectives in other aspects of sustainable food systems*

Alongside the specific objectives of the CAP set out in Article 39 TFEU, a number of Treaty provisions lay down other objectives, which are applicable to all EU policies and measures. On that basis, promoting a high level of employment (Article 9), environmental protection to promote sustainable development (Article 11), consumer protection (Article 12), animal welfare requirements (Article 13), public health (Article 168(1)) and economic, social and territorial cohesion (Articles 174 to 178) are becoming objectives of the CAP in their own right. The European Green Deal of November 2019 and the F2F and Biodiversity 2030 strategies published by the Commission in May 2020 confirm the increasing cross-cutting nature of agriculture and food issues. Furthermore, at a time of market liberalisation and globalisation, Article 207 sets out the principles of the common commercial policy applicable to trade in agricultural products.

*The F2F Strategy foresees a food contingency plan*

Despite its resilience during the pandemic, certain threats to the European Union’s food system illustrated the types of problems that could arise in future, and highlighted the usefulness of better preparedness across the EU. The threats have also underlined the need for further coordination within the EU to address crises affecting the food system and threatening food security.

The F2F Strategy envisages the development of a contingency plan[[6]](#footnote-6) by the Commission, to be activated when there is a crisis that affects all or part of the food system and puts in danger food security within the EU. The aim is to ensure a sufficient and varied supply of safe, nutritious, affordable and sustainable food to citizens at all times.

The contingency plan will include the creation of an EU food crisis response mechanism, as well as a set of guidelines on how to respond in the event of a crisis. Based on a thorough consultation process, the Commission is conducting an analysis to support the establishment of this initiative. The Commission will share the findings of this analysis in a staff working paper, which will be published together with the Communication to be adopted before the end of 2021.

The contingency plan will involve all the actors in the food system, who play a role in delivering food to consumers, from primary producers (farmers, fishers, aquaculture producers) to inputs and food processing, transport, the retail and wholesale sector, and consumers. The development of the plan will also provide the opportunity to reflect on other relevant aspects of food security, including food safety and labour issues.

The Global Network against food crisis (GNAFC), launched in 2016 by FAO, WFP and the European Union represents a concrete example of a coordinated rights-based initiative aiming to address the root causes of food crises, implementing an humanitarian, development and peace nexus. The objective of the GNAFC is to tackle both the immediate and  long term food crisis related root causes, through: shared analysis;  strengthened coordination in evidence-based responses that address the immediate humanitarian needs; link short-term interventions with a medium to long-term vision; and invest targeted development assistance to reduce needs, risks and vulnerability as well as setting up anticipatory actions. Since its inception, the partners of the GNAFC recognized the need to make better and joint use of existing available information on food crises, while enhancing effectiveness of response through improved coordination and collaboration. A major step taken to facilitate coordination, is the yearly publication of the Global Report on Food Crisis, an evidence and consensus-based report which collects food crises data and assessments of main drivers related to structural vulnerabilities and acute food insecurity

The EU also supports and is closely engaged in the work of the UN Committee on World Food Security (CFS) and its High-level Panel of Experts (HLPE). The CFS work is strongly based on the right to food and has developed a number of Voluntary Guidelines , including the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), the recently adopted of the CFS Voluntary Guidelines On Food Systems and Nutrition (VGFSyN) and the “Policy Recommendations on Agro-ecology other innovative approaches for sustainable agriculture and food systems that enhance food security and nutrition”. The VGFSyN presents a comprehensive, systemic, and science-based approach to achieving healthy diets through sustainable food system. The VGFSyN aims to promote transparent and accountable governance, sustainable supply chains, equal and equitable access to healthy diets through sustainable food systems, encompassing a wide range of recommendations aiming at reducing policy fragmentation between relevant sectors with a special emphasis on food/agriculture sectors.

1. **To what extent was the information on the Summit accessible, clear and practical for you and your community and partners?**

The website of the UNFSS has been the primary source of information. It is accessible, clear and practical. The tone throughout the lead up to the Summit has kept to its promise of being “both a ‘People’s Summit’ and a ‘Solutions Summit’”, in terms of the openness and accessibility.

To appreciate the depth of the issues raised, however, it has been necessary to engage in the action track and broader UNFSS discussions.

The flow of information and updates in relation to the Summit were accessible and clear. The several meetings organized by the FSS Secretariat and the leadership teams of the Action Tracks played a central role in enabling the dissemination of information to all members involved within the UNFSS preparatory process.

1. **In what ways have you participated in the Summit? Please describe your nature and content of your participation**

The European Commission is strongly engaged in the preparation of the UN Food Systems Summit, supporting the call from the UN Secretary General for an inclusive and action-oriented Summit. DG INTPA has recently finalized a EUR 2 million contract to formalize the EU financial contribution to the Summit and it is actively involved in the Action Track work, including through suggesting game changing initiatives.

Participation in the lead up to the Summit has taken many forms:

* Coordination within the Commission and with Member States in the Council, leading to the adoption of the Council Conclusions on the EU's priorities for the 2021 UNFSS on 31 May 2021
* Regular Member State meetings of Action Tracks and Group of Friends of the UNFSS
* Numerous bilateral meetings of the Commission and third countries to discuss possible areas of common interest in the UNFSS
* Engagement in ATs, in particular in Action Tracks 2 and 3 Solution Clusters namely, on “Enabling, Inspiring and Motivating people to enjoy healthy and sustainable options” and on Slashing Food Loss and Waste”, as well as on “ Transformation through innovation for nature-positive production and Solution Cluster”, “Transformation through agroecology and regenerative agriculture”.
* Presentation and discussion on “Boosting nature positive food production” at the EU UNFSS Stakeholder Dialogue on 7 June 2021
* Presentation on “sustainable production” at the EU UNFSS Citizen Dialogue on 12-13 July 2021 and subsequent high level event on 16 July 2021
* Presentation of the Code of Conduct on responsible food business and marketing practices (side event on 27 July).
* Preparation for the attendance of the EU Head of Delegation at the Pre-Summit
* DG INTPA has concluded a partnership with the FAO Investment Centre and CIRAD, through which the EU funds food systems’ analyses in partner countries. JRC provides scientific support. The assessments provide an overview of food systems performance and most pressing challenges. These assessments will feed into national food systems’ dialogues.
1. **To what extent would you consider your participation in the FSS as active and meaningful?**

From the outset, in 2019, UN Secretary-General António Guterres made it clear that “Transforming food systems is crucial for delivering all the Sustainable Development Goals” and countries have been called to “scale up food systems approaches.”

Food system approaches have the advantage of being integrative and invite policymakers, stakeholders and citizens to join together in finding solutions to problems.

Given the ongoing development of the EU F2F Strategy, participating in the UNFFS lead up has been very meaningful. The ongoing health crisis has helped, and hampered, that participation. Direct face-to-face participation is most suited where trust is to be built. However, with the UNFSS process taking place in a period of severe travel restrictions, videoconferencing methods have opened up food system issues to a much wider audience, albeit with some associated technical difficulties and limitations.

**Outcomes of the Food System Summit**

1. **What are your expectations from the Summit’s outcomes following its conclusions in October 2021? How would these outcomes contribute to the full realization of the rights to food for all?**

For the Summit to fulfil its declared objective, a new path for addressing the global food system’s triple challenge of “ensuring food security and nutrition for a growing population, supporting the livelihoods of millions of people working in the food supply chain, and doing so in an environmentally sustainable way”[[7]](#footnote-7) needs to be found.

In line with the EU F2F Strategy, all citizens and operators across value chains, in the EU and elsewhere, should benefit from such a “Just Transition”, especially in the aftermath of the COVID-19 pandemic and the economic downturn.

Significant commitment to action, with measurable outcomes enabling the achievement of the SDGs by 2030, including highlighting existing solutions and the prominent role of all relevant stakeholders in food systems.

 A system of follow up that will drive new action and results also after Summit, allowing for a systemic sharing of experiences and knowledge.

 Increase the awareness of the relevance/importance of food systems in achieving the SDGs.

Enhanced intra-UN coordination and cooperation on food systems

1. **What would be the most optimal implementation process of the Summit’s outcomes? Which international or regional frameworks or forums could serve as a useful platform?**

The announced overall objective of the Summit was to accelerate progress towards the SDGs through a 'food systems approach', leveraging the interlinkages of food systems with global challenges such as hunger, climate change, biodiversity loss, poverty and inequality. This should remain the focus.

Concrete commitments and actions by (coalitions of) stakeholders. With a role for the UN in monitoring and fostering cooperation.

In both preparation of the Summit and in implementation of its outputs, it is essential to ensure coherence and coordination with other global processes, particularly including the three Rio conventions (the UN Convention to Combat Desertification, the Convention on Biological Diversity and the UN Framework Convention on Climate Change).

The upcoming post-2020 global biodiversity framework and the outcomes of the UNFSS should together form a synergistic path towards food security through protection and restoration of natural capital. It will also needs for coherent approach with the three Rio conventions, and with the post-2020 global biodiversity framework, planned for adoption under the Convention on Biological Diversity (CBD) and, will be a broader global strategy so should cut across the UN system).

Regarding the international / regional frameworks or fora to be used as platforms the Commission would like to signal in particular:

* The Global Network against Food crises along the humanitarian development peace-axis
* Strengthening of the Committee on World Food Security (CFS) and the High Level Panel of Experts (HLPE) on food security and nutrition.
1. **How do you envisage your role in the implementation of the Summit’s outcome?**

The EU Green Deal and its F2F Strategy, in particular, represent a tremendous opportunity for the EU to address, in a deep and integrated manner, the sustainability transformation of its food system and its global social, economic and environmental interdependencies. The UNFSS sets the tone for the implementation of that Strategy in the international context.

The EU will cooperate with partner countries in addressing the challenges of food systems and improve the sustainability of food systems worldwide, covering the three dimensions of sustainability. The EU will also continue to engage on research on the sustainability of food systems.

However, in concrete terms, too early to say, we will have to await the UN SG’s Statement of Action and the developments around the Coalitions for Action.

1. COM(2020) 381 final of 20.5.2020 [↑](#footnote-ref-1)
2. https://data.consilium.europa.eu/doc/document/ST-9335-2021-INIT/en/pdf [↑](#footnote-ref-2)
3. https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy/sustainable-food-processing-wholesale-retail-hospitality-and-0\_en [↑](#footnote-ref-3)
4. https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-glance\_en [↑](#footnote-ref-4)
5. https://ec.europa.eu/info/news/cap-reforms-compatibility-green-deals-ambition-2020-may-20\_en [↑](#footnote-ref-5)
6. https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/market-measures/agri-food-supply-chain/contingency-plan\_en [↑](#footnote-ref-6)
7. <https://www.oecd.org/food-systems/understanding/triple-challenge/> [↑](#footnote-ref-7)