



DO WE NEED AN EU ETHICAL FOOD LABEL?

HOW A MIX OF MEASURES COULD HELP CLEAN UP
EUROPE'S AGRI-FOOD SYSTEM

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Cover photo: A mother and child shop for fruit at a local grocery in Lyon, France, on January 25, 2019.

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CONTENTS

2	List of abbreviations
3	EXECUTIVE SUMMARY
4	INTRODUCTION: A FOUR-STEP APPROACH TO PROMOTE FAIRER AGRI-FOOD CHAINS
7	REPORT OBJECTIVES AND METHODOLOGY
8	1. THE EUROPEAN UNION
8	1.1 The Directive on Unfair Trading Practices
9	1.2 Towards mandatory EU human rights and environmental due diligence legislation
9	1.3 A social dimension for the Common Agricultural Policy?
10	1.4 Organic labels
11	1.5 Geographical indications
13	2. ITALY
13	2.1 The fight against <i>caporalato</i> : recent developments
14	2.2 No Cap (No Caporalato)
15	2.3 The GOEL Bio and GOEL – Cooperative Group
17	3. FRANCE
17	3.1 The law on mandatory vigilance
17	3.2 ‘C’est qui le patron?!’ La Marque du Consommateur
20	4. GLOBAL AND US CASE STUDIES
20	4.1 Fairtrade
22	4.2 Three case studies from the United States
22	4.2.1 The Fair Food Program
23	4.2.2 Equitable Food Initiative
24	4.2.3 The Real Co.
26	5. LESSONS LEARNED FROM THE CASE STUDIES
28	5.1 Summary of case studies
34	6. RECOMMENDATIONS
36	LIST OF INTERVIEWEES
37	References

LIST OF ABBREVIATIONS

CAP	Common Agricultural Policy
CIW	Coalition of Immokalee Workers
CSOs	Civil society organisations
CQLP	'C'est qui le patron?!' La Marque du Consommateur
CSR	Corporate social responsibility
F2F	Farm to Fork Strategy
GIs	Geographical indications
GMOs	Genetically modified organisms
HRIAs	Human rights impact assessments
NGOs	Non-governmental organisations
OECD	Organisation for Economic Co-operation and Development
PDO	Protected Designation of Origin
PGI	Protected Geographical Indication
SMEs	Small and medium-sized enterprises
TSG	Traditional Specialties Guaranteed
UTPs	Unfair trading practices
WFTO	World Fair Trade Organization

EXECUTIVE SUMMARY

Eradicating the exploitation of agricultural workers, promoting fairer food supply chains and offering consumers effective tools to make truly informed food choices remain huge challenges in Europe.

This report highlights the limitations of relying solely on food labelling schemes to meet these goals. Voluntary certification schemes cannot force everyone involved in supply chains to respect international human rights standards and regulations. However, the EU can use a number of tools to foster more just food supply chains, with ethical labels playing a role in that process as part of a ‘smart mix’ of measures.

At the regulatory level, the EU should introduce new social and environmental conditionalities in the next CAP and mandatory human rights and environmental due diligence legislation. It should ensure that quality schemes—for example Geographical Indications (GIs)—are revised to allow consumers to buy both high quality and ethical food. Finally, it should better monitor member states to make sure recent legislation—for example the Directive on Unfair Trade Practices—is fully implemented.

Any action taken by the EU must be in line with the EU Recovery Plan, the Farm to Fork Strategy (F2F) and the European Green Deal. The F2F explicitly mentions the need to protect the most vulnerable actors in the food chain—for example precarious, seasonal and undeclared workers—and may provide the foundations for a more resilient, healthy, equitable, ecological and sustainable European food sector.¹

It is clear that EU farming subsidies have not and will not improve the working conditions of the most vulnerable producers, nor reduce the environmental footprint of the EU’s food supply chain, unless additional measures are taken. Therefore, the time is ripe to embed sustainability and human rights protection principles more firmly within the CAP to protect agri-food workers and the environment.

This is even more urgent in times of COVID-19. The pandemic has dramatically revealed the impact of unregulated supply chains on the most vulnerable actors of the supply chain, including in Europe. Nonetheless, it offers a unique chance to rethink the European primary sector, to make it more sustainable and fairer for all actors, from farmers to consumers and to workers, and to end all forms of exploitation.²

The case studies in this report show that it is possible to have increased transparency in food labelling, fairer food supply chains and better protection of farm workers in Europe and overseas. In addition, the best practices highlight that by enforcing existing and new rules, the EU could play a pivotal role in providing food businesses with a clear framework to ensure their operations do not harm the environment or workers.

INTRODUCTION: A FOUR-STEP APPROACH TO PROMOTE FAIRER AGRI-FOOD CHAINS

The globalisation of food value chains has progressively detached consumers from what they eat. It has become increasingly difficult for consumers to make informed and ethical food choices, as well as to be aware of the various human rights violations occurring across the different stages of food supply chains.³ Long, complex and opaque food value chains present strong asymmetries in bargaining power, where a few large retailers and other corporate food giants are able to dictate how food is remunerated, produced, distributed and consumed.

This has led to a steady erosion in the share of the end consumer price left for small-scale farmers and agricultural workers, as well as a progressive reduction of their rights⁴ in several global food value chains, such as seafood,⁵ tea,⁶ cocoa⁷ and strawberries⁸. The International Labour Organization (ILO) estimates that around 16 million people worldwide are being exploited at their workplace in the private sector,⁹ and more than one in ten (11%) of these work in the primary sector (i.e. agriculture, fishing and forestry).¹⁰ These trends affect workers across all continents, including developed economies. In the United States and Europe, around 530,000 workers are at risk of exploitation (most likely a gross under-estimate),¹¹ and modern slavery generates up to US\$150 billion per year, with an annual profit per victim of around US\$35,000 (compared to US\$2,900 in African and US\$5,000 in Asian-Pacific countries).¹²

A recent report¹³ by the European Union Agency for Fundamental Rights highlights a series of issues that undermine workers' rights in the EU agricultural sector and provides a broad range of recommendations.¹⁴ The report shows that labour exploitation in agriculture is linked to several policy areas, thus requiring a coordinated regulatory response.¹⁵ The latter should range from EU migration policies,¹⁶ the need to improve housing and living conditions as well as workers' dependency on employers¹⁷ and intermediaries (including recruitment agencies).¹⁸ While agriculture continues to use exploitative practices,¹⁹ the demand for more sustainable food supply chains is increasing worldwide. Evidence suggests that consumers—particularly the young²⁰—want to shop 'guilt-free'²¹ and are prepared to pay a premium price²² for more ethical products,²³ or even change retailers.²⁴ However, surveys show that only a small number of consumers feel they have sufficient information to make fully informed food decisions.²⁵

The EU has made impressive steps to increase the quality and quantity of food information through advanced food labelling schemes,²⁶ as well as regulating the use of voluntary environmental and social responsibility labels.²⁷ The Ecolabel Index currently tracks 457 ecolabels across 199 countries and 25 industry sectors, of which dozens are active in the EU (e.g. the EU organic products label and the EU energy label).²⁸ A proliferation of food labels

and certifications have tried to shed light on the conditions of workers in the agri-food chain via schemes that differ widely in terms of ownership, objectives, scope, requirements, criteria, indicators and monitoring procedures.²⁹ Several companies have also tried to harness the marketing potential of food labels, developing specific codes of conduct to differentiate themselves from their competitors.

However, while the quantity and quality of information on food labels has significantly increased,³⁰ the possibilities for EU consumers to avoid implicitly supporting labour-exploitative food value chains are still very limited. There are several reasons why voluntary certifications are not a silver bullet but need to be accompanied by a series of regulatory changes that put in place binding legal obligations for agri-food companies.

First, food labels have physical size limitations and the assumption that the more information provided, the more informed choices consumers can make is not necessarily true.³¹ Some also claim that there is an inverse relationship between the quantity and the quality of information.³² Others point out that respect for human and environmental rights should not be delegated to consumers, but should rather be enforced by law.³³

Second, while food labels, sustainability standards and certifications have benefited some producers,³⁴ these schemes are not immune to human rights violations, particularly in some global food supply chains like tea or cocoa.³⁵ For the latter, NGOs have shown that despite the widespread availability of certification schemes, they have had a limited positive impact for producers or the environment and have been unable to tackle endemic problems such as poverty, child labour and deforestation.³⁶

Third, certification schemes rely on the credibility of auditors and evaluators, and the growing global competition in the sector risks a progressive reduction of standards as well as outsourcing verification and accountability to private actors.³⁷

Fourth, current due diligence mechanisms or corporate social responsibility (CSR) reporting schemes are not able to fully monitor the lowest tiers of companies' supply chains, where most violations occur.

Finally, several stakeholders point out that current European competition laws on food labels are too rigid and do not allow agri-food businesses—even the most virtuous—to properly publicise the way they ensure human rights are protected throughout their food supply chains.³⁸

In addition to these limitations, it is important to note that in most countries the fight against modern slavery in agri-food chains relies on voluntary standards, CSR or due diligence mechanisms set by individual companies. At the multilateral level, the United Nations³⁹ and the Organisation for Economic Co-operation and Development (OECD) have produced important guidelines to help companies establish mechanisms to ensure responsible supply chains⁴⁰, and negotiations are ongoing on a UN treaty on the subject⁴¹.

However, several reports⁴² have shown that voluntary schemes have failed to fully ensure compliance with human rights standards across all levels of food supply chains.⁴³ Modern forms of exploitation and slavery are therefore likely to persist and even grow.⁴⁴ Voluntary certification schemes can usually only use decertification as a penalty for severe non-compliance, which does not prevent human rights violations in the lowest tiers of value chains.⁴⁵ Therefore, international and national institutions and regulatory interventions have a decisive role to play in tackling modern slavery and various forms of work exploitation.

For these reasons, promoting fairer European agri-food chains relies on a four-step approach. While supporting and incentivising EU-wide 'ethical labels,' this approach consists of three main regulatory steps: i) a concerted effort against unfair trading practices (UTPs); ii) the launch of mandatory human rights

Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

and environmental due diligence legislation for European businesses; and iii) an overall revision of the Common Agricultural Policy (CAP).

The combination of these tools is crucial to reduce violations, support smallholder farmers, ensure businesses source responsibly and create the conditions to make ethical and nutritious food choices the easiest and most equitable option for all

consumers.⁴⁶ A mixed approach where policymakers and private companies ensure the highest possible standards of human rights and environmental protection in food supply chains is crucial to tackling the dysfunctions and distortions of global food chains (including for goods produced within Europe), improving workers' conditions,⁴⁷ driving the ecological transition,⁴⁸ empowering consumers and giving food the value it deserves.

REPORT OBJECTIVES AND METHODOLOGY

This report aims to show how a lack of transparency in food supply chains—alongside weak enforcement of labour standards, structural issues such as systematic recourse to sub-contracting and limited access to remedies for victims—often results in the exploitation of the most vulnerable, such as farm workers, many of whom are migrants. It explores the added value and the limits of some innovative ethical food labels and certification schemes to assess whether a ‘smart mix’ of policy measures could ensure decent working conditions for those producing food in Europe and achieve compliance with both environmental and human rights standards along European businesses’ supply chains.

The report analyses nine ethical labels and certification schemes from the EU, individual member states and the United States. It is important to note that such practices have been adopted to address very different challenges at local, national or regional levels. The authors are clear that it is not scientifically sound to compare a single local best practice to other well-established certification schemes that have a global scope. The report aims to highlight several examples from around the globe that are trying to increase transparency and promote fairer food supply chains and are worth being further supported and possibly scaled up.

The methodology draws on an extensive literature review of ethical food labels, human rights violations in food supply chains and the role of due diligence and human rights impact assessment (HRIAs) mechanisms. The authors also conducted a series of semi-structured interviews between April and May 2020 with relevant stakeholders from 16 national

and supranational institutions, NGOs and civil society organisations (CSOs), activists, academia and representatives of farmers’ organisations. This was crucial to validate the research findings and assess each case study. Some stakeholders were interviewed for a second time at the end of June and beginning of July to focus on specific case studies and further fine-tune the findings.

The report is divided into six parts. The first focuses on the EU, showing how it should adopt a four-pillared policy to make EU agri-good chains more sustainable and critically assessing two case studies of EU-wide certification schemes (i.e. geographical indications and organic labels). The second analyses the situation in Italy, reflecting on the main steps launched to tackle severe labour exploitation in agriculture and presenting two case studies (NoCap and GOEL Bio). Part three concentrates on France, providing a brief assessment of the 2017 law on mandatory vigilance and presenting a case study (‘C’est qui le patron?!’ La Marque du Consommateur) that is allowing French, European and non-European consumers to create fairer food products and chains. Part four focuses on global and US case studies, looking at four examples: the worldwide Fairtrade certification, the Fair Food Program, the Equitable Food Initiative and the ‘single origin’ mechanism developed by the Real Co. Company. Part five summarises the main features of all the case studies and proposes a four-step approach for ensuring fairer European food chains. Part six presents policy recommendations, indicating areas that EU institutions and member states, respectively, should focus on.

1. THE EUROPEAN UNION

The EU already has an impressive regulatory framework to counter labour exploitation in its agri-food system, which includes legislation to better protect non-EU migrant workers (the Employer Sanctions Directive⁴⁹ and the Seasonal Workers Directive⁵⁰, for instance) and EU labourers from other member states (the body of EU legislation on intra-EU mobility, including the revised Posted Workers Directive⁵¹), anti-trafficking laws⁵² and the new European Labour Authority⁵³. However, there are several options that can play a strong direct or indirect role in driving further change for businesses and protecting the most vulnerable, while ensuring consumers have the tools to make more responsible food choices.

1.1 THE DIRECTIVE ON UNFAIR TRADING PRACTICES

The recent EU directive on UTPs in business-to-business relationships in the agricultural and food supply chain⁵⁴ is an important tool to protect EU food producers against power asymmetries with larger actors in the food supply chain. This directive identifies and forbids 16 practices in the agri-food chain, distinguishing between ten 'black' practices (prohibited under all circumstances) and six 'grey' practices (allowed if the supplier and the buyer agree beforehand in a clear and unambiguous manner).⁵⁵ It covers suppliers with turnovers of up to €350 million, wherever they are based, if selling to an EU-based buyer. Moreover, it requires each member state to designate an enforcement authority to tackle UTPs, as well as to identify measures to reduce retaliation and the financial risks for suppliers who wish to exercise their rights before a court of civil or commercial law.⁵⁶

The directive represents an important step forward and will increase the level of protection of smallholder farmers, offering new opportunities to increase fair buying practices in the EU and protect the most vulnerable workers in the food supply chain.⁵⁷ By establishing a minimum set of rules that all EU member states must transpose into national law by May 2021, there is also scope to adopt stronger legislation at the national level.⁵⁸

Spain, for instance, which has already introduced robust legislation against UTPs in the agri-food sector and rolled out a decree in March 2020 to further strengthen it.⁵⁹ The Spanish law is considered an important reference point in Europe as it envisages a series of crucial provisions—such as mandatory contractual clauses to ensure that the final price between grower and buyer allows production costs to be covered—as well as strong sanctions and enforcement.

The transposition of the directive across EU countries could, for instance, extend the scope of the law to cover all suppliers regardless of their size, introduce a comprehensive ban on all UTPs, or expand the list of banned practices.⁶⁰ It is likely that the new directive will have an indirect impact on agricultural production processes, as it has the potential to increase the role and weight of producers in the food supply chain.⁶¹ This is crucial to break the vicious cycle whereby producers shift the burden of price compression onto agricultural workers.

1.2 TOWARDS MANDATORY EU HUMAN RIGHTS AND ENVIRONMENTAL DUE DILIGENCE LEGISLATION

Over the years, there have been several attempts at the international level to push companies to adopt due diligence procedures to reduce the negative effects of their operations on human rights.⁶² This pressure has stemmed not only from policymakers and civil society organisations (CSOs) but also from the private sector, which has gradually realised the positive effect that sustainable product sourcing has on their operations.⁶³ However, currently only one third of EU companies undertake due diligence procedures,⁶⁴ with only a minority actually complying with OECD guidelines.⁶⁵ Therefore, these voluntary commitments are not enough to ensure high environmental and human rights standards.⁶⁶

In recent years, there have been several attempts at the EU level to introduce mandatory legislation, with 15 resolutions drafted by the European Parliament, innovative legislation brought forward by some member states⁶⁷ and many calls from the private sector and CSOs for EU-wide legal measures. Recently, the European Commission stated that it would bring forward legislation on corporate due diligence in 2021.⁶⁸ The new legislation should ensure that businesses have an obligation to identify, prevent, mitigate, monitor and account for potential and actual human rights abuses and environmental harm in their entire global value chains through ongoing due diligence processes, and to publicly report on such processes, their effectiveness and results.⁶⁹ Finally, the legislation should improve auditing capacities to effectively monitor and assess human rights protection in value chains, find ways to give access to justice and a legal duty of care for victims,⁷⁰ and provide strong enforcement and monitoring in synergy with EU member states' national authorities.⁷¹

Requiring companies to adopt more robust human rights due diligence—using tools such as HRIAs⁷²—is crucial to go beyond box-ticking social audits.⁷³ Several companies and retailers in Europe (e.g. the Finnish S-Group)⁷⁴ have already launched these

processes,⁷⁵ demonstrating that this is possible even for large corporations with very long supply chains. The Finnish pilot showed how to ensure higher commercial transparency without revealing commercially sensitive price information that could fall foul of competition law.⁷⁶ A recent report⁷⁷ by the European Commission explores options for implementing mandatory EU-wide human rights and environmental due diligence legislation to give companies the proper tools to monitor what happens in the lower tiers of value chains and to sanction non-compliant actors.

This legislation would also impact EU companies that trade or manufacture food products and agricultural commodities.⁷⁸ The legislation would draw on the experience of sector-specific initiatives⁷⁹ (i.e. the EU Timber Regulation,⁸⁰ the EU Conflict Minerals Regulation⁸¹ and the revision of the EU Non-Financial Reporting Directive),⁸² as well as on national laws recently enacted in EU member states such as France.

1.3 A SOCIAL DIMENSION FOR THE COMMON AGRICULTURAL POLICY?

Launched in 1962, the CAP is a policy for all EU countries that aims to support farmers, improve agricultural productivity, preserve rural areas and ensure a stable supply of affordable food.⁸³ The CAP has undergone several reforms over its lifespan to reduce its negative effects on social equity, small farmers and the environment, and in recent years it has also tried to counter and mitigate the effects of climate change.⁸⁴ Recent surveys reveal that EU citizens believe that the CAP has improved the living conditions of farmers, while securing a stable supply of safe, healthy and affordable food for EU citizens. These polls also show that EU citizens are willing to reduce subsidies to those who do not comply with high environmental, food safety and animal welfare standards.⁸⁵

However, the CAP has caused an overconcentration of land and resources, with 3% of farms accounting for half of EU farmland, and 1 in 5 farms receiving around 80% of CAP payments. Large companies

make significant profits without undertaking any new investments. However, small and medium farmers and producers cannot access sufficient financial resources to invest in better production processes and techniques.⁸⁶ It is widely acknowledged that the CAP has put too much emphasis on productivity and profit, damaging small-scale farming and biodiversity, leading to an over-concentration of land and resources and paving the way for UTPs and workplace exploitation.

Revising the CAP—which currently absorbs 38% of the EU budget—in a sustainable way could reduce distortions and promote a truly ecological and sustainable transition in European agriculture that protects and fairly rewards all actors in the food supply chain.⁸⁷ CSOs have advocated making CAP direct payments conditional on respect for labour regulations, social standards and collective labour agreements.⁸⁸ Including a social conditionality on direct payments for farmers alongside the environmental ones could be a powerful driver to ensure respect for the employment rights of farm workers, protect biodiversity and increase the European carbon sink.⁸⁹

In its 2018 proposal on support for national strategic plans under the CAP,⁹⁰ the European Commission called for a “basic income support for sustainability” as a way to “guarantee a minimum level of agricultural income support for all genuine farmers”, in line with Article 39 of the Treaty on the Functioning of the European Union. In addition, NGOs⁹¹ and academia⁹² have been pushing for the introduction of a basic floor of employment rights for all workers in the EU, especially the most vulnerable, such as migrant and seasonal workers.⁹³

In other words, the time is ripe to discuss a thorough reform of the CAP and to transform it from an economic to a social and environmental policy, in line with the ambitious goals set out in the Farm to Fork (F2F) Strategy,⁹⁴ the EU Green Deal and the Recovery Plan. This is even more urgent due to COVID-19, as the pandemic will probably affect the timeline for CAP revision and may water down any innovative proposals. Discussions have inevitably slowed in recent months and there is the real risk that the current CAP may be extended for two years.⁹⁵

1.4 ORGANIC LABELS

Organic products have become increasingly important at the EU level, with consumption estimated to be worth more than €40 billion in 2018.⁹⁶ Agricultural land cultivated under organic conditions increased by 7.6% in 2018, exceeding 13.8 million hectares, with the main areas in Spain (16%), France (15%), Italy (14%), and Germany (11%). At the end of 2018, there were 325,306 organic farms (a 4.9% increase compared to 2017), with the majority concentrated in Italy (21%), France (13%), Spain (12%), and Germany (10%). In addition, there were nearly 57,500 organic food processors (i.e. fruits and vegetables, cereals and milk) in the EU, and around 4,800 organic importers and more than 2,600 organic exporters.⁹⁷

Organic labels have so far proven to be the best certification in Europe in terms of providing comprehensive control of food supply chains. This is mainly due to rigid annual controls and inspections covering all organic farms, whereas no more than a third of farms are inspected under Geographical Indications (GIs). The organic certification assesses all tiers of the food supply chains, including marketing and trading. However, especially for imported products, it is not always easy to track the food supply chain, especially for goods that enter the EU market through so-called triangulation, a practice whereby retailers, for instance, may import organic products via third countries that have faster and less regulated customs procedures. Such rigid procedures have also paradoxically hindered the spread of organic products compared to GIs, where lighter procedures as well as the strong link with the product's place of origin seem to attract more consumers.⁹⁸

Against this backdrop, organic rules and standards⁹⁹ have been applied since 2007 to foster more sustainable farming techniques and avoid the use of unauthorised pesticides on crops. These rules also include requirements for record keeping, labelling and marketing, as well as an inspection and certification system. Certified companies are subjected to a series of rigorous annual inspections that are formally mandated by national institutions.

Inspections may be undertaken several times a year in cases of multiple production cycles and inspectors constantly change to avoid the emergence of potential patronage.¹⁰⁰ Every authorised body has a code (e.g. GB-ORG-2, GB-ORG-4) that needs to be displayed on the label. Products can only be defined as 'organic' if they meet a broad range of standards.¹⁰¹ These include the lack of any synthetic chemicals (fertilisers, herbicides or insecticides); not using antibiotics on animals except for cases of real need or to preserve the animal's health; and the absence of genetically modified organisms (GMOs), GMO ingredients or ingredients derived from GMOs.¹⁰² All prepacked EU organic food must display the EU organic logo.¹⁰³

While the area under cultivation and the market for organic products has skyrocketed recently,¹⁰⁴ EU legislation has become increasingly unable to keep pace with these changes. Therefore, in recent years, EU institutions and member states have worked to revise and harmonise EU organic rules. The new set of rules for organic farming is expected to simplify the current system for labelling and marketing organic products, harmonise standards, apply one system to all EU and non-EU farmers and provide all EU consumers with the same quality guarantee, wherever their food comes from. In 2021 a new EU regulation (2018/848)¹⁰⁵ is due to enter into force to replace the current one (EC No 834/2007).¹⁰⁶ The aim is to update current rules that date back to 2007 to reflect the changes that allowed the organic sector to shift from a niche to a key component of the EU's agriculture, a sector that is growing at a pace of around 400,000 hectares a year.¹⁰⁷

This has been confirmed by the recent F2F strategy that aims to devote at least 25% of the EU's agricultural land to organic farming by 2030, by also increasing organic aquaculture. However, during the last 20 years, the emergence of a complex patchwork of rules and derogations has increased uncertainty in the sector and this needs to be simplified and harmonised.

The new regulation will introduce a set of EU-wide rules covering the whole organic sector. These will cover all organic producers and products, including non-EU farmers exporting their organic products to

the EU. The regulation will therefore bring important improvements at the trade level, paving the way for a level playing field between operators from EU and non-EU countries. It will be crucial to replace the current 60 different sets of organic rules from control bodies which the EU has recognised as equivalent to its own rules. Furthermore, the new organic regulation will apply to live and unprocessed agricultural products, as well as seeds and other plant reproductive material and processed agricultural products used as food and feed. Processed products will only be able to be labelled as organic if at least 95% of the agricultural ingredients are organic. Finally, the new rules will allow the European Commission to assess the situation four years after the new regulation enters into force, providing useful data on national rules and practices as regards thresholds for non-authorised substances.¹⁰⁸

Although organic products have undoubtedly given EU consumers more opportunities to buy products free from unsustainable production processes, organic rules do not necessarily pay attention to the conditions of people working in the fields and producing that food. National authorities mandate inspectors to enquire about working conditions, but they can only ask for contracts and workers' registers if they discover potential violations. The best solution would be to have organic labels accompanied by complementary voluntary certifications (e.g. the IFOAM standards) that combine information on production processes with a more detailed analysis of the social conditions in which those products are made.¹⁰⁹

1.5 GEOGRAPHICAL INDICATIONS

Geographical indications (GIs) have become increasingly important in the European agri-food sector and are classified as: a) Protected Designation of Origin (PDO), b) Protected Geographical Indication (PGI), or c) Traditional Specialities Guaranteed (TSG). The main difference between PDO and PGI is related to how much of the raw materials come from a specific area.¹¹⁰ These certification schemes have spread for two reasons. GIs allow producers to sell products at a higher value. They also allow consumers to identify authentic

Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

regional products, for which they are willing to pay a higher price. A recent Eurobarometer poll shows that three quarters of interviewees attach great importance to respect for local traditions (77%), the 'know-how' quality (76%) and knowledge of the geographic area (75%) of origin of the products they consume.¹¹¹

The sales value of the European food and drink sector was around €1.1 trillion in 2017, with the share of GIs and TSGs an estimated €77.15 billion, 7% of the total. Moreover, GIs play a decisive role in European exports, representing 15,5% of total EU agri-food exports,¹¹² despite huge differences across EU member states in terms of the share, sales values and size of GIs. For instance, wines represent more than half of the total value (€39.4 billion) and agricultural products and foodstuffs account for 35% (€27.34 billion).

Overall, PDO, PGI and GIs have done an important job in ensuring that consumers know that a product is genuinely made in a specific region of origin, using know-how and techniques embedded there. However, GIs pay little attention to the labour conditions in which food is produced, perhaps as they assume that small-scale products have fewer chances to generate UTPs or violate workers' rights. Small-scale farms may be less likely to use

irregular worker compared to large-scale retail trade systems,¹¹³ but this is not necessarily the case, especially when external shocks that cause sudden market disruptions such as COVID-19 occur. During those circumstances, GIs cannot adequately protect producers from market power imbalances, with higher costs falling on the weakest actors in the food supply chain.¹¹⁴ Although GIs offer important information about products' traceability, they cannot ensure that workers and producers of high-quality goods are protected against potential human rights violations. In addition, only around one third of farmers are inspected on an annual basis, which may increase the opportunity for fraud and violations.

While these European certification schemes are an opportunity to protect high-value products, they are far from perfect. A study¹¹⁵ conducted by Slow Food on cheese GIs identified several differences in the specifications required to achieve certification. In addition, some interviewees warned that in several regions, the procedures to achieve GI status are not standardised, are sometimes very loose and do not necessarily ensure a higher quality of products.¹¹⁶ Therefore, it is important to introduce better standards to ensure GIs truly preserve the higher quality of their products¹¹⁷ by avoiding high-intensity industrial processes and by also respecting labour standards.

2. ITALY

The Italian agri-food sector has historically struggled with UTPs combined with old and new forms of exploitation, which have been highlighted by several reports and investigations, including a recent statement by the UN Special Rapporteur on the right to food.¹¹⁸ Estimates suggest that up to 430,000 workers are exposed to various forms of exploitation in Italian agriculture,¹¹⁹ with very limited access to basic services such as proper housing, clean water or sanitation facilities.¹²⁰ Irregular work in Italian agriculture is worth around €5 billion (15% of the total added value of the primary sector), generating economic (tax evasion) and social (job losses) consequences.¹²¹ In recent years, Italy has taken some crucial steps to crack down on the widespread mistreatment of farm workers, who supply fruit and vegetables to supermarkets across Europe.

The sections below briefly describe the more recent legislative developments as well as two experiences that aim at boosting transparency while reducing the role of intermediaries in food value chains.

2.1 THE FIGHT AGAINST *CAPORALATO*: RECENT DEVELOPMENTS

In 2016, Italy approved a law (n.199/2016)¹²² to tackle labour exploitation and the so-called *caporalato* (gangmaster system),¹²³ by introducing innovative measures including sanctions on employers, land requisition, enhanced protection for victims, organised labour inspections, and an integrated approach to punishing and ending labour exploitation.¹²⁴ This law represents a milestone in this fight, although it still requires huge inspection efforts, relies too much on workers' ability to report

their exploiters and fails to promote a “supply chain approach”¹²⁵ to increase the transparency of long, highly-fragmented and opaque agricultural value chains.¹²⁶

In addition, the recent decree 34/2020¹²⁷ has introduced measures to tackle undeclared work in the agriculture, care and domestic sectors, as well as to regularise undocumented migrants working there. It aims to regularise approximately 200,000 irregular migrants,¹²⁸ although this is only a fraction of the 600,000 estimated irregular migrants¹²⁹ who are at risk of marginalisation, exploitation and illegal activities in Italy.¹³⁰ Preliminary reports also show that it will likely not reach the original target numbers. The Italian parliament is also working on a new law to limit selling below the cost of production, forbidding so-called double online auctions¹³¹ and supporting ethical food supply chains.¹³² This law is an initial step to tackle entrenched problems within Italy's food supply chains, while the new EU Directive on UTPs will be transposed separately by May 2021.¹³³ Finally, the Italian Senate has begun the process to approve a new law on an ethical quality work label, with the aim of launching an ethical certification scheme that will help agri-businesses respect farm workers' rights, while giving consumers the tools to make informed food choices. The law will provide fiscal incentives to companies that join the Network of Quality Agricultural Work¹³⁴ and will introduce criteria to incentivise recourse to companies producing ethical food in public procurement.¹³⁵

At the retail level, a recent survey suggests that 11% of Italian adults are so concerned about the provenance of food products that they now use alternative ways to shop, including local or community ‘supportive purchasing groups’ (*gruppi d'acquisto solidale*) and

other alternative market channels.¹³⁶ These trends are becoming powerful drivers for change for large retailers in Italy that control more than two thirds of the food and beverages consumed nationally, are the main buyers of agricultural products and are crucial for many producers to access markets. Increasing the transparency of retailers' food supply chains through due diligence reporting or HRIAs has a significant potential for change,¹³⁷ and may lead to a general overhaul of their business models.

2.2 NO CAP (NO CAPORALATO)

One of the most innovative initiatives to help consumers adopt more sustainable and informed food choices is the No Cap certification. It was created by Yvan Sagnet, an activist who led a farm workers' uprising in Nardò, in the Apulia region of Italy, in 2011. The initiative aims to counter exploitation by promoting an ethical chain based on the respect of high-quality standards, defined as the protection of both workers' rights and the environment. No Cap certification uses a third-party scheme (the DQA company)¹³⁸ and aims to encourage farmers' participation by holding out the promise of higher prices and consumer responsiveness.¹³⁹

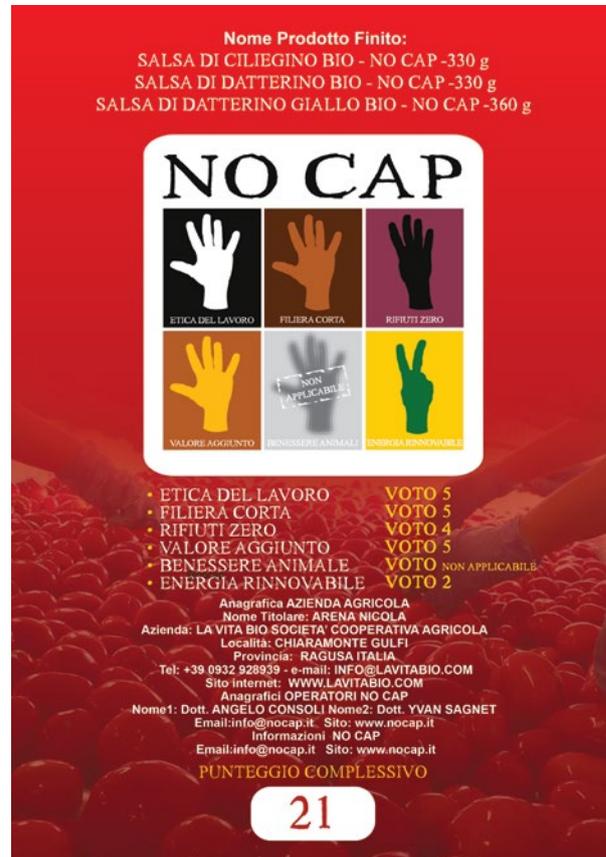
No Cap brings together all actors in the food supply chains, from workers to producers, retailers and consumers. So far, the No Cap network includes around 130 workers, 13 food companies and one large Italian retailer,¹⁴⁰ which recently committed to buy and publicise No Cap ethical agri-food products through a new brand, 'IAMME'.¹⁴¹

Thanks to a comprehensive traceability mechanism for the agri-food chain, No Cap guarantees that all products marked with their label are free from UTPs and exploitation. To achieve this, No Cap brings together all actors in the food supply chain in a transparent and collaborative way. A multifunctional matrix assesses and certifies the ethical nature of the products, following all steps from production, transformation, marketing and distribution, through to accurate auditing and on-site inspections. The matrix is based on six criteria: ethical working relations; energy sustainability; short supply chains; waste management; added value; and animal

welfare. The final grade is expressed using a six handed-logo, where the higher the number of fingers, the higher the grade. The logo certifies the human and environmental sustainability of a particular product.¹⁴² Finally, the No Cap team organises field visits to assist companies in recruiting workers and supports migrant workers with transportation to work, accommodation, security equipment and legal assistance. The No Cap model complements current Italian and EU legislation on food labels. A QR code allows consumers to access additional information about the origin of goods and their production standards, based on the six criteria of the multifunctional matrix. It also lists the name and location of the food company, the company owner and the No Cap staff involved in the assessment. Figure 1 provides an example of a pdf downloaded through a QR code.

FIGURE 1

The No Cap label—an example from tinned organic cherry tomatoes



The next challenge for No Cap is to increase the quality of inspections through a new app.¹⁴³ This will allow workers to report any violations to law enforcement agencies. In addition, it aims to offer consumers a simple, interactive tool to increase the quantity and quality of data on the food they buy. The aim is to create a network of informal monitors to fight against *caporalato* and protect the weakest in the food supply chain.¹⁴⁴ The combination of these elements has made it possible to sell products with No Cap labels all over Italy, and to expand to other non-EU countries like the UK.¹⁴⁵ The association has attracted the attention of several large retailers, but so far has decided to focus on only a few, as well as smaller fair trade shops. Thus, a real challenge for the future is to scale up operations at the national and European levels, while ensuring the highest levels of traceability and transparency are maintained.

2.3 THE GOEL BIO AND GOEL – COOPERATIVE GROUP

GOEL Bio¹⁴⁶ is a collaborative agricultural cooperative of the GOEL – Cooperative Group,¹⁴⁷ that has 350 permanent staff, in addition to external partners.¹⁴⁸ GOEL Bio is one of the best examples of how agriculture can provide opportunities for clean and legal socio-economic dynamics in areas hit by criminal agri-businesses (*agro-mafie*) and very high levels of youth unemployment (up to 55%),¹⁴⁹ while promoting fair supply chains. Currently, the cooperative includes 29 farms as well as many businesses and cooperatives that refuse all contact with the Calabrian criminal syndicate known as *'Ndrangheta*. The association aims to pay fair prices to farmers, ensure responsible sourcing and protect farmers who are victims of organised crime, offering them a way out of a vicious cycle of exploitation and illegality.¹⁵⁰

The cooperative operates in two ways. It organises large-scale awareness-raising campaigns to support farmers that fall prey to attacks or intimidation from local mafia groups. It has also worked to develop fair

food supply chains for organic citrus and organic extra virgin olive oil in Calabria, a region where the orange harvest has become infamous as a modern-day tale of exploitation and inequality. In order to achieve this goal, GOEL Bio has invested in high-quality organic oranges, managing to promote a fair farm-gate price for orange producers (€0.40/kg) which is four times higher than the one usually paid for conventional (from €0.05 to €0.10/kg) and even organic (from €0.10 to €0.25/kg) products. This fair price not only ensures that orange producers have a profit margin, but avoids farmers shifting the burden of UTPs onto the lowest and weakest levels of the food supply chain, the workers.

In addition, the success of GOEL Bio relies on its capacity to create a decentralised management system that empowers all its members, giving them the opportunity to manage the cooperative facilities on a rotational basis, which also reduces costs (with margins distributed among members). GOEL Bio has eliminated intermediaries in its dealings with buyers. Italian (the NaturaSi organic chain) and foreign retailers (COOP Switzerland) currently market its products. In order to manage orders from large buyers, GOEL Bio intends to establish a centralised system to hire seasonal workers, ensuring that once harvesting is completed on one farm, they can move to other ones on regular contracts, guaranteeing job security and meeting employer demand for skilled labour.¹⁵¹

One of the most innovative tools created by GOEL Bio is their ethical control protocol. This was developed by producers to ensure that their image is not tarnished by anyone who violates the ethical rules. It uses a comprehensive methodology that allows companies to demonstrate that their supply chains are not affected by links to organised criminal groups or any form of labour exploitation. The cooperative ensures high levels of compliance from its members by holding annual unannounced checks and inspections at worksites, as well as through compliance and sanctions mechanisms.

Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

FIGURE 2

The GOEL BIO label—an example from organic orange juice. It provides information on the name and location of farms along with other information required by existing national and international regulation, including the organic certification standard.



The protocol includes a whistleblowing process that allows anyone who has information that a GOEL Bio member or partner is failing to respect the ethical or product quality protocol to report the violation using a public email address listed on the GOEL Bio website. Such tools, coupled with internal codes of conduct, have enabled the creation of a monitoring and assessment procedure that is considered more reliable and accurate than other existing standards (e.g. SA8000, ISO 9001).¹⁵²

Finally, to increase transparency, GOEL – Cooperative Group is pioneering what they refer to as a ‘double price’ label and pushing the government to legislate so it would apply to all retailers. Under this scheme, food labels will display the farm-gate price paid to producers as well as the final one. Revealing the farm-gate price shows all the hidden costs of food supply chains and may push retailers to shorten supply chains and cut out those intermediaries that do not add any value to the final products.¹⁵³

3. FRANCE

The agri-food sector plays a key role in the French economy, generating up to €180 billion in revenue in 2017,¹⁵⁴ and acting as a crucial driver for investment. France is the second-largest food exporter in the EU and the fourth largest at the global level, with exports accounting for €44 billion in 2016.¹⁵⁵

The following sections briefly describe French attempts to promote human rights due diligence in supply chains and outlines the case of ‘C’est qui le patron?!’ La Marque du Consommateur, which is allowing French, European and non-European consumers to become proactive fair food buyers.

3.1 THE LAW ON MANDATORY VIGILANCE

France is the first European country to introduce a law on mandatory vigilance (Law 399/2017).¹⁵⁶ This requires the largest French companies (those with more than 5,000 workers in France and 10,000 in France and abroad) to assess and address the adverse impacts of their activities on people and the planet in all stages of the supply chain, by having them publish annual, public vigilance plans.¹⁵⁷ The new law is not confined to reporting. Rather, it requires companies to set up effective plans and processes validated by third parties to demonstrate that their operations do not breach human or environmental rights and to drive companies to radically change their business models.¹⁵⁸

A recent independent assessment¹⁵⁹ of 80 plans published by key industrial groups—including the food sector—welcomed the law’s broad range of application, its focus on *ex-ante* rather than *ex-post* analysis and the establishment of a legal

responsibility linking large corporations and the vast number of suppliers and sub-contractors along their supply chains, both in France and abroad. However, it criticised a lack of homogeneity across the published plans (e.g. some were mere annexes to CSR strategies), the scarce involvement of local stakeholders in the design and monitoring of the assessment methodology and the weakness of the alert mechanisms, questioning the capacity of these tools to avoid potential negative impacts on human and environmental rights.¹⁶⁰ Finally, the lack of an official list of companies covered by the legislation makes it hard to assess whether a company meets the thresholds provided by the law. The law’s effectiveness in holding businesses to account for environmental harms, including those caused by not taking preventive action against climate change, and in enabling victims to access justice, is now being tested through litigation by a group of French city mayors and NGOs (Notre Affaire à Tous, Eco Maires, Sherpa, and ZEA), who initiated a court case in 2019 against oil company Total.

3.2 ‘C’EST QUI LE PATRON?!’ LA MARQUE DU CONSOMMATEUR

‘C’est qui le patron?!’ La Marque du Consommateur (CQLP) represents one of the most interesting attempts to link consumers and producers by marketing ethical food products. The initiative started in France in 2016 as an answer to the crisis in the dairy sector. Responding to calls from producers (who at the time were reporting huge losses), a cooperative called CQLP was created to pay fair prices to producers, leaving consumers to fix the price. CQLP’s goal was a bottom-up approach, involving consumers in all phases of the food supply

chain through an online platform that would allow them to co-create products and ensure producers get fair compensation.

Through an online questionnaire, consumers can create a top-three list of products they would like to purchase, participating in the identification of a list of parameters (the so-called *cahiers des charge*) that selected companies should respect in order to be involved, alongside the farmers, producers and processors in their supply chains. Every decision is made by majority vote and the cooperative gets 5% of total sales.¹⁶¹ Each stage is controlled through groups of evaluators and volunteers, who organise regular field visits and checks. During such inspections and audits, third parties—and even members accompanying them—also assess whether companies are respecting workers' rights and can have access to detailed information about their working conditions (e.g. contracts, pay cheques, etc.)¹⁶²

The parameters include several variables. In the case of pasta—launched in Italy by the local branch of CQLP, 'Chi è il padrone?!' La Marca del Consumatore—these include farming techniques (e.g. organic), transformation processes, grain, type of packaging and final price. Once the products are chosen and the parameters are agreed, the cooperative starts screening the markets to identify companies that best fit those criteria. In the case of milk in France, CQLP provides producers with an income of between 39 to 41 cents out of a final price of 99 cents.¹⁶³ For pasta in Italy, the identified price (sales price to the public of €1.07 for 0.5 kg) allows remuneration that is on average 25% (€400/tonne) higher than market prices.¹⁶⁴ The decision to pay fixed prices for at least three years—although this can be renegotiated (if market prices rise, for instance)—allows producers and farmers to plan their activities effectively, while protecting them from any sudden shocks in food supply chains.

Therefore, it is no coincidence that the initiative has rapidly expanded during the last two and half years and now sells 33 products in France, including butter, chocolate, sardines, yogurt and tinned tomatoes.¹⁶⁵ CQLP is able to ensure that all the producers of multi-ingredient processed food receive fair remuneration. The raw materials for chocolate¹⁶⁶

come from Côte d'Ivoire and Ghana, and CQLP pays €1,525/tonne for cocoa beans, 40% more than the average market price. In addition, through field visits in Africa, cooperative members have had the chance to verify compliance with the criteria identified by around 8,000 surveyed consumers.

The cooperative has increased in size, and now comprises more than 10,000 members in France, with more than 200 million items traded, reaching more than 16 million consumers in over 12,000 stores and benefiting 3,000 farmers' families in France.¹⁶⁷ Moreover, the initiative is rapidly spreading worldwide, and currently includes six countries within the EU (France, Belgium, Germany, Greece, Italy and Spain) and three outside the bloc (Morocco, the United States and United Kingdom).¹⁶⁸ Even during the COVID-19 pandemic, the cooperative's revenues skyrocketed in France (increasing 387% for pasta, 142% for flour, and 141% for frozen meat), with CQPL deciding to allocate the revenues to support people in need.¹⁶⁹

Compared to other initiatives such as Fairtrade, CQPL has not only empowered national food chains, but also given its members the chance to actively participate in the cooperative's activities, from product identification to inspections at company sites.¹⁷⁰ La Marque cannot be considered a food label *per se*, as participating food companies continue selling their products using their own brands. However, all products are sold directly by the companies with the additional 'C'est qui le patron?!' La Marque du Consommateur label. The products are branded with a specific package and layout and have a QR code that provides consumers with all the information they need about the food they purchase, including the share of the final price distributed to actors in the food supply chain. Finally, all retailers selling these products are required to sign a memorandum of understanding committing them to effectively publicise the products in their stores, through leaflets and banners.

The initiative has had a limited impact on consumer prices. Selling milk at a fair price for producers has an extra cost of around €4 per year to French consumers, with apple juice and rape oil having an additional cost of €3.60 and €1.20 per year,

respectively. Figure 3 shows the example of the pasta recently launched in Italy. By scanning the QR code, the consumer is able to understand how the final price (€1.07) is distributed across the food supply chain, including the share set aside to support poorer households and farmers converting to organic. In this example, producers get €0.31 (€400/tonne), 25% more than the average market price (€300/tonne). The pasta is able to ensure a fair price for producers, with a very limited impact (€3 per year on average) for consumers.

FIGURE 3

The La Marque du Consommateur label – an example from pasta sold on the Italian market

È ARRIVATA !

100 % GRANO DURO ITALIANO

QUESTI SPAGHETTI REMUNERANO IL GIUSTO PREZZO AI PRODUTTORI DI GRANO

REMUNERA IL GIUSTO PREZZO AI PRODUTTORI DI GRANO

MULINO ANNESSO AL PASTIFICIO

QUESTE PENNE RIGATE REMUNERANO IL GIUSTO PREZZO AI PRODUTTORI DI GRANO

QUESTI FUSILLI REMUNERANO IL GIUSTO PREZZO AI PRODUTTORI DI GRANO

TRAFILATA IN BRONZO

ESSICCATA LENTAMENTE A BASSA TEMPERATURA

GRANO DURO DA AGRICOLTURA SOSTENIBILE

CREATA DA NOI CONSUMATORI !

www.lamarcadelconsumatore.it

DOVE POSSIAMO TROVARLA?

Carrefour Carrefour market express

While in its first phase CQLP concentrated on processed food, the aim is to expand the initiative to fresh fruit and vegetables. The success of the cooperative has led to its products being sold by the largest retail organisations in France such as Carrefour and Leclerc, as well as other big agri-food players such as Danone or Bel expressing interest in the initiative.¹⁷¹ CQLP products have proven to be competitive not only against branded products, but also compared to some supermarket own-brand labels, that represent up to 45% of the market in France. This pushed some giants like Monoprix to decide to sell milk using ‘C’est qui le patron/ Monoprix’ packaging, which resulted in increased sales, despite the Monoprix own-label milk being on average 24% cheaper than la Marque-branded one.¹⁷²

The success of CQLP shows that introducing ethical food products can impact all actors of the food supply chain in a positive way. CQLP is not solely a commercial tool—even if it can be a very strong one—but rather a way to establish a new pact between producers and consumers. The challenge now will be to ensure that any market expansion does not affect quality and standards. In the coming months, CQLP will launch a series of apps to better link consumers and producers, drawing on the experience of the “Yuka” app, as well as on a profiling campaign that involved more than 180,000 consumers.¹⁷³

4. GLOBAL AND US CASE STUDIES

4.1 FAIRTRADE¹⁷⁴

In the agricultural sector, one of the most widespread systems for food certification worldwide is the Fairtrade Labelling Organization International, an international NGO based in Germany. The organisation, which currently operates in more than 70 countries across the globe, consists of several Fairtrade labelling NGOs and producer networks working with small producers and farm workers to improve their livelihoods, while promoting environmental, social and economic sustainability.

The FLO system relies on a certification procedure, where the third party FLOCERT assesses compliance with Fairtrade standards such as treatment of workers, freedom of association and collective bargaining, workers' housing and sanitation, workers' health and safety, and the absence of child or forced labour.¹⁷⁵ In addition, Fairtrade also includes surprise checks and field visits to ensure that certified producers are complying with the standards. FLOCERT certification operates according to internationally set standards (EN-45011) and its board is composed of independent experts. Its structure aims to ensure not only a high level of participation by producers, but also to raise awareness among consumers about the impact of their choices. Some private certification bodies have also launched their own fair trade labels.¹⁷⁶ Examples include Fair For Life (France) and SPP Global,¹⁷⁷ a certification system created and managed by producers, which ensures minimum and premium prices that are higher than the Fairtrade ones. Other fair trade organisations also import foods under fair trade principles although they do not use certification.¹⁷⁸

Fairtrade differs from other types of certification in that it has a stronger involvement of producers and organisations from the global South, who have a 50% share of the voting system¹⁷⁹ and play a crucial role in setting standards and prices. Through periodic revisions, Fairtrade is able to provide a premium price that is invested in public goods in the communities (e.g. cooperative facilities, social activities and education). In this way, the Fairtrade system goes beyond certification, providing direct support to producers' organisations through programmes aiming at enhancing decent livelihoods (via a living income and living wage), gender equality and human and workers' rights, promoting climate change adaptation, and fighting child and forced labour. This is why the Fairtrade logo currently has the highest recognition among consumers compared to organic farming or other ethical food labels.¹⁸⁰

Fairtrade products perform strongly in EU markets. For instance, in Italy 60% of organic bananas sold are Fairtrade, in the UK almost one third of traded cocoa is Fairtrade and in Switzerland half the bananas sold are Fairtrade.¹⁸¹ What is striking is that Fairtrade products have also started to be sold in large discount chains such as Lidl, where half of the chocolate bars use Fairtrade cocoa.¹⁸² This is a very important step, as it is likely to lead to important changes in consumer patterns.

Overall, the economic results have been positive. More than half of the markets with a national Fairtrade organisation posted double-digit growth in 2017, with the UK, Germany and the US being the largest Fairtrade markets according to retail sales. Fairtrade labels have helped small farmers to receive premium prices, estimated in 2017 to be up

to €178 million, while global sales exceeded €8.4 billion, an 8% increase compared to the previous year.¹⁸³ Maintaining a fixed Fairtrade price has been important for small producers who may be deeply exposed to excessive price fluctuations in world markets, and who are therefore protected from liquidity problems that may push them to take on excessive debt or even seek out illegal money-lenders.¹⁸⁴ In recent years Fairtrade has strongly advocated a living income strategy in several sectors and regions, such as cocoa production in Western Africa, where only 12% of Fairtrade cocoa farmers were earning a living income.¹⁸⁵

In addition, Fairtrade will soon launch pilot projects in Europe (in France, Italy and Spain) to assess important value chains like milk, tomatoes and oranges, and propose new standards and business models. These projects cannot be compared to those traditionally undertaken in the global South, given that it is likely that in countries like France and Italy higher levels of performance will be reached, as the baseline is higher than in developing or least developed countries (LDCs).¹⁸⁶

However, challenges remain to ensure that Fairtrade products guarantee complete protection of human rights across the supply chain. So far Fairtrade has failed to demonstrate success in some sectors—such as cocoa—where poverty, forced labour and child exploitation are still endemic.¹⁸⁷ Additional work is needed to ensure a living income for farmers and farm workers and to foster principles such as gender empowerment in countries where discrimination is widespread, with women struggling to be involved in decision-making processes. Finally, market dynamics strongly affect the possibility of farmers receiving fair remuneration. When market opportunities are limited, farmers are able to sell only a fraction of their products at a Fairtrade price, meaning they only partially enjoy the Fairtrade minimum price and premium benefits. It will therefore be crucial to encourage companies to buy more Fairtrade products and to change their sourcing and purchasing practices to ensure better management of human rights issues across all their value chains.¹⁸⁸ Intervening at the EU regulatory level, for instance expanding the share of Fairtrade products in bilateral trade agreements or public procurement, could play a decisive role.

BOX 1: THE WORLD FAIR TRADE ORGANIZATION (WFTO)¹⁸⁹

Another International Fair trade label is the World Fair Trade Organization Product Label. While Fairtrade is a product certification label, the WFTO label is an organizational label.¹⁹⁰ It ensures that the product has been produced and traded by guaranteed organisations whose practices across the supply chain are checked against the 10 WFTO Fair Trade Principles¹⁹¹ and whose aim is to promote a sustainable Fair Trade economy.¹⁹² The WFTO Guarantee System assesses the entirety of a business, not just a specific product, ingredient, or supply chain. It includes an assessment of the enterprise's structure and business model, its operations, and its supply chains.¹⁹³

BOX 2: FAIR TRADE IN THE EU

At the regulatory level, fair trade has gained an increasingly important role in the EU, although too often 'fair' has been interpreted by the European Commission as a synonym of 'open markets', as if more market opportunities would automatically lead to fairer working conditions.¹⁹⁴ The EU has traditionally had a hands-off approach towards fair trade, not interfering in the elaboration of fair trade criteria, standards and their monitoring, instead leaving this to private fair trade labelling initiatives. Nevertheless, since 2005, the EU has included chapters on sustainable development in bilateral trade agreements. However, NGOs believe these do not go far enough due to the difficulty of enforcing them.¹⁹⁵ More radical trade reforms are needed¹⁹⁶ to allow national and local actors to receive higher and stable commodity prices, therefore protecting their markets against international competition, to push companies operating in third countries to establish mandatory due diligence requirements.¹⁹⁷

4.2 THREE CASE STUDIES FROM THE UNITED STATES

In recent years, the United States has taken strong action against forced labour, with the US Department of Labor issuing a 'List of Goods Produced with Child Labor and Forced Labor,'¹⁹⁸ and either blocking at customs or recalling from US markets goods made involving forced labour.¹⁹⁹ In the meantime, between 2016 and 2018 a growing number of benchmarked companies improved their disclosure performance, for instance by increasing publication of supplier codes of conduct or improving grievance mechanisms and remedy outcomes for workers in their supply chains.²⁰⁰ At the legislative level, the US has made important steps in the fight against various forms of exploitation, introducing the 2015 US Federal Acquisition Regulation²⁰¹ that forbids all suppliers, subcontractors and employers from being involved in any form of modern slavery, human trafficking, or prostitution.²⁰²

However, in 2019 the 'Know the Chain' report evaluated the efforts of 119 companies across three sectors (ICT, food and beverage, and apparel and footwear) to address forced labour in their supply chains and found that significant shortcomings persist, with 5% of US-based farm workers falling prey to modern slavery, most companies resorting to subcontracting and non-verified intermediaries, and very few requiring that no employment or other fees

be charged to workers during recruitment processes throughout their supply chains.^{203 204}

4.2.1 The Fair Food Program

The Fair Food Program is one of the most interesting examples of partnerships created to connect all actors in the food supply chain. The programme is based on legally binding agreements between the Coalition of Immokalee Workers (CIW) union and 14 participating buyers (including fast food chains, supermarkets and food services). As an example of the buyer power represented by the programme, the entire Florida Tomato Growers Exchange joined the Fair Food Program in 2010. The programme agreement provides a model for ensuring fairer agricultural value chains and is based on a worker-driven model of social responsibility that consists of three main pillars. First, participating buyers agree to purchase goods only from farms that meet the standards required by the Fair Food code of conduct. In addition, buyers pay a small 'Fair Food Premium' price to suppliers (the 'penny per pound') which is transferred to farm workers. Second, participating growers agree to implement the Fair Food code of conduct on their farms. Finally, the Fair Food Standards Council (FFSC) monitors compliance with the code of conduct, through a rigorous audit programme and 24-hour complaints hotline.²⁰⁵ The combination of these elements has been crucial to ensure the expansion of the programme.

The success of the programme relies not only on the rules outlined in the code of conduct—which go beyond the provisions of the law—but in making sure these are implemented. The Fair Food Program is a unique new model of social accountability that ensures higher wages to workers, purchasing preference for growers and supply chain transparency for corporate buyers.²⁰⁶ Although the programme does not explicitly address the profits of growers and corporate buyers, participating growers have experienced reduced turnover, decreased workplace illness and injury, as well as avoided major legal actions over wages, discrimination, or other forms of abuse.

Workers are strongly involved in defining the design, structure and implementation of the programme, and such empowerment makes it very different from traditional CSR approaches or other certification schemes. Workers are also able to access a 24-hour complaints hotline. Moreover, the programme covers and protects all workers who are employed on Fair Food Program farms. Direct employment is a programme requirement and workers are requested to show some form of work authorisation when they are hired. However, the Fair Food Program does not verify migrant workers' legal status as the focus is compliance with labour standards, not migration enforcement. The combination of legally binding agreements, workers' training and compliance mechanisms—which include cancelling contracts with producers who violate standards—means that all tiers of the food supply chain are covered, as well as ensuring a much stronger commitment from participating buyers than voluntary schemes or labels with weak auditing procedures.²⁰⁷

As highlighted above, this process has allowed the programme to achieve important results.²⁰⁸ The industry estimates that about 35,000 job slots annually have been impacted by the Fair Food Program. The programme has also distributed more than US\$34 million in premium prices between 2011 and 2019 and trained more than 250,000 workers on their rights.²⁰⁹ Although the programme mainly covers tomatoes, in recent months other fresh products have been added such as peppers, eggplants, flowers and squash.²¹⁰

Campaigning plays a crucial role in ensuring the success of the programme. So far, the CIW has signed agreements with 14 participating buyers, with each agreement requiring significant efforts to organise awareness-raising and advocacy campaigns among workers and consumers. Hence, the challenge for the future will be to keep expanding the programme, by building an increasingly strong alliance between workers and consumers, to increase the number of participating buyers.²¹¹

Against this backdrop, the CIW has pioneered a victim-centred approach to investigating cases of human trafficking to uncover large-scale abuses in agriculture in the southern US. This contributed to the passage of the Trafficking Victims Protection Act in 2000, which, among other measures, offers protection against deportation and possible legalisation of immigration status for victims and witnesses. Furthermore, CIW has long collaborated with and trained federal and local law enforcement agencies on the victim-centred approach to investigations of human trafficking and related crimes such as gender-based violence and systemic wage theft.

4.2.2 Equitable Food Initiative

The Equitable Food Initiative (EFI) is a non-profit certification and skill-building organisation that seeks to increase transparency in the food supply chain and improve the lives of farm workers through a labour-management collaboration model. It is similar to the Fair Food Program, but operates on the West Coast of the US, while the FFP is based on the East Coast. EFI brings together growers, farm workers, retailers and consumers to improve working conditions, food safety, and pest management in the fresh produce industry.²¹² EFI's approach was promoted by Oxfam America, with the goal of finding new solutions to several forms of exploitation of farm workers, such as low wages, substandard housing or exposure to dangerous chemicals.²¹³ Oxfam partnered with farm worker unions in the US to identify solutions to protect often undocumented and non-unionised seasonal workers from Mexico who experience human and labour rights violations.²¹⁴

This initiative grew into EFI, which trains workers and managers to collaborate to improve working conditions, pesticide management and food safety.²¹⁵ Once a farm is certified, EFI works with retailers to secure premium prices that result in worker bonuses. The worker-manager leadership teams verify ongoing compliance with the standards and function as true monitors at the working site. Like other certifications such as Fairtrade, EFI has its own consumer-facing label, but its labour-management collaboration model is not based on a certification protocol as it is subject to continuous improvement.

In the last five years, EFI has achieved several important results,²¹⁶ expanding from a single farm in California to farms employing over 50,000 farm workers in total in the US, Canada, Mexico, Guatemala, and Peru. EFI now covers 42 certified locations, with another 19 certifications in progress, and has trained more than 36,000 farm workers, while generating more than US\$8.5 million in premiums and over US\$9 million in bonuses for workers.²¹⁷ Moreover, it sells to retail chains Walmart, Kroger, Costco and Whole Foods, all of which accept the EFI label as proof of supplier labour requirements. Costco is the fifth-largest food retailer in the US, with US\$6 billion in produce sales annually. Its decision to join the EFI board has been key in pushing more growers to participate. EFI is negotiating with 10 other major retail and food service companies to engage their produce suppliers in achieving EFI certification.

Through better communication between workers and farm managers, EFI is able both to protect workers' rights against labour exploitation and to generate revenues for businesses. A further innovative element involves training workers to transform them into the first monitors in the field, creating more trust in the programme as workers know their rights and feel safer to point out problems and devise solutions without fear of retaliation, unlike other initiatives. And at the end of the chain, consumers can spot the 'trustmark' that indicates the produce has been responsibly grown.²¹⁸

Therefore, EFI has the potential to transform the whole industry from farm to fork, by respecting workers' rights, generating margins for buyers and growers, and allowing consumers to make more informed food choices through better standards.²¹⁹

4.2.3 The Real Co.

The Real Co. was founded in 2016 with a focus on ethically sourced products. The company aims to support small farmers in the developing world, giving them fair remuneration to keep investing in sustainable farming practices and high-quality products. The company sells and delivers directly from the source, providing the highest level of transparency between producers and consumers. The Real Co. is based on the principle of single origin products, which means that all staples (e.g. salt, sugar, rice) indicate the names of the farms where they were produced on the food label. This increases the level of transparency and traceability, giving consumers the proper tools to undertake informed food choices.²²⁰

Single origin ensures that food comes from a single geographical location, linking farm to fork and connecting farmers to consumers, by eliminating all the processes in between. The Real Co. has enabled farmers from several developing countries (e.g. Pakistan, Indonesia and Costa Rica) to have access to global distribution networks and connect with US consumers, offering a mainstream route to sell their produce and share their commodities with the world. Suppliers are identified through field visits aimed at ensuring that producers meet Real Co. quality and production criteria, which include:

- GMO- and pesticide-free products;
- High standard living and working conditions for workers;
- Using farmers' profits to support the development of their communities, for instance through job creation and tourism;
- High quality and fresh products at affordable prices.²²¹

The company has recently started working with a third-party certification scheme, which would audit claims about the origin of products as well as working conditions and the quality of the food US consumers buy (e.g. the fact it is GMO-free) to create a new 'single origin' label.^{222 223} This would help to further scale up the the company's operations. Creating a third-party certification scheme would also make it comparable to other fair trade labels. While there have been several attempts to promote

single origin food products, challenges persist. Some disagree with the idea of bringing these products to global markets, as this increases the environmental footprint of food. Instead they advocate that local food should be sold in local markets. In addition, they claim that the lack of an overarching body certifying single origin food means there is no guarantee these products have a real impact on farmers' working and living conditions, nor that they pursue sustainable farming techniques.

5. LESSONS LEARNED FROM THE CASE STUDIES

The case studies presented in this report represent a number of innovative initiatives that prioritise the needs of small-scale food producers and farm workers over the profits of large agri-food companies, while giving consumers new tools and information to make more responsible choices.

However, they also show that ethical food labels and voluntary certifications alone are not able to guarantee full compliance with human rights protection in complex food value chains. Promoting fairer European food supply chains requires a series of regulatory steps—for example ensuring a full and even stronger transposition of the UTPs directive, issuing mandatory human rights and environmental due diligence legislation, and reforming the CAP—at national and EU levels.

No certification can be considered as a silver bullet, able to guarantee that 100% of the certified companies are compliant with 100% of the standards. Full compliance with human rights protection can be guaranteed only when an enabling legal environment is established around the certified organisations—at local, national and international level.

Some stakeholders warn that EU legislation creating an ethical label may lead to lower overall standards. They suggest it would be better to ensure greater specialisation of different labels and more multi-focus ones. These aim at guaranteeing a product meets the requirements of different certification schemes (i.e. as an organic and as an ethical product) to ensure greater compliance with human rights and environmental standards.

Despite the limitations of ethical food labelling, the case studies highlight **six main features** of food certification systems that may help to enhance **fairer food supply chains and respect the rights of the most vulnerable in those supply chains, such as farm workers**.

First, all the case studies show that **involving** all those operating in the food chain—from **workers to farmers, buyers, retailers, and up to consumers**—helps to guarantee **traceability** as well as ensuring **fair compensation** in all production phases and **eliminating unfair trading practices**.

Second, the cases demonstrate that labels need to be accompanied by **trustworthy third-party certification schemes** that assess **all tiers of supply chains** to ensure that risks and value are equally shared among all the stakeholders, and that the most vulnerable actors can enjoy fair employment terms as well as decent working conditions. These certification systems have to go beyond current social audit schemes or box-ticking exercises. Instead, as in the case of HRIAs (which undertake an in-depth analysis of food supply chains which is much more thorough than an audit), they should take a **human rights-based approach**, which means they should be participatory and give consumers a trustworthy mechanism to make more ethical food choices. Third-party certification should not be carried out remotely, but through **surprise checks and field visits** (e.g. No Cap, La Marque du Consommateur, GOEL, the Fair Food Program). It should also include **strong community engagement**, involving workers and small-scale farmers, producer groups and women's rights

organisations as well as governments, trade unions and NGOs.

Third, some case studies demonstrated the importance of establishing **legally-binding agreements with buyers** (e.g. Fair Food Program), **transparent codes of conduct** (e.g. GOEL, No Cap), **rigid supply chain protocols** (e.g. GOEL, FFP) as well as **strong monitoring and sanctions schemes** (e.g. expulsion in case of non-compliance with the rules) to exclude those who do not comply. The experience of the Fair Food Program demonstrates that while anti-exploitation legislation can be a baseline for designing codes of conduct, this is not a pre-condition, and that worker-driven initiatives can actually spur legislative change.

Fourth, several case studies revealed the importance of **training and capacity-building for workers**, to provide them with the tools (legal support in the case of the Fair Food Program and of No Cap, or the whistleblowing mechanisms foreseen by GOEL Bio) to report any form of exploitation in the workplace.

Fifth, the report shows that the success of some labels or certification schemes relies on the **potential offered by digital technologies**, although it is crucial that the latter respect privacy and data rights. QR codes (e.g. La Marque du Consommateur, the No Cap label), as well as other future developments (i.e. blockchain technologies like the one created by the IBM Food Trust)²²⁴ could play a key role here, showing the potential to increase the transparency of the food supply chain²²⁵ while linking producers and consumers.²²⁶

Sixth, the examples highlighted that some schemes (e.g. CQLP, No Cap, FFP) can be **easily found on large retailers' shelves** and also that **their products do not cost more than standard ones**. They therefore demonstrate that fair products are not only good for producers but are also increasingly affordable for consumers.

Finally, the case studies identified some innovations that may **improve food labelling to make supply chains more transparent**, although one should bear in mind that labels have physical limitations. Examples of these include detailing the names and addresses of food suppliers (i.e. No Cap), providing information on the local origin of raw materials (i.e. the Real Co.), showing how the value is shared (i.e. La Marque du Consommateur) or the farm-gate prices paid to farmers (i.e. GOEL Bio).

Whatever the approach chosen, it is essential that food labels go hand-in-hand with **regulatory changes**, as well as with **strong awareness-raising campaigns** that allow consumers to develop the necessary skills to shift their food habits.²²⁷ All these initiatives are progressively driving change at the producer, consumer and retail levels. They demonstrate the growing demand for transparent food supply chains, as well as the potential for some projects to put in place fully traceable products that give food—and the people producing it—the value it deserves.

The table below provides a summary of the case studies analysed in the report, showing the main strengths and weaknesses identified.

5.1 SUMMARY OF CASE STUDIES

NAME	TYPE OF MODEL	MAIN CHARACTERISTICS	RESULTS	CHALLENGES
 Organic	Label/ certification	<ul style="list-style-type: none"> • Certification able to track all tiers of the food value chain • All organic farms inspected at least once a year by national control entities (with local authorities also involved in some countries) • Sanctions and fines for non-compliant farmers and de-listing in case of severe violations 	<ul style="list-style-type: none"> • Increasing numbers of farms in the EU are being converted to organic • Organic certification gives access to specific funds under the CAP and European Agricultural Fund for Rural Development • Products sold at higher prices • Strong interest from consumers 	<ul style="list-style-type: none"> • Need for better harmonisation across EU member states • High financial and bureaucratic burdens on farmers and producers • Consumers still tend to rely more on GIs than organic labels
 Geographical indications	Label/ certification	<ul style="list-style-type: none"> • Protocols certifying that a specific product is an authentic regional one • Quality of products verified by national bodies (which are audited by the EU), based on relevant EU regulatory framework • Sanctions and fines for non-compliant farmers and de-listing in case of severe violations 	<ul style="list-style-type: none"> • Premium price for producers • Products sold at higher prices • GIs gives access to specific funds under the CAP and European Agricultural Fund for Rural Development • Growing consumer interest in authentic regional products 	<ul style="list-style-type: none"> • High level of heterogeneity across GI protocols • Only a fraction of farms are inspected on an annual basis • GIs unable to protect farmers and producers in cases of sudden external shocks or market imbalances • GI monitoring does not include labour standards
 No Cap	Certification	<ul style="list-style-type: none"> • Third-party certification scheme • Traceability mechanism and multifunctional matrix to certify ethical food products • Step-by-step support offered to producers to ensure respect for protocols • Comprehensive support (legal assistance, accommodation, transport, healthcare, etc.) offered to workers • QR code on label to provide consumers with additional information 	<ul style="list-style-type: none"> • Higher prices paid to producers • Workers' rights safeguarded • Highly transparent supply chain • Strong links established between buyers, producers, workers, consumers and law enforcement 	<ul style="list-style-type: none"> • Only a limited number of products covered • Difficult to ensure higher levels of transparency and quality standards if implemented on a larger scale
 GOEL Bio Cooperative	Certification	<ul style="list-style-type: none"> • Strong supply chain control protocol and code of conduct • High levels of compliance for members, through annual surprise inspections and a severe sanctions mechanism • Fair farm-gate price paid to farmers and protection against organised crime • Decentralised management to empower all cooperative members • Consistency checks between number of workers employed at farm level and quantity of seasonal products harvested and sold • Members manage cooperative on a rotating basis • Sanctions for non-compliance: expulsion from cooperative, €10,000 fine for each exploited worker found on farm, reporting to Labour Inspectorate 	<ul style="list-style-type: none"> • Fixed fair farm-gate prices paid to farmers, regardless of market fluctuations • Better margins stop companies shifting the burden of UTPs onto the lowest tiers of the food supply chain • Proposal to include a 'double price' (the one paid to producers and the final one) on labels 	<ul style="list-style-type: none"> • Only a limited number of products covered (i.e. organic oranges, extra virgin olive oil, jams, juices)

NAME	TYPE OF MODEL	MAIN CHARACTERISTICS	RESULTS	CHALLENGES
 <p>'C'est qui le patron?!' La Marque du Consommateur</p>	Pact between producers, consumers, retailers	<ul style="list-style-type: none"> • Consumers and producers co-create products • Fair fixed price for producers • Inspections at worksites based on strict protocols by members ensure high levels of compliance • Agreements with retailers to sell and publicise products with La Marque packaging • App to offer consumers targeted solutions • Harnesses the potential of digital solutions and platforms, e.g. via the QR code 	<ul style="list-style-type: none"> • Fair farm-gate prices for producers • Support for national food supply chains • Consumers more aware, involved and empowered • Memoranda of understanding signed with the largest French retailers (e.g. Leclerc, Monoprix) 	<ul style="list-style-type: none"> • Expansion of the market might lead to a reduction in quality and standards • Fresh products require a large stable market and may prove more challenging to include in the initiative • Main focus on fair remuneration of farmers and producers rather than on labour standards
 <p>Fairtrade</p>	Label/certification	<ul style="list-style-type: none"> • Strong involvement of producers and organisations from the global South in setting standards and prices • Periodic revisions to assess the Fairtrade standards, prices and premium • FLOCERT third-party certification scheme • Wide awareness-raising and education campaigns • Fixed prices to reduce smallholders' vulnerability • Fairtrade minimum price periodically revised and Fairtrade premium given to producers to be invested in local communities • Suspension and/or decertification in case of non-compliance 	<ul style="list-style-type: none"> • Fair prices for small farmers and producers, regardless of market fluctuations • Growing consumer awareness and interest in ethical products over years • Growing market value of Fairtrade products, which are now also sold by discount chains 	<ul style="list-style-type: none"> • Lack of a guaranteed living income for farmers • Risk of over-production of Fairtrade goods, with cooperatives forced to sell only a small percentage of their produce under Fairtrade conditions • Additional efforts needed to push importing companies to buy more Fairtrade products • Environmental impact of far-flung supply chains
 <p>Fair Food Program</p>	Legally binding agreement	<ul style="list-style-type: none"> • Fair Food binding agreements between workers and participating buyers, which include the Fair Food code of conduct • Fair Food premium paid to all participating growers and workers • Market enforcement, with buyers obliged to suspend purchases from farmers not respecting the code of conduct, as confirmed by the Fair Food Standards Council (FFSC) • Workers' training and capacity-building • 24/7 complaints hotline, with reports investigated and resolved promptly by FFSC investigators • Independent audits by the FFSC, with checks on payrolls and other records, and interviews with management and at least 50% of each farm's employees 	<ul style="list-style-type: none"> • Better rights protection for workers • Buy-in from large supermarket chains 	<ul style="list-style-type: none"> • Only a limited number of products covered (i.e. tomatoes, peppers, eggplants, flower industries and squash) • Significant efforts needed to organise awareness-raising and advocacy campaigns among workers and consumers

NAME	TYPE OF MODEL	MAIN CHARACTERISTICS	RESULTS	CHALLENGES
 Equitable Food Initiative	Certification	<ul style="list-style-type: none"> • Premiums and bonuses for workers • Training of teams of workers and managers to collaborate in implementing standards for improved working conditions, pesticide management and food safety • Negotiations with participating retailers to secure premium prices • Worker-manager 'leadership' teams verify ongoing compliance with standards • De-listing in cases of non-compliance 	<ul style="list-style-type: none"> • Buy-in from large retailers in the US • Premium and bonuses paid to workers • Better communication between workers and farm managers to protect workers from labour exploitation and generate revenue • Training workers transforms them into first monitors in the field, and creates more trust in the programme 	<ul style="list-style-type: none"> • Focus on a limited number of products (e.g. strawberries, raspberries, tomatoes, peppers, cucumbers, onions, and leafy greens)
 The Real Co.	Label	<ul style="list-style-type: none"> • Field visits and direct negotiations with growers and producers 	<ul style="list-style-type: none"> • Fair price to producers by cutting intermediaries • Increased transparency and traceability through the 'single origin' system • Plan to launch a 'single origin verified' label to ensure high-quality working conditions • Access to global distribution networks for small farmers from the Global South 	<ul style="list-style-type: none"> • Lack of an over-arching body regulating single origin • No guarantee that these products have a real impact on farmers' living conditions • Environmental impact of far-flung supply chains

6. RECOMMENDATIONS

The case studies show that it is possible to increase the transparency of agri-food production as well as workers' rights along supply chains. By enforcing existing and new rules, the EU could play a pivotal role in providing food businesses with a clear, coherent normative framework to help drive this change

EU INSTITUTIONS

- The European Commission should ensure that **EU member states transpose the directive on UTPs** by May 2021 and provide detailed reporting on its implementation.
- The European Commission should propose **mandatory human rights and environmental due diligence legislation in supply chains** to ensure agri-food businesses have the right tools and procedures to demonstrate their operations do not cause harm to workers or the environment.
- The EU should revise the **direct payments system under the Common Agricultural Policy** to protect smallholder farmers and include **new conditionalities** linked to **respect for labour rights as well as the environment, and to adequate working and living standards for farmers and workers**. Consistency checks between the number of workers employed by farms, the size of holdings and the amount of produce which is harvested are an effective way of implementing this at the national level.
- The EU should ensure that future legislative acts linked to the implementation of the **F2F Strategy** continue to include the **protection of workers and farmers' rights as well as the environment**.
- The EU should identify tools, in agreement with member states, to include a **social dimension to quality schemes (e.g. GIs)** to make sure they preserve not only biodiversity and geographical origin, but also protect the most vulnerable actors of the food supply chain.
- The EU should work to establish a **new sustainable labelling framework to cover 'social aspects' as well as nutritional, climate and environmental ones** (including harmonised front-of-pack labelling and an expanded list of products for mandatory origin indications). This framework should be based on a set of minimum requirements such as detailing the names and addresses of food suppliers, providing information on the local origin of raw materials, and showing the farm-gate price paid to farmers or how the value is shared among actors.

EU MEMBER STATES

- EU member states should not limit themselves to transposing the minimum standards in the **EU Directive on Unfair Trading Practices**, , but rather **expand its provisions** to cover new practices beyond the 16 listed in the Directive and to ban all of them.
- National governments and local authorities should work to create an **enabling regulatory environment** and to provide **incentives such as tax breaks for agri-food companies**—and in particular for small and medium-sized ones—that are trying to increase the **transparency of their food supply chains**.
- Member states should **enforce legislation on supply chain transparency** and increase the frequency and effectiveness of **labour inspections**.
- National governments should **support businesses trying to roll out ethical labelling schemes** (e.g. the ‘double price’, which shows both the one paid to the farmers and the final one) that allow consumers to make more informed food choices and increase transparency in supply chains.
- EU member states should **regulate certification bodies** to ensure their consistency, coherence and transparency, and **identify the most effective tools** (e.g. **HRIAs**) to help businesses prevent and remedy labour exploitation.
- EU member states should adopt **binding national legislation**, drawing on existing models (e.g. the French law on mandatory vigilance) to promote a supply chain approach to food aimed at **increasing the transparency of long, highly fragmented and opaque agricultural value chains**.

ETHICAL LABELS THAT WORK

- Worker-driven & involve workers in monitoring and investigating abuses
- Clear codes of conduct and protocols
- Strong compliance & sanctions mechanisms
- Transparency in all phases of production & throughout supply chain
- Consumer involvement in devising products and/or monitoring standards
- Buy-in from medium- or large-scale retailers
- Less intermediaries & shorter supply chains

Coupled with...

- Legislation on unfair trading practices
- Conditionalities on payments to farmers to ensure respect for labour rights & decent work
- Binding legislation on due diligence in supply and value chains
- Coherent, streamlined regulatory framework on food labelling covering food quality & production standards (including working conditions)

LIST OF INTERVIEWEES

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- Gian Marco Lambertini, European Parliament
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- NoCap
- Oxfam International EU Advocacy Office
- Oxfam America
- OSIFE
- SlowFood Europe
- World Fair Trade Organization

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How a mix of measures could help clean up Europe's agri-food system

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Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

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Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

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Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

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Do we need an EU ethical food label?

How a mix of measures could help clean up Europe's agri-food system

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