

REPORT ON THE DRAFT DECREE REGULATING ARTISAN FOOD PRODUCTION

This report has been prepared in compliance with the provisions of Articles 75.3 and 76 of Law 3/2001, of 3 July, on the government and administration of the autonomous community of Castile and Leon, pursuant to which draft general provisions shall be accompanied by a report which, in its final version, must contain the regulatory framework into which it is intended to be incorporated; the reasons for its necessity and appropriateness; an economic assessment referring, where applicable, to the costs arising from it and the means of financing; a summary of the main contributions received during the procedure; and any other aspect required by a law or determined by regulation.

In its preparation, the provisions of Decree 43/2010, of 7 October, approving certain measures to improve the regulatory quality of the administration of the autonomous community of Castile and Leon, have been observed, and it has been drafted in accordance with the criteria for action set out in the Methodological Guide for Improving Regulatory Quality, approved by Order ADM/1835/2010, of 15 December, in application of the aforementioned Decree 43/2010, of 7 October.

1. REGULATORY FRAMEWORK. PROVISIONS AFFECTED

1.1. STATE REGULATORY FRAMEWORK.

- Law 28/2015 of 30 July 2015 for the defence of food quality.

1.2. AUTONOMOUS REGULATORY FRAMEWORK

- The Statute of Autonomy of Castile and Leon, establishing the exclusive competence of the autonomous community of Castile and Leon in the domain of artisan production (Article 70(1) (25)).
- The Agrarian Law 1/2014, of 19 March, of Castile and Leon, in its Book Three, Title I, Chapter I, Article 133, listing the different quality categories for agri-food products, including artisan food production of Castile and Leon.
- Decree 18/2016, of 7 July, creating the Register of Food Companies and Activities of Castile and Leon and regulating the procedures for health authorisation for operation and prior notification of activity of food establishments and companies.
- Decree 11/2022, of 5 May, establishing the organisational structure of the Regional Ministry of Agriculture, Livestock and Rural Development.

1.3. PROVISIONS AFFECTED



The regulation repeals the following provisions:

- Decree 53/2007, of 24 May, regulating artisan food production in the autonomous community of Castile and Leon.
- Order AYG/654/2008, of 18 April, implementing Decree 53/2007, of 24 May, regulating artisan food production in the autonomous community of Castile and Leon

2. THE PRINCIPLES OF GOOD REGULATION APPLIED TO THE APPROVAL OF THE DRAFT DECREE

In the preparation of this draft decree, the principles of good regulation required of public administrations in the exercise of legislative initiative and regulatory powers have been observed. These include the principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency, as laid down in Article 129 of Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations. The principles of consistency, accessibility and accountability provided for in Article 42(1) of Law 2/2010, of 11 March, on the rights of citizens in their relations with the administration of the autonomous community of Castile and Leon and public administration have also been taken into account.

2.1. The principles of necessity, effectiveness and timeliness require that the rule serve the general interest.

The autonomous community of Castile and Leon has exclusive powers in the areas of rural development, agriculture, livestock farming and agri-food industries, in accordance with the general organisation of the economy, as established in rules 13 and 14 of Article 70(1) of its Statute of Autonomy, in accordance with Article 148(1). (7) of the Spanish Constitution. In the exercise of these powers, the Agrarian Law 1/2014, of 19 March, of Castile and León, was enacted with the objective of establishing a general framework that regulates the activity of the agricultural and agri-food sectors in Castile and Leon, reinforcing the strategic nature of these sectors for the economic and social development of the autonomous community.

In this regard, the Agrarian Law 1/2014, of 19 March, of Castile and Leon, in its Book Three, Title I, Article 133, regulates the differentiated quality categories of agri-food products, including those that include artisan food production of Castile and Leon.

Furthermore, Decree 11/2022, of 5 May, establishing the organic structure of the Regional Ministry of Agriculture, Livestock and Rural Development assigns, in its Article 6, to the Directorate-General for Industry and the Agri-Food Chain, among other functions, the organisation of the agrarian and food industries, in particular artisan food production, guiding the preferential sectors and providing them with technical advice.



All of this implies **the necessity and timeliness** to implement not only the changes experienced by the artisan food production sector in accordance with its innovative nature, but also with respect to its customs and traditions, which are the most appropriate instrument to ensure its achievement, the requirements of the new legal framework.

Likewise, compliance with **the principles of necessity and effectiveness** is demonstrated, given that this regulation fulfils the objective of the Agrarian Law of Castile and Leon to promote the differentiated quality of agri-food production within the general regulatory framework of agricultural and agri-food activity.

The purpose of this regulation is:

- a) The system for recognising artisan food companies.
- b) The operating procedure of the Register of Artisan Food Production Companies (hereinafter RAACYL).
- c) The accreditation of artisan food production using the artisan certification mark, which shall identify artisan food products in their certification marking, presentation and advertising, and the “artisan food production enterprise certificate” accrediting the status of an artisan food production company.

In this regard, this draft decree aims to achieve the following aims:

1. Promote and protect the unique productions and preparations of artisan food products that contribute to the preservation and enrichment of food culture, especially those made by groups of a social nature.

2. Promote the economic diversification of agricultural holdings, the search for the added value in local productions and synergy with new economic activities developed in the rural world, aimed at achieving the settlement of the rural population.

2.2. The regulation complies with the **principle of proportionality**, as it contains only the essential provisions for achieving the stated objectives through a voluntary procedure that only requires the submission of a declaration of responsibility in order to obtain and maintain the right to use the artisan certification mark regulated by the regulation.

2.3. It complies with the **principle of legal certainty** as this regulation complies with the legislation mentioned in point 1 of this report.

2.4. With regard to the **principle of coherence**, the decree is compatible with the other actions and objectives of public policies concerning agri-food quality, the promotion of agri-food activity, and compliance with food safety and hygiene requirements.



2.5. With regard to the **principle of transparency**, the drafting of this regulation will be subject to the various procedures for citizen participation on the Open Government portal, such as prior public consultation, public participation and the procedures for public information and hearings with professional agricultural organisations and other entities that could be affected by this new decree. These procedures and their outcome will be detailed in the processing section.

2.6. With regard to the **principle of efficiency**, administrative burdens are limited to those necessary to comply with the objectives of the regulation, avoiding as far as possible any type of requirement for authorisation or licensing for the exercise of the activity. Furthermore, with regard to public expenditure, it should be noted that it is not necessary to amend any budget item and it therefore has no budgetary impact.

2.7. With regard to the **principle of accessibility**, in the preparation of the regulatory text, the guidelines on regulatory technique contained in the Resolution of 20 October 2014, of the Secretary-General of the Ministry of the Presidency, approving the instructions for the preparation of the documents that are processed before the collegiate bodies of Government of the autonomous community of Castile and Leon, have been taken into account. This regulation uses a simple and understandable language that facilitates its knowledge and understanding.

2.8. Finally, with regard to the **principle of responsibility**, this regulation identifies the body responsible in Article 7, which is the central governing body that at all times has powers in the area of regulation of artisan food production. Currently, this body is the Directorate-General for Industry and the Agri-Food Chain, and this will be reflected in the standardised forms to be used by those interested parties in the procedures regulated by this decree.

3. STRUCTURE AND CONTENT.

The decree consists of seven chapters, 20 articles, two additional provisions, two transitional provisions, one repealing provision, two final provisions, and one annex.

CHAPTER I 'General provisions' consists of 4 Articles:

Article 1. Purpose.

Article 2. Purposes.

Article 3. Scope. Article 4. Definitions.

CHAPTER II 'Principles of artisan food production and requirements of artisan food production companies' consists of 2 articles:

Article 5. General principles of artisan food production.

Article 6. Requirements and responsibility of the artisan food production company.



Chapter III 'Recognition of the artisan food production company' consists of 2 articles:

- Article 7. Declaration of responsibility and necessary documentation.
- Article 8. Presentation format.

CHAPTER IV 'Register of artisan food production companies' consists of four articles:

- Article 9. Nature and content.
- Article 10. Competent body for registration in RAACYL. Article 11. Amendment of data.
- Article 12. Withdrawals from RAACYL.

CHAPTER V 'Accreditation of artisan food production' consists of 3 articles:

- Article 13. Artisan food certification mark. Article 14. Use of the artisan certification mark.
- Article 15. Certificate for artisan food production companies.

CHAPTER VI 'Representativeness of artisan food production companies' consists of 3 articles:

- Article 16. Representative artisan food production associations.
- Article 17. Procedure for the recognition of representative artisan food production associations.
- Article 18. Renewal of the recognition of representative association of artisan food production companies.

CHAPTER VII 'Control of artisan production activity and sanctioning regime' consists of 2 articles:

- Article 19. Official controls. Article 20. Sanctioning regime.

First additional provision. Validity of existing registrations.

Second additional provision. Gender reference

First transitional provision. Communication of adaptations.

Second transitional provision. Use of the artisan certification mark as set out in Decree 53/2007, of 24 May.

Repealing provision Regulatory repeal.

First final provision. Regulatory and implementation authorisation.



Second final provision. Entry into force.

ANNEX. Conditions governing artisan food production (prohibited ingredients and processes).

4. IMPACT ANALYSIS.

Article 76.2 of Law 2/2006, of 3 May, of the Treasury and Public Sector of the autonomous community of Castile and Leon, stipulates that the processing of general provisions by the administration of the autonomous community of Castile and Leon will require the preparation of a study on their impact and effects on the general budgets of the autonomous community and on the financing and expenditure forecasts deemed necessary.

Likewise, Decree 43/2010, of 7 October, approving certain measures to improve the regulatory quality of the administration of Castile and Leon, and the methodological guide to regulatory quality approved by Order ADM/1835/2010, of 15 December, recommend that the economic report and budgetary impact analysis should analyse the effect that the draft regulation is likely to have on public expenditure and revenue, whether financial or non-financial, both in the regional public sector and in local government.

4.1. ECONOMIC IMPACT ANALYSIS.

It is expected to have a positive impact because, given that artisan food production plays an increasingly important role in economic life, their local character and unique and exclusive production project them as an engine of development for the development of rural economies by encouraging the establishment of small industries and diversifying the activities of agricultural holdings, thereby contributing to the settlement of the rural population.

With regard to the approximate assessment of this economic impact, the Directorate-General for Industry and the Agri-Food Chain does not have the means to quantify this impact.

4.2. BUDGET ANALYSIS.

a) Writing of the draft decree.

The draft decree has been drawn up directly by the Directorate-General for Industry and the Agri-Food Chain using its own resources, without incurring any additional costs.

b) Economic and financial consequences for the administration.

- Income.



The proposed regulation is not directly related to this area.

- Assessment of the budgetary impact:

The application of the regulation does not have any budgetary impact, given that the measures contained in the draft decree, which affect the regional administration, will be implemented using existing ordinary resources, both human and material, with no variation anticipated to the current budgetary conditions.

Actions relating to the certification mark shall be financed from the budgets of the Ministry of Agriculture, Livestock and Rural Development that is managed by the Directorate-General for Industry and the Agri-Food Chain, specifically charged to the following budgetary lines:

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Therefore, the entry into force of the regulation is not expected to entail increased economic expenditure, nor, consequently, require the allocation of new credits or the modification of existing ones.

The following table indicates the estimated budget for the implementation of these actions:

ACTIONS	MAXIMUM COST (INCLUDING VAT)
Certification mark	3.000,00 €
TOTAL	3.000,00 €

- The project is not linked to any multiannual budgetary commitments.
- The development of the draft legislation is in line both with the budgetary availabilities and the currently existing budgetary scenarios.

- State and autonomous community co-financing:

There is no funding from the State or from the European Union.

- c) The proposed regulation has no economic impact on the local administration.

4.3. GENDER IMPACT ASSESSMENT.

Considering the persons addressed by the regulation, which consists of both legal persons and natural persons (men and women without distinction), the regulation is not likely to affect the modification of gender stereotypes, nor the situation or social position occupied by women and men.



With regard to the influence on access and control of resources, the regulation does not regulate access or control of resources, and thus does not affect the gender perspective in this respect either.

Therefore, in general terms, the regulation under assessment is not relevant to gender, since it does not have a differentiated impact on the living conditions of women and men and therefore does not have the capacity to influence the reduction of gender inequalities.

The language used in the wording is appropriate to non-sexist language.

4.4.IMPACT ASSESSMENT IN THE DOMAIN OF CHILDHOOD, ADOLESCENCE AND FAMILY.

The content of the project has no impact on children, adolescents or families, as there is no significance linked to these areas within the target group.

4.5. IMPACT ASSESSMENT ON PEOPLE WITH DISABILITIES.

With regard to accessibility for persons with disabilities, its impact is also neutral.

4.6.IMPACT ASSESSMENT IN RELATION TO SUSTAINABILITY AND THE FIGHT AGAINST AND ADAPTATION TO CLIMATE CHANGE.

The programme of priority measures for the integration of sustainability into public policies, approved by Agreement 64/2016, of 13 October, of the Regional Government of Castile and Leon, which establishes mechanisms for integrating sustainability and climate change into regulatory drafting procedures, provides that the explanatory memoranda for draft decrees and draft laws shall include an analysis of their contribution to sustainability and the fight against climate change.

The general principles governing the production of artisan products (local and natural raw materials, manual production, etc.) have a positive impact on the environment by reducing greenhouse gas emissions and pollution.

Furthermore, producers are often more committed to sustainable and ecological agricultural practices, which contributes to soil conservation and biodiversity.

In addition, the amount of waste is reduced due to the fact that the products are usually marketed locally.

4.7.IMPACT ON COMPETITION, COMPETITIVENESS AND MARKET UNITY.



The draft decree has a positive impact in all these areas, as it promotes transparency of information relating to artisan production throughout the food chain.

The proposed text does not limit the number or variety of operators in the market, nor does it grant exclusive rights to one operator or to a limited number of operators.

Nor does it grant an operator a dominant position in the market through which it can impose unilateral conditions on purchasers, nor does it establish a system of licences or authorisations for operating in the market.

It does not create a geographical barrier to the free movement of goods and services. It is therefore concluded that it has no negative impact on competition or market unity.

4.8. SOCIAL IMPACT

It is estimated that the proposed regulation will have a positive social impact, given that the local nature and individualised production of artisan food products contribute to the preservation and enrichment of food culture, and that artisan food production is a driver of rural economic development, thus contributing to the settlement of the rural population.

4.9. REGULATORY IMPACT ASSESSMENT.

The regulatory impact assessment provided for in Article 4 of Decree 43/2010, of 7 October, approving certain measures to improve the regulatory quality of the administration of the autonomous community of Castile and Leon, is understood to have been carried out in the body of this report, which sets out the regulatory framework, the non-impact on other legal regulations, the assessment of the various impacts and the application of the principles of good regulatory practice, in particular the principles of necessity and effectiveness, as well as the section on the regulatory process that includes the consultations carried out with the parties affected.

4.10. ADMINISTRATIVE IMPACT ASSESSMENT.

In accordance with Article 5 of the aforementioned Decree 43/2010, of 7 October, it is necessary to assess the administrative impact of the general provisions governing new procedures.

The proposed regulation entails the regulation of a new procedure for registration in the RAACYL. According to its Article 7, it involves a single administrative procedure consisting of the submission of a declaration of responsibilities. Likewise, any modifications to the information initially provided must be submitted, as well as, where applicable, any cancellation by express resignation of the interested party.

For its part, the central governing body with powers in matters of regulation of artisan food production, after verification of the relevant data using the systems of



interoperability existing in the autonomous community of Castile and Leon will automatically register with the RAACYL.

The submission of the declaration of responsibility will be registered through the application "Applications and Procedures AyG" (SCAG), identification code IAPA 792 (form to be amended), with the following data:

Purpose:

Subject: Agriculture and Livestock

Type: Authorisations.

Domain: External

Applicable Regulations:

- Decree --- / ---, of ---, regulating artisan food production.

Initiation method: At the request of the interested party.

Ministry: Ministry of Agriculture, Livestock and Rural Development.

Competent body for initiation, instruction and resolution: Industrial Planning and Association Service.

Regulatory deadline: From the time of submission of the declaration of responsibility.

Does not exhaust the administrative route: An appeal may be lodged with the head of the Department of Agriculture, Livestock and Rural Development.

Effects of no response: Tacit approval.

Factors taken into account in determining its duration: Resolve as quickly as possible (maximum acceleration).

5. PROCESSING OF THE DRAFT DECREE.

The procedures carried out to date have been as follows:

5.1. Prior public consultation, from 10 to 20 May 2024, with no objections raised.

5.2. Citizen participation, from 18 September 2025 to 1 October 2025, with no objections raised.

5.3. Public information, from 18 September 2025 to 1 October 2025, with no objections raised.

5.4. Hearing procedure, dated 17 September 2025, to the following interested parties:

- Professional agricultural organisations linked to the agri-food sector (Asaja, Alianza COAG-UPA, UCCL).
- Association of Food Artisans of Castile and Leon.
- Regional Union of Agricultural Cooperatives of Castile and Leon (Urcacyl).



- Food Industry Association of Castile and Leon (Vitartis).
- Asados Premium Infood.

None of the aforementioned entities have made any claim within the period established for this purpose, which ended on 1 October of this year.

5.5. REPORT OF THE LEGAL SERVICES OF THE MINISTRY OF AGRICULTURE, LIVESTOCK AND RURAL DEVELOPMENT (pending).

5.6. CES (Economic and Social Council of Spain) REPORT
(pending). If required.

5.7. REPORT OF THE ADVISORY COUNCIL (pending).

Valladolid, on the date of the electronic
signature

THE DIRECTOR-GENERAL OF INDUSTRY
AND THE AGRI-FOOD CHAIN

Signed: Cristina Frías Rivera

