

ABBREVIATED MEMORANDUM OF THE REGULATORY IMPACT ANALYSIS OF THE DRAFT ORDER APPROVING THE TECHNICAL CONDITIONS FOR THE PRODUCTION AND MARKETING OF ARTISAN CHEESE AND ARTISAN CHEESE CURD IN ANDALUSIA

HISTORICAL DATA		
VERSION	DESCRIPTION/MODIFICATION	DATE
00	Initial draft	08/07/2025
01	First Draft	View digital signature

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1. EXECUTIVE SUMMARY

GENERAL INFORMATION			
Proposing body¹	Directorate General of Industries, Innovation and the Agri-food Chain	Date²	06/03/2025
Type of provision	Draft Law.		<input type="checkbox"/>
	Legislative Decree.		<input type="checkbox"/>
	Decree.		<input type="checkbox"/>
	Order.		<input type="checkbox"/>
Title of the provision	Order approving the technical conditions for the production and marketing of artisan cheese and artisan cheese curd in Andalusia		
Type of Report	Normal <input type="checkbox"/> Abbreviated <input type="checkbox"/>		
1. TIMELINESS OF THE PROPOSAL			

¹ Governing body promoting the initiative.

² Date on which the drafting of the MAIN (Main Standard) began.

<p>Situation that is regulated³</p>	<p>Given the time that has passed since the entry into force of the Order of 29 May 2013, which approved the technical conditions for the production of artisan cheese in Andalusia, the need for simplification, clarification and updating of the requirements and technical conditions established therein has been pointed out. In this regard, the Andalusian cheese sector has submitted a proposal to the Ministry of Agriculture, Fisheries, Water and Rural Development to modify the aforementioned order.</p>
<p>Objectives pursued⁴</p>	<p>The objective of the Order is to update, clarify and simplify the conditions and requirements of the Order of 29 May 2013, and thus obtain a greater response from cheese companies so that they are recognised as artisans and request the use of the distinctive mark. Specifically, the purpose of the regulation is to:</p> <ul style="list-style-type: none"> a) Define the conditions for a product to be manufactured and/or marketed under the name 'Artisan Cheese' or 'Artisan Farm Cheese' and 'Artisan Cheese Curd' or 'Artisan Farm Cheese Curd'. b) Define the permitted and prohibited practices. c) Define the essential and optional ingredients that may be used.
<p>Main alternatives considered⁵</p>	<p>There are no alternative solutions</p>

³ Specify the factual situation justifying the approval of the regulation.

⁴ Systematise the objectives pursued through the approval of the regulation.

⁵ Include the chosen ingredient as well.

2. CONTENT	
Structure of the proposal⁶	The draft Order is structured into a Preamble, 6 Articles, a sole repealing provision and two final provisions.
3. LEGAL ANALYSIS	
Affected regulation⁷	The Order of 29 May 2013, which approves the technical conditions for the production of artisan cheese in Andalusia, with its corresponding annexes, is hereby repealed.
4. PROCEDURES	
Prior public consultation	YES <input type="checkbox"/> NO <input type="checkbox"/>
	Date of consultation: from 31/10/24 to 21/11/24
Outcome and assessment	There have been no contributions from citizens, associations or organisations.
Public hearing and information process	YES <input type="checkbox"/> NO <input type="checkbox"/>
	Date of consultation: 16/09/2025 to 06/10/2025
Outcome and assessment	See Section 8.

⁶ Complete briefly; it is not necessary to reproduce it verbatim.

⁷ Include not only those that are repealed, but also those that require subsequent modification.

Reports and opinions obtained	1. Report of the Institute of Statistics and Cartography of Andalusia.	
	2. Report of the General Secretariat for Public Administration.	
	3. Report of the Directorate General for Budget.	
	4. Consumers and Users Council of Andalusia	
	5. Report of the Gender Equality Unit.	
Outcome and assessment	See Section 8	
5. IMPACT ANALYSIS		
Economic impact⁸	Direct economic impact	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, list the main effects
	Indirect economic impact	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes, list the main effects
Economic, financial and budgetary impact	Only affects the proposing directorate	YES <input type="checkbox"/> NO <input type="checkbox"/>
	Affects other directorates or bodies	YES <input type="checkbox"/> NO <input type="checkbox"/>
	Chapters and financial sources affected, distinguishing between expenditure and revenue	Not applicable.
	Quantification of the increase or decrease in expenditure, on the one hand, and revenue, on	Not applicable.

⁸ Do not reproduce the budgetary impact, but rather respond to the projected impact on the economy in general and, if possible, quantify it.

	the other	
Administrative burdens	Entails a reduction in administrative burdens YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Incorporates new administrative burdens YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Involves a simplification of procedures YES <input type="checkbox"/> NO <input type="checkbox"/>	
	Affects administrative burdens YES <input type="checkbox"/> NO <input type="checkbox"/>	
Gender-based impact	The regulation is relevant to gender	NO <input type="checkbox"/> YES <input type="checkbox"/> If the regulation is gender-related, indicate whether the gender impact is positive or negative
Impact on children and adolescents	The regulation is relevant to children and adolescents.	NO <input type="checkbox"/> YES <input type="checkbox"/> If the regulation has relevance to children and adolescents, indicate whether the impact is positive or negative
Impact on the family	The regulation is relevant to the family.	NO <input type="checkbox"/> YES <input type="checkbox"/> If the regulation has relevance to the family, indicate whether the impact is positive or negative.
Electronic media	The regulation requires the use of information and communication technologies.	NO <input type="checkbox"/> YES <input type="checkbox"/> If yes, this development corresponds to the Andalusian Digital Agency: NO <input type="checkbox"/> YES <input type="checkbox"/>
Impact on the protection of personal data	The regulation has an impact on the protection of personal data	NO <input type="checkbox"/> YES <input type="checkbox"/>
Other impacts⁹	No other impacts.	

9 Social, environmental, etc.

6. EX POST EVALUATION	
Regulatory assessment	YES <input type="checkbox"/> NO <input type="checkbox"/>
Time frame for assessment of the regulation	Total period: Periodic evaluations: YES <input type="checkbox"/> NO <input type="checkbox"/> Deadline(s):

2. TIMELINESS OF THE REGULATION

Before we begin to delve into each of the sections that make up this report, we believe it is appropriate to justify the type of report used. The competent Governing Body for promoting the regulation esteems, according to that indicated in Article 7 of Decree 622/2019 of 27 December 2019, Electronic Administration, simplification of procedures and organisational rationalisation of the Regional Government of Andalusia, that the draft does not have a relevant impact of an economic, budgetary, social or any other nature, or that the impacts in these areas are not significant.

The Draft Law does not affect access to resources or the modification of gender roles, and therefore it is not relevant in terms of gender impact. It also has no impact on children, adolescents or the family, nor does it affect Competition; it does not really regulate an administrative procedure, and the relationship with technologies and electronic media only originates from its connection with the Andalusian Artisan Foods Decree. It has no impact on the protection of personal data, and it does not apply to a generality of indeterminate recipients but to a specific sector, which are exclusively artisan cheese dairies.

2.1. Causes, purposes and objectives pursued

Given the time that has passed since the entry into force of the Order of 29 May 2013, which approved the technical conditions for the production of artisan cheese in Andalusia, the need for simplification, clarification and updating of the requirements and technical conditions established therein has been pointed out. In this regard, the Andalusian cheese sector has submitted a proposal to the Ministry of Agriculture, Fisheries, Water and Rural Development to modify the aforementioned order.

This new Order addresses the need to regulate the technical conditions, requirements, and specific aspects for the production and marketing of artisan cheese and artisan cheese curd in Andalusia, adapting them to current applicable regulations in a clearer, simpler, and more specific manner than those previously established. This will respond to requests and proposals, leading to increased demand for this activity and removing obstacles to the development of a sector of significant importance, especially due to the wide variety of cheeses produced in very specific areas with unique characteristics. The delicate production of these cheeses results in singular products, making Andalusia's cheese heritage highly diverse and requiring clear differentiation in the market.

This regulation contributes to adding greater value to the dairy production of livestock farms, which in turn has a positive influence on the development of the economic and social fabric in rural Andalusia. Likewise, for the cheese sector in Andalusia, it is important to be able to access this artisan designation, giving consumers the assurance that they are consuming a quality product. Notwithstanding the foregoing, artisan food products legally produced and

processed in other autonomous communities of Spain or other countries that meet the conditions established in this Order may be marketed in the territory of the Autonomous Community of Andalusia under the designations 'Artisan Cheese' or 'Farm Artisan Cheese' and 'Artisan Cheese Curd' or 'Farm Artisan Cheese Curd'.

The main changes introduced in the regulation compared to the current regulation affect several aspects, such as: Adapting the production process, in order to highlight the influence of the artisan's own characteristics. Clarifying the regulatory framework, adjusting the raw material requirements to those established in national regulations. Establishing the maximum limit on the volume of milk processed based on the number of workers, regardless of the type of milk used, and modifying the origin requirement for this milk. Finally, provisions on the size of the company are added to the articles in accordance with the first additional provision of the Artisan Foods Decree.

2.2. Regulatory alternatives.

There are no alternative solutions to regulate the technical conditions of the product for the stated purpose other than to prepare this new Order pursuant to the provisions of Law 2/2011 of 25 March 2011 on Agri-food and Fisheries Quality in Andalusia, in its fourth additional provision, Section 1, and Decree 352/2011 of 29 November 2011, which regulates artisan foods in Andalusia, which in its Article 5(1), establishes that the specific technical conditions necessary for the artisan production of foods referred to in Law 2/2011 of 25 March 2011, as well as the specialities of said product according to the preparation process used, will be determined by an Order from the head of the Ministry responsible for agriculture and fisheries.

It is also justified that the initiative contains the essential regulations to address the proposal of the Andalusian cheese sector.

2.3. Justification of the regulation's compliance with the principles of good regulation.

The following justifies the suitability of the proposed regulation to each of the principles of good regulation contained in Article 129 of Law 39/2015 of 1 October 2015 on the Common Administrative Procedure of Public Administrations (LPACAP).

2.3.1. Need and effectiveness

Article 129(2) of Law 39/2015 establishes that: 'By virtue of the principles of necessity and effectiveness, the regulatory initiative must be justified by a reason of general interest, be based on a clear identification of the aims pursued, and be the most appropriate instrument to guarantee their achievement.'

The necessity and effectiveness of the draft provision is justified to regulate the technical conditions, requirements and specific aspects for the production and

marketing of artisan cheese and artisan cheese curd in Andalusia, adapting them to the current applicable regulations, in a clearer, simpler and more concrete way than the one regulated until now, and, with this, respond to the requests and proposals put forward by the sector.

2.3.2. Proportionality:

Article 129(3) of Law 39/2015 states that: 'By virtue of the principle of proportionality, the proposed initiative must contain the regulation essential to address the need to be covered by the regulation, after verifying that there are no other measures that are less restrictive of rights or that impose fewer obligations on the recipients.'

As indicated, the provision covered by this report is justified because the initiative contains the essential regulation to address the proposal of the Andalusian cheese sector, without there being any other less restrictive alternative measures.

It is therefore necessary for this Ministry to prepare this draft Order approving the technical conditions for the production and marketing of artisan cheese and artisan cheese curd in Andalusia

2.3.3. Legal certainty:

Article 129(4) of Law 39/2015 establishes that: 'In order to guarantee the principle of legal certainty, the legislative initiative shall be exercised in a manner consistent with the rest of the legal system, both national and European Union, to generate a stable, predictable, integrated, clear, and certain regulatory framework that facilitates its understanding and, consequently, the actions and decision-making of individuals and businesses.'

The principle of legal certainty of the provision is guaranteed because the approval of the Order corresponds to the head of the Ministry of Agriculture, Fisheries, Water and Rural Development, in accordance with the provisions of Article 48, Article 79(3)(a), and Article 83 of the Statute of Autonomy for Andalusia, this Autonomous Community, respecting the provisions of Article 149, Paragraph 1.13^a, of the Constitution, has exclusive competence over designations of origin and other quality indications, whose geographical areas do not exceed the Andalusian territorial scope, and this in relation to Decree of the President 6/2024 of 29 July 2024, on the restructuring of Ministries and Decree 157/2022 of 9 August 2022 (amended by Decree 165/2024 of 26 August) 2024, which establishes the organic structure of the Ministry of Agriculture, Fisheries, Water and Rural Development, as well as with Article 44, Paragraph 2, of Law 6/2006 of 24 October 2006.

In accordance with the provisions of Decree 352/2011 of 29 November 2011, which regulates artisan foods in Andalusia, Article 5(1), establishes that the specific technical conditions necessary for the artisan production of foods referred to in Law 2/2011 of 25 March 2011, as well as the specialities of said products according to the preparation process used, will be determined by an Order from the head of the Ministry responsible for agriculture and fisheries, which is considered the appropriate regulatory instrument.

2.3.4. Transparency:

Article 129(5) of Law 39/2015 requires that: 'In accordance with the principle of transparency, Public Administrations shall ensure easy, universal, and up-to-date access to current regulations and the documents related to their drafting process, as established in Article 7 of Law 19/2013 of 9 December 2013, on transparency, access to public information, and good governance; they shall clearly define the objectives of the legislative initiatives and their justification in the preamble or statement of reasons; and they shall enable potential stakeholders to actively participate in the drafting of the regulations.'

As stated in the administrative file for the preparation of the regulation, all the requirements of Law 19/2013 of 9 December 2013, on transparency, access to public information and good governance, and of Law 1/2014 of 24 June 2014, on public transparency of Andalusia, have been met.

In this regard and in accordance with Article 133 of Law 39/2015 concerning the 'Participation of citizens in the procedure for drafting laws and regulations', it is established that 'prior to the drafting of the regulation, a public consultation will be carried out, through the website of the competent Administration, in which the opinion of the subjects and the most representative organisations potentially affected by the future regulation will be sought...'

The prior public consultation was carried out from 31/10 to 21/11 of 2024, without any observations being made.

The necessity of complying with the procedure of public hearing and the procedure for public information has been deemed in accordance with Article 133, Paragraph 2, of Law 39/2015 of 1 October 2015 and 45, Paragraph 1(d), of Law 6/2006. Therefore, potential recipients and citizens have been given the opportunity to participate in the regulatory development process through the procedures of public hearing and information, and the required reports have been obtained, in accordance with the provisions of Article 133(2) of Law 39/2015 of 1 October 2015, on the Common Administrative Procedure of Public Administrations, in relation to Article 45(1)(c) and (d) of Law 6/2006, of 24 October 2006, of the Government of the Autonomous Community of Andalusia.

The public hearing and information process was carried out from 09/16/2025 to 10/06/2025.

2.3.5. Efficiency:

Finally, Article 129(6) of Law 39/2015 states that: 'in applying the principle of efficiency, regulatory initiatives must avoid unnecessary or ancillary administrative burdens and streamline the management of public resources in their implementation.'

The draft regulation does not affect administrative burdens in the sense that they are not imposed a priori and are not generated with the drafting of the Order, but the obligation of the interested parties to communicate data that takes place in Article 6 and Annex II of the draft regulation responds to that

which is already established by the superior regulation in force, which is Decree 352/2011 of 29 November 2011, which regulates artisan foods in Andalusia.

3. SYSTEM OF DISTRIBUTION OF POWERS.

The approval of this Order falls to the head of the Ministry of Agriculture, Fisheries, Water and Rural Development, in accordance with the provisions of Article 48, Article 79, Paragraph 3(a), and Article 83 of the Statute of Autonomy for Andalusia. This Autonomous Community, respecting the provisions of Article 149(1)(13), of the Constitution, has exclusive competence over designations of origin and other quality labels whose geographical areas do not exceed the Andalusian territory. This is in relation to Decree 6/2024 of the President of 29 July 2024, on the restructuring of Ministries, and Decree 157/2022, of 9 August 2022 (amended by Decree 165/2024 of 26 August) 2024, which establishes the organisational structure of the Ministry of Agriculture, Fisheries, Water and Rural Development, as well as Article 44, Paragraph 2, of the Law 6/2006 of 24 October 2006.

4. LIST OF THE REPEALED REGULATIONS.

Order of 29 May 2013, approving the technical conditions for the production of artisan cheese in Andalusia, with its corresponding annexes.

5. ECONOMIC IMPACT, ECONOMIC, FINANCIAL AND BUDGETARY IMPACT.

5.1. Economic impact.

The draft Order, although it deals with a specific activity such as that which encompasses artisan cheese, is of a purely technical nature, limited to the field of the agri-food industry, and therefore lacks direct and indirect economic impact and does not affect free competition and the unity of the market.

It is a regulation that is developed directly in application of Decree 352/2011 of 29 November 2011, which regulates artisan foods in Andalusia, and its provisions only bind those who voluntarily adopt this method of cheese production, without granting privileges or advantages over companies in other sectors. It does not significantly increase technical restrictions or market entry or exit costs that could hinder access for new companies.

In this sense, it does not introduce price limits or controls, but establishes the requirements for cheese production with the particularities of its artisan character within the current regulations, without exempting operators from the application of the general regulation on the defence of competition.

5.2. Economic, financial and budgetary impact.

The entry into force of this Order will not entail any expense for the Ministry of Agriculture, Fisheries, Water and Rural Development, without affecting the Budget of the Autonomous Community of Andalusia and the public deficit.

The preparation of this Order does not entail any economic burden for the Administration. The application of the provisions of the regulatory provision in question will not require any restructuring in the organisation of the services of the Ministry of Agriculture, Fisheries, Water and Rural Development, the provision of personal resources of the General Directorate of Industries, Innovation and Agri-food Quality being sufficient.

The evaluation of the economic and financial impact of the aforementioned draft results in an economic value equal to zero.

6. IMPACT BASED ON GENDER, ON CHILDREN AND ADOLESCENTS, AND ON THE FAMILY.

6.1. Impact based on gender

The draft does not have a direct impact on individuals, women and men, nor does it affect access to resources or influence the modification of gender roles; it is understood that the regulatory draft that is the subject of this gender impact assessment report is: NOT APPLICABLE.

However, it should be noted that the draft has taken into account the use of inclusive and non-sexist language, and gender equality as a cross-cutting principle, in compliance with Law 12/2007 of 26 November 2007, for the promotion of gender equality in Andalusia.

6.2. Impact on children and adolescents

The draft is aimed at the adult population, over 18 years of age, and so the impact is ZERO as it has no effect on the rights of minors.

6.3. Impact on the family

The proposed regulation is not likely to have repercussions on the family.

The draft has no direct or indirect effects on the well-being of families, and so the impact is ZERO as no modification is foreseen.

7. ELECTRONIC MEDIA

The Draft does not regulate an administrative procedure itself, nor does it articulate electronic media; it only includes the technical conditions of the product and the data to be submitted. The relationship it has with communication technologies is that of Decree 352/2011, of 29 November, which regulates artisan foods in Andalusia, where the procedure and electronic means to submit the application and send the data are regulated.

8. DESCRIPTION OF THE PROCESSING AND CONSULTATIONS CARRIED OUT

The prior public consultation was carried out from 31/10 to 21/11 of 2024, without any observations being made.

No prior reports have been prepared in the drafting process of the Draft.

Its development responds to the need to regulate the technical conditions, requirements and specific aspects for the production and marketing of artisan cheese and artisan cheese curd in Andalusia, adapting them to the current applicable regulations, in a clearer, simpler and more concrete way than those regulated until now, and, with this, respond to the requests and proposals put forward by the sector; declaring the necessity of the public hearing process and the public information process in accordance with Article 133(2), of Law 39/2015 of 1 October and 45, Paragraph 1(d) of Law 6/2006 of 24 October 2006, of the Government of the Autonomous Community of Andalusia, since the regulatory draft affects the rights and legitimate interests of a certain sector of the citizenry, through the organisations and associations recognised by law that group or represent it and whose purposes are directly related to the object of the provision.

The public hearing and information process was carried out from 09/16/2025 to 10/06/2025.

The requested reports were the following:

- Report of observations from the Gender Equality Unit.
- Report of the Institute of Statistics and Cartography of Andalusia.
- Report of the Council of Consumers and Users of Andalusia.
- Report of the Directorate General for Budget.
- Report of the General Secretariat for Public Administration.
- Report from the Data Protection Officer of the Ministry.

The reports issued were as follows:

- Report of observations from the Gender Equality Unit.

Having analysed the object and content of the draft, the Gender Equality Unit expresses its agreement with the conclusion reached in the Gender Impact Assessment Report submitted by the General Directorate of Industries, Innovation and Agri-food Chain, regarding the gender NON-RELEVANCE of the same.

This is a draft Order that does not affect individuals or access to resources, nor does it perpetuate gender roles, and therefore its application will have neither positive nor negative effects on gender.

Regarding the observations included in the section 'transversality of the principle of equality and inclusion in object and objectives, and measures incorporated to guarantee equality', relating to the hearing process, it is

indicated, firstly, that the report has been received well after the deadline for said process had ended. Regarding the proposal to give a hearing to women's associations in rural areas, it should be noted that in the processing of the provision, the representative and legally recognised organisations and associations, whose composition includes both men and women, and whose purposes are directly related to the object of the provision, have been heard, in accordance with Law 39/2015 of 1 October 2015, and Law 6/2006 of 24 October 2006, of the Government of the Autonomous Community of Andalusia. In this sense, it is considered more appropriate for the purpose of the regulation not to extend to the heterogeneous set of the rural environment the hearing process directed to a minority and highly specific sector such as that which makes up artisan cheese.

Finally, the report highlights that the management centre has taken into account the provisions of Article 4(10), and Article 9 on inclusive and non-sexist language and public image of Law 12/2007 of 26 November 2007, and the Instruction of 16 March 2005, of the General Commission of Deputy Ministers, regarding the sexist use of language in the general provisions of the Regional Government of Andalusia.

- Report of the Institute of Statistics and Cartography of Andalusia.

No observation is made.

- Report of the Directorate General for Budget.

No observation is made.

- Report of the Council of Consumers and Users of Andalusia.

In accordance with the general considerations made, the wording of the statement of reasons is modified by referring to gender equality and mentioning compliance with the procedures for public hearing and information. The standard also maintains a specific section on labelling and packaging.

- Report of the General Secretariat for Public Administration.

Regarding general considerations, it should be noted, firstly, that the draft regulation does not affect administrative burdens in the sense that they are not imposed a priori and are not generated with the drafting of the Order, but rather the obligation of the interested parties to communicate data that takes place in Article 6 and Annex II responds to what is already established by the superior regulations in force, which is Decree 352/2011 of 29 November 2011, which regulates artisan foods in Andalusia.

However, the observation is taken into account. This MAIN is modified, accepting the criterion that the administrative burdens are affected with the added nuance that they are imposed by Decree 352/2011 of 29 November 2011.

Regarding the specific considerations, the one relating to Annex I is addressed, modifying the wording of its title; and with respect to Annex II, the absence of a standardised 'communication' form available to interested parties is considered justified, given the simplicity and small amount of data that has to be provided, thus avoiding unnecessary administrative burdens that the procedure for preparing the form would entail.

THE DIRECTORATE GENERAL OF INDUSTRIES,
INNOVATION, AND THE AGRI-FOOD CHAIN

Signed: Carmen Cristina de Toro Navero