

# Beyond mirrors

**Recommendations for the EU to raise sustainability standards through inclusive, co-designed and co-implemented mechanisms**

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**Fair  
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# 0 Executive summary

Recent crises, including climate change, the war in Ukraine, COVID-19, and the escalating loss of biodiversity, have significantly impacted farmers' livelihoods in Europe and worldwide<sup>[1]</sup>. These challenges have heightened inequality, degraded the environment, and reduced farmers' incomes globally. In response, the EU has launched several regulatory measures and concluded different agreements aimed at providing tangible solutions. Among these are the European Green Deal and its Farm to Fork (F2F) strategy for a sustainable transition of our food systems and the hallmark Sustainable Food Systems chapters in Free Trade Agreements.

The Fair Trade Movement welcomes the ambitious agenda set by the European Commission (EC) to raise environmental and social standards, in addressing these crises and supporting an overall societal green transition. Moreover, the Movement strongly supports the Commission's efforts to enhance the green transition in the agri-food sector by incentivizing European farmers to adopt more environmentally friendly practices<sup>[2]</sup>, which led to the adoption of the CAP, the Organic Action Plan and the F2F strategy. These initiatives require EU farmers to, for example, reduce pesticide use by 50% and increase organic farming by 25% by 2030<sup>[3]</sup>.

Most farmers are not opposed to these environmental goals and support them in the first place. Indeed, the interests of farmers and the environment coincide<sup>[4]</sup>. However, farmers across Europe have expressed concern about their lack of involvement in the designing of these policies, and about their feeling of facing unfair competition with non-EU products that do not meet the same social and environmental standards they need to comply with<sup>[5]</sup>. In response to these growing concerns, EU farmers, farmers association and consumers association (as well as other civil society organisations) protested in early 2024, demanding the implementation of 'mirror measures'<sup>[6]</sup>. These measures aim

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[1] Oxfam. Hufstader, C. 2024. [How will climate change affect agriculture?](#)  
[2] European Commission. (n.d). Agriculture and Rural development. [The common agricultural policy: 2023-27](#)  
[3] European Commission. (2020). [Farm to Fork strategy: For a fair, healthy and environmentally-friendly food system.](#)  
[4] Frison, E. Hilmi, A. (2024). Green European Journal. [Farmer Protests: The Wrong U-Turn.](#)  
[5] Via Campesina. (2022). [Open letter by European farmers to the European Union.](#)  
[6] Ibid.

to ensure that all products entering the EU market adhere to the same production standards as those produced within the EU. In other words, food production in third countries must mirror European production methods<sup>[7]</sup>.

These measures do not question the EU's health and safety standards, which are non-negotiable for all products entering the EU market<sup>[8]</sup>. Imports must comply with EU health and safety standards regardless of Free Trade Agreements (FTAs). However, mirror measures aim to ensure that EU production standards are reciprocated as a prerequisite for any product sold in the European market.

Unilateral measures can be effective in driving industry change by pushing businesses to adopt higher sustainability standards, which in turn promotes broader systemic transformation. Yet, introducing such measures unilaterally on third countries can have unintended economic, social, and environmental consequences for the EU's trading partners, and by extension, for European countries as well.

In this context, the Fair Trade Movement, representing smallholder farmers, producers, workers, artisans, and mission-driven SMEs, asserts that implementing mirror measures in a strict sense would have detrimental effects on the livelihoods of these actors. These farmers and producers face different realities on the ground and have fewer financial and technical means to comply with unilateral measures imposed by the EU.

Furthermore, the implementation of previous unilateral measures, such as the European Union Deforestation Regulation (EUDR), and the EU Organic Regulation, have raised considerable concerns over their implementation on countries outside of the EU<sup>[9]</sup> which can ultimately hinder the EU's original sustainability objectives.

**Unilateral measures can be effective in driving industry change by pushing businesses to adopt higher sustainability standards, which in turn promotes broader systemic transformation.**

Alternatively, the Fair Trade Movement invites the European Union to privilege multilateral or bilateral opportunities and instruments to, globally, raise sustainability standards. In the absence of this option, unilateral measures can be introduced; but in doing so, the Fair Trade Movement urges the European Union to employ an approach that ensures unilateral measures are co-designed and co-implemented. While also being mindful and considering the different realities in the ground and the need to ensure Policy Coherence for Development in all EU policy interventions.



Image: Max Havelaar Netherlands

[7] Borderlex. (2024). INTERVIEW: [Encouraging mirror clauses is playing with fire.](#)

[8] Ibid.

[9] For example: [Trading partners joint letter on EUDR.](#) (7 September 2023)

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# 1 Introduction

## 1.1 Contextualisation - EU debate of mirror measures for raising sustainability standards

The beginning of 2024 saw a significant rise in farmers' protests across Europe. Farmers voiced their frustrations over declining incomes, excessive administrative burdens, and strict European environmental regulations. Central to their discontent was a profound sense of unfair competition, fuelled by the import of agricultural products produced under conditions less stringent than those mandated within the EU.

The European Commission's ambitious 2030 green agenda, has set specific targets for the agri-food sector, aiming to enhance sustainability and elevate environmental standards. These targets include stringent regulations on pesticide use, animal welfare, and emissions reductions. However, EU farmers have expressed concerns about potential unfair competition they face when complying with these standards, as the EU continues to import non-EU products that do not meet the same rigorous criteria. This disparity has led to a strong demand for the implementation of so-called "mirror measures." These measures would require all imported agricultural products to meet the same environmental standards and production methods as those produced within the EU. Farmers argue that this measure is crucial to prevent the market from being flooded with cheaper, lower-standard imports that undermine European producers who adhere to stricter regulations.

However, the discussion on mirror measures began well before 2024. The topic entered the EU debate in 2021, primarily driven by demands from various French stakeholders. This is because France had enshrined in its legislation the principle of "mirror

measures" for pesticides, veterinary products, animal feed and traceability. Article 44 of the French law known as the "EGALIM" law introduced Article L236-1A to the French Rural and Maritime Fisheries Code. Whereby It is forbidden to offer for sale or distribute free of charge, for human or animal consumption, foodstuffs or agricultural products produced using plant protection products, veterinary products or animal feedstuffs that are not authorised by European regulations or that do not comply with the identification and traceability requirements imposed by these regulations.

The debate was also connected to the 2021 negotiations on the reform of the Common Agricultural Policy (CAP), where the Council of the European Union and the European Parliament invited the European Commission to present a report on legal feasibility of applying EU health and environmental standards (including animal welfare standards as well as processes and production methods) to imported agricultural and agri-food products.

In 2022, the European Commission published its report<sup>[10]</sup>, concluding that there are additional levels of intervention – both multilateral and bilateral - to explore beyond autonomous measures. Despite the Commission's recommendations to prioritize multilateral and bilateral approaches before considering unilateral measures, the debate around mirror measures has not scattered and the 2024 farmers' protest brought it back to the agenda.

With President von der Leyen committing to work on farmers' remuneration and with the presentation of the Vision for Agriculture and Food, it is to be expected that policy interventions on agri-food will contain, at least some, elements of reciprocity for imports. Thus, the relevance in constructing an alternative formulation that considers the needs and challenges of the partners and actors impacted by these measures.

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[10] European Commission. (2022). [Report from the commission to the European parliament and the council about the application of EU health and environmental standards to imported agricultural and agri-food products. COM\(2022\) 226](#)

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The demand for “mirror measures” comes by the hand of EU farmers, farmers organisations, consumers organisations and civil society organisations across the EU who claim to be facing unfair competition by needing to comply with EU standards that are not equally demanded from non-EU farmers. Nonetheless, it is important to contextualise this sense of unfair competition and critically examine the concept within the current framework.

## 1.2 Demystifying arguments

A prevalent concern among EU farmers is the perception of unfair competition stemming from the import of agricultural products that do not meet the EU’s stringent environmental and social standards<sup>[11]</sup>. This concern has catalysed strong advocacy for the implementation of mirror measures, which would require all imports to adhere to EU standards. However, it is crucial to demystify and critically examine whether the absence of these measures genuinely constitutes unfair competition.

Firstly, the concept of “unfair competition” needs to be contextualized within the global trade system. European farmers are among the most subsidized and supported in the world, benefiting significantly from the CAP, which provides financial aid and market support. The CAP accounted for nearly 30% of the EU’s total budget in the 2021-2027 period, amounting to approximately €387 billion. These subsidies often represent a substantial portion of farm income in the EU, with some estimates indicating that up to 40% of farm incomes come directly from CAP payments<sup>[12]</sup>. When compared to other major agricultural countries, the level of support European farmers receive is notably higher. In the United States, for example, the 2018 Farm Bill allocated about USD \$428 billion over five years, with approximately USD \$61 billion directed towards commodity programs and crop insurance subsidies. Brazil, another major agricultural exporter, provides far less direct subsidy to

its farmers, focusing more on credit lines and rural investment rather than direct payments. Indeed, European agriculture is more protected and subsidised than that of many of its trading partners<sup>[13]</sup>.

Comparatively, smallholder farmers in developing countries and least developed countries – the focus for the Fair Trade movement - often operate without such substantial support systems, facing challenges that range from financial constraints to climate vulnerabilities, and exacerbated by rising climatic challenges. Thus, the claim of unfair competition must be balanced against the backdrop of these disparities in financial support.

The argument often overlooks the fact that the precarious conditions of farmers globally (in and outside the EU) are a consequence of current market structures that are ruled by profit maximisation, trade liberalisation, capitalism, disparities in subsidies and in financial/technical support, and an unequal division of costs along the food supply chain. Acknowledging these principles makes it clear that these conditions are deeply rooted in the market’s structural characteristics, requiring comprehensive reforms for more equitable and sustainable conditions for farmers globally.

Furthermore, it particularly overlooks the situation of smallholder farmers globally. Smallholders are small-scale farmers, pastoralists, forest keepers, fishers who manage areas varying from less than one hectare to 10 hectares. Smallholders are characterised by family-focused motives such as favouring the stability of the farm household system, using mainly family labour for production and using part of the produce for family consumption<sup>[14]</sup>.

Smallholders form the backbone of the economy in many producer countries. About 500 million farms worldwide, which represent 84% globally, are smaller than two hectares, which is the estimated agricultural area of small-scale farms. These farmers are responsible for producing a third of the world’s food supply and play an important role in several global value chains<sup>[15]</sup>.

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[11] Via Campesina. (2022). [Open letter by European farmers to the European Union.](#)

[12] European Commission. (2021). Agriculture and rural development. [The Common Agricultural Policy at a Glance.](#)

[13] Jacques Delors Europe. (2023). Policy Paper: Grape 6, Greening Agri-Food Policy in the EU. [Revamping food sovereignty? Europe’s response to changing global dynamics.](#)

[14] FAO. (2012). Sustainability pathways. [Smallholders and family farmers.](#)

[15] European Parliament. Rossi, R. (2022). Briefing. European Parliamentary Research Service. [Small farms’ role in the EU food system.](#)



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Smallholders' important role in achieving sustainable development and food security is increasingly recognised in international policies such as SDG Target 2.3: By 2030, double the agricultural productivity and incomes of small-scale food producers, in particular women, Indigenous peoples, family farmers, pastoralists and fishers, including through secure and equal access to land, other productive resources and inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment<sup>[16]</sup>.

Nonetheless, smallholder production in many developing countries remains at subsistence levels. Smallholders typically lack access to credit, receive little technical support and often have low productivity due to an inability to invest in things such as improved seeds and soil replenishment. Unlike larger farming businesses, few smallholders have access to training, information, farm inputs, and financial support to look after the soil and improve their yields. Some smallholders may operate as part of an informal economy and lack official documents to show rights to their land. Consequently, this can limit their choices of what, when, and how to grow crops<sup>[17]</sup>.

Smallholders generally rely on labour-intensive production methods and family labour, although they often have to hire labour, especially at key moments in the production cycle like harvesting. Since the small farmers are impoverished, the pay and working conditions of hired labourers are usually very poor<sup>[18]</sup>.

Climate change plays a role in making it difficult for smallholder farmers to sustain their agricultural operations too: severe weather events and changes in weather patterns have damaged land and created unpredictable conditions for harvesting crops<sup>[19]</sup>. A recent McKinsey [analysis on climate-smart agriculture](#) found that smallholder farmers make up one of the populations most at risk from climate change. The research shows that

in three countries in particular — Mexico, India, and Ethiopia — “nearly 80 percent of all smallholder farmers could be affected by at least one climate hazard by 2050. Moreover, climate change will affect ‘land suitability for crop production,’” and by 2050, India could lose 450,000 square kilometres of land for rice crops.

There are many ways lawmakers and government leaders can increase support for smallholder farmers, such as providing more access to funding and training in new farming techniques and addressing the impacts of climate change<sup>[20]</sup>. Evidently, also smallholder farmers in and outside the EU need to be able to transition to more sustainable practices, but measures in that regard must consider the specific challenges faced by smallholder farmers, specially outside of the EU.

While the concerns of EU farmers regarding competition are valid, imposing unilateral mirror measures as the only valid solution is not accurate. A multitude of solutions need to be considered and applied. For example supporting EU farmers financially and non-financially (i.e. capacity building, knowledge exchange, etc.) in their transition to more sustainable practices will allow them to enhance their competitiveness without encouraging the implementation of protectionist measures.

This approach not only addresses the needs of EU farmers but also promotes a fairer and more equitable global agricultural system.

Furthermore, it is important to consider the potential implications of imposing strict mirror measures on developing and least developed countries. In the Trade and Development Report 2022<sup>[21]</sup>, UNCTAD highlights how non-tariff barriers (like mirror measures) increase costs and reduce the competitiveness of developing countries, particularly in sectors like agriculture and manufacturing. These countries often lack the infrastructure

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[16] Sustainable development solutions network. United Nations. (n.d). Sustainability indicators. [Sustainable development goal 2.3](#).

[17] Bread for the world. (2023). [What are the challenges of smallholder farmers around the world](#).

[18] Woman in informal employment: globalizing and organizing (WIEGO). (n.d). [Smallholder farmers](#).

[19] Bread for the world. (2023). [What are the challenges of smallholder farmers around the world](#).

[20] Ibid.

[21] UNCTAD. (2022). Trade and Development Report 2022. <https://unctad.org/webflyer/trade-and-development-report-2022>

to meet strict standards, leading to potential exclusion from markets. UNCTAD emphasizes the need for special and differential treatment for developing and least-developed countries, calling for capacity-building support, longer transition periods, and financial assistance to help them comply with international trade regulations. Similarly, in the report Making Trade Work for the Environment, Prosperity and Resilience<sup>[22]</sup>, UNEP

warns that while environmental mirror measures are crucial for sustainability, they can be challenging for developing countries. These nations often lack the financial and technical resources to meet strict standards, which could limit their export opportunities. UNEP stresses the importance of capacity-building and technology transfer to support developing countries in complying with environmental regulations.

**‘EU standards are often stringent, requiring significant investment in infrastructure, technology, and training. For many small-scale farmers, the financial burden of meeting these standards can be overwhelming. The cost compliance can erode the already thin profit margins that non-EU farmers operate under –** Natasha Erika Siaron, Fairtrade NAPP, Philippines

[22] UNEP. (2021). [Making Trade Work for the Environment, Prosperity and Resilience.](#)

Image: Fairtrade ANZ





Image: Jose Luis Casuso

## Relevance for the Fair Trade movement

The Fair Trade movement is a global social movement whose pioneering experiences began in the late 1940s and which seeks to promote responsible and sustainable production and Fair Trade practices, as well as development opportunities for smallholder farmers, producers and artisans who are economically and socially disadvantaged in relation to the dominant players in the market.

At the core of this movement is the definition of Fair Trade as a trading partnership, based on dialogue, transparency and respect, that seeks greater equity in international trade.

As such, the Fair Trade movement supports efforts to raise environmental and standards both within and beyond EU borders. However, the concern that arises with introduction of mirror measures is the potential negative impacts on trading partners and specially on smallholder farmers, producers, artisans and to micro and small enterprises ; and to what extent said measures contribute to achieve greater equity in international trade as opposed to further imposition of rules upon more disadvantaged actors in global trade.

Such measures could lead to increased inequality, and a reduction in global trade (by representing trade barriers), hinder the achievement of SDGs worldwide, and ultimately have unwanted consequences on consumers and producers within the EU borders.

For the Fair Trade movement, it is crucial to consider the broader implications of these measures on third countries and strive for more inclusive and equitable policy solutions.



Image: Eric St Pierre

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## 2. The available tools: Uni, Bi, or Multi?

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The EU has a range of trade and non-trade policy tools at its disposal to promote sustainability standards in imported products. Among these, introducing requirements for imports to meet similar standards as domestic production—known as ‘mirror measures’—stands out as one of the most restrictive options.

In this context, it is essential to grasp the different instruments that the EU can utilise to require third countries to comply with the same EU standards and the different impacts they carry with them. There are three levels at the disposal of the European Union to address import standards: multilateral, bilateral, and unilateral.

**Multilateral** agreements, which involve three or more countries, aim to create a level playing field by establishing standardised rules that all signatories must adhere to and where all participants are treated equally. This often includes reducing barriers like tariffs, quotas, and import bans, and facilitating economic cooperation and integration among signatories. This encourages economic cooperation and integration among the nations involved, fostering a more interconnected global market.

The benefit of utilizing multilateral agreements to raise sustainability standards in imports is that the establishment of international standards can simplify the trading framework and foster a favourable environment for equitable, uncontested, and mutually beneficial relations. The multilateral approach is viewed by partner countries as the most efficient and fair approach. This under the understanding that global problems require global solutions and the principle of common but differentiated responsibilities is an underlying principle in a multilateral forum.



## Difference between mirror clauses and mirror measures

A mirror clause must be distinguished from a mirror measure.

Mirror clauses are the result of a negotiation process in the context of a bilateral agreement. Through a mirror clause, parties can agree to grant preferential access to European market provided they attest to their compliance with certain pre-agreed standards.

Mirror measures, on the other hand, are legislations that the EU imposes without reciprocal agreements, often to protect its internal market or to promote certain standards globally, or enforcing environmental and labour standards, they can also lead to tensions with trading partners and may be challenged in international trade forums. They are autonomous measures with an extraterritorial effect<sup>[23]</sup>.

In this situation, the EU acts without prior negotiation with its trading partners, and the measure should therefore not be considered as 'reciprocal'. Depending on the design of the measure, the EU risks imposing rules that can be seen as disproportionate and incompatible with the international rulebook, with the measure potentially being challenged by trading partners in the WTO<sup>[24]</sup>.

A downside of recurring multilateral agreements to raise sustainability standards in imports can be that an international forum may not exist for the intervention sought. Alternatively, if an international forum exists, it may be a lengthy process to reach a final instrument or consensus on certain standards.

Beyond multilateral agreements, the EU can leverage bilateral (trade) agreements, negotiated between the EU and a specific country or a block, such as Mercosur. These agreements are grounded in reciprocal negotiations, where exporting countries might agree to enforce higher standards on exports to the EU in exchange for greater market access<sup>[25]</sup>.



Image: Jose Luis Casuso

[23] European Environmental Bureau. Fondation pour la nature et l'homme. Veblen Institute. (2023). [Environmental mirror measures: Need and technical feasibility. A pesticides case study.](#)

[24] Rees, E. (2022). ECIPE Policy Brief, No 03/2022. [Mirror, mirror on the wall, who has the fairest clauses of us all? Stress-testing the application of mirror clauses to pesticides.](#)

[25] Matthews, A. (2022). European Landowners' Organization (ELO). [Implications of the European Green Deal for agri-food trade with developing countries.](#)

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The primary benefit of this approach is that it allows for tailored negotiations that address the specific needs and interests of the participating countries, potentially leading to deeper and more beneficial economic ties. This approach would also contribute to acknowledging the institutional inequality that impacts partner countries.

However, using bilateral agreements to raise sustainability standards can be complex. Defining sustainability criteria could involve negotiating tariffs for specific commodities (i.e. to benefit from the duty-free access to the EU market, Mercosur egg producers will have to certify they respect EU-equivalent rules for laying hen welfare), a process that can be lengthy and limited to the goods exchanged under the agreement's preferential tariffs.

Additionally, the EU might be perceived as a demanding market, and partner countries may be reluctant to engage unless they receive something substantial in return, such as further trade liberalization or less stringent rules in other areas<sup>[26]</sup>.

From the viewpoint of partner countries, especially Global South countries, a disadvantage can be found in the fact that, when it comes to negotiation of trade agreements, partner countries do not usually have much leverage to pull from and may feel somewhat obliged to agree with the demands of the European Union.

On its agreements with third countries, the EU should include binding provisions underlining its commitment to ensure sustainable food systems and assist and cooperate with partner countries so they can transition towards sustainable food systems as well. Only the promotion of truly sustainable, fair, and ethically certified goods should receive promotion and incentives for production.

This is particularly relevant when setting requirements for sustainable food systems – either at EU law level and in trade agreements – the EU cannot apply a mirror approach, applying same requirements for EU farmers and producers than for

non-EU. In its agreements with third countries, the Union shall ensure that import standards are set at equivalent levels as the environmental, social, economic and health standards in the Union, coupled with assistance to third country producers from lower income countries to fulfil those standards. This would contribute to improving the bilateral approach to raise sustainability standards. A commitment from the EU to support the compliance with higher sustainability standards would contribute to overcoming the lack of recognition from the EU on the reality of partner countries and the destination of resources that, at institutional level, is more deficient. On the bilateral side, there must be recognition of development differences that imply institutional weaknesses. There should be deadlines and times to equalize this and make it more reciprocal.

Lastly, the EU can also resort to unilateral measures to impose higher sustainability standards in imports that are coming into the EU market. Through diverse EU laws, the EU can impose certain rules to protect its internal market or to promote certain standards globally; this without the previous consent of third or partner countries (which are anyhow impacted by the unilateral measures).

For the EU, an advantage in utilising unilateral measures as instrument to push for higher standards applied to imports is that is a faster method than, for example, multilateral agreements, and also that it does not require consent from other parties. Another advantage of unilateral measures is that they can serve as powerful catalysts for industry change, as they compel businesses and stakeholders to adopt more sustainable practices in order to comply with heightened regulatory standards. By setting a clear, ambitious framework for sustainability, unilateral action can drive innovation, encouraging industries to develop new methods and technologies that are better aligned with environmental and social goals. This can create a ripple effect, where even actors outside the initial regulatory scope begin to adapt

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[26] The authors do note that trade liberalization between 'North' and 'South' countries has been associated with increase in income inequality and so are not per se in favour of further trade liberalization. See for reference: Naanwaab, C. (2022). [The Impact of Trade Liberalization on Income Inequality: Does the Direction of Trade Matter?](#)

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in order to remain competitive in the global market. Furthermore, unilateral measures signal strong political will and leadership, setting a precedent that can inspire other governments or regions to follow suit, thereby accelerating broader system change. Such measures also serve to disrupt unsustainable practices by placing pressure on industries that may have otherwise been slow to reform. As industries shift to meet higher sustainability criteria, the entire supply chain—from producers to consumers—can evolve in response, advancing the long-term goal of transforming systems that perpetuate environmental degradation and social inequality.

However, a disadvantage is that they can also lead to tensions with trading partners<sup>[27]</sup> and may be challenged in international trade forums – such as WTO – as they could be de facto barriers to trade<sup>[28]</sup>. In addition, to uphold equity, however, any mirror measure must be carefully designed to eliminate ‘competition bias’ and not constitute a distinguished barrier to trade that may unfairly harm, for instance, farmers in other parts of the world<sup>[29]</sup>.

The section below dives deeper into certain risks in the use of unilateral measures to raise standards in imports and how to address them.



Image: Eric St Pierre

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[27] See for example: Euronews (2023) [‘Why the Global South is against the EU’s anti-deforestation law’](#) or Politico (2023) [‘Trading partners joint letter on EUDR’](#)

[28] See for example: Capuzzi, B., (2024) [‘Is the European Union Deforestation Regulation WTO-Proof?’](#)

[29] Rees, E. (2022). ECIPE Policy Brief, No 03/2022. [Mirror, mirror on the wall, who has the fairest clauses of us all? Stress-testing the application of mirror clauses to pesticides.](#)



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# 3 The risks

All of this considered, it is important to look at the different risks that smallholder farmers and producers in third countries will face if the EU moves forward with the implementation of unilateral mirror measures.

## 3.1 Different realities

Third countries face a wide range of different realities, from climatic variations to unique agricultural challenges, which make a one-size-fits-all approach to regulations not only impractical but potentially harmful.

Firstly, the imposition of unilateral mirror measures fails to consider the diverse agroecological conditions that exist outside of Europe. For instance, EU-authorized pesticides are tailored to combat pests common in Europe, but these substances might not be effective against pests in tropical countries like Kenya or Peru<sup>[30]</sup>, where farmers face different pest pressures exacerbated by climate change. The EU pesticide regime is tailored to the risks in Europe, not the rest of the world, so it seems completely disproportionate to ask countries with different climatic conditions and agricultural production systems to use only EU-authorized pesticides<sup>[31]</sup>.

Moreover, the economic, political, and social contexts within which these country producers operate are vastly different from those in the EU. Imposing stringent EU standards could place an undue burden on these farmers and producers, many of whom already struggle with economic and infrastructural challenges.

By considering the specific needs and challenges faced by third-country producers, the EU can foster a more inclusive, fair, and effective approach to global agricultural trade. This not only aids in achieving environmental and safety standards globally but also supports the economic viability and development of farming communities worldwide.

**‘I believe that many of our countries and producers support and share the vision of the EU, now what requires more dialogue and coordination is how to make this vision a reality from the reality of our countries and trade’ – Marike de Pena, Banelino cooperative**

As expressed by Marike de Pena, Director of Banelino – banana cooperative in the Dominican Republic – and member of the Latin American and Caribbean Network of Fair Trade Small Producers and Workers (CLAC), production standards in the EU are developed for crops and realities that are very different from those of developing countries. In Latin America and the Caribbean, most producers who sell to the EU are small producers organized in cooperatives whose income is not enough to live with dignity with their families. Because it is so

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[30] Rees, E. (2022). ECIPE Policy Brief, No 03/2022. [Mirror, mirror on the wall, who has the fairest clauses of us all? Stress-testing the application of mirror clauses to pesticides.](#)

[31] Francis, R. (2022). Borderlex. Interview – [Mirror clauses: EU needs to be collaborative with trading partners.](#)

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far from the consumer markets, the price that the producer receives generally does not cover the cost of production, cost of life and much less the cost of sustainability that the market aspires to see in all products, most of the value of a product produced in the Global South remains in Northern countries. Producers in Latin America, just like producers in Europe, aspire to compete under equitable conditions, as long as it is recognized that they produce and sell the products under unequal conditions. Which requires differentiated treatment to achieve equity between the parties and to prevent current disadvantages from continuing to increase. The EU production standards recognised less and less the inequality that exists between countries and regions and are built based on aspirations and not on a real analysis of the challenges, their causes and possible solutions, ending in the exclusion of the most vulnerable producers, and generating advantages for EU own production and for EU large companies.

Now, non-EU producers can comply with EU production standards, as long as these measures effectively recognise the need for the crop, the reality in which it is produced and the cost involved in their correct implementation, whereby the cost must be guaranteed in the price received by the

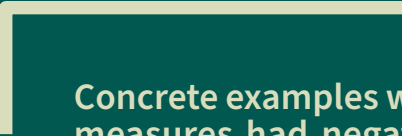
producer. A tropical crop requires different inputs for effective management of pests and diseases, and within these preferably the inputs that have the least impact on the environment and human health. The price received by the producer must be regulated and payment below the cost of production requires strong and effective measures from the EU, both legal and sanctions. Outside of that, many measures lack a neutral, technical analysis and do not necessarily contribute to obtaining the desired results. To ensure that laws, regulations and standards truly have a positive impact for the EU and the world, a more inclusive consultation mechanism must be formalised with countries and suppliers outside the EU.

At a governmental level and when it comes to environmental protection measures and/or standards, the concern is that the principle of common but differentiated responsibilities is not guaranteed with the imposition of mirror measures. In the views of the governments of Colombia and Peru, when it comes to the impacts of climate change, the ideology behind mirror measures in this regard does not take into account the fact that the European Union is among the main environmental polluters globally<sup>[32]</sup> but rather it is seen as blaming Latin American countries for climate change.

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[32] Paddison, L. Choi, A. (2024). CNN. [As Climate chaos accelerates, which countries are polluting the most?](#)





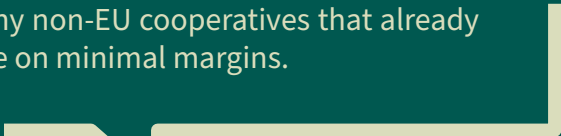
**Concrete examples where reciprocity measures had negative unintended consequences:**

**• Locust plague:**

During the 2019-2020 locust outbreak in East Africa, the FAO recommended aerial insecticide spraying as the best control method. However, most of those insecticides were not approved in the EU. As a result, to maintain production and ecosystems, ACP (African, Caribbean, and Pacific) producers had to adopt practices that made their products not suitable for the EU market. Import tolerances are important because they allow the European Commission to authorize the use of certain products and substances in non-EU countries, considering their unique ecological conditions, climates, traditions, and local practices.

**• Organic lime from Brazil:**

Brazilian lime producers were required to wash their fruit with a specific chemical to prevent the spread of citrus canker into the EU. This compliance with EU plant health rules caused them to lose their organic certification and resulted in a 35% drop in lime value. Although scientific trials showed clove oil to be a more effective solution, it was not authorized by the EU. The authorization for the chemical wash expired, leaving small farmers unable to export their fruit. Eventually, the EU recognized clove oil's effectiveness, allowing producers to regain their organic certification. This situation highlights the challenges and impacts of varying authorization regimes, particularly for smallholder farmers and producers.

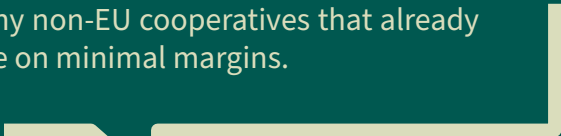


**• Sri Lanka and ban on fertilizers and pesticides:**

Rapid changes in agricultural practices can negatively impact production, as seen in Sri Lanka's 2021 ban on pesticides and fertilizers. This led to a 30% drop in paddy rice yields and a 50% drop in maize yields, causing food inflation to rise to 12%. The country had aimed for 100% organic production.

**• New EU Organic regulation and groups of operators:**

Under the EU Organic Regulation, non-EU farmers can form groups of operators, but the regulation's limit on group size is based on an EU standard that suits the region, where few cooperatives exceed 500 operators. This threshold, however, creates significant challenges in Latin America, where cooperatives often have 2,000 members, and Africa, where they can reach 8,000. After significant lobbying, the EU raised the limit to 2,000 operators, which alleviates the issue somewhat but still doubles or triples certification costs for many non-EU cooperatives that already operate on minimal margins.



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## 3.2 Lowering SDGs worldwide

One of the main arguments for imposing unilateral mirror measures is their potential to elevate environmental and social standards globally. However, these measures might not effectively achieve this objective, as they often overlook the diverse conditions and challenges faced by different countries. Enforcing uniform standards globally would require partner countries to invest resources to comply with these specific regulations. Consequently, these investments could divert financial resources away from other critical projects and needs, such as health and education, thereby hindering their progress on various Sustainable Development Goals (SDGs).

The one-size fits all approach does not take into account the reality of the countries, which may lead to forced deviation of resources. This can be illustrated with the example of the EU Deforestation Regulation (EUDR) and the causes of deforestation in Colombia. In Colombia, deforestation is mainly due to appropriation of land for production of illegal commodities<sup>[33]</sup>; and where the resources to combat deforestation are not the mechanisms introduced by the EUDR. Which is likely to lead to a situation where, in order to comply with EUDR, the country will have to deviate its resources to tackle its real causes of deforestation into compliance with new EU law.

The European Union has committed to assisting developing countries in achieving the UN SDGs, particularly through its Policy Coherence for Development (PCD) framework, established under the Treaty of Maastricht (1992) and reinforced by the Treaty of Lisbon (2009). This commitment obliges the EU to consider the impacts of its domestic policy changes on the interests and needs of these countries<sup>[34]</sup>. Moreover, through PCD, the EU and its Member States strive to minimize contradictions and create synergies between various EU policies. This approach aims to enhance the effectiveness of development cooperation, benefiting partner countries significantly. Since its inception, the new European Consensus on Development has re-

affirmed the EU's commitment to PCD, recognizing it as a crucial element of the strategy to achieve the SDGs in partner countries<sup>[35]</sup> (EC, 2022).

Additionally, initiatives such as the EU Green Deal and the Farm to Fork (F2F) strategy, along with changes in trade policy, can have significant implications for third countries. While these policies aim to transform Europe into a sustainable economy, their extraterritorial application through unilateral mirror measures could impose undue burdens on developing nations. This potential conflict with the goals of PCD could ultimately lower their ability to meet the SDGs.

In this sense, the Fair Trade movement is not advocating for a reduction in EU environmental and social standards. Instead, it warns that the imposition of unilateral mirror measures might have detrimental social and environmental effects in partner countries, ultimately detracting from global SDG achievements. Therefore, it is crucial to carefully assess the effectiveness of mirror measures in genuinely raising standards in third countries. This assessment must ensure that the pursuit of higher standards does not overshadow or negate progress in other critical areas of sustainable development, maintaining a balanced approach to global development goals.

## 3.3 EU straining ties with trade partners

When the EU intends to implement unilateral measures, it risks straining its relationships with external trading partners. These measures, which are not always considering the unique situation of different partner countries, can be perceived as restricting access to EU market. Which could in long term lead to a potential decrease in trade in certain goods if they are perceived as too restrictive by trading partners. Moreover, such measures, if implemented unilaterally, could lead to a WTO dispute and ultimately lead to retaliatory tariffs on EU agri-food exports, further straining trade ties.

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[33] IUCN. (2022). [Drivers of deforestation in the Colombian Amazon: land grabbing.](#)

[34] Matthews, A. (2022). European Landowners' Organization (ELO). [Implications of the European Green Deal for agri-food trade with developing countries.](#)

[35] European Commission. (2022). [Report from the commission to the European parliament and the council about the application of EU health and environmental standards to imported agricultural and agri-food products.](#) COM(2022) 226

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EU unilateral measures that regulate global environmental or ethical aspects of imports, though in principle compliant with WTO rules, can still be contentious among WTO members and may be challenged under the WTO dispute settlement system<sup>[36]</sup>. The legal standing of these measures is frequently questioned, with some countries viewing them as disguised protectionism.

Under WTO law, the EU can impose unilateral sustainability reciprocity standards to imports but these measures must align with specific conditions set by key WTO agreements such as the General Agreement on Tariffs and Trade (GATT), the Technical Barriers to Trade (TBT) Agreement, and the Sanitary and Phytosanitary (SPS) Agreement<sup>[37]</sup>.

Generally classified as “non-tariff barriers”, mirror measures are a controversial area in international trade law. WTO members typically agree that countries can set criteria for product manufacturing if the production method leaves a trace in the final product, such as pesticide residues in cotton products. However, the situation becomes more complex with measures targeting production methods that do not leave a trace in the finished product. For example, sustainably sourced cocoa cannot be distinguished from conventionally sourced cocoa based on physical characteristics alone. Article XX of the GATT provides a potential legal foundation for such measures if they pursue a legitimate public policy objective. It is necessary to demonstrate the necessity of the measure, ensure it is not a disguised restriction on international trade, and design it in a proportionate and non-discriminatory manner. As well as proving the measure is necessary to protect human, animal, or plant life or health, or to conserve exhaustible natural resources.

Additionally, the TBT Agreement requires that such measures must not create unnecessary obstacles to trade and must be based on relevant international standards wherever possible (TBT Articles 2.2 and 2.4). Moreover, under the SPS Agreement, any sanitary or phytosanitary measure must be based on scientific principles and not maintained

without sufficient scientific evidence (SPS Article 2.2). These measures must also be applied consistently to both domestic and imported goods to avoid discrimination (SPS Article 2.3).<sup>[38]</sup>

The EU must ensure that the sustainability standards imposed on imports are proportionate to the objectives pursued and do not exceed what is necessary to achieve those objectives. This principle of proportionality is crucial to avoid conflicts with the requirement under GATT Article XX that such measures should not be more trade-restrictive than necessary. Furthermore, recognizing equivalent measures from trading partners is necessary to meet the non-discrimination obligations under both the GATT and TBT Agreements.<sup>[39]</sup>

As acknowledged by the EU in its 2022 [report](#) on application of EU health and environmental standards to imported agricultural and agri-food products, the WTO discourages unilateral measures, preferring that countries negotiate such agreements consensually. As the lines between protection of human, animal, or plant life or health, or conservation of exhaustible natural resources and protectionism when it comes to production method that leave no trace in the final product can be blurry; the measures could be perceived as imposing restrictions on access to the European market without mutual consent. This perception can lead to frustration and may provoke retaliatory actions (in the form of WTO disputes, for instance) that ultimately deteriorate the EU’s trade relations.

### 3.4 ‘No, thanks’ leading to market disruption

It shall be clear that when it comes to health and safety standards, imports shall comply with EU health and safety standards. However, when it comes to different production methods where this does not affect the final product, the situation is trickier as it can be seen as protectionism – which may not be well received by partner and third countries.

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[36] Ibid.

[37] Jacques Delors Europe. (2022). Policy Paper: Grape 2, Greening Agri-Food Policy in the EU. [A narrow path for EU agri-food mirror measures.](#)

[38] Ibid.

[39] Ibid.

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The debate around mirror measures in the past years and the EU's introduction of more regulation connected to sustainable production has led to a situation where trade partners like India, Indonesia, Mercosur, and Thailand could say “thanks, but no thanks” to trading with the EU<sup>[40]</sup>.

This could lead to these partners shifting their trade relationships to countries with less stringent requirements or those with priorities more aligned with their own, such as poverty reduction and rural employment, rather than strict regulations on herbicides and other environmental standards<sup>[41]</sup>.

Another important consideration is the effectiveness of mirror measures in raising global standards. Their success depends largely on the response of exporting countries. Some countries may choose to raise their domestic standards to comply with EU requirements, thereby maintaining access to the EU market. Conversely, others may find it infeasible or too costly to meet these standards and instead redirect their exports to less demanding markets<sup>[42]</sup>.

In the words of Marike de Pena, the EU seeks equity with unified compliance measures (from equivalence to compliance) in a reality of inequality between EU countries/producers and third-party countries/producers. It may impose changes from a compliance approach rather than promoting changes over time, with incentives rather than sanctions (or a combination of the two). Sanctions and increased trade risks result in companies rather abandoning countries, regions and producers with greater challenges, creating greater vulnerability. Furthermore, because these measures and aspirations are not always very realistic and technically difficult to implement, they have the opposite result, that producers decide to leave agriculture and not spend more on their efforts.

This problem has been openly recognised by the European Commission's Director General for Trade, Sabine Weyand, when reflecting on the EUDR and where it is acknowledged that partners have been pushed away through the increased use of autonomous trade measures; unilateral measures that other countries see as imposing on them extra-territorial effects of our legislation<sup>[43]</sup>. Sabine Weyand has gone further into recognizing that the means imposed through unilateral measures can be extremely burdensome and very difficult to meet for developing countries and notably for small and medium sized businesses and smallholders in third countries<sup>[44]</sup>. On the contrary, regulatory cooperation with a proper cooperative approach<sup>[45]</sup> should be utilized moving forward and dialogue shall be critically improved to avoid the diplomatic challenges that have been present during implementation of the EUDR. Where, for instance, [17 trading partner countries sent letters to the EU raising concerns over EUDR and calling to work together to tackle global challenges.](#)

Beyond the protectionist concerns that may arise in partner and third countries. Another risk factor is the view that the EU has double standards on its policies. Highly hazardous pesticides, unsafe toys, polluting single-use plastics, and other goods that cannot be put on the market in the EU are still being produced across the territory to be exported outside the EU borders. Applying double standards, several pieces of EU legislation, including those banning some products because of their impacts on public health, human rights, animals and the environment, do not apply when the goods produced in the EU are meant to be used or consumed in non-EU countries<sup>[46]</sup>. Through this approach, the EU ignores the sustainability of goods that are produced in the EU for export to people in non-EU countries, violating the principle of Policy Coherence for Development enshrined in the EU treaties and may lead to tensions with partner and third countries.

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[40] Borderlex. (2024). INTERVIEW: [Encouraging mirror clauses is playing with fire.](#)

[41] Ibid.

[42] Matthews, A. (2022). European Landowners' Organization (ELO). [Implications of the European Green Deal for agri-food trade with developing countries.](#)

[43] Institute of International and European Affairs (IIEA). (2024). [EU trade – challenges and opportunities in a rapidly changing environment.](#)

[44] Ibid

[45] Ibid

[46] Greenpeace, Veblen Institute, Solidar, FTAO, and the Child Rights International Network. (2024). [Too toxic for Europe but OK for the rest of the world? Time to end EU double standards in trade](#)

# 4 Solutions



## 4.1 A positive agenda

As previously noted, unilateral measures hold value in driving industry transformation, as they compel actors to adapt their practices to more stringent sustainability standards, ultimately fostering the necessary systemic change. However, the approach to implementing such measures is crucial. A blanket requirement for full compliance with EU rules and standards, despite the differing climatic and socio-economic farming conditions within the EU and other countries, could adversely affect third countries. This, in turn, may distance the EU from its objectives and commitments towards promoting sustainable food systems in collaboration with all its partners.

There is a need to properly design measures that elevate global sustainability standards. This approach should ensure that non-sustainable practices are not allowed in the EU while promoting sustainable products from non-EU countries. Additionally, it should include capacity-building support for small producers exporting to the EU.

The introduction of strict conformity import requirements could impose extra costs and administrative burdens for non-EU producers<sup>[47]</sup> and may

not be duly considering the reality in the ground. As expressed by Hafiz Muhammad Ismail, Fair Trade Rice producer from Pakistan (member of Fairtrade NAPP), complying with EU production standards poses challenges such as high implementation costs, the need for technical expertise, complex documentation, and supply chain coordination. Smaller producers may struggle with the stringent requirements and maintaining competitiveness. Addressing these issues is essential for market access and product quality assurance.

[47] For instance, in order to comply with new requirements of the new EU Organic Regulation in terms of maximum limit of members, cooperatives will have to set up new legal entities – which entails an additional cost and administrative burden. See: FIBL. (2024) [‘Training Handbook: the new EU Organic Regulation \(2018/848\) for Producer Groups. Part I’](#)

**‘Alternative approaches could include collaborative standard-setting, capacity-building programs, and financial incentives for sustainable practices. Engaging local stakeholders in the process and offering technical assistance and funding support would enhance effectiveness and ensure Fair Trade and sustainability goals are met realistically’ – Hafiz Muhammad Ismail, Rice producer, Pakistan**



This links to the need to find an approach towards higher sustainability standards while being the less restrictive possible.

- Instead, the EU should focus on a positive agenda with the tools already in hand:

### Dialogue with partner countries

- » Trade agreements, particularly Trade and Sustainable Development (‘TSD’) chapters and sustainable food system chapters, can be tools to foster dialogue with partner countries or to at least agree on bilateral standards.
- » Promotion of good practices from EU and non-EU farmers and producers.
- » Agreed targeted strategies to identify sustainable alternatives through which exporting agricultural value chains can build more robust and sustainable agricultural solutions.

### Flanking measures other than trade

- » For low-income countries it should include links to international cooperation support, inter alia to support vulnerable farmers wishing to upgrade their sustainable farming practices.
  - » For all countries there should be economic diplomacy component
  - » Support for higher sustainability practices with financial aid
  - » Provision of technical capacity from EU towards partner countries
  - » Development cooperation to support developing countries’ transition to sustainable food systems

### Toolkit for co-designed and co-implemented unilateral measures

- » Further developed below in section 4.2.



The central focus point here is to ensure that the EU and its partner countries can progress towards achieving the SDGs. The world is witnessing the devastating consequences of climate change, with small-scale farmers and producers in the Global South being directly affected. These farmers need support and tools to transition towards sustainable food practices and systems. Therefore, the Fair Trade movement supports an approach based in cooperation, dialogue and equivalence towards the application of EU health and environmental standards to imported agricultural and agri-food products.

## 4.2 Toolkit for unilateral measures: unilateral but co-designed and co-implemented measures

When multilateral or bilateral approaches are carefully assessed and found to be unviable for achieving the policy objectives intended by the European Union, unilateral measures can be considered as alternative instruments. However, it is essential to thoroughly rethink the design and implementation of such unilateral measures. This rethinking should focus on introducing necessary changes to ensure that these policies effectively achieve their objectives while minimizing unintended negative consequences.

This involves a comprehensive evaluation of potential impacts, consultation with affected stakeholders, and the incorporation of feedback from both domestic and international partners. Additionally, implementing mechanisms for monitoring and evaluation will be crucial to assess the effectiveness of the measures and make necessary adjustments over time. By taking these steps, the EU can ensure that its unilateral measures are not only effective but also fair and supportive of broader sustainability goals.

This may mean, as indicated by Marike de Pena, differentiated measures that contribute to equity, incentives versus sanctions - or an effective combination of the two-, inclusive consultations and greater openness to alternatives that contribute to the same vision. It is worth noting that, in order to go in this direction, the EU would need to adopt a policy statement clarifying which policy areas would be subject to the policy intervention and

what the respective legal basis is. As opposed to an overarching regulation on mirror measures that would hardly be effective for farmers and enterprises on the ground, and therefore not deliver in its sustainability objectives, as well as likely non-compliant with WTO rules.

Elements that should accompany unilateral measures to impose EU standards to imports:

### **A.** Assessment of best options among unilateral tools

Beyond EU law that strictly imposes EU standards to imports, the EU could also look into the role of Voluntary Sustainability Schemes (VSS); sustainability eligibility criteria for EU incentive arrangements; mandatory due diligence requirements; the requirement of imports meeting similar requirements as domestic production and/or the role of sustainability labelling.

### **B.** Binding ex ante and ex post sustainability impact assessment

As indicated in the Commission report on application of EU health and environmental standards to imported agricultural and agri-food products, the EU will continue to ensure coherence of its sustainability agenda with its enlargement, neighbourhood and development policies. This also implies taking into consideration trade impacts on third countries. Flanking measures, including funding, technical cooperation and capacity building, may be important to assist trading partners when engaging in more sustainable practices, especially for most vulnerable countries and neighbouring partners that undertake ambitious commitments in those fields.

Whatever policy intervention is decided, the EU should systematically conduct ex ante sustainability impact assessments – whose conclusions should also be binding in terms of the policy intervention addressing the identified sustainability impacts. Which shall also look at the needs and challenges that partner countries will likely face when it comes to implementing the new EU requirements. As well as the impact that the EU regulation would likely have in national settings

(linking to institutional inequality as mentioned previously). These impact assessments must be carried out scientifically and with scientific evidence.

Binding ex ante sustainability impact assessment should also link to mandatory ex post sustainability impact assessment.

## C. Policy coherence for development

Policy interventions should be designed under a strict Policy Coherence for Development lens. This means considering the development objectives in policies that are likely to have an impact in developing countries. While minimising contradictions and building synergies between different EU policies and increasing effectiveness of development cooperation.

This may very well require addressing double standards present in EU policies as described in sections above.

Current challenges or examples that shall be tackled include:

» Agriculture and food: compliance with F2F standards as a condition for accessing the European market could constitute additional nontariff barriers for agriculture exports to the EU; and where country level partnerships would be needed to combat agroecological challenges<sup>[48]</sup>.

» Biodiversity: The EU requires companies to minimise deforestation linked to imports. Although stakeholders generally see this as a beneficial move for biodiversity conservation, there are concerns that it may lead to risk avoidance in the supply chain and reduce the positive effects on countries with high deforestation rates<sup>[49]</sup>.



» Climate: The EU has adopted a carbon border tax on imported goods (the carbon border adjustment mechanism). Analyses suggest that this could incentivise cleaner production in other countries but could also harm vulnerable economies if they cannot adapt. Furthermore, some countries consider this to be contrary to the Paris Agreement principle whereby poorer countries should contribute less than richer ones to reducing CO2 emissions<sup>[50]</sup>.

» Trade: Free trade agreements with developing countries, in particular economic partnership agreements (EPAs) with African, Caribbean and Pacific regions include 'trade and sustainable development' clauses to protect labour, the environment, and domestic production. However, Parliament has pointed out that they have not yet achieved goals such as diversifying value chains or promoting regional integration in Africa<sup>[51]</sup>.

[48] Imeh, I. Olumide, A. Zainab, U. (2021). Carnegie Endowment for International Peace. [What does the European green deal mean for Africa?](#)

[49] European Parliament. Pichon, E. (2023). European Parliamentary Research Service. [Understanding policy coherence for development.](#)

[50] Ibid

[51] Ibid

## D. Co-design of policy interventions

Another component for the uni-measure toolkit is adopting a case-by-case approach that allows to account for realities in the ground. In turn, a case-by-case approach can only be effectively achieved if partners and third countries are involved in the design of policy interventions.

When advancing sustainability standards for imports, it is essential to **use a case-by-case approach**. Each commodity imported to the EU has different characteristics and is subjected to various regulations at both EU and domestic levels, which must be considered when increasing sustainability requirements.

While this may seem time-consuming and laborious, not applying a case-by-case approach is unlikely to achieve the goal of raising environmental and social standards worldwide. Therefore, this component cannot be overlooked.

A one-size-fits-all approach would not work. Instead, mechanisms that allow for flexibility and reasonable transition periods for third countries must be prioritised. The differences present in different countries highlight the infeasibility of imposing a uniform standard without considering local conditions of farming in different climatic conditions.

Acknowledging these differences is crucial. Just as EU member countries exhibit varied agricultural realities similar considerations must be extended internationally<sup>[52]</sup>. A more equitable approach would involve the development of a “gold standard” trade agreement model, for instance, that not only requires high standards but also incorporates mechanisms to accept equivalent levels of protection. This model would recognize different farming practices, fertilisation needs, and pest control requirements that vary with climatic conditions.

Including an element of equivalence is also essential. When implementing unilateral measures to raise sustainability standards for imports, the EU should include the possibility of mutual or unilateral recognition of standards based on an equivalence principle. This would allow the EU to consider the different realities, necessities and priorities of other countries when it comes to production methods.

An example in this regard is the previous EU Organic Regulation (834/2007). Under this regulation, countries could request the European Commission to establish an equivalence agreement, creating an administrative arrangement for mutual recognition of organic standards between the EU and a third country. Alternatively, countries could submit to control bodies—independent entities appointed by the European Commission—to verify that organic producers adhere to standards and control measures equivalent to those in the EU. Each control body has an organic standard that is recognised and authorised as being equivalent and in line with organic principles.

Under this regulation, countries could have some differences in content of standards as there was flexibility for these standards to be adapted to local circumstances. The underlying principle being the recognition that organic goods could be produced in ways that were different but equivalent in terms of their outcome and alignment with EU organic principles.

The equivalence approach thus allows to integrate a case-by-case approach into policy interventions that aim at rising sustainability standards in imports and should be sought as far as possible.

For Natasha Erika Siron, Advocacy Manager at Fairtrade NAPP, the network of Asia and Pacific Fairtrade Producers, the EU could adopt a more collaborative approach that involves sma-

[52] Rees, E. (2022). ECIPE Policy Brief, No 03/2022. [Mirror, mirror on the wall, who has the fairest clauses of us all? Stress-testing the application of mirror clauses to pesticides.](#)

ll-scale farmers in the development of regulations. Which includes providing technical assistance, financial support, and capacity-building programs to help farmers transition to more sustainable practices. Additionally, the EU could consider developing a tiered certification system or developmental standard that recognizes different levels of compliance, allowing farmers to gradually meet standards, rather than having to achieve the highest standard immediately, without compromising or being excluded from the EU market.

## **E** ● Co-implementation of policy interventions

It is important to reflect on the shared burden of transitioning to sustainable agricultural practices. Just as EU farmers require support during their transition, so too do farmers in third countries, especially smallholder farmers in least developed and developing countries. They should not be left to bear the costs of compliance alone. Instead, efforts should focus on supporting these farmers through technology transfer, financial aid, and capacity building, thereby enabling them to meet international standards in a way that respects their unique circumstances and contributes to global sustainability goals.

Taking adequate measures to ensure compliance with new EU regulations and requirements goes also in the direct interest of the EU - as to avoid market disruptions, for instance.

The following is a non-exhaustive list of measures that should be included in unilateral measures aiming at rising sustainability standards in imports:

1. Reasonable transition period to allow alternatives to be developed, applying principle of special and differential treatment.

2. Commitment of significant EU resources to help smallholder farmers, producers, workers in vulnerable developing countries to adapt their production practices.

The burden of implementing mirror measures cannot be placed entirely on smallholder farmers in developing countries. It is important to ensure that they receive the technical and financial support to comply with these requirements<sup>[53]</sup>.

3. Permanent dialogue and consultation with affected countries and actors in and outside the EU. There should be a systematic inclusion of third countries concerns and needs into the EU decision making process as this will also support effective implementation of new EU rules.

4. Competitive bias test whereby it is ensured that any conformity measures does not constitute a disguised restriction to trade.

**‘The truth is that these measures, to be good, require consultation, accompanying measures and, above all, time. Many of the current measures become technical barriers to trade for the most vulnerable producers: small producers in developing countries’** – Marike de Pena, Banelino cooperative, Dominican Republic

[53] Humundi. Pochet, L. (2024). [‘Miroir ô miroir, quelle mesure est la plus belle ?’](#) *Miroir ô miroir, quelle mesure est la plus belle?*

## F. Incentives

A point the EU must address, not only for raising sustainability requirements for imports but also to benefit EU sustainable production more broadly, is the characteristics of the EU market and the share of sustainable production in it. Measures aimed at raising sustainability standards for products entering the EU market will be ineffective if not accompanied by respective incentives for sustainable production. An approach that emphasizes incentives rather than sanctions should be prioritized (more ‘carrots’ and less ‘sticks’).

Currently, the market does not sufficiently promote or reward sustainable production to economically justify the increased production requirements. This situation, coupled with the reality that sanctions and increased commercial risks are causing companies to abandon certain countries, regions, and producers facing greater challenges, is increasing vulnerability. This abandonment leads producers to cease production of their commodities, potentially causing substantial market disruptions.

Some countries have largely developed the organic and/or Fair Trade production, for example, but the many and constant regulatory

changes made at EU level may well discourage national sustainability efforts. This because EU regulations often entail strict rules that are exorbitant for local realities and where more mutual knowledge, more collaboration and greater good would work as incentives at governmental level to support EU regulations.

An example of what could constitute an incentive in the context of bilateral agreements would be to introduce differentiated tariffs for sustainable products. The same element was requested in the context of the European Parliament negotiations on the General Scheme of Preferences but did ultimately not get adopted.

Another incentive would be to introduce mandatory sustainable criteria for (food) public procurement. The premise there being that public and school canteens across Europe shall adhere to minimum mandatory criteria that reflects the need to keep our food system within planetary boundaries and support the implementation of the Sustainable Development Goals<sup>[54]</sup>. Instead of promoting the procurement of unsustainable products based on a lower cost criteria, the EU should require public procurements to procure goods on the basis of sustainability criteria that would incentive and increase the market for EU and non-EU sustainable products (based also on criteria that looks at inclusion, development, etc.). Thus, also creating an incentive for sustainable production instead of just imposing higher sustainability production standards without a market incentive.

In summary, unilateral measures aimed at raising sustainability standards in imports should be included within a wider picture that includes both push and pull measures that lead to market transformation needed to globally elevate sustainability standards. This approach should prioritise incentives over punitive measures, which may unintentionally force actors in a vulnerable position out of the market.



Image: Sean Hawkey

[54] ICLEI – Local governments for sustainability. (2022). [Manifesto for establishing minimum standards for public canteens across Europe.](#)

## The role of consumers as part of the solution

Another element that should not be left unattended is the role of consumers.

Instead of focusing only on requiring higher standards from non-EU farmers and producers, the EU should focus on improving consumer's choices and awareness over sustainability in (agri-food) production, so they choose products that already incorporate higher environmental and social standards in their production methods, such as Fair Trade and/or organic products, that come from non-EU and EU producers.

EU based Fair Trade pilots have manifested the challenge they face in convincing customers and consumers to pay the price of their product and that is only linked to lack of consumer's and citizen's awareness.

One of the arguments to introduce mirror measures is that of competitiveness of EU producers, but what is not being addressed is the lack of consumer's awareness on the added value of sustainable products (EU and non-EU) and the corresponding higher price those products have. By raising consumers and citizens awareness, demand will raise for sustainable products without the need to introduce strict mirror measures that may negatively affect non-EU producers (i.e. by not taking into account differences in partner countries).

In this aspect, recurring to voluntary sustainability standards and sustainability labelling are tools the Commission has already announced to work on and that may be a more collaborative tool than introducing strict conformity requirements to 3rd countries.



Image: CLAC



Image: Eric St. Pierre



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# 5 Conclusion

The ambition to raise sustainability standards globally is shared by the Fair Trade Movement. It is crucial that our goods are produced in a manner that ensures sustainability across environmental, economic, and social dimensions.

Success in this regard depends on the integration of all relevant stakeholders, including civil society, and on a fairer distribution of responsibilities. Part of breaking the policy silos is the integration of all relevant actors along the value chain, from agricultural production to consumption. Adopting a holistic approach will allow civil society, smallholder farmers and producers, and third countries to be involved in the debate where decisions that directly impact them are taken. It will also help shift power structures along the food value chain and, thereby, challenging the current dominance of certain actors and opening new opportunities for cross-sectoral alliances for more sustainability.

The Green Deal, F2F strategy and trade related policy changes can have implications on third countries. The EU has committed to helping these countries reach the UN Sustainable Development Goals, particularly through its commitment to Policy Coherence for Development. Therefore, the EU should focus on a positive agenda promoting sustainable practices within and outside its borders.

In its action, whether through agreements with third countries or on unilateral measures, the EU shall ensure that import standards are set at equivalent levels as the environmental, social, and economic standards in the Union, coupled with strong dialogue and assistance to partner and third country actors, especially smallholder farmers and small producers, to meet global standards.

In this sense, smallholder farmers and producers must be placed at the heart of agricultural strategies and must be appropriately involved in shaping them. Policymakers must collaborate closely with partner countries to ensure that their insights and needs shape the policies. The Green Deal should serve as a catalyst for reforming the current system towards a socially sustainable model. Without the involvement of those who produce our food, initiatives like the Green Deal or Farm to Fork Strategy risk missing their purpose<sup>[55]</sup>.

When it comes to the debate around mirror measures, the use of multilateral and/or bilateral forums would be the predilected approach for partner and third countries. Considering the example of the EUDR and the lack of dialogue thereof, partner countries are very sceptical of unilateral measures. Which means that, if unilateral measures are deemed as the best instrument for a specific policy intervention looking to raise sustainability in production, it should be co-designed and co-implemented with the (non-exhaustive) elements indicated in this paper: ex ante and ex post sustainability impact assessment; ensuring policy coherence for development; co-designing and co-implementing policy interventions and with establishment of proper framework of incentives.

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[55] Via Campesina. (2022). [Open letter by European farmers to the European Union](#)



Image: Didier Gentilhomme

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