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# The common agricultural policy at 60: A growing role and influence for the European Parliament

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STUDY



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## Study

This study explains the historical evolution of the common agricultural policy (CAP), established in 1962. It sheds light on the European Parliament's role in shaping the CAP, initially under the consultation procedure (until 2009) and, since the Lisbon Treaty, under the ordinary legislative procedure (OLP). The focus lies on Parliament's own institutional dynamics in the negotiation of the 2013 and 2021 CAP reforms. In particular, this paper examines how the Parliament's status as co-legislator has influenced the design of the CAP and provides some recommendations as to how Parliament could maximise its influence in future reforms.

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## Executive summary

### Methodology

This study was developed from a thorough review of the published literature, as well as: internal documents which set out the Parliament's achievements in the CAP negotiations made available to the research team; an analysis of Parliament's role in the 2021 CAP decision-making process based on an assessment of Parliament's negotiating mandate, proposed amendments and final, agreed text; and targeted semi-structured interviews. Interviews were conducted with Members and staff of the European Parliament, staff from the Council and the Commission, academic experts, journalists and commentators on the CAP and the decision-making process as well as stakeholder and non-governmental organisation (NGO) representatives. The study was carried out over the summer of 2022.

### The historical development of the common agricultural policy

The rationale for a common policy on agriculture arose in the 1950s from the widely accepted notion across Europe that agriculture was an exceptional sector with special needs and the perception that a lack of a common policy would lead to different food prices in different Member States and the distortion of competition in other sectors.

A common policy was explicitly mentioned in the 1957 Treaty of Rome and the common agricultural policy (CAP) was duly established in 1962. The CAP was designed to increase physical production through price support mechanisms with protection from lower priced imports in the form of import duties.

The quick success of this initial policy led to the build-up of domestic surpluses and gradual evolution of the policy framework before budgetary pressures in the early 1980s led to more far-reaching reforms in the most expensive sectors, such as dairy. A budgetary guideline for spending on agriculture was introduced from 1988 to limit the increase of CAP expenditure to 74 % of the annual growth of the Community's gross national product.

The first major reform of the CAP took place in 1992. The MacSharry reform introduced production-coupled direct support to compensate for price cuts. This reform also introduced a degree of flexibility to better take into account the diversity in the agricultural sector seen across the (enlarging) EU and therefore the differing needs. Another significant reform took place in 2000 (Agenda 2000); this gave shape to the CAP as it is currently understood with the addition of a second pillar of support to cover rural development.

The Fischler reform (or mid-term review) of 2003 introduced the concept of historical decoupled payments to remove the production incentive inherent in coupled payments and thereby make the CAP compatible with international trade obligations. Compulsory cross-compliance requirements were introduced to make income-support payments contingent on the respect for basic environmental standards in order to increase the legitimacy of the CAP in the eyes of (tax-paying) citizens. The CAP Health Check in 2008 resulted in further decoupling of support and an increase in support for rural development under Pillar 2.

### Introduction of the ordinary legislative procedure (OLP)

Up to the 2008 Health Check, the CAP had been determined under the consultation procedure (CP). However, with the entry into force of the Lisbon Treaty on 1 December 2009, the European Parliament became a co-legislator, as the use of the ordinary legislative procedure (OLP) was extended to agricultural policy.

The 2013 reform was therefore the first major reform of the CAP to take place under the influence of the Parliament as a co-legislator. This reform introduced the concept of greening, which, for the first time, explicitly linked direct payments to the provision of public goods and increased the coherence of rural development alongside regional policy. The ability of Member States to tailor the CAP to their own conditions was substantially extended.

The most recent reform to the CAP was concluded in 2021 and will take effect from January 2023. The new CAP includes redistribution of income support to better address the needs of small and medium-sized family farms, a continuation of the convergence of payment rates between and within Member States, a new, flexible definition of an active farmer to determine eligibility for support, the introduction of a social conditionality mechanism and stronger support for young farmers.

The new CAP will also support the transition towards more sustainable systems of food and farming, in line with the European Green Deal, by combining the two pillars under a single CAP national strategic plan (NSP), based on a SWOT analysis, to allow Member States to tailor the support offered to meet their local needs and circumstances and to the EU 2030 objectives under the farm to fork and biodiversity strategies.

### **Citizen awareness of the common agricultural policy**

While citizen awareness of the CAP is not particularly high, it has improved over time and has tended to peak when CAP reform is covered in the mainstream media. Increased awareness has also moved in line with policy developments, which have broadened the relevance of the CAP to citizen groups other than farmers.

There has been consistently high public support for an agricultural policy that provides safe food, that is environmentally sustainable, that protects small and medium-sized farms and that protects farm incomes. Citizens have consistently believed that the CAP is successful in delivering safe food and that it offers environmental protection, although a significant minority has questioned the CAP's environmental role more recently. The CAP has been consistently seen as less successful in protecting small and medium-sized farmers and in supporting farmer income.

It is noticeable that citizen perceptions of what the CAP should aim for have tended to move in line with the way in which the CAP has evolved, i.e. away from the subsidisation of agricultural products and towards more support for the rural economy. Citizens have consistently agreed that it is appropriate that financial support is contingent on the provision of public goods such as high environmental, animal welfare and food safety standards and there is support for the EU helping farmers to change the way they work to continue to address climate change.

### **The influence of the European Parliament on CAP decision-making**

By definition, the Parliament was only consulted under the CP and its role was largely symbolic, despite having some limited other methods of potential influence. These include the ability to postpone its opinions – an informal veto power confirmed by the European Court of Justice – but also the ability to reject the Community budget, establish committees of inquiry and special committees, raise issues in parliamentary questions, set out its views in own-initiative reports and engage with stakeholders to raise the profile of specific issues. Despite these methods Parliament had very little influence over the development of the CAP.

The extension of the OLP to the CAP (from 2009) made the Parliament a co-legislator alongside the Council and thereby put the Parliament front and centre of the CAP decision-making process, both in terms of its formal role in the legislative procedure, and by virtue of the fact that the Commission knows that its initial proposal must be broadly acceptable to the Parliament. The 2013 decision-making process provided a valuable learning experience for the Parliament, and it was able to exert

greater influence in 2021 as a result. The Parliament's greater involvement in the CAP under the OLP increased democratic legitimacy and the interests of citizens were better represented as a result.

The main examples of the Parliament's influence in the 2021 CAP decision-making process are: the addition of social conditionality to improve workers' conditions; the ring-fencing of 35 % of the rural development budget to environmental and climate-related measures, and the dedication of at least 25 % of the direct payments budget to voluntary eco-schemes. Parliament also ensured that at least 10 % of national direct payments will have to be used to support small and medium-sized farms and that at least 3 % of budgets can be used to support young farmers.

### **Recommendations to increase Parliament's influence**

Despite the increased role that the Parliament plays in CAP decision-making under the OLP, several barriers that continue to restrict Parliament's influence have been identified. These include: limited influence over the multiannual financial framework (MFF); difficulties reaching agreement on a coherent position within Parliament; the openness and transparency of parliamentary debate; relatively limited capacities for providing policy expertise and research support within the Parliament, especially when compared with the European Commission; and, certain shortcomings in the bilateral engagement with the Commission and with the Council.

Some of these barriers are inherent in a democratic institution, such as the plurality of views and the openness of internal debates. However, there are some areas that could be addressed in order to increase the influence of the Parliament in the future CAP decision-making process. These are:

- exercising Parliament's power in interinstitutional negotiations more effectively by means of the continued selection of influential Members as rapporteurs and including the rejection of legislative proposals if deemed necessary;
- enhancing bilateral working with the Commission at both the political and the technical level throughout the CAP decision-making process;
- improving Parliament's internal working arrangements, specifically in terms of the working relationship between the AGRI and ENVI committees, which both have a role to play in future CAP decision-making;
- improving Parliament's internal working arrangements in terms of communicating Parliament's position at the start of the CAP decision-making process, particularly through own-initiative reports;
- placing greater focus on political rather than technical points;
- further enhancing Parliament's capacities for providing committees with policy expertise and independent research support. This could – at least to some extent – complement or even counterbalance evidence for policy-making available to the Commission and the Council (via the Member States).

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## List of abbreviations

<b>AGRI</b>	European Parliament's Committee on Agriculture and Rural Development
<b>ALDE</b>	(Group of the) Alliance of Liberals and Democrats for Europe
<b>APA</b>	Accredited parliamentary assistant
<b>BSE</b>	Bovine spongiform encephalopathy
<b>BUDG</b>	European Parliament's Committee on Budgets
<b>CAP</b>	Common agricultural policy
<b>CE</b>	Compulsory expenditure
<b>CEC</b>	Commission of the European Communities
<b>CMO</b>	Common market organisation
<b>CONT</b>	European Parliament's Committee on Budgetary Control
<b>CP</b>	Consultation procedure
<b>CSO</b>	Civil society organisation
<b>DEVE</b>	European Parliament's Committee on Development
<b>EAEC</b>	European Atomic Energy Community
<b>EAFRD</b>	European Agricultural Fund for Rural Development
<b>EAGF</b>	European Agricultural Guarantee Fund
<b>ECJ</b>	European Court of Justice
<b>ECR</b>	Group of the European Conservatives and Reformists in the European Parliament
<b>ECSC</b>	European Coal and Steel Community
<b>EEC</b>	European Economic Community
<b>EFA</b>	European Free Alliance (Group of the Greens/EFA in the European Parliament)
<b>EGP</b>	European Green Party
<b>EIP</b>	European Innovation Partnership
<b>EL</b>	Party of the European Left
<b>EMFF</b>	European Maritime and Fisheries Fund
<b>EMPL</b>	European Parliament's Committee on Employment and Social Affairs
<b>ENF</b>	Group of Europe of Nations and Freedom in the European Parliament
<b>ENVI</b>	European Parliament's Committee on the Environment, Public Health and Food Safety
<b>EPP</b>	Group of the European Peoples' Party in the European Parliament (Christian Democrats)

<b>ERDF</b>	European Regional Development Fund
<b>ESF</b>	European Social Fund
<b>ESI</b>	European structural and investment (funds)
<b>EU</b>	European Union
<b>FEMM</b>	European Parliament's Committee on Women's Rights and Gender Equality
<b>GATT</b>	General Agreement on Tariffs and Trade
<b>GAECs</b>	Good agricultural and environmental conditions
<b>GI</b>	Geographical indications
<b>GUE/NGL</b>	The Left - GUE/NGL Group in the European Parliament
<b>ID</b>	Identity and Democracy Group in the European Parliament
<b>IEEP</b>	Institute for European Environmental Policy
<b>INTA</b>	European Parliament's Committee on International Trade
<b>ITRE</b>	European Parliament's Committee on Industry, Research and Energy
<b>LFA</b>	Less favoured area payment
<b>MEP</b>	Member of the European Parliament
<b>MFF</b>	Multiannual financial framework
<b>NI</b>	Non-attached Member of the European Parliament
<b>NCE</b>	Non-compulsory expenditure
<b>NSP</b>	National strategic plan
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>OJ</b>	Official Journal
<b>OLP</b>	Ordinary legislative procedure
<b>PDO</b>	Protected designation of origin
<b>PECH</b>	European Parliament's Committee on Fisheries
<b>PES</b>	Party of European Socialists
<b>PGI</b>	Protected geographical indicators
<b>PO</b>	Producer organisation
<b>POSEI</b>	Programme of options specific to the remote and insular nature of the outermost regions (Programme d'options spécifiques à l'éloignement et à l'insularité)
<b>RDP</b>	Rural development plan(s)
<b>REGI</b>	European Parliament's Committee on Regional Development
<b>S&amp;D</b>	Group of the Progressive Alliance of Socialists and Democrats in the European Parliament

<b>SAI</b>	Programme for smaller Aegean islands
<b>SCMO</b>	Single common market organisation
<b>SFP</b>	Single farm payment
<b>SMR(s)</b>	Statutory management requirement(s)
<b>TFEU</b>	Treaty on the Functioning of the European Union
<b>TSG</b>	Traditional speciality guaranteed
<b>US(A)</b>	United States (of America)
<b>WTO</b>	World Trade Organization

# 1. Introduction

## 1.1. Background

Upon request by the European Parliament's Committee on Agriculture and Rural Development (AGRI), and within the context of the Multiple Framework Contract EPRS/DIRC/SER/19/002, the European Parliament's Directorate-General for Parliamentary Research Services, Directorate for Impact Assessment and European Added Value, Ex-post Evaluation Unit commissioned a research paper with the working title 'The European Parliament's role in CAP decision-making before and after the introduction of the ordinary legislative procedure'.

Agra CEAS Consulting, part of S&P Global, was selected to provide this research paper. It is now published as a study entitled 'The common agricultural policy at 60: A growing role and influence for the European Parliament'.

## 1.2. Objective

The study is intended to examine the European Parliament's role in the CAP reform process since the inception of the CAP in 1962. Two legislative procedures have defined the European Parliament's role in CAP reform over this period. The original consultation procedure (CP) was replaced by the ordinary legislative procedure (OLP) following the entry into force of the Treaty of Lisbon, on 1 December 2009.

The scope of the study includes both pillars of the CAP, i.e. direct payments to farmers and the common organisation of markets in agricultural products under the first pillar and rural development under the second pillar.

Under the operation of the CP, the study considers the alternative approaches used by the European Parliament to influence CAP decision-making. These include, *inter alia*, the use of inquiry committees and non-legislative own-initiative reports. The influence of the European Parliament on the 2013 and 2021 CAP reforms under the OLP is assessed. This comparative analysis highlights the European Parliament's evolving role in CAP decision-making over time.

The key focus is therefore on the impact of this change in procedure in terms of the European Parliament's role in CAP reform. Specifically, the study examines what has changed for the European Parliament in terms of its internal institutional dynamics since the introduction of the OLP and how the European Parliament's co-decision status has influenced the design of the CAP. The study concludes with recommendations for the European Parliament on how it might maximise its influence in future CAP reform negotiations.

As far as the 2021 CAP reform is concerned, the study focus is on the strategic plans regulation,<sup>1</sup> the financing, management and monitoring (horizontal) regulation,<sup>2</sup> and the amending regulation,<sup>3</sup>

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<sup>1</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013.

<sup>2</sup> Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013.

<sup>3</sup> Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description,

while the transitional provisions regulation<sup>4</sup> (which extended the rules of the 2013 reform by two years) is outside the research scope.

## 1.3. Methodology

This paper has been developed using an interlocking combination of the following methodologies:

- Thorough review of the published academic and institutional literature, as well as internal documents which set out the Parliament's achievements in the CAP negotiations made available to the research team.
- Analysis of the European Parliament's role in the 2021 CAP decision-making process.<sup>5</sup>
- Targeted semi-structured interviews with the following groups of interviewees:
  - Members and staff of the European Parliament (i.e. current and former Members of the AGRI committee and their staff; staff within the AGRI committee secretariat; former policy department staff).
  - European Commission staff.
  - Staff of the Council secretariat.
  - Academic experts on the CAP and the decision-making process.
  - Journalists and commentators on the CAP and the decision-making process.
  - Stakeholder and NGO representatives.

### 1.3.1. Literature review

A literature review was used to:

- develop the chapter on the historical background of the CAP and the chapter on European citizens' views of the CAP;
- set out the Parliament's role in CAP decision-making under the CP, including the use of other methods of influence;
- (iii) underpin the description of the OLP and internal Parliament dynamics;
- (iv) set out the Parliament's influence over the 2013 CAP decision-making process.

It should be noted that with respect to the 2013 CAP decision-making process the paper relies extensively on Knops and Swinnen (2014), who analysed this in great detail for the European Parliament. Due to the recent timing of the latest CAP reform, review of external literature (i.e. other than own Parliament published sources) was less useful for the analysis of the 2021 CAP decision-making process.

### 1.3.2. Analysis of Parliament's role in the 2021 CAP decision-making process

The analysis draws largely on published Parliament resources (such as EPRS Briefings produced by the Members' Research Service) to set out the background to each of the three CAP regulations, the

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presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union.

<sup>4</sup> Regulation (EU) 2020/2220 of the European Parliament and of the Council of 23 December 2020 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022 and amending Regulations (EU) No 1305/2013, (EU) No 1306/2013 and (EU) No 1307/2013 as regards resources and application in the years 2021 and 2022 and Regulation (EU) No 1308/2013 as regards resources and the distribution of such support in respect of the years 2021 and 2022.

<sup>5</sup> Parliament's role was analysed through the textual comparison of Parliament's negotiating mandate and suggested amendments against the final agreed text. Analysis of the 4-column documents, which provide the original text proposed by the Commission, Parliament and Council suggested amendments and final agreed text, was a central part of this process.



Parliament's starting position, the Council's negotiating mandate and the interinstitutional negotiation. The analysis of Parliament's influence over each of the final legislative texts draws on an analysis of the respective 4-column documents, guided by internal parliamentary resources which set out the Parliament's achievements in the CAP negotiations. There is a lack of published material from external (non-parliamentary) sources covering the 2021 CAP decision-making process compared to the 2013 experience. This obviously was a limiting factor in producing this paper. It is expected that published external material on the 2021 decision-making process may emerge in due course.

### 1.3.3. Interviews

A selection of current and former AGRI Committee Members, including, for instance, rapporteurs and shadow rapporteurs, past and present chairs and long-standing Committee Members were offered the opportunity to contribute their experience and views through interviews. A targeted list of other interviewees was established to ensure balanced coverage between the various actors involved in the process (Members of opinion-giving committees, staff of the Parliament, Commission and Council), as well as stakeholder organisations, NGOs and commentators on the process (journalists and academics). In total, despite the work being conducted largely over the summer of 2022, and the limited availability of some actors, interviews were carried out with 27 individuals, just over a third of whom were from the Parliament.

Interviews were conducted in two phases. A limited number were undertaken as exploratory interviews to help orientate the study and to provide a guide to relevant issues, literature and further contacts. The majority of interviews were in-depth and were undertaken later in the research where they could be targeted on the issues that were less covered in the literature, with a focus on Parliament's role in the 2021 CAP decision-making process.

A semi-structured questionnaire was developed for use with the Members of the AGRI committee which included a mix of closed and open questions. The questionnaire was adapted for use with other interviewees to better match their knowledge of and access to the CAP decision-making process.

The interviews were conducted on the basis that individuals would not be identified in this paper. This allowed those interviewed to be candid in their opinions and views.

## 1.4. Structure of this report

After this introductory chapter, this report provides the historical background to the CAP (Chapter 2). This begins by examining the rationale for a common policy on agriculture and then moves through the main phases of the CAP from its beginning as a price support policy, through evolution and budgetary pressures to the first major reform in 1992. The 1992 MacSharry reform introduced production-coupled direct support payments which became decoupled in the Fischler reform of 2003. The modern CAP then took shape in 2013 with the addition of new societal objectives.

Chapter 3 provides a review of citizen views of the CAP from 1988, when citizens were first asked relevant questions, through to their views following the 2021 decision-making process.

Chapter 4 is concerned with the Parliament's role in the CAP decision-making process under the consultation procedure, i.e. from inception to the 2008 Health Check. This chapter sets out the consultation procedure itself, along with the other means of influence that the Parliament had at its disposal before it became a co-legislator from 2009. These other methods include postponing legislative opinions, its role in agreeing the budget, committees of inquiry, parliamentary questions, the use of own-initiative reports and organised groups.

The Parliament's role in the CAP decision-making process post-Lisbon Treaty is the subject of Chapter 5. This explains the OLP covering internal Parliament dynamics in terms of the operation of, and relationship between, committees, as well as the role of the plenary. This is followed by a summary of the Parliament's role in the 2013 CAP decision-making process which builds on Knops and Swinnen (2014)<sup>6</sup> who analysed this in detail in a study commissioned by the Parliament. The reader should refer to this source for full details of the 2013 process. Chapter 5 then moves on to set out the Parliament's influence over the 2021 decision-making process. Milestones in the overarching process are elaborated before the process and outcomes in respect of each of the three regulations are detailed. Each section concludes with a thorough analysis of what the Parliament was able to achieve in the negotiations.

Finally, Chapter 6 offers conclusions on the European Parliament's influence over the CAP decision-making process throughout the 60-year history of the CAP and finishes with the identification of lessons learned and recommendations for how Parliament might increase its influence in the future.

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<sup>6</sup> [https://www.europarl.europa.eu/thinktank/en/document/IPOL\\_STU\(2014\)529067](https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2014)529067)

## 2. Historical background to the common agricultural policy

This section sets out the rationale for a common policy in the agricultural sector and then describes the establishment of the common agricultural policy (CAP). Opening focus is on the initial success of the CAP and the incremental and piecemeal reforms which took place against increasing budgetary pressures up to the end of the 1980s. This is followed by a description of the specific CAP reforms which began with the MacSharry reform of 1992 and continued to the present day with the reform of 2021. Whilst the objectives for the CAP have remained unchanged, the policy means of achieving these have changed markedly over time (Ackrill, *et al.*, 2008); the intention here is to provide an overview of the development of the CAP rather than an exhaustive history.

### 2.1. The rationale for a common agricultural policy: A key building block in the foundations of the European Economic Community

According to Elton (2010), national policies in the agricultural sector date back to the 19<sup>th</sup> century when several European countries erected trade barriers to protect domestic production from competition from the United States. National governments also supported market organisation and prices from the 1920s. After 1945, national policies were designed to help the agricultural sector recover post-war and to address low farm incomes. Government intervention in agriculture is based on the idea that agriculture is an exceptional sector with special needs, which gives rise to the term 'agricultural exceptionalism' (Daugbjerg and Feindt, 2021).

The idea of integrating support for agriculture in Europe pre-dates the creation of the European Economic Community (EEC). These were (i) the French initiative to create a '*Pool Vert*', which would have brought together national agricultural sectors; and, (ii) Sicco Mansholt's plan for a common market for agricultural produce in Europe. Both initiatives were developed in 1950, and the Mansholt Plan later became the inspiration behind the CAP under his direction as the first Commissioner for Agriculture. However, both initiatives failed to convince national governments of the day of the need for a European solution (Gravey, *et al.*, 2021).

However, the Spaak report of 1956<sup>7</sup> underlined the rationale for a European approach and the CAP became a key building block of the foundations of the EEC, its first common policy (Swinnen, 2015a) and its most expensive single budget item (Germond, *et al.*, 2010);<sup>8</sup> it also became a symbol of European integration (Seidel, 2010). Hill (2012) notes that the CAP was seen from the creation of the EEC as being of central importance because:

- while agriculture was a major industry and food supplier among its original six founding members, the sector faced income problems which required intervention;
- existing government intervention in national agricultural sectors was a major feature of national policy and made achieving a functioning common market difficult without an explicit common policy; and,
- without a common policy in agriculture, other common policies would be partly undermined as different levels and forms of national support for agriculture would lead to different food prices and the distortion of competition in other sectors.

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<sup>7</sup> The Intergovernmental Committee created by the Messina Conference, under the chairmanship of Belgian Foreign Minister Paul-Henri Spaak, was composed of delegates from the six governments which ultimately formed the European Economic Community (EEC). The committee was tasked with drawing up a report which would define a future EEC and European Atomic Energy Community (EAEC). <https://www.cvce.eu/en/education/unit-content/-/unit/1c8aa583-8ec5-41c4-9ad8-73674ea7f4a7/dee61d43-7dc3-4383-a3dc-eb1e9f2e78db>

<sup>8</sup> The European Coal and Steel Community (ECSC) and the customs union formed by the creation of the EEC pre-date the CAP, but the ECSC also pre-dates the EEC (Guirao, 2010).

As a result, a common policy for agriculture (and trade and transport) was explicitly mentioned in the 1957 Treaty of Rome. The objectives of the CAP were set out in the Treaty, and were restated in the 2009 Treaty of Lisbon (Treaty on the Functioning of the European Union, TFEU, Articles 38-44), as follows:

- a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;
- b) thus to ensure a fair standard of living for farmers;
- c) to stabilise markets;
- d) to assure the availability of supplies;
- e) to ensure reasonable prices for consumers.

These objectives are both economic and social and are intended to safeguard the interests of both producers and consumers (Nègre, 2022); some authors have noted a lack of internal consistency with regard to these two interest groups (Neville-Rolfe, 1984; Hill, 2012).

The central importance of the CAP has been reinforced by the fact that it has traditionally absorbed a large proportion of the EU budget, even if this proportion has declined over time. For the 2021-2027 multiannual financial framework (MFF) the CAP still accounts for 33.2 % of the EU budget,<sup>9</sup> down from 90 % in 1970 (Spoerer, 2010) and 75 % in the late 1980s (Gravey, *et al.*, 2021). Over time, other common policies (for example on climate and the environment) increased in importance. Priorities within the agricultural sector also changed, and successive enlargements of the EU led to the inclusion of Member States with increasingly varied agricultural sectors and needs. In response, the CAP at first evolved until the end of the 1980s, and then later underwent specific reforms. The history of the development of the CAP is outlined in the following sections broadly adopting the structure proposed by Erjavec and Lovec (2017) and Erjavec, *et al.* (2022).

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<sup>9</sup> Council Regulation (EU, Euratom) 2020/2093 of 17 December 2020 laying down the multiannual financial framework for the years 2021 to 2027, Annex I, page 11.

Table 1 – Timeline of the evolution of the common agricultural policy

PRE-LISBON	
<b>1962</b>	<b>Launch of the CAP</b>
	The CAP was launched primarily to increase agricultural productivity. The first legislative acts established common market organisations (CMOs) in cereals, pork, poultry, wine, and fruit and vegetables, and the European Agricultural Guidance and Guarantee Fund (EAGGF). The Mansholt Plan (1970) and the Green Paper on the perspectives of the CAP (1985) paved the way for the later CAP reforms.
<b>1992</b>	<b>MacSharry reform</b>
	The first large-scale reform of the CAP introduced a new way to support farmers. It aimed to reduce the CAP budget, cut over-production and comply with obligations under international trade agreements.
<b>1999</b>	<b>Agenda 2000</b>
	The Agenda 2000 reform prepared the CAP for EU enlargement and continued to abide by the WTO's rules on international trade. The CAP gained a second pillar dedicated to rural development.
<b>2003</b>	<b>Fischler reform or 'mid-term review'</b>
	The Fischler reform overhauled the CAP. It introduced the single payment scheme (SPS) which removed the link between subsidies and volumes of production for a large share of CAP support ('decoupling').
<b>2008</b>	<b>CAP 'Health Check'</b>
	The CAP 'health check' made the CAP simpler and more effective. It adapted market support, increased modulation, and addressed challenges such as climate change and the protection of biodiversity.
POST-LISBON	
<b>2009</b>	<b>Treaty of Lisbon</b>
	The Treaty of Lisbon extended the ordinary legislative procedure (OLP) to the EU agricultural policy. This put the European Parliament on an equal footing with the Council in co-legislating on CAP reforms.
<b>2013</b>	<b>Reform for the 2014-2020 CAP</b>
	The first CAP reform under the OLP responded to new societal demands placed on the CAP to deliver public goods alongside its original objectives. It addressed concerns such as climate change, the sustainable use of natural resources, animal welfare, and food safety, by greening CAP farm payments, incentivising the fairer distribution of funds and increased spending on rural development projects.
<b>2019</b>	<b>European Green Deal</b>
	The European Green Deal set out the EU's commitment to tackling climate and environment-related challenges by acting in a number of policy areas, including agri-food policies.
<b>2021</b>	<b>Reform for the 2023-2027 CAP</b>
	The 2023-2027 CAP legislative framework envisages a fairer distribution of funds, higher green ambitions and a more results-oriented approach. The farm payment scheme is renamed as basic income support (BISS). Eco-schemes are introduced to reward farmers for environmental care and climate action. A new tool – the CAP strategic plan – now allows Member States to specify how CAP funds will address local needs to achieve measurable results on common objectives.

Source: author's compilation, drawing on Rossi (2022c).

## 2.2. Market-price support (1962-1992)

### 2.2.1. Establishment of the common agricultural policy

The organisation and funding of the CAP was established through the creation of the European Agricultural Guidance and Guarantee Fund in January 1962 (Germond, 2010). This was a time when the memory of wartime food shortages in Europe was fresh and the degree of self-sufficiency relatively low. The French government, under Charles de Gaulle, felt that France's small family farms embodied the French national identity, and the German government recognised that fragmented family farms in Germany needed investment and innovation (Gravey, *et al.*, 2021). The problems the CAP was intended to tackle were therefore clear and policies were aimed at increasing physical production through supporting increases in productivity, most notably in terms of the efficiency of labour use. By doing this, the intention was that farm incomes would be improved and that labour (and other resources such as capital) could be released to other industries thereby leading to more widespread increases in prosperity (Hill, 2012).

The principles behind the CAP were (i) there should be a single market for agricultural products with common prices and stable exchange rates; (ii) there should be a common trade policy to provide protection at the border; and, (iii) the pooling of funding and a common system governing spending to provide financial solidarity (Ackrill, 2000a). These principles were embodied in higher prices through support for commodities in the form of intervention buying. When prices fell to a certain level, the EEC bought commodities which meant that farmers had a guaranteed minimum price. There were also taxes on the import of commodities so they could not undercut domestic production; and export subsidies to allow higher priced commodities to compete on the world market.

Several years of wrangling between France and Germany were necessary before the level of price support for cereals could be agreed, alongside compensation for German farmers,<sup>10</sup> in December 1964. This allowed for the realisation of the common agricultural market to take effect from 1 July 1967. Discussions over financial regulation in the 1965-1970 period continued until an agreement was reached in May 1966 (Germond, 2010). However, a final agreement on a system of own resources for the Community budget was not reached until April 1970. Following a transitional period, all agricultural levies and customs duties were to be paid into the Community budget from 1 January 1975 (Rittberger, 2003).

Price support was the principal policy mechanism and remained so until the MacSharry Reform of 1992 (see below). Kay and Ackrill (2010) state that this was the case because (i) several countries already took this approach at the national level; (ii) there was political opposition to direct payments (which at that moment in time represented income support) as these were seen as a social handout; and, (iii) direct payments would have required a higher budget and would have been administratively inefficient given the large number of small farms at the time. Importantly, the USA accepted the principle of price support during the 1960-62 Dillon Round GATT talks in exchange for duty-free access to the EU market for oilseeds (Ackrill, *et al.*, 2008) meaning that pressure from trade partners was not a driver of reform in the early years of the CAP.

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<sup>10</sup> Compensation was politically necessary because the level of price support was lower than the price that German farmers were receiving. Farmers in Italy and Luxembourg also received compensation for the same reason.

### GATT and the WTO

The General Agreement on Tariffs and Trade (GATT), signed on 30 October 1947 by 23 countries was a legal agreement minimising barriers to trade by eliminating or reducing quotas, tariffs and subsidies. The GATT was progressively refined and eventually led to the creation of the World Trade Organisation (WTO) on 1 January 1995, by which time, there were 125 signatories which together covered 90% of global trade.

The GATT held eight rounds of negotiations between April 1947 and December 1993. The Dillon Round took place between May 1959 and July 1962 and, *inter alia*, led to the adoption of a common external tariff by the EEC. The Uruguay Round was launched in September 1986 and lasted for seven and a half years, mainly due to the difficulties in agreeing reforms to agricultural trade.

The use of direct payments to reward farmers for delivering public goods has evolved over time. When first introduced under the MacSharry reform (see below), direct payments were designed to compensate farmers for a reduction in price support which reduced their income. Later direct payments became conditional on certain environmental actions before being linked to the provision of public goods. The 1992 Blair House agreement between the US and the EU finally settled most of the differences on agriculture. The Uruguay Round agreement was finally signed on 15 April 1994.

Source: WTO.

### 2.2.2. Initial success followed by evolution

As a result of the success of these early policies in improving productivity, as well as the accession of major agricultural producers to the Community such as Denmark, Ireland and the UK in 1973, Spain and Portugal in 1986, domestic surpluses developed in key commodities such as dairy products, wheat and sugar (Seidel, 2010). Intervention buying was increasingly used to maintain higher prices to the point that taxes on imports no longer provided sufficient funds. There were also disputes with trade partners and arguments between Member States (Daugbjerg and Swinbank, 2016).

Hill (2012) notes that a consequence of the maintenance of higher prices was a barrier to further improvements in productivity. This held back structural change in the industry as less efficient farmers were able to remain in business and soon, the expansion of measures and funding to specifically promote structural change were needed.

By the mid-1960s the Commission had realised that some adjustments to the CAP were required (Seidel, 2010). In a memorandum sent to the Council in 1968, known as the 'Agriculture 1980', (or the 'Mansholt Plan', after the then Commission vice-president, Sicco Mansholt), the Commission recognised the limitations of price support as a policy tool. It noted that the CAP had failed to protect the standard of living of farmers and concluded that modernisation was needed and that small farms needed to increase in size to survive through the exit of almost five million farmers from the sector and the redistribution of their land. Vocational training measures and support for early retirement and retraining were suggested, as was a rural development policy (Guirao, 2010). Support was to be withdrawn from unprofitable farms which were to eventually disappear (Seidel, 2010). A key element of the Mansholt Plan, and a conclusion also reached by contemporaneous national plans in France and Germany, was the need for a Community structural policy to complement the CAP (Seidel, 2010).

The Mansholt Plan, the first attempt to reform the CAP, and, according to Seidel (2010), the most radical idea until the MacSharry reform of 1992, and which formed the blueprint for subsequent reform proposals, was rejected, at least in part because it threatened the socio-cultural image of the family farm and the traditional rural way of life (Elton, 2020). Seidel (2010) notes that the plan was rejected despite its use of statistics and analysis, its clear identification of the problems faced by the



Community agricultural sector, and its grounding in the academic and political debates on the modernisation of agricultural structures and regional policy at the time. The scope of reform was instead limited to the modernisation of holdings, early retirement schemes and socio-economic guidance in an effort to support structural change with effect from 1972. However, the sums available were insufficient to counter the impact of price support until the doubling of EU Structural Funds in 1988 and the closer integration of agricultural support and more general support for rural areas. For now, structural policy remained a national competence.

Despite the rejection of the Mansholt Plan, and 'thirty years of immobility' (Garzon, 2006), the economic and trade effects of the incremental changes in policy in this evolutionary period should not be underestimated, for example, the level of agricultural protection and support notably increased (Spoerer, 2010). However, the CAP remained essentially a price policy rather than a true agricultural policy (Seidel, 2010) and surpluses continued to build up with a consequential impact on the budget (Elton, 2020), despite the introduction of cost-saving measures such as the dairy co-responsibility levy in 1977 (Kay and Ackrill, 2010).<sup>11</sup>

### 2.2.3. Budgetary pressures in the 1980s

In the early days of the CAP, taxes on imports supplied money to the EU's budget, but as price support measures took over, the policy framework required increasing amounts of money to be spent. Between 1974 and 1979 the cost of the CAP increased by 23 % (Elton, 2010), partly the result of high world food prices driven by the oil price shocks of 1973 and 1979 (Josling, 2008). Another consequence of the success of the early policy measures was therefore to create an increasing strain on the EU budget which came to a head in the budgetary crisis of 1982.<sup>12</sup> In 1984, the Commission's Director-General for Agriculture, Claude Villain, noted that agriculture could not expect to take an increasing share of public resources (Germond, 2013). Some measures to reduce costs were implemented, including the introduction of milk quota in 1984 (Petit, *et al.*, 1987); at this time the dairy sector accounted for almost a third of CAP spending and a quarter of total EEC expenditure (Ackrill, *et al.*, 2008).

Following various Commission policy papers from 1980 onwards which identified high prices as a problem (Josling, 2008),<sup>13</sup> the Commission published its Green Paper, 'Perspectives for the Common Agricultural Policy', in 1985 (CEC, 1985a) which set out its analysis of the crisis and options for solving it, including a focus on the role of agriculture beyond food production to encompass its role in regional development, maintenance of the socio-economic fabric and safeguarding the environment (Elton, 2010). This was followed later in 1985 by 'A future for Community Agriculture: Commission Guidelines' (CEC, 1985b) which set out a series of policies designed both to reduce expense and place the CAP within a wider policy context including the introduction of support to encourage better environmental performance in recognition that intensive farming, encouraged through price support, caused environmental damage and pollution.

The Commission produced further proposals to address budgetary concerns in 1987 which were adopted in 1988; Moehler (2008) states that the EEC simply ran out of money. Hill (2012) explains that these reforms capped the level of intervention buying (Maximum Guaranteed Quantity) and doubled the funds allocated to the EU Structural Funds to support restructuring and rural development. Socio-structural measures were introduced to complement restructuring including

<sup>11</sup> The dairy co-responsibility levy introduced a levy of 3% on support prices for producers to share the costs of dealing with the milk surplus: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:31977R1079&from=EN>

<sup>12</sup> The budget of 1982 was adopted by the EP without Council agreement on non-compulsory expenditure (NCE) leading to a Court of Justice ruling that compelled the EP and the Council to negotiate over a definition of what was categorised either as compulsory expenditure (CE) or NCE (Benedetto, 2019).

<sup>13</sup> Including a 1980 'Reflections' document, a 1981 report on the mandate from the Council to suggest solutions and proposals in 1983 arguing for more focused price cuts.



measures to reduce the area under cultivation (set-aside and early retirement) and measures to compensate farmers for the adverse effect of stabilisers to their income (such as direct aid to incomes, support for extensification - reducing livestock stocking density - and for the conversion to products not in surplus). Support for environmentally-friendly farming methods became an option for Member States in 1987 (Daugbjerg and Feindt, 2021).

Addressing the budgetary problem required a reduction in levels of price support which, for many years, was not politically possible due to fears that it would result in lower incomes for farmers if prices within the EU were brought closer to world prices. However, the 1988-1992 multiannual financial framework<sup>14</sup> included an agricultural guideline which limited the growth of agricultural expenditure to 74 % of the annual growth of the Community's gross national product during this period (Roederer-Rynning, 2003). Also, in the early 1990s, a number of factors, including the need to conclude international trade agreements, further EU enlargement and further budgetary pressures, greater public awareness of environmental issues and food safety concerns came together to allow a fundamental change to be made.

## 2.3. Production-coupled direct support (1992-2003)

### 2.3.1. The 1992 MacSharry reform

The MacSharry reform of 1992<sup>15</sup> was the first fundamental and structural reform of the CAP rather than more evolutionary measures (Anania and Pupo D'Andrea, 2015). It took place under the Delors Commission which took office in 1985 and began questioning, and then replacing, the original policy instruments used to implement the CAP. The changes made in the late 1980s and then in the MacSharry reform itself were important catalysts for the creation of the European Union and the Single Market (Elton, 2010). However, the principal drivers of this reform were budgetary pressures and the need to progress the GATT Uruguay Round, into which the USA, supported by other exporting countries, had inserted agricultural trade (Daugbjerg and Feindt, 2021). Ackrill, *et al.* (2008) state that the MacSharry reforms were the first to be explicitly influenced by trade concerns, although Josling (2008) points out that trade concerns had started to build by the mid-1980s.

The MacSharry reform cut price support, by a third in respect of cereals and 15 % in respect of beef and sheep meat (Swinbank, 1993), and compensated farmers for the loss in income through the introduction of:

- decoupled direct payments (i.e. income support payments which do not create an incentive to increase production (Rude, 2008));
- headage payments (i.e. payments per head of livestock); and,
- payments for the mandatory set-aside of 15 % of land from production.

Care was taken to not reduce or redistribute levels of income between farmers (Daugbjerg and Feindt, 2021). In making this change, the CAP began its shift from the predominant use of market regulation policies towards (more budgetary certain) income support measures (Guirao, 2010). A key consequence of this was to relieve upward pressure on the budget resulting from ever increasing prices (Kay and Ackrill, 2010). A range of so-called 'accompanying measures', which were

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<sup>14</sup> Multiannual financial frameworks (MFFs) ensure that EU expenditure develops in an orderly manner and within the limits of its own resources. They set expenditure ceilings for broad categories of spending, including the CAP instruments. The 1988-1992 MFF, also known as the Delors I package, was the first MFF and aimed to provide the resources needed for the budgetary implementation of the Single European Act (Delasnerie, 2022). See also section 4.2.1.

<sup>15</sup> After Ray MacSharry, sectorial Commissioner from 1989 to 1993.

developed from policies introduced in the late 1980s and early 1990s (see above) offered, for example, support for agri-environment schemes, afforestation and early retirement.

In moving from price support to direct payments and payments for the provision of public goods, part of the cost of the CAP was transferred from consumers to taxpayers. This made the financial support given to farmers more visible and created a need to communicate the legitimacy of these payments which resulted in the concept of multifunctionality (Daugbjerg and Swinbank, 2016). As Jacques Delors put it, farmers exchanged the imperative of intensive production to become 'producers of goods, creators of civilisation and gardeners of nature' (Elton, 2010). Emphasising this change, MacSharry insisted on his full title becoming Commissioner for Agriculture *and Rural Development* (Moehler, 2008).

Another key feature introduced under the MacSharry reform was a degree of flexibility in terms of options Member States could decide to adopt. This was designed to better take into account the diversity in the agricultural sector seen across the (enlarging) EU and therefore the different needs (De Castro, 2020).

The MacSharry reform was the start of a structural change process, but it was incomplete, and the impact of the Uruguay round of the GATT in 1993 provided further impetus to continue the process. The need for the CAP to be compatible with the WTO (founded in 1995) has remained a feature of the reform process ever since (Daugbjerg and Swinbank, 2016). The areas identified for attention were:

- **Competitiveness**, the process of moving further towards world prices, with compensatory direct payments where necessary to smooth transition.
- **Moving from supporting agriculture towards supporting rural development** more generally, in recognition that other activities could also help maintain income, employment and the environment.
- **Simplification** in terms of moving away from central control to more local control within a centralised framework, i.e. the principle of subsidiarity.

### 2.3.2. Agenda 2000

The Commission's 1997 discussion document, 'Agenda 2000: For a stronger and wider Union' (European Commission, 1997), considered the expected future enlargement of the EU and how it would be financed. Agricultural and regional policies were a key part of this discussion given that the accession of Eastern European countries would increase the number of farms from 7 million to 30 million and the area of agricultural land from 130 million to 170 million hectares (Guirao, 2010). Trade pressures were also important drivers of the Agenda 2000 reform with negotiations set to resume under the WTO Doha Round (Kay and Ackrill, 2010). Ultimately the Agenda 2000 reform gave shape to the CAP as it is currently understood by structuring a continuation and deepening of the MacSharry reform (Josling, 2008; Daugbjerg and Feindt, 2021).

Support was provided for the 2000-2006 period via two pillars. Pillar 1, entirely funded at the EU level, contained the traditional, but reformed, policies aimed at agriculture as an activity. There were further cuts in the use of production-enhancing price support policies with enhanced direct payments and greater support for non-agricultural elements. The option of cross-compliance was introduced to ensure a minimum level of environmental protection which was the first step towards linking direct payments to environmental requirements as a means of legitimising agricultural support in the eyes of EU citizens (Daugbjerg and Swinbank, 2016); support on the scale of the CAP is not considered sustainable without public support (Moehler, 2008).

The Cork Declaration of 1996 set out some desirable rural development policies (Mantino, 2010). Drawing on this, the newly created Pillar 2, governed by a Rural Development Regulation, was organised into three themes: (i) restructuring and improving competitiveness; (ii) agri-environment

schemes and less favoured area (LFA) payments; (iii) developing the rural economy. Although support for developing the rural economy amounted to only 10 % of total Pillar 2 expenditure, it sent the signal that the CAP was no longer limited to supporting farmers (Daugbjerg and Swinbank, 2016). This Pillar brought together the 'accompanying measures' introduced in the MacSharry reform with a number of previously disparate measures ranging from processing and marketing support, support for diversification and support for LFAs to making agri-environment programmes mandatory at the Member State level.

Under the Pillar 2, Member States were to draw up national or regional rural development plans (RDPs) to cover the 2000-2006 period from a menu of possible actions. To some extent this can be seen as a partial renationalisation of policy. The intention was that these programmes would address the specific problems identified at the regional or national level and that the measures selected would together offer more than simply the sum of their parts. Unlike support under Pillar 1, RDPs were co-financed by Member States with a higher rate of EU funding in disadvantaged regions. Modulation allowed Member States to reallocate some of the direct payment financial envelope to Pillar 2 should they wish to do so (Kay and Ackrill, 2010).

The design of the CAP under Agenda 2000 leant heavily on the concept of multifunctionality which maintained that agricultural areas in the EU provided environmental goods such as habitats, biodiversity and landscapes, amenity and recreational spaces, as well as food. This concept provided the basis for the EU's defence of the CAP in the context of the WTO (Daugbjerg and Swinbank, 2016).

The Agenda 2000 reforms were considered a partial failure, and this, along with French President Jacques Chirac's late intervention to weaken the reforms (Swinnen, 2008), resulted in the decision to include a mid-term review to monitor effectiveness of the reforms at the half-way stage and to make adjustments if necessary (Olper, 2008).

## 2.4. Historical decoupled payments (2003-2013)

### 2.4.1. 2003 mid-term-review (Fischler reform)

A review of the Agenda 2000 reforms was published by the Commission in 2002 against the background of the now ongoing Doha Round of WTO negotiations which created pressure for further reform (Kay and Ackrill, 2010). The planned enlargement of the EU to include Eastern and Southern countries with large rural areas also raised the issue of how the CAP could be extended to these potentially large surplus producers (Daugbjerg and Feindt, 2021).

Olper (2008) states that there was additional pressure from new actors in the CAP context (civil society organisations representing consumers, the environment, animal welfare and society more generally), partly as a result of a succession of food safety scares ('mad-cow' disease (or BSE),<sup>16</sup> dioxin and food and mouth disease outbreaks), and budgetary constraints. Pirzio-Biroli (2008) adds that budgetary pressure was exacerbated by the CAP's unpopularity at the time stemming from, *inter alia*, the perception that farmers had become polluters as agricultural production had industrialised; taxpayers also had a grievance against the high cost of maintaining the CAP (Syrrakos, 2008). Swinnen (2008) notes that this reform marked a change from the past in that it anticipated pressures rather than reacted to them.

The subsequent mid-term review of 2003 further decoupled area and headage payments, continuing the intent of the 1992 MacSharry reform, and combined these into a single farm payment (SFP) or a single area payment (Member States were able to choose the approach they preferred to take). Payments were based on past allocations and there were no specific requirements concerning

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<sup>16</sup> Bovine spongiform encephalopathy disease.

production (Kay and Ackrill, 2010). By decoupling support from production decisions, pressure from international and domestic trade interests was accommodated (but not completely addressed as Member States could choose to maintain an element of coupling up to 25 %) whilst maintaining the CAP as a farm income support policy (Daugbjerg and Swinbank, 2016).

In a move which helped to further legitimise public support to farmers, payments were linked through compulsory cross-compliance requirements to a range of environmental, animal welfare, food safety and other standards, including the maintenance of agricultural land in good condition (Hill, 2012). As a general rule, the cross-compliance requirements reflected existing legislation and little change to actual practice was required, although this was the first time that public good requirements were linked to income-support payments (Daugbjerg and Feindt, 2021). Compulsory modulation was introduced under which direct payments to larger farms were reduced in order to transfer additional funds from Pillar 1 to Pillar 2 (Kay and Ackrill, 2010). Rude (2008) explains that initially farmers receiving more than EUR 5 000 in SFP had this reduced by 3 % from 2005, with this increasing to a maximum of 7 % by 2007.

The mid-term review focused on cereals and oilseeds and was not therefore complete, partly due to the difficulties of the reform which necessitated the postponement of further action at the time (Pirzio-Biroli, 2008). A series of subsequent sectorial reforms added cotton, tobacco, olive oil, hops (2004), sugar (2005), fruit and vegetables (2007) and wine (2008) into the single payment scheme (Daugbjerg and Feindt, 2021). Olper (2008) claims this reform as one of the most radical reforms to the CAP to this point in time, and one which introduced significant constraints on future policy choices. Swinnen (2015b) also considers this review to be radical; he cites the institutional introduction of qualified majority voting in the Council, which continued to be the sole legislator, as a key factor.

At a technical level, the creation of the SFP was governed by specific horizontal legislation, i.e. across all product sector (Regulation (EC) No 1782/2003). This removed direct payments from the 21 separate CMOs (common market organisation), each of which covered a specific product or group of products. Most of the basic regulations in these CMOs followed the same structure and had numerous provisions in common. In order to simplify the regulatory environment of the CAP, these were brought together in a single CMO under Council Regulation (EC) No 1234/2007.<sup>17</sup>

### 2.4.2. 2008 CAP Health Check

The 2008 'CAP Health Check' process formally began in autumn 2007 with the Commission's presentation of its reform package (Lovec and Erjavec, 2011) and took place against the background of the food price crisis of 2007/2008 and the continuing WTO Doha Round (Daugbjerg and Feindt, 2021). The food crisis moved consideration of agriculture back towards its earlier status as a strategic industry (Bureau and Mahé, 2015).

This reform was the last to take place under the consultation procedure (CP) and it provided the last chance for reform before discussion began about the EU budget (MFF) after 2013. Both these facts provided an imperative for the Commission to push the reform through, as did the fact that this represented Commissioner Mariann Fischer Boel's final opportunity to leave a lasting impact on the CAP before leaving office in 2009 (Waite, 2008).

The Commission's stated aim was to end compulsory land set-aside, to further phase out the price support mechanisms and to gradually reform the dairy quota regime (Lovec and Erjavec, 2011). In accordance with this aim, the reform, voted by the Council, resulted in, *inter alia*, further decoupling

<sup>17</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32007R1234&from=EN>

of direct payments through the removal of partial decoupling options,<sup>18</sup> the removal of compulsory land set-aside, a commitment to remove milk quota by 2015, increasing the rate of compulsory modulation to further boost the funding of rural development under Pillar 2, simplification of direct payments and cross-compliance (Hill, 2012). Direct payments above EUR 300 000 were subject to an additional 4 % modulation, 80 % of which was allocated within the Member State concerned (Lovec and Erjavec, 2011). Member States were allowed to adapt the SFP from a historical basis to a regional basis which entailed a flat-rate payment per hectare (Waite, 2008).

Member States were also allowed to nationally redistribute up to 10 % of their direct payment financial envelope under Article 68<sup>19</sup> (Article 69 under the previous CAP)<sup>20</sup> as targeted support (Waite, 2008). This allowed Member States to shift (limited amounts of) support from one sector to another if they so wished. In particular, Article 68 measures could be used for five purposes (IEEP, 2008):

- protecting the environment, improving the quality and marketing of products or for animal welfare support;
- payments for disadvantages faced by specific sectors (dairy, beef, sheep and goats, and rice) in economically vulnerable or environmentally sensitive areas as well as for economically vulnerable types of farming;
- top-ups to existing entitlements in areas where land abandonment is a threat;
- support for risk assurance in the form of contributions to crop insurance premia; and,
- contributions to mutual funds for animal and plant diseases.

The new rural development programming period ran from 2007-2013 and saw an increase in budget via increased modulation to approximately a quarter of the overall CAP budget by 2013 (Waite, 2008). The measures offered to Member States under rural development were also reorganised into four axes:

- Axis 1, for improving the competitiveness of the agricultural and forestry sector;
- Axis 2, for improving the environment and the countryside;
- Axis 3, for enhancing the quality of life in rural areas and diversification of the rural economy; and,
- Axis 4, for the LEADER approach.<sup>21</sup>

Member States had to prepare a national strategic plan, based on a SWOT analysis, which needed to demonstrate a clear linkage and consistency between objectives, axes, priorities and measures with the intention that a more strategic approach would be delivered (Mantino, 2010). Member States had to commit minimum proportions of funding to specific axes. It is worth mentioning that the Health Check reform was the first to mention the term 'climate change' (Haniotis, 2022).

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<sup>18</sup> Partially decoupled payments are those that retain some link with production, for example, a requirement to produce something in order to receive payments. Fully decoupled payments would not require the farmer to produce anything at all as a condition of receipt, although other conditions, such as maintaining the land in good agricultural condition, may be applied.

<sup>19</sup> Council Regulation (EC) No 73/2009.

<sup>20</sup> Council Regulation (EC) No 1782/2003.

<sup>21</sup> 'LEADER' is an acronym from the French phrase 'Liaison Entre Actions de Développement de l'Économie Rurale' - 'Links between activities for the development of rural economy'. The idea was to engage people and local organisations as development actors rather than beneficiaries through Local Action Group (LAG) partnerships between the public, private and civil sectors. This offers a bottom-up approach rather than the usual top-down approach. [https://enrd.ec.europa.eu/leader-clld/leader-toolkit/leaderclld-explained\\_en](https://enrd.ec.europa.eu/leader-clld/leader-toolkit/leaderclld-explained_en)



## 2.5. New societal objectives: The modern CAP (2014 onwards)

### 2.5.1. 2013 reform: The European Parliament becomes a co-legislator

The 2013 reform process started informally in 2008 with the completion of the CAP Health Check and formally in April 2010 when the Commission launched a public debate on the CAP's future (Swinnen, 2015b). This was followed by the Commission's publication 'The CAP towards 2020' (European Commission, 2010a) and legislative proposals in 2011 (De Castro and Di Mambro, 2015). This was the first reform negotiated under the ordinary legislative procedure (OLP), introduced by the Lisbon revision of the EU Treaties and which put the Parliament on an equal footing with the Council in CAP decision-making. The reform took effect from 2014. Pressure from WTO compatibility concerns had diminished and the main objectives, as stated by the Commission, were to further 'green' the CAP and to deliver a fairer distribution of support both within and between Member States, so-called 'convergence' (European Commission, 2010a). Haniotis (2015) adds that simplification was also an objective, but that this was not achieved.

Matthews (2014) notes the importance of the linkage between the MFF and CAP negotiations with the former setting the broad lines of reform in the latter, including the maintenance of the 75:25 spending ratio between Pillar 1 and Pillar 2 (Greer, 2017); the EU multiannual budget was under pressure due to the 2008 financial and economic crisis (Swinnen, 2015b) which resulted in real terms cuts to the CAP budget (Anania and Pupo D'Andrea, 2015).

As collated by Knops and Swinnen (2014), this reform introduced, *inter alia*, the greening component, a convergence of payment rates between and within Member States, additional support for young farmers, more targeted support for small farmers, the creation of safety nets to be used in the case of crises, the end of quota regimes in the sugar and wine sectors, an improved risk management toolbox, and an enhanced role for producer organisations and inter-branch organisations (IBOs).<sup>22</sup>

The Basic Payment Scheme, replacing the Single Payment Scheme/Single Area Payment Scheme, was a significant change. Some 70 % of the payment had only basic requirements with respect to public good provision, but the remaining 30 %, the 'greening' component, was contingent on farmers implementing three environmental measures: (i) maintaining permanent grasslands; (ii) implementing crop diversification on arable land (cultivation of at least three crops, two for small farms); and, (iii) ensuring an 'Ecological Focus Area' of at least 5 % of the arable area of the holding from which small farms were exempt (Daugbjerg and Feindt, 2021). This was the first attempt to link (at least part of) direct payments to the provision of public goods (Anania and Pupo D'Andrea, 2015).

There was some reintroduction of coupled support. Daugbjerg and Swinbank (2016) explain that while the European Parliament wanted 15 % coupled support in all Member States, the final compromise was for 8 % or 13 % where Member States' level of coupled support exceeded 5 % in at least one of the years of the period 2010-2014 or where they applied the single area payment scheme until 31 December 2014; an additional 2 % could be coupled for protein crops. In practice variations between Member States meant that approximately 10 % of total support remained coupled. While higher than previously allowed, this was still not a return to the level of coupling seen in the 2003 reform.

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<sup>22</sup> Producer organisations help farmers reduce transaction costs and collaborate when processing and marketing their products. Farmers and processors or traders in the supply chain can also come together in interbranch organisations which serve as a platform for dialogue, promoting best practices and market transparency. Further details can be found at: [https://agriculture.ec.europa.eu/common-agricultural-policy/agri-food-supply-chain/producer-and-interbranch-organisations\\_en](https://agriculture.ec.europa.eu/common-agricultural-policy/agri-food-supply-chain/producer-and-interbranch-organisations_en)

The increased focus on 'greening', to which 30 % of the budget for direct payments was tied, was designed to demonstrate to citizens that the CAP supported the provision of public goods, something demanded by citizens and environmental groups in the preceding public consultation, and was therefore a legitimate use of public money (Daugbjerg and Swinbank, 2016). Matthews (2014) argues that the greater emphasis on delivering for the environment and climate change was the price that the Commissioner for agriculture and rural development had to pay to secure the support of the environment and climate action Commissioners to retain the share of CAP spending in the MFF. However, many commentators on the CAP were critical about the lack of monitoring around greening which raised concerns that it might not deliver major environmental gains (De Castro and Di Mambro, 2015). The Court of Auditors later established that these concerns were well founded (European Court of Auditors, 2017).

The single common market organisation (SCMO) included new measures aimed at rebalancing power in the food supply chain including the extension of producer organisations and inter-branch organisations to sectors beyond fruit and vegetables to be supported under Pillar 2 (Anania and Pupo D'Andrea, 2015). The SCMO also limited the use of export subsidies to times of serious threats to market disturbance.

There was also a reorganisation of Pillar 2 with greater freedom for Member States to choose how to allocate funds under RDPs against six priority areas:<sup>23</sup>

- Priority 1: Knowledge transfer and innovation
- Priority 2: Farm viability and competitiveness
- Priority 3: Food chain organisation and risk management
- Priority 4: Restoring, preserving and enhancing ecosystems
- Priority 5: Resource-efficient, climate-resilient economy
- Priority 6: Social inclusion and economic development

Each priority area contained a number of focus areas which in turn contained a set of measures which Member States could select. The European Innovation Partnership (EIP) for agricultural productivity and sustainability was established to speed up the transfer of innovation from research to farm (Anania and Pupo D'Andrea, 2015).

Rural development was placed within a Common Strategic Framework, the European structural and investment (ESI) funds, comprising the European Maritime and Fisheries Fund (EMFF) the European Regional Development Fund (ERDF), the European Social Fund (ESF) and the Cohesion Fund, thus making it more coherent with regional policy (Anania and Pupo D'Andrea, 2015).

The 2013 reform substantially extended the ability of Member States to tailor the CAP to their own conditions in terms of both policy structure and share of funding (Greer, 2017) and therefore introduced an element of renationalisation; even the mandatory elements left Member States some discretion in terms of implementation modalities. The way in which Member States used their flexibility is well documented in Anania and Pupo D'Andrea (2015).

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<sup>23</sup> [https://enrd.ec.europa.eu/policy-in-action/rural-development-policy-figures/priority-focus-area-summaries\\_en](https://enrd.ec.europa.eu/policy-in-action/rural-development-policy-figures/priority-focus-area-summaries_en)

## The European Green Deal

The European Green Deal Communication was published on 11 December 2019 with the farm to fork and biodiversity strategies published on 20 May 2020. The European Green Deal is designed to transform the EU into a modern, resource-efficient and competitive economy, ensuring: (i) no net emissions of greenhouse gases by 2050; (ii) economic growth decoupled from resource use; and, (iii) no person and no place left behind.

The objective of the farm to fork strategy is to make food systems fair, healthy and environmentally-friendly. The strategy sets out both regulatory and non-regulatory initiatives and includes targets to reduce the use and risk of chemical pesticides and the use and risk of more hazardous pesticides by 50% by 2030; reduce nutrient losses by at least 50% and the use of fertiliser by at least 20% by 2030; reduce by 50% the sales of antimicrobials for farmed animals and in aquaculture by 2030; and, increase the area of EU farmland under organic production to 25% by 2030.

The biodiversity strategy is designed to establish protected areas for at least 30% of land and 30% of sea in Europe. It will also restore degraded ecosystems by increasing organic farming and biodiversity rich landscape features on agricultural land; halt and reverse the decline of pollinators; restore at least 25 000 km of EU rivers to a free-flowing state; reduce the use and risk of pesticides by 50% by 2030 and plant 3 billion trees by 2030.

According to European Commission (2020d), the CAP will be an important instrument in managing the transition to sustainable food production systems and strengthening the efforts of European farmers to contribute to the climate objectives of the EU and to protect the environment. The CAP will also play a major role in supporting the achievement of the EU biodiversity commitments for 2030.

Once the Green Deal, and specifically the farm to fork and biodiversity strategies were published, the need to reconcile CAP objectives with the Green Deal's targets through the CAP strategic plans became a key element of the debate. A clearer link was established between the national CAP strategic plans and the EU's environmental and climate commitments in the final CAP agreement, although only the recitals mention the need to assess the consistency and contribution of the proposed CAP strategic plans with the Green Deal's targets; the targets are not formally included in the CAP's performance evaluation.

Source: European Commission.

### 2.5.2. Post-2020: delivering the European Union Green Deal

Erjavec, *et al.*, (2022) state that the most recent reform of the CAP was agreed in December 2021 against the background of four key context challenges:

- Brexit (implying fewer resources);
- the COVID-19 pandemic (drawing attention to the role of food systems);
- the climate crisis (which politicised environmental issues); and,
- new societal concerns around health and food.

Matthews (2018) notes that the three main drivers of the Commission's original proposal were (i) demand for simplification; (ii) the need to modernise the CAP; and (iii) the need to begin negotiations on the MFF for the 2021-2027 period.

A public consultation began the reform process in February 2017 and the Commission published its first official proposal, 'The Future of Food and Farming' (European Commission, 2017a), in November 2017. The Commission presented its MFF proposals in May 2018, followed by its legislative proposals on the post-2020 CAP in June 2018 (De Castro, *et al.*, 2020).

In addition, The European Green Deal (European Commission, 2019), specifically the farm to fork strategy (European Commission, 2020a) and the EU biodiversity strategy for 2030 (European



Commission, 2020b), had emerged in response to some of the underlying issues and the new CAP is central to delivering their objectives (see Box in section 5.4.2).

Following the OLP, the agreement on the reform was formally adopted on 2 December 2021. The current iteration of the CAP will be implemented from 1 January 2023 and is built around the following objectives:<sup>24</sup>

**Article 5: General objectives:**

- a) to foster a smart, competitive, resilient and diversified agricultural sector ensuring long-term food security;
- b) to support and strengthen environmental protection, including biodiversity, and climate action and to contribute to achieving the environmental and climate-related objectives of the Union, including its commitments under the Paris Agreement;
- c) to strengthen the socio-economic fabric of rural areas.

**Article 6: Specific objectives:**

The achievement of the general objectives shall be pursued through the following specific objectives:

- a) to support viable farm income and resilience of the agricultural sector across the Union in order to enhance long-term food security and agricultural diversity as well as to ensure the economic sustainability of agricultural production in the Union;
- b) to enhance market orientation and increase farm competitiveness both in the short and long term, including greater focus on research, technology and digitalisation;
- c) to improve the farmers' position in the value chain;
- d) to contribute to climate change mitigation and adaptation, including by reducing greenhouse gas emissions and enhancing carbon sequestration, as well as to promote sustainable energy;
- e) to foster sustainable development and efficient management of natural resources such as water, soil and air, including by reducing chemical dependency;
- f) to contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes;
- g) to attract and sustain young farmers and new farmers and facilitate sustainable business development in rural areas;
- h) to promote employment, growth, gender equality, including the participation of women in farming, social inclusion and local development in rural areas, including the circular bio-economy and sustainable forestry;
- i) to improve the response of Union agriculture to societal demands on food and health, including high-quality, safe and nutritious food produced in a sustainable way, to reduce food waste, as well as to improve animal welfare and to combat antimicrobial resistance.

The objectives shall be complemented and interconnected with the cross-cutting objective of modernising agriculture and rural areas by fostering and sharing of knowledge, innovation and digitalisation in agriculture and rural areas and by encouraging their uptake by farmers, through improved access to research, innovation, knowledge exchange and training.

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<sup>24</sup> Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013.

Article 6 also notes that Member States, with the support of the Commission, shall take appropriate measures to reduce the administrative burden and ensure simplification in the implementation of the CAP.

The 2023-2027 CAP is implemented via three regulations:

- **Strategic Plans regulation** (Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the Common Agricultural Policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013)
- **Horizontal Regulation** (Regulation (EU) 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the Common Agricultural Policy and repealing Regulation (EU) No 1306/2013)
- **Common Market Organisation regulation** (Regulation (EU) 2021/2117 of the European Parliament and of the Council of 2 December 2021 amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union)

A transitional regulation is in place for 2021 and 2022 to bridge the gap between the 2014-2020 CAP and the 2023-2027 iteration.

According to the Commission,<sup>25</sup> the new CAP includes redistribution of income support to better address the needs of small and medium-sized family farms, a continuation of the convergence of payment rates between and within Member States, a new, flexible definition of an active farmer to determine eligibility for support, the introduction of a social conditionality mechanism and stronger support for young farmers.

The new CAP will also support the transition towards more sustainable systems of food and farming, in line with the Green Deal, through combining the two pillars under a single CAP national strategic plan (NSP), based on a SWOT analysis, to allow Member States to tailor the support offered to meet their local needs and circumstances. A key element within this is the requirement that the Commission will assess the consistency and contribution of Member States' proposed NSPs to the EU 2030 objectives under the farm to fork and biodiversity strategies. Rac, *et al.* (2020) consider the NSPs to be the greatest novelty of the 2021 reform.

The new CAP adds additional elements to conditionality with payments linked to statutory management requirements (SMRs) and good agricultural and environmental conditions (GAECs). Farmers are generally required to maintain a crop rotation and to devote 4 % of land to non-productive elements (there are criteria and exemptions). Each Member State must allocate at least 25 % of direct payments to **eco-schemes** which replaced the greening element of the 2013 reform. Within Pillar 2, at least 35 % of funds must be allocated to support for environment, climate and animal welfare, although Member States can count payments made in less favourable areas towards this total, irrespective of any systematic relationship to environmental issues (Daugbjerg and Feindt, 2021).

<sup>25</sup> [https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/new-cap-2023-27/key-reforms-new-cap\\_en](https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/new-cap-2023-27/key-reforms-new-cap_en)

The new CAP also provides support to improve competitiveness through sector specific interventions, some exemptions from competition law to allow cooperation, and supply management schemes for products falling under geographical indications (GI). There are also new rules for the wine sector and for GI products.

This reform introduces a new performance, monitoring and evaluation framework for the CAP. A common set of indicators will be monitored through annual performance reports and a biannual review of the performance of CAP NSPs will be undertaken to assess the progress of Member States in reaching their targets and the objectives of the CAP. De Castro, *et al.* (2020) highlight the greater attention that will be paid to performance (results) rather than compliance. Rac, *et al.* (2020) refer to a shift from a compliance-based approach to a results-based one.

### Eco-schemes

Eco-schemes are a new instrument within Pillar I of the post-2020 CAP. They are designed to reward farmers that choose to go one step further in terms of environmental care and climate action. The post-2020 CAP will play a crucial role in managing the transition towards a sustainable food system and in supporting European farmers throughout. Eco-schemes are expected to contribute significantly to this transition and to the Green Deal targets.

To be supported by eco-schemes, agricultural practices should:

- cover activities related to climate, environment, animal welfare and antimicrobial resistance
- be defined on the basis of the needs and priorities identified at national/regional levels in their CAP strategic plans
- have a level of ambition which goes beyond the requirements and obligations set by conditionality
- contribute to reaching the EU Green Deal targets

The list of potential agricultural practices includes organic farming practices, agro-ecology such as crop rotation with leguminous crops or low intensity grass-based livestock system. Furthermore, they also comprise carbon farming, with for example conservation agriculture or the extensive use of permanent grassland. Other agricultural practices that could be supported by eco-schemes include precision farming with for instance precision crop farming to reduce inputs or the use of feed additives to decrease emissions from enteric fermentation, and husbandry practices in favour of animal welfare and/or reducing the needs for antimicrobial substances.

Source: European Commission.

## 2.6. The direction of travel: From price support to societal concerns

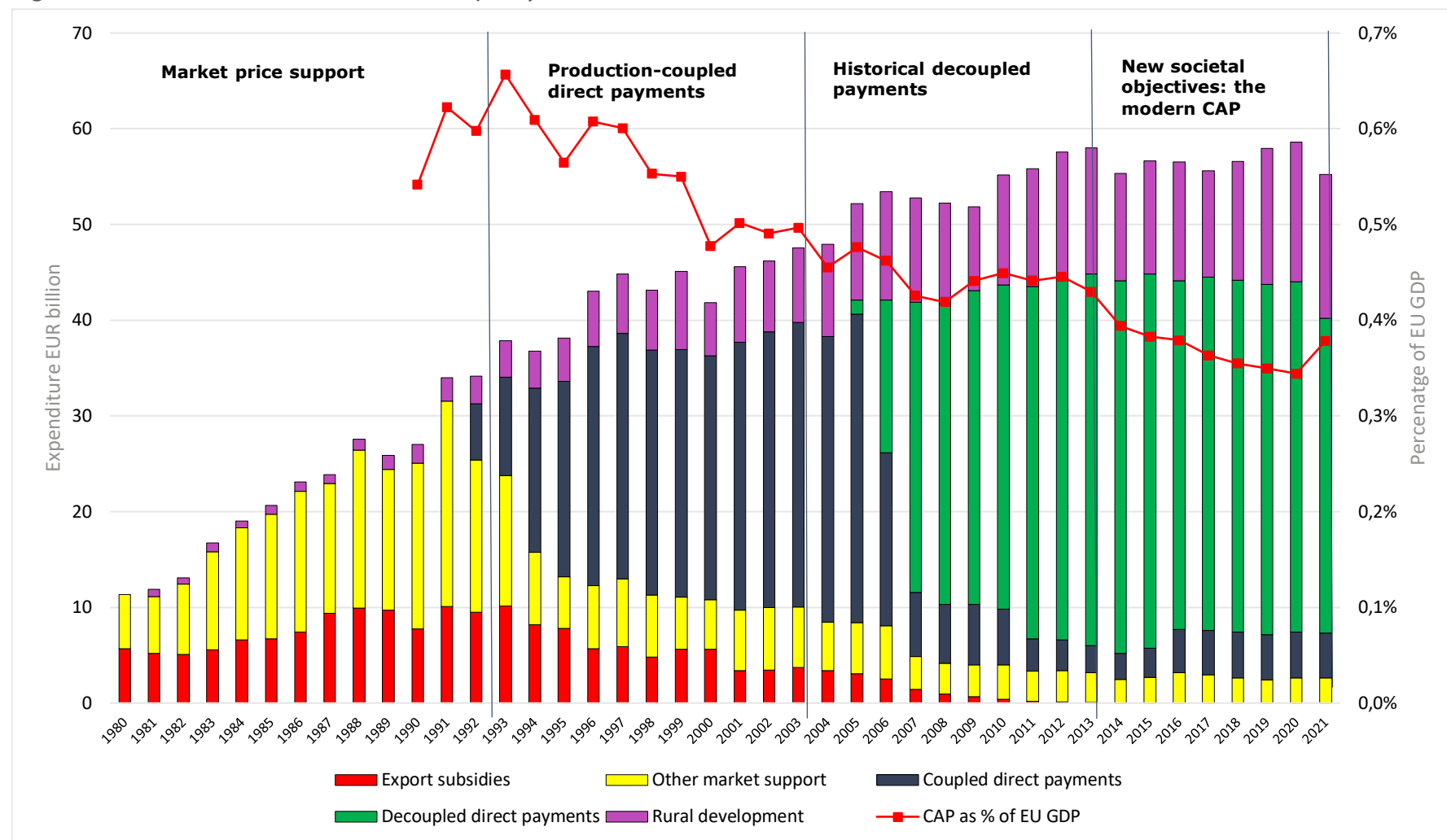
This short history of the CAP has shown how it brought together the approach to agricultural exceptionalism encapsulated in post-war national policy to form a key foundation of the (then) European Economic Community.

This initial price policy, designed to increase production and protect farm incomes, needed to be adapted first to control developing surpluses and the ever-expanding budget, and then to meet the requirements of international trade agreements and successive enlargements of the Union to new Member States. More recently the CAP has had to adapt to environment and climate change issues; 'messy' problems which cut across the traditional boundaries of policy making (Greer, 2017).

In the last 25 years, the CAP has transitioned from a top-down policy very much focused on agricultural production towards a partially renationalised one, progressively integrated with environmental policy, that addresses the multifunctional nature of European agriculture. To begin

with the changes were moderate, and generally in response to budgetary pressure, but from 1992 onwards, reforms were driven by shocks to the existing policy path (Kay, 2003). The latest incarnation of the CAP addresses societal concerns such as food, environment and rural development (Erjavec and Lovec, 2017) and is the key delivery mechanism for the farm to fork and biodiversity strategies, central planks of the European Green Deal. In doing this, the new CAP 'reconciles the objective of a vital agriculture with that of a resilient agri-food system able to develop benefits for the entire community' (De Castro, *et al.*, 2020).

Figure 1 – Evolution of the CAP in terms of policy instruments available



Source: DG AGRI.



### 3. European citizens' views on the common agricultural policy

As the previous chapter explained, the CAP has been a key feature of the EU since its inception and has traditionally absorbed a large portion of the EU budget. This means that it is of significant interest to citizens, as well as farmers. The CAP has developed from a price support policy for farmers to a multifaceted policy which now takes account of a wide range of citizen concerns. Against this background it is useful to understand how the CAP has been viewed by citizens and how well the policy has been adapted to reflect changing societal concerns and Parliament's policy priorities.

#### 3.1. The first citizen opinions

Nothing is known about citizens' attitudes towards the CAP during the early years. The first Eurobarometer survey to focus on European citizen's views on the CAP was published in 1988 (CEC, 1988).<sup>26,27</sup> This concluded that citizen awareness of the CAP was low; only a third of citizens had heard of the policy, and what citizens had heard about in the media had created a generally poor impression. On the positive side, citizens recognised the role of the CAP in preserving the countryside, maintaining family farms and preventing rural depopulation. However, they also perceived that the CAP meant they had to pay for food twice, first as taxpayers and then as consumers. Citizens also perceived that the CAP helped most those that needed help least, i.e. big agricultural businesses and farmers in the more prosperous northern Member States.

#### 3.2. Between Agenda 2000 and the mid-term review

The next Eurobarometer to explicitly consider the CAP was published more than ten years later, just after the Agenda 2000 reforms (Gallup Europe, 2000).<sup>28</sup> This established that there was still a clear lack of knowledge about the CAP at the EU level with approximately half of citizens (52 %) not having seen or heard anything about it. However, this represented an improvement in awareness from ten years before. Those who had heard about the CAP were asked how favourable it was to various stakeholder groups. On balance, citizens found the CAP to be most favourable to the food processing industry and slightly favourable to consumers, neutral towards the environment and slightly unfavourable to farmers.

Citizens were asked, yes or no, whether the EU should intervene through an agricultural policy in respect of a range of issues. Intervention was supported in all the following areas by at least 80 % of citizens (areas ranked in order of strength of support).<sup>29</sup>

- Ensuring that farm products are sound and of no danger
- Promoting respect for the environment
- Protecting small or medium-sized farms
- Helping farmers adapt their production to consumers' expectations
- Promoting and improving life in the countryside
- Protecting the taste and specific character of European farm products
- Encouraging product diversification and agricultural activities

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<sup>26</sup> <https://europa.eu/eurobarometer/surveys/detail/92>

<sup>27</sup> Some questions about agriculture and the CAP have been asked in more general Eurobarometer surveys. Here we focus on those surveys dedicated to the subject.

<sup>28</sup> <https://europa.eu/eurobarometer/surveys/detail/3>

<sup>29</sup> There is a strong possibility of positive bias in framing the question in this way.

- Providing stable, adequate incomes for farmers
- Making European agriculture more competitive on world markets
- Defending farmers' interests in their negotiations with intermediaries and distributors
- Reducing development disparities between regions
- Promoting organic production methods

However, citizens were much less certain that the EU's agricultural policy fulfilled its role well. While more than half of EU citizens were satisfied that the CAP intervened well in respect of food safety and the environment, this was not at all the case with respect to protecting small and medium-sized farms or providing farmers with stable, adequate incomes.

Three-quarters of citizens felt that the Agenda 2000 reforms, by moving away from the subsidisation of agricultural products towards more support for the rural economy and direct support for farmers, were a good, or a very good, thing. Almost half (46 %) of citizens who had said they were aware of the CAP felt that its funding was inadequate compared to 15 % who felt that funding was too generous.

Some of these questions were repeated a year later and similar results were reported (The European Opinion Research Group, 2001).<sup>30</sup> This time at least 71 % of citizens supported intervention for each specific issue (down from at least 80 %); very similar findings were reported in terms of whether the EU's agricultural policy fulfilled its role well. Support for the shift in the focus of support under the CAP remained, although rather less strongly than a year previously. These results may well reflect a decrease in media attention on the CAP following the adoption of Agenda 2000. The same set of questions were repeated in 2002 with very similar results (The European Opinion Research Group, 2002).<sup>31</sup>

### 3.3. Citizen opinions in the enlarged EU

In 2005, the Commission undertook the first survey to cover the EU-25 (European Commission, 2005).<sup>32</sup> It is therefore not directly comparable to previous surveys which only covered citizens in the EU-15; the wording of the questions was also different. Citizens in the ten new Member States had not at that point had much direct exposure to the CAP. This survey showed that just over a third of EU-25 citizens (35 %) agreed that the CAP ensures that food is safe and a third (33 %) that food is of good quality. Just over a fifth (22 %) felt that the CAP ensures that food is reasonably priced and a fifth (19 %) agreed that the CAP ensures that farm animals are well treated. More citizens agreed that the CAP favours consumers over farmers than the other way round (20 % compared to 12 %), while 18 % thought that the CAP treats farmers and consumers equally.

This survey showed slight decreases in the positive perception of the CAP over the 2002 to 2004 period in terms of ensuring that food is safe to eat, that it is healthy, of good quality and reasonably priced, although this finding may have been confounded by the enlargement of the EU to 25 Member States.

When citizens were asked to identify what should be the three main priorities of the CAP, over a third (36 %) cited ensuring a stable and adequate income for farmers. Other priorities were a little less likely to be cited, but ensuring that food is healthy and safe; promoting the respect of the environment; improving life in the countryside; and, making European agriculture more competitive on world markets were all cited by at least 25 % of citizens.

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<sup>30</sup> <https://europa.eu/eurobarometer/surveys/detail/210>

<sup>31</sup> <https://europa.eu/eurobarometer/surveys/detail/222>

<sup>32</sup> <https://europa.eu/eurobarometer/surveys/detail/416>



A majority of citizens felt that the EU's agricultural policy plays its role fairly well with respect to ensuring that agricultural products are healthy and safe (57 %) and in terms of respecting the environment (55 %). However, only a minority of citizens felt that the CAP plays its role fairly well in protecting small or medium sized farms (30 %), ensuring stable and adequate incomes for farmers (37 %) and in reducing development gaps between regions (37 %).

Support for the shifting of funds towards the protection and development of the overall rural economy and for direct support to farmers remained high at 66 % with just 17 % saying that this was 'a bad thing'.

Perceptions and general trends over time were largely confirmed in the 2005 survey (European Commission, 2006),<sup>33</sup> although there was lower support in terms of how well the CAP plays its role with respect to each issue examined. This change was explained in the context of an upsurge in positive perceptions in the previous year when the survey took place in the immediate aftermath of the Fischler reforms, after which enthusiasm had somewhat dampened. The strong support for the reoriented CAP did though remain.

Fieldwork conducted in 2007 showed that the majority (54 %) of citizens had never heard or read about the CAP; a third (34 %) claimed to have heard of the CAP, but to not know really what it was. Only 9 % of citizens claimed to know exactly what the CAP is (European Commission, 2007).<sup>34</sup> This finding is very similar to results from the same question in 1995.

For this survey, citizens were given a list of policy aims and asked to select a first objective as well as up to five others that the EU should prioritise. Ensuring a fair standard of living for farmers was cited as the first priority by 17 % of citizens, ensuring that food is healthy and safe by 12 % and ensuring reasonable prices for consumers by 9 %. In terms of total mentions, the top four priorities, all mentioned by at least a third of citizens, were:

- Ensuring that agricultural products are healthy and safe (mentioned by 41 % of citizens)
- Ensuring a fair standard of living for farmers (37 %)
- Ensuring reasonable food prices for consumers (35 %)
- Promoting respect for the environment (33 %)

In terms of CAP performance, a third (33 % net, i.e. those answering performing well minus those answering performing badly) of citizens felt that the CAP ensures the availability of supplies, 16 % that it encourages quality production and 14 % that it ensures healthy and safe food. In contrast, the net score with respect to protecting family type farms was -16 %.

Public opinion on the changes to the CAP that were introduced in the 2003 Fischler reform were also examined (European Commission, 2007). The vast majority of citizens agreed with the use of cross-compliance to promote environmental, animal welfare and food safety standards (83 %, 84 % and 86 % respectively). Although the wording of the question was changed from previous surveys, support for the shift towards direct payments and rural developments remained high.

A similar proportion of citizens had never heard of or read about the CAP in 2008 as was the case in 2006 (53 %) (European Commission (2008)).<sup>35</sup> However, there was a change in the public's perceptions of the main priorities of the CAP with ensuring reasonable prices for consumers being the main priority for 43 %, up from 36 % in 2006. Food safety and ensuring reasonable prices for farmers remained important public priorities. Citizens continued to believe that recent CAP

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<sup>33</sup> <https://europa.eu/eurobarometer/surveys/detail/515>

<sup>34</sup> <https://europa.eu/eurobarometer/surveys/detail/557>

<sup>35</sup> <https://europa.eu/eurobarometer/surveys/detail/629>

reforms had been a positive development. The high level of consensus in support of cross-compliance remained.

Little had changed in terms of public knowledge of the CAP by 2010, but the perceived importance of ensuring agricultural products that are of good quality, healthy and safe had increased to be cited as the main priority by 59 % of citizens (European Commission, 2010). Ensuring reasonable food prices for consumers, protecting the environment, and ensuring a fair standard of living for farmers were also considered to be important policy objectives.

In terms of performance, the CAP scored fairly well for securing food supply in the EU, ensuring that agricultural products are of good quality, healthy and safe, and for favouring methods of organic farming. In keeping with earlier surveys, the CAP was considered to perform fairly badly in terms of the protection of family type farms and ensuring a fair standard of living for farmers. With the exception of performance in respect of protecting the environment and family type farms, all objectives were rated more positively compared with the 2007 survey.

### 3.4. Preparing for the 2013 reform

The European Commission reported in 2010 that 41 % of citizens had heard of, or read about, the CAP and noted that awareness had not increased since 2006 (European Commission (2010b)).<sup>36</sup> This Eurobarometer also examined citizen attitudes towards the new objectives for agriculture and rural development agreed in the context of the CAP Health Check. There was at least 85 % support for each of these:

- to preserve the countryside (93 %)
- to help farmers to face the consequences of climate change (89 %)
- to develop the economy in rural areas (89 %)
- to distribute support to farmers in a more equitable way (88 %)
- to link financial support farmers get with the compliance to certain rules regarding environmental protection, food safety and animal welfare (87 %)
- to encourage farmers to produce what markets demand (85 %)

Although almost half of citizens (46 %) said that agriculture has already made a major contribution to fighting climate change, 82 % agreed that the EU needs to help farmers to change the way they work in order to continue to fight climate change. A slightly smaller proportion (67 %) said that changes need to be made even if they reduce the competitiveness of EU agriculture; 58 % said they would pay 10 % more for agricultural products if they are produced in a way that does not increase climate change.

In a break with the previous series of questions, a 2011 Eurobarometer survey focused specifically on citizen's views on direct payments, local and mountain products and transparency around CAP beneficiaries (European Commission, 2011).<sup>37</sup> The findings showed that almost half of EU citizens (47 %) support an upper limit on subsidies, although a significant minority (28 %) do not, suggesting some polarisation on this issue. In terms of linking payments to environmental protection, there was more support for a general, EU-wide link than for a link in specific areas only.

Citizens appreciated the contribution that small farms make to the social life of rural areas and their importance to the rural economy and consider this, along with their need to modernise, as valid reasons for public support. In contrast, the contribution that small farms make to the landscape was not widely seen as a reason to make access to public support easier.

<sup>36</sup> <https://europa.eu/eurobarometer/surveys/detail/777>

<sup>37</sup> <https://europa.eu/eurobarometer/surveys/detail/996>

There was widespread agreement that buying local products is beneficial and that the EU should help to promote their availability (90 %); almost half of citizens say they find local products hard to identify in the market. Support for the benefit of buying mountain products is lower at 65 % and fewer citizens find these products easy to identify.

Almost two-thirds (62 %) of citizens feel that the names of CAP beneficiaries and the amounts they receive should be matters of public record; only 22 % said that this information should remain private.

### 3.5. Citizen views after the 2013 reform

Eurobarometer surveys covering Europeans, agriculture and the CAP from 2013 to 2022 established that the extent of citizen knowledge of the CAP remained at fairly consistent levels over time, with the proportion of those saying that they had heard of the CAP, but did not know any details peaking at 64 % in the summer of 2020 when media attention on CAP reform would have been relatively high (European Commission, 2022). The proportion of citizens claiming to have heard of the CAP and to know the details has remained between 8 % and 10 % over this period.

In 2014, respondents were asked to comment on how they felt about different aspects of the CAP (European Commission, 2014).<sup>38</sup> Almost two-thirds (62 %) said that they thought support offered to young farmers was 'a very good thing'. More than half (57 %) felt that guaranteeing the food supply was 'a very good thing'. Giving support to farmers in a fair and balanced way was considered 'a very good thing' by 54 % of citizens and linking support to environmental cross-compliance was considered a very good thing by 52 %. Finally, developing rural areas in a balanced way was considered to be 'a very good thing' by 46 %.

From 2016 onwards a more consistent set of questions were put to respondents which allows a better impression of the evolution of citizen views to be provided (European Commission, 2016; 2018; 2020c; 2022).<sup>39</sup>

Support for securing a stable supply of food in the EU at all times was considered a very good thing by 57 % of citizens in 2014, although this declined in importance in 2016 and 2018 to 38 % before increasing again to 54 % in 2022 in response to the economic consequences of the COVID-19 pandemic. A similar pattern was observed with respect to ensuring reasonable prices for consumers, also considered very important by 54 % of citizens in 2022.

In contrast, the importance that citizens attach to the sustainable production of food and to tackling climate change has increased from being considered very important by 43 % and 44 % respectively in 2016 to 51 % in 2022 in both cases.

From 2016 Eurobarometer has asked citizens for their views on how well the CAP fulfils its aims. The CAP has been consistently perceived to perform most effectively with respect to ensuring a stable food supply of agricultural products, which at the same time, are of good quality, healthy and safe (European Commission, 2016; 2018; 2020c; 2022). In 2016, 70 % of citizens said that they totally agreed or tended to agree that the CAP fulfilled its role with regard to both. By 2022 the proportions of citizens agreeing had increased to 79 % and 74 % respectively.

In fact, the proportion of citizens agreeing that the CAP fulfilled its role increased for all metrics over the 2016 to 2022 period. Agreement that the CAP fulfilled its role with respect to sustainable food production increased from 62 % (in 2018) to 70 % in 2020, while agreement that it fulfilled its

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<sup>38</sup> <https://europa.eu/eurobarometer/surveys/detail/1081>

<sup>39</sup> <https://europa.eu/eurobarometer/surveys/detail/2087>; <https://europa.eu/eurobarometer/surveys/detail/2161>; <https://europa.eu/eurobarometer/surveys/detail/2229>; <https://europa.eu/eurobarometer/surveys/detail/2665>

role with respect to protecting the environment and tackling climate change increased from 55 % in 2016 to 65 % in 2022. In terms of ensuring reasonable prices for consumers, in 2016, 56 % agreed that the CAP fulfilled its role in this regard, although this had increased to 65 % by 2022. Agreement that the CAP fulfilled its role in ensuring a fair standard of living for farmers increased from 52 % in 2016 to 62 % in 2022.

The CAP has been seen to perform slightly less well in terms of creating growth and jobs in rural areas. In 2018 52 % of citizens agreed that the CAP had fulfilled its role in this regard, although the proportion increased to 58 % in 2022.

A consistent majority of citizens have stated that they believe the amount of financial aid provided to farmers is about right (45 % in 2014, 46 % in 2022). However, the proportion which felt financial aid is too low increased from 26 % to 39 % over the same period while the proportion that felt financial support is too high fell from 13 % to 7 % (European Commission, 2022).

A majority of citizens said that they totally agreed or tended to agree that the CAP benefits all European citizens and not only farmers. In 2013 77 % of citizens held this view. However, in 2016, this proportion had fallen to 62 % and by 2018 to 61 %. This may suggest that citizens felt that the reform of 2013 favoured farmers over consumers. By 2020 though, 76 % of citizens agreed with this statement, the same proportion as in 2022 (European Commission, 2022). This may reflect changes proposed and later made in the 2021 reform.

In 2016 more than 80 % of citizens expressed their support for cross-compliance and 87 % of citizens expressed their support for public goods which benefit the climate and the environment; only 6 % were opposed to payments for these public goods (European Commission, 2016).

In 2020, 69 % of citizens agreed that farmers need to make changes to combat climate change, although more than half (53 %) accepted that the agricultural sector has already made a major contribution. Two-thirds (66 %) said they would pay 10 % more for agricultural products with a lower carbon footprint. Some 92 % of citizens said that they were in favour of financial support for the delivery of public goods which benefit the climate and the environment (European Commission, 2020c).

The proportion of citizens that felt that farmers need to make changes to combat climate change was slightly lower in 2022 at 67 %, but slightly more citizens accepted that the agricultural sector has already made a major contribution (58 %). Given the backdrop of the economic consequences of the COVID-19 pandemic and the war in Ukraine, it is perhaps not surprising that there was a 6 % reduction (to 60 %) from 2020 in the willingness to pay 10 % more for agricultural products that are produced in a way to limit their carbon footprint.

In 2018, a new question asked respondents whether they consider the European level to be the best at which to operate policy (European Commission, 2018). With respect to ensuring that agricultural products are of good quality, healthy and safe, 51 % thought the European level was appropriate versus 34 % who said this should be managed at the national level. The figures for securing food supply were 48 % versus 37 %, and for ensuring a fair standard of living for farmers 44 % versus 40 %. While opinion was equally divided at 42 % with respect to ensuring reasonable food prices for consumers, the overwhelming impression given was one of support for a European-level policy.

### 3.6. Changing public perceptions of the CAP

Citizen awareness of the CAP has improved since the first attempts to investigate this and tends to fluctuate with higher awareness at times when CAP reform is covered in the mainstream media. Increased awareness has also moved in line with policy developments which have broadened the relevance of the CAP to citizen groups other than farmers.

There has been consistently high public support for an agricultural policy which provides safe food, which is environmentally sustainable, which protects small and medium-sized farms and which protects farm incomes. By the mid-2000s, a sizeable proportion of citizens were also calling for the CAP to ensure reasonable prices for consumers and this became the main concern by the time of the 2007/2008 financial crisis. High levels of concern around ensuring reasonable prices remained from this point on with a sizeable minority of citizens disagreeing that the CAP was effective in this regard.

Citizens have consistently believed that the CAP is successful in delivering safe food and that it offers environmental protection, although a significant minority has questioned the CAP's environmental role more recently. The CAP has been consistently seen as less successful in protecting small and medium-sized farmers and in supporting farmer income.

Citizens have supported the way in which the CAP has moved away from the subsidisation of agricultural products and toward more support for the rural economy. Support for using public money to support the provision of public goods has strengthened over time to over 90 %; citizens have also consistently agreed that it is appropriate that financial support is contingent on high environmental, animal welfare and food safety standards.

From 2010 onwards citizens have demonstrated high levels of support for the EU helping farmers to change the way they work to continue to address climate change. Approximately two-thirds of respondents state that they would pay 10 % more for agricultural products produced in a way that does not increase climate change, although the economic consequences of the COVID-19 pandemic and probably Russia's war in Ukraine have reduced willingness to pay somewhat.

In summary it is fair to say that while citizens' awareness of the CAP is not particularly high, there has been and remains high support for its policy objectives and for its changing focus. It is also noticeable that citizen perceptions of what the CAP should be for have tended to move in line with the way in which the CAP has evolved; it is also the case that the proportion of citizens that believe that the CAP fulfils its role has increased over time.

## 4. The European Parliament's role in CAP decision-making under the consultation procedure

This study is concerned with the Parliament's role in CAP decision-making. It is important to be clear that changes to the CAP are usually termed 'reforms' and that this term has connotations of improvement. We are not concerned here with whether the CAP has 'improved' or not through its various iterations, and in any case, this would depend on one's point of view. We are solely concerned with the Parliament's role in CAP decision-making. We leave others to debate whether the changes made over time constitute 'improvements' or not.

### 4.1. The consultation procedure

Kardasheva (2009) states that the consultation procedure (CP) was introduced under the Rome Treaties and was the simplest EU decision-making procedure as it consisted of only one reading. Although the CP was replaced by the ordinary legislative procedure (OLP) in many policy areas following the 1992 Maastricht and 1997 Amsterdam Treaty, it remained the decision-making process for agriculture until implementation of the Lisbon Treaty in 2009.

Kardasheva (2009) goes on to explain that under the CP, the European Parliament had very limited legislative powers in relation to the Council, which was the sole legislator while the Parliament had only a consultative role. Under the CP, the Parliament must be consulted for its opinion on Commission proposals before the Council can proceed with adopting or amending it. However, the Council had no obligation to take into account the Parliament's opinion. Waite (2008) notes that under the CP, the Parliament was required to study the proposals and vote through amendments. This required considerable work in committee and discussions in the plenary to produce an opinion that could then be simply ignored. Crombez (1996) did though state that the Commission and Council might in practice be reluctant to ignore the Parliament's opinion, a conclusion also reached by Cunha and Swinbank (2011) who stated that the norm was in fact that some of Parliament's proposed amendments were accepted.

According to Roederer-Rynning (2003), the use of the CP resulted in the Parliament being largely absent in the debate over the CAP, with the Parliament seen either as a rubber stamp on Commission proposals or as a reflection of national compromises and alliances struck by agricultural ministers. Crombez (1996), in his analysis of legislative procedures in the European Community, disregarded the role of Parliament in the CP, noting that while the Parliament could delay legislation by not issuing an opinion, he did not consider impatience a factor in the decision-making process. Crombez, *et al.* (2000) noted that the Parliament was powerless under the CP and Crombez and Swinnen (2011) did not consider the Parliament's role in their analytical model of the consultation procedure, although they did provide examples of Parliament's (limited) impact on CAP decision-making under the CP (see section 4.2.5 on own-initiative reports); Garzon (2006) referred to the Parliament's marginal role in CAP decision-making. Kardasheva (2009) notes that the literature concludes that the Parliament's role in the CP is insignificant, with or without delay.

The absence of the Parliament in CAP negotiations under the CP is confirmed in Pirzio-Biroli's (2008)<sup>40</sup> insider's account of the 2003 Fischler reforms where the Parliament, specifically Joseph Daul, AGRI Chair at the time, is mentioned only once. In Pirzio-Biroli's telling, the 2003 negotiations took place between Commissioner Fischler, the national agricultural ministries and President Chirac of France. Syrrakos (2008) carried out 78 interviews to understand decision-making around the Fischler reforms and not one was with a Member of the European Parliament.

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<sup>40</sup> Corrado Pirzio-Biroli was Chief of Staff for Commissioner Fischler from 1995 to 2004.



Greer and Hind (2012) report the Parliament was able to exploit what they referred to as 'boundary' disputes under the CP to enhance its influence over food safety (hygiene legislation), environmental concerns (nitrate vulnerable zones) and animal welfare (disputes over the ban on traditional cages for laying hens); an interviewee from a civil society organisation (CSO) confirmed the important work undertaken by Parliament with respect to the ban on traditional cages.

Kardasheva (2009) finds that of the 129 legislative proposals put forward in relation to agriculture and rural development in the 1999-2007 period, just over half (53 %, 69 out of 129) were in fact amended by Parliament, the majority (62) without delay and seven with delay (see section 4.1.1). This is in line with the rate of amendment when all policy areas are considered together. However, this finding needs to be contextualised and Kardasheva goes on to conclude that in only 19 % of cases did the Parliament influence the final legislative text once highly technical amendments had been excluded from the analysis.<sup>41</sup>

In terms of success by policy area, Kardasheva (2009) examined 69 proposals under agriculture and rural development in the 1999-2007 period and finds that these contained a total of 142 contested issues. The Parliament was successful in having its views taken into account in 31 cases, i.e. 21.8 %. This success rate is slightly lower than the 25.9 % for issues across all policy areas.

Roederer-Rynning and Schimmelfennig (2012) claim there is scattered evidence that the Parliament was able to have a role in the CAP decision-making process under the CP. They maintain that the Fischler reform of 2003 involved the active participation of the Parliament and cite a senior Commission official as saying this reform would not have been possible had the Commission not sought to establish a support coalition in the Parliament. Roederer-Rynning (2003) concluded that parliamentary committees played a significant role in shaping farm policy over the previous 15 years, by promoting key public concerns on the EU farm agenda.

Greer and Hind (2012) found some evidence that the Parliament began to wield greater influence under the CP from the mid-2000s, partly helped by the Council and Commission seeking to establish a *modus operandi* with the Parliament as the adoption of the Lisbon Treaty drew closer. One example of this relates to the voluntary modulation dossier (2006), on which the Parliament withheld its vote until the Council found an acceptable compromise (Cunha and Swinbank, 2011, see further details in section 4.1.1 below); another is input into shaping proposals on the reform of the sugar regime in 2005/2006.

In 2008, Commissioner Fischer Boel presented the CAP Health Check proposals to the Parliament at plenary as soon as they were adopted. Greer and Hind (2012) state that while this may appear symbolic, the intention was to signal to the Parliament that the Commission saw it as an increasingly important interlocutor. They go on to note that the Parliament had some success in terms of influencing the Health Check reforms by rejecting the capping of direct payments; the final agreement included a watered-down version of the Parliament's plan to make modulation rates progressive.

Kardasheva (2009) concluded that the formal power of the European Parliament was, as the literature suggests, very limited under the CP. This was confirmed in interviews where several long-standing commentators on the CAP told us that the Parliament was not considered to be an important actor in the CAP decision-making process under the CP. While MEPs interviewed did not specifically comment on the Parliament's influence under CP, they did agree that the Parliament is considerably more successful at influencing the final outcome of the CAP negotiations under co-decision. This supports the view of the interviewees cited above.

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<sup>41</sup> Highly technical amendments are those which aimed at: (i) correcting spelling or wording mistakes in the original proposal; (ii) suggesting more appropriate words in definitions; or (iii) changing dates in the proposal.

However, the Parliament could on occasion act as an influential legislative institution, although its powers were largely conditional on Commission support and the urgency of the legislative proposal. The power of delay was an important driver of success, and this is explored further in the following sub-section.

#### 4.1.1. Postponing opinions

Kardasheva (2009) explains that there were two routes by which the Parliament could delay its final opinion on a legislative proposal under the CP. First, it could refer a proposal back to committee due to a rejection of a Commission proposal. In this scenario, the Parliament would reject the proposal in its entirety and invite the Commission to withdraw it. If the Commission refused to withdraw the proposal, the committee rapporteur would propose that the plenary does not issue a final opinion and instead refer the proposal back to the committee for further consideration. Second, the Parliament could decide to refer the proposal back to committee if amendments it proposes are not accepted in full by the Commission. In this case, the Parliament would approve the Commission proposal with amendments, which the Commission would then not accept in full. The rapporteur then proposes that the plenary does not issue a final opinion and, again, refer the proposal back to the committee for further consideration. Roederer-Rynning (2003) explains that this deadlock could be broken if the Parliament obtained guarantees from the Commission (which attends Parliament deliberations) that its concerns would be taken into account.

Parliament's right of postponement was confirmed by the European Court of Justice (ECJ) in 1980 in the landmark 'isoglucose' ruling (Mény, 2009). The essential details are that the Council reached a political compromise and adopted a final decision before the Parliament could submit its opinion, the Parliament having decided to postpone its final debate and refer the dossier back to committee. The ECJ reiterated that under the CP, the power to delay issuing an opinion represents an essential factor in the institutional balance intended by the Treaty. The ECJ later reconfirmed the importance of the Parliament's opinion in two further rulings in 1980 and 1992 (Kardasheva, 2009).

In effect this power provided the Parliament with informal veto power because both the Council and the Commission knew that legislation completely at odds with the wishes of Parliament could be held up. Because this procedure was used so often with respect to the CAP under Friedrich-Wilhelm Graefe zu Baringdorf's tenure as chair of AGRI, the procedure took his name.

Roederer-Rynning (2003) provides examples of the use of this procedure in relation to seed marketing where the Parliament did not want deregulation to be 'at the expense of nature's patrimony'. Another example was the year-long delay to reform the banana regime. In this case the delay came with costs as the WTO had authorised the US to levy a USD 191.4 million sanction against the EU for failing to comply with its international obligations.

Cunha and Swinbank (2011) provide a later, and more directly relevant example. In 2007 the Commission presented a proposal to allow Member States to cut direct payments within the Single Payment Scheme by 20 % in addition to the 5 % modulation rate that was already in place. The Parliament opposed this, because they felt income distortions could be created between farmers. As a result of the Commission's inflexibility, the Parliament did not vote on the issue and put a reserve on the utilisation of 20 % of the funds allocated for rural development for 2007. The Commission then changed views and the Council found a compromise, after which the Parliament lifted its budget reserve.

Kovács (2014) adds that in addition to delaying legislation by delaying its opinion, the Parliament could also block other, unrelated, legislation if its opinions were ignored. However, this method of influence had limits in that the Parliament could not delay a vote indefinitely because the ECJ could find against it for a failure to act (based on a subsequent ruling on the postponement of an opinion on the subject of enlargement of the generalised system of tariff preferences in 1995) (Mény, 2009).



This method therefore provided an informal opportunity for the Parliament's main concerns to be taken into account during the CP.

Kardasheva's (2009) analysis of the Parliament's success (measured by the incorporation of Parliament's demands in the final Council legislative act) under the CP shows that 54 % of 925 legislative proposals were amended under CP in the 1999-2004 period compared to 87 % of 249 proposals under the ordinary legislative procedure (OLP) in the 2004-2007 period across all policy areas. With specific regard to agriculture and rural development (although not specifically the CAP), 47 % (60) of the 129 proposals under the CP in the 1999-2007 period were not amended, 48 % (62) amended without delay and 5 % (7) amended with delay. The use of delay in relation to agriculture and rural development was marginally higher at 5 % than taking all proposals in the period into account where 4 % (38 out of 925) were amended with delay. Although not assessed by policy area, the success rate was much higher where legislation was delayed (72 %) compared to not delayed (21 %) suggesting that the tactic could be successful.

Kardasheva concludes that the ability to delay an opinion could force concessions from the Council and the Commission through informal negotiations. The need for an urgent decision increased the likelihood that informal negotiations would take place. Delay also gives the consultation procedure two readings rather than one. This gives the Council and Commission insight into the Parliament's demands which facilitates negotiation.

That said, a senior Commission official indicated that the Parliament tends to over-estimate its strength in delaying opinions and that the tactic can look like blackmail. This interviewee did though concede that timing was important and highlighted the case of the 2008 CAP Health Check reforms where a delay of just one more month might have jeopardised agreement due to the emerging commodity price crisis.

## 4.2. Other methods of influence

With specific regard to the CAP under the CP, Roederer-Rynning (2015) notes that the Parliament was able to exert some influence over the policy process, despite its lack of formal power with respect to agriculture at the time through other means. Many of these other means of influence remain relevant under the OLP and examples are provided for both the CP and the OLP periods in the analysis which follows; the importance of these other methods of influence in terms of CAP decision-making is of course less under the OLP where the Parliament can exert direct influence (see Chapter 5).

A European Parliament study (European Parliament, 2019) notes, *inter alia*, the Parliament's role, alongside the Council, in setting the EU budget in the context of the Multiannual Financial Framework and its stronger role in the discharge procedure (implementation of the budget). The Parliament also performs scrutiny and control of the executive (i.e. the Commission), *inter alia* through Commission reports to Parliament on its activities and through its responses to parliamentary questions. In addition, the Parliament plays a crucial role in the appointment and dismissal process of the Commission; this allows the Parliament a role in shaping the agenda of the incoming Commission. The Parliament also functions as a forum for debate and engagement, through which it can influence the political agenda and raise awareness of specific issues.

Roederer-Rynning (2003) explains that since the first direct elections to the Parliament in 1979, the Parliament has developed a distinct political agenda, which notably includes issues such as the environment and animal welfare, and has become more inclined to represent the majority of civil society which is not in the farm sector. The sub-sections which follow examine the other ways in which the Parliament has been able to exert its influence over the CAP.

### 4.2.1. The European Parliament's role in the budgetary procedure since 1975

Pouwels and Calatozzolo (2022) explain that the Parliament's role in the budgetary process has been gradually enhanced over time. Ultimately, the Lisbon Treaty gave Parliament an equal say with the Council over the entire EU budget. Benedetto (2019a) argues that, although the powers of the Parliament over the annual budget may have been reduced under the Lisbon Treaty, the Parliament's power over the multiannual financial framework (MFF) is enhanced and the Parliament can extract significant concessions through threat of veto. However, prior to 1970, Parliament had only a consultative role. This did not though, prevent budgetary issues linked to the CAP.

De Feo (2016) explains that one of the most serious crises in the history of the EU took place in 1965 when the French government, which regarded the financing of the CAP as its highest priority, clashed with the other (five at the time) Member States over the budget and other policy demands on it. In essence, France wanted to further develop the CAP while the other Member States wanted, *inter alia*, to introduce more democratic control and strengthen the power of the European Parliament. Following a mandate from the Council, the Commission presented a proposal in March 1965 which comprised three pillars:

- the financing of the CAP;
- own-resources for the EEC;
- strengthening the budgetary powers of the European Parliament.

Agreement could not be reached, and after a Commission offer to present a new compromise was rejected by France, France decided to boycott all Community activities resulting in the so-called 'Empty Chair' Crisis. By February 1966 the conflict was patched up by the Luxembourg Compromise, but it was not until the Treaty of Luxembourg<sup>42</sup> in 1970 that the Parliament was given the final say on 'non-compulsory expenditure' (NCE), which at the time amounted to 8 % of the budget; the Council retained sole control over 'compulsory expenditure' (CE) (Rittberger 2005; Benedetto, 2019b).

While the Treaty of Luxembourg did not give the Parliament a role in shaping legislation and budget, it did mark the start of the expansion of Parliament influence over budgetary and legislative activities within the EU (Rittberger 2005). Certainly, the Parliament saw its budgetary competences as a means to achieve more active participation in the legislative process (De Feo, 2016).

The Parliament's role expanded again in 1975 under the Treaty of Brussels<sup>43</sup> when it obtained the right to reject the budget as a whole (Benedetto, 2019). Under this arrangement, the Council and Parliament each engaged in two readings in the course of the budgetary procedure, at the end of which, the Parliament could either adopt the budget or reject it as a whole. The ability to reject the budget gave Parliament some leverage over legislation.

De Feo (2016) explains that the Parliament focused its ability to influence legislation after the Treaty of Brussels on regional policy, the European Social Fund, research, information policy, structural measures for agriculture, and development aid. In terms of NCE, administrative expenditure, the Parliament introduced budget cuts concerning the agricultural sector specifically in relation to consultative committees. Ackrill (2000b) points out though that the areas of activity over which Parliament has financial control, NCE, remained subordinate to CE (mainly CAP guarantees) controlled by the Council. Cunha and Swinbank (2011) state that as much as 80 % of

<sup>42</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:11970F/TXT>

<sup>43</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11975R/TXT&from=EN>

CAP expenditure was classed as CE and that the Parliament's influence on the CAP through the budgetary instrument was very limited as a result.

Benedetto (2019b) explains that the Parliament first failed to agree the 1980 budget following the introduction of direct elections in 1979. The rejection was the result of Parliament's dissatisfaction with the budget share that the Council had devoted to agriculture rather than regional development aid and the restructuring of declining industries (European Community News, 1979). The resulting compromise involved a greater share of the budget for social, regional, energy and industrial needs, as well as greater emphasis on the needs of Mediterranean farmers (Willis and Fouquet, 1981).

The Parliament next rejected the 1985 budget, this time because the budget did not provide sufficient revenue for the full year (Hansard, 1985), partly the result of a lack of financial provision for the accession of Portugal and Spain (Mény, 2009); the resulting compromise increased the budget for agricultural and food aid expenditure.

Further budgetary disagreements followed (see section 2.2.2 for the impact of these on the CAP) and it became clear that a solution was required. Mény (2009) reports that in 1987, the Commission, chaired at the time by Jacques Delors, proposed radically altering the budgetary procedure by introducing the principle of multiannual financial programming. The first multiannual funding (renamed the multiannual financial framework, MFF, in 2009 under the Lisbon Treaty) was duly agreed for the 1988-1992 period. This included an agriculture guideline which limited the annual growth of farm expenditure to 74 % of the annual growth of the EEC's gross national product (Roederer-Rynning, 2003). The MFF did not replace the annual budgetary procedure, but did enforce budgetary discipline, improve the functioning of the annual budgetary procedure and improve cooperation between the institutions on budgetary matters, and ensure sound financial management (Pouwels and Calatozzolo, 2022).

From the introduction of multiannual financial programming until the Lisbon Treaty in 2009, the European Parliament had the power, along with the Council and the Commission, to vote to return to annual budgeting. Since the Lisbon Treaty, a failure to agree a new MFF means that the previous one rolls over to the new period (Benedetto, 2019a and 2019b).

Pouwels and Calatozzolo (2022) explain that the Lisbon Treaty introduced budgetary co-decision, including a conciliation committee for all expenditure, and, amongst other things, removed the distinction between NCE and CE. The Parliament has to provide its consent to the MFF, but it cannot propose amendments (Pavy, 2022). The MFF for the 2014–2020 period was the first to be covered under the new rules.

The MFF sets expenditure ceilings for broad categories of spending called headings (Delasnerie, 2022). Maximum budgets for key elements of the CAP, such as direct payments and market expenditure (Pillar I) and rural development (Pillar II), are specified. This means that the Parliament cannot bring forward amendments to the budget for specific elements of the CAP, although the legislative details of these elements are subject to the OLP. Matthews (2014) reports extensively on the 2014-20 MFF in the context of its simultaneous negotiation alongside the 2013 CAP reform and concludes that including issues covered by the legislative proposals on the CAP in the MFF was problematic as it reduced the ability of the Parliament to exercise co-decision on the CAP. The same approach was taken to the 2021-27 MFF and the post-2020 CAP negotiations (Matthews, 2018).

The Parliament can still exert influence over the annual budget under the MFF. For example, Benedetto (2019a and b) explains that the Parliament obtained slightly higher expenditure in 2013 and 2014 within the 2014-2020 MFF, concessions of more flexibility in the MFF and a review of the budget's own resources. Greer and Hind (2012) report on the Parliament's (ultimately unsuccessful) attempt to extract an additional EUR 250 million for the fruit and vegetables sector in 2012 to compensate for the effects of an *Escherichia coli* outbreak in 2011.

In summary, the Parliament's increasing role in budgetary decisions was successfully used in the 1980s to exert some limited influence over the CAP budget. However, this influence was not exerted with the main intention of inducing specific changes to the CAP itself, rather with a view to changing the balance of budgetary expenditure between agriculture and other policy areas. Under the Lisbon Treaty, the Parliament has to provide its consent to the MFF, but cannot suggest amendments; given the inclusion of CAP budgetary headings in the MFF, this reduces the Parliament's ability to influence the CAP legislative proposals, although it has successfully negotiated small changes in the annual budget within the MFF.

#### 4.2.2. Committees of inquiry and special committees

Remáč (2019) notes that committees of inquiry are one of the most powerful instruments by which a parliament can hold the executive to account. Fromage (2020) explains that the introduction of the European Parliament's right of inquiry coincided with the first direct elections which took place in 1979. The rules governing committees of inquiry were amended in 1986 to reduce their scope to alleged contraventions of Community law or incidents of maladministration with respect to Community responsibilities.

Nine committees of inquiry were constituted between 1979 and 1992 (Corbett, 2016 and Beckedorf, 1995). Two of these were related to the agricultural sector. As Fromage (2020) reports, the first, the 1986/87 Committee on agricultural stocks, contributed to defining the future CAP. Corbett, *et al.* (2016) explained that the Committee investigated the causes and ramifications of agricultural surpluses at a time when debate on the reform of the CAP was at a crucial juncture. The Committee's conclusions<sup>44</sup> looked at internal and external measures to address the build-up of stocks and called for a shift from support based on market policies to aid based on structural policies that would decouple income support from production support (European Parliament, 1987). Corbett, *et al.* (2016) noted that the Committee contributed to shaping the reformed CAP and the de-stocking policy. The second Committee, the 1988/89 Committee on hormones in meat, endorsed the continuation of the Community's restrictive policy on this matter.

According to Fromage (2020), the Maastricht Treaty of 1992 put Parliament's right of inquiry on a constitutional footing. Since then, there have been seven committees of inquiry, two of which dealt with issues directly related to agricultural policy:

- the Temporary Committee of Inquiry into BSE, which had a mandate from September 1996 till February 1997.<sup>45</sup>
- the Committee of Inquiry on the protection of animals during transport, which had a mandate from September 2020 and reported in April 2022.<sup>46</sup>

An alternative committee-based tool does exist. This is the special (temporary) committee which can be established for a period up to 12 months. Some 24 such committees had been set up until the end of the last CAP decision-making process in 2021, of which, 20 were set up after 1993. Three of those dealt with an issue directly related to agriculture, although not the CAP specifically:

- Temporary Committee instructed to monitor the action taken on recommendations made concerning BSE following the committee of inquiry mentioned above (mandate April 1997 – November 1997).<sup>47</sup> This Committee had significant influence including the generation of considerable media interest, the enhancement of Parliament's

<sup>44</sup> European Parliament report A2-155/87.

<sup>45</sup> [https://www.europarl.europa.eu/conferences/19981130/bse/a4002097\\_en.htm#:~:text=The%20decision%20of%20the%20European,the%20jurisdiction%20of%20the%20Community](https://www.europarl.europa.eu/conferences/19981130/bse/a4002097_en.htm#:~:text=The%20decision%20of%20the%20European,the%20jurisdiction%20of%20the%20Community)

<sup>46</sup> <https://www.europarl.europa.eu/committees/en/anit/home/highlights>

<sup>47</sup> [https://www.europarl.europa.eu/doceo/document/A-4-1997-0362\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-4-1997-0362_EN.html)

reputation as an EU institution and the transfer of the Commission's DG AGRI's food hygiene remit to an expanded DG SANCO (now DG SANTE) in charge of health and food safety policies (Shackleton, 1998).

- Temporary Committee on foot and mouth disease (mandate January 2002 – December 2002).<sup>48</sup> This Committee dealt with a policy which falls under the mandate of DG SANTE.
- Special Committee on the EU authorisation procedure for pesticides – PEST (mandate March 2018 – January 2019).<sup>49</sup> The PEST Committee dealt specifically with a policy which falls fully under the mandate of DG SANTE.

In addition to these three committees with direct relevance to agriculture, three committees were established which touched on agriculture in the context of their broader mandate. These are:

- Temporary Committee on policy challenges and budgetary means of the enlarged Union 2007-2013 (mandate September 2004 – June 2005).<sup>50</sup>
- Temporary committee on climate change – CLIM (mandate May 2007 – February 2009).<sup>51</sup>
- Special Committee on policy challenges and budgetary resources for a sustainable European Union after 2013 – SURE (mandate July 2010 – June 2011).<sup>52</sup>

Committees of inquiry and special committees have 12-month extendable mandates and the outcome of both is a report. There are though some few notable differences, beyond the difference in legal basis noted above. Díaz Crego (2021) identifies the main other differences as:

- **Scope:** Committees of inquiry focus specifically on contraventions and maladministration in implementation, while special committees can examine any issue.
- **Procedure for establishing:** A committee of inquiry may be set up at the request of one quarter of MEPs, although the final decision needs to be adopted by a majority in plenary, while special committees can be set up by the Parliament following a proposal by the Conference of Presidents of the political groups.

Díaz Crego (2021) explains that the general rule set out in Article 2(2) of Decision 95/167/EC is that hearings and testimonies before Parliament's committees of inquiry take place in public. However, proceedings can take place behind closed doors if requested by 25 % of Committee Members, national authorities or if sensitive information is considered. Committees conclude their work with the publication of a report. Both public hearings and the report mean that the deliberations and findings of committees can signal Parliament's position to other actors and thereby, in theory and amongst other things, can influence the development of legislation.

Some of the committees which are related to agricultural policy did have a significant impact. For example, Shackleton (1998), Roederer-Rynning (2003) and Vincent (2004) report on the reorganisation of the agricultural services of the Commission following the BSE Committee of Inquiry with the resultant increase of powers for DG SANTE (then DG SANCO, also covering consumer issues), the establishment of the European Food Safety Authority (EFSA), and the emergence of a supply chain approach to ensuring food safety in the EU (White Paper on Food Safety).<sup>53</sup> Roederer-Rynning (2003) goes on to say that this diminished the political influence of the

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<sup>48</sup> [https://www.europarl.europa.eu/doceo/document/A-5-2002-0405\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-5-2002-0405_EN.html)

<sup>49</sup> <https://www.europarl.europa.eu/committees/en/archives/8/pest/home/welcome-words>

<sup>50</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52004DP0005&from=EN>

<sup>51</sup> <https://www.europarl.europa.eu/committees/en/archives/6/clim/home/presentation-competencies>

<sup>52</sup> <https://www.europarl.europa.eu/committees/en/archives/7/sure/home/presentation-competencies>

<sup>53</sup> <https://op.europa.eu/en/publication-detail/-/publication/6d4b523b-dad8-4449-b2b4-9fa9b0d6e2be>



AGRI committee on the Commission and intensified cooperation between the ENVI Committee and the Commission, to some extent increasing the interests of consumers at the expense of producers. Roederer-Rynning sees this as a defining moment in shifting political resources away from producers towards consumers and in providing consumer and environmental groups with the opportunity to expand their influence. Furthermore, Shackleton (1998) argued that the 1996 committees of inquiry showed the Parliament's contribution to the scrutiny of Community policies, bringing the Parliament's work to the attention of the larger public when compared to its traditional activity in relation to legislation or the appointment of the Commission.

Shackleton (1998) reports that the Temporary Committee instructed to monitor the action taken on recommendations made concerning BSE, although not directly related to the CAP, prompted discussion around the future of the CAP with Commission President Jacques Santer noting that European agriculture would have to be more directed towards quality, the environment, animal welfare, the return to more natural means of production and a simplification of legislation.

However, apart from the 1986/87 Committee on agricultural stocks, none of the committees that have been constituted have been close enough to the CAP to exert any direct influence over the decision-making process to date; an interviewee with a long history of commenting on the CAP explained that Parliament's committees of inquiry have had no obvious role in relation to the CAP decision-making process. That said, the Committee of Inquiry on the protection of animals during transport, which reported in January 2022, calls for dedicated CAP funds to be devoted to animal welfare issues in transport and for the upcoming CAP reform to maintain and reinforce the link between increased CAP payments and improved animal welfare conditions which fully abide by or go beyond the standards of Regulation (EC) No 1/2005.<sup>54</sup> An interviewee explained that this is likely to provide some further impetus for the consideration of animal issues within the CAP in future reforms.

#### 4.2.3. Written and oral parliamentary questions

Parliamentary questions are one of the oldest and most-used scrutiny tools available to the European Parliament. Two categories of parliamentary questions are of relevance to the scope of this study: oral questions and written questions. Current rules are set out in the Rules of Procedure for the 2019-2024 Parliament (European Parliament, 2022):<sup>55</sup>

- Rule 136 sets out the rules with regard to questions for oral answer with debate. These questions may be put to the Council, the Commission or to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy by a committee, a political group or Members reaching the low threshold.<sup>56</sup>
- Rule 138 sets out the procedure for written questions. Any Member, a political group or a committee may pose questions for a written answer to the President of the European Council, the Council, the Commission or the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy. Each Member, political group or committee is limited to a maximum of twenty questions over a rolling period of three months. While questions must be answered within six weeks, a question can be designated a priority, in which case it must be

<sup>54</sup> <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32005R0001>

<sup>55</sup> Rule 139 covers major interpellations for written answers which must be of general interest and so are not relevant in the context of the CAP decision-making process.

<sup>56</sup> The low threshold is defined under Rule 179 as meaning one-twentieth of Parliament's component (European Parliament, 2022).

answered within three weeks. Questions and answers are published on the Parliament's website.<sup>57</sup>

Written questions tend to address a more specific audience and to be more specific. Kaniok and Kominková (2019) explain that a total of 31 136 questions were asked in the 2004-2009 period and 54 764 in the 2009-2014 period. Written questions are by far the dominant type of questions accounting for 89 % of all questions in the 2004-2009 period and 97 % of all questions in the 2009-2014 period.

In contrast, according to Kaniok and Kominková (2019), questions for oral answer with debate tend to be used where the issue under question is broad and the poser wishes to address a wider audience and express a general position. Guinaudeau and Costa (2022) consider oral questions to be 'a key-moment in the deliberation of the EP'. Following the delivery of the answer in plenary by a Commission or Council representative, a motion for resolution may wind up the debate. This is true for around 20 per cent of the cases. They note that 7.4 % of oral questions concerned agriculture in the 2004-2019 period, which translates to approximately 370 oral questions.

According to the European Parliament's Legislative Observatory (OEIL), there were two examples of oral questions related to the CAP which concluded with a resolution in the 4<sup>th</sup> parliamentary term (1994-1999), the first a Resolution on the Agenda 2000 and the CAP reform on the subject of the agricultural point of view on enlargement,<sup>58</sup> and, the second, a Resolution on the CAP and the implications of certain trade agreements for agricultural producers in the European Union on the subject of agricultural production, farm surpluses, shortages and quotas, non-marketing premiums.<sup>59</sup>

There was one oral question related to the CAP which concluded with a resolution in the 5<sup>th</sup> parliamentary term (1999-2004). This was a Resolution on the mid-term review of the CAP on the subject of agricultural policy and economics.<sup>60</sup>

Two oral questions related to the CAP concluded with a resolution in the 6<sup>th</sup> parliamentary term (2004-2009). The first was a Resolution on the situation in the beekeeping sector on the subject of livestock farming.<sup>61</sup> The second was a Resolution on rising feed and food prices on the subjects of feedingstuffs; foodstuffs; consumers' economic and legal interests; and price policy and price stabilisation.<sup>62</sup>

Apart from written and oral questions, Parliament's Rules of Procedure also set out the format of question-time. It can be used to inform other MEPs about a topic, or to attract attention to the poser. The question-time format was discontinued in 2013 (Díaz Crego, 2022), but has been recently revived in April 2022. A search for the term 'CAP' within Question Time in the Parliament's Public Register of Documents returns 89 results of varying relevance between 2002 and 2011, showing MEPs' interest in scrutinising/questioning the Commission and the Council. These include questions relating to the 2008 fall in farm prices and the 2008 Health Check for the CAP (2008); questions on budget reform and the CAP, the prevention of soil erosion, the taking account of biodiversity in the CAP, the fair distribution of CAP payments and the distinction between active and non-active farmers (2010); innovation policies and the new CAP, the EU's biodiversity strategy,

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<sup>57</sup> <https://www.europarl.europa.eu/plenary/en/parliamentary-questions.html?tabType=wq#sidesForm>

<sup>58</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1998/2637\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1998/2637(RSP)&l=en)

<sup>59</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1996/2526\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=1996/2526(RSP)&l=en)

<sup>60</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2002/2598\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2002/2598(RSP)&l=en)

<sup>61</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2008/2645\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2008/2645(RSP)&l=en)

<sup>62</sup> [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2007/2641\(RSP\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2007/2641(RSP)&l=en)

the CAP and the MFF beyond 2103, the funding of the CAP post-2013 and prospects for the CAP in Europe (2011).

Roederer-Rynning (2003) reported on the use of parliamentary questions under the CP. She noted that at least until the early 1990s, questions relating to agriculture and the CAP tended to be asked by Members of the AGRI committee, who generally did not ask questions related to non-agricultural topics such as the environment or the regions. Likewise, Members of the ENVI Committee tended to focus exclusively on questions related to the environment. However, this pattern broke down in the 1999-2001 period when written questions on agriculture were tabled by all committees and oral questions on agriculture at question time were put by Members of 13 committees. Although AGRI remained the single committee which asked the most questions on agriculture and the CAP, more than half the questions on this topic were in fact asked by a combination of the Budget, Economic and Monetary Affairs, Environment and Regional Development Committees. Roederer-Rynning argues that this opening up of questions on agriculture and the CAP demonstrates the greater integration of non-agricultural concerns into agricultural policy.

It is one thing to note an increasing interest in agricultural and CAP matters in the wider Parliament, but quite another to demonstrate any impact that questions might have had on CAP reform. In fact, none of the interviewees for this study felt that written or oral parliamentary questions had any impact on the CAP decision-making process.

One long-standing commentator on the CAP felt that while parliamentary questions could be good for putting the Commission on the spot on market-related issues, they had no bearing on the CAP decision-making process. Another added that, understandably, written questions tend to be based on constituency issues, although they can raise the prominence of an issue. A senior Commission official concurred that written questions at least have had no influence on the CAP decision-making process with the answers often being fairly generic and drawing on already available information. On the other hand, this interviewee felt that responses to oral questions, which need to have a broader focus in order to be tabled for the plenary and the answers for which require some preparation, can sometimes attract attention and can be used to convey specific points and concerns to the Commission. The number of questions asked is not considered by this interviewee to be a good metric with which to judge effectiveness; many questions are considered unnecessary because the answers are already in the public domain. In summary, another interviewee explained that written and oral questions are posed, answered, and that is it.

#### 4.2.4. Approval of the European Commission

Initially, the European Parliament played no role in the appointment of the Commission President. Under the Maastricht Treaty (1992), Parliament had to be consulted by Member States before they nominated a Commission President (Kotanidis, 2019a). Under the Amsterdam Treaty (1997), the Member States' nominee had to be approved by Parliament. Since the Lisbon Treaty (2007), Parliament elects (by an absolute majority) the Commission President once a candidate for the post is nominated by Member States taking account of the European election results.

Since 1995, the candidates proposed by each Member State as commissioners for the different portfolios have to go through a hearing process conducted by parliamentary committees in their respective fields of responsibility to assess their suitability for the post (Díaz Crego, 2019). To this end, each candidate commissioner is invited for a live-streamed, three-hour hearing in front of the committee or committees responsible for their proposed portfolio. Since 2004, Parliament has used its role to push for the replacement of some controversial candidates and to seek changes in the allocation of certain portfolios. However, the Parliament is only able to reject or accept the College as a whole (Díaz Crego, 2019).

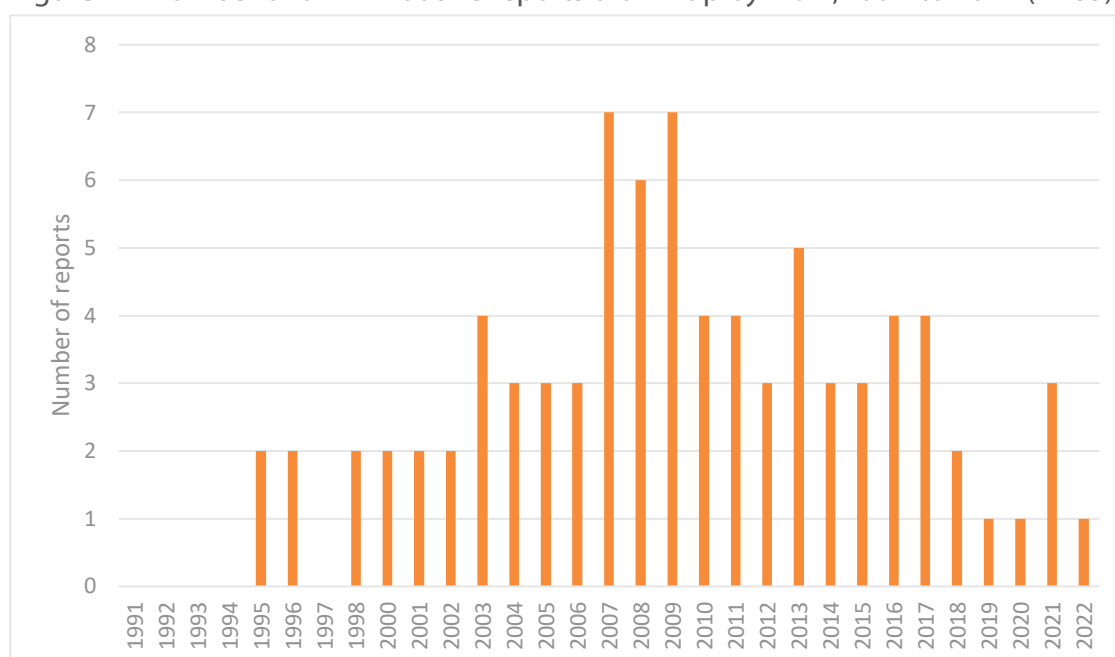


A negative evaluation has prompted candidates in the past to withdraw from the process and has led to significant changes in the composition of the Commission. Examples include the reshuffling of the Barroso Commission (2004 - 2009) in response to the Parliament's negative evaluation of certain candidates proposed by the Member States.

Some interviewees have indicated that this process provides an important opportunity for AGRI and other committees to signal their views; one called this a 'game changer' for the Parliament being taken seriously. The first Commissioner for agriculture to experience any difficulty in a hearing was the current Commissioner, Janusz Wojciechowski, who underwent two hearings prior to his appointment in 2019, during which MEPs insisted on his views on the reform of the CAP and on whether he was considering tabling new legislative proposals. Key topics raised by MEPs in their questioning included *inter alia* how he intended to boost the environmental performance of the CAP, support young farmers and small farms, ensure that direct payments reach genuine farmers, and that EU farmers and EU standards are not negatively affected by free-trade deals. These are some of the key topics which the Parliament pursued during the negotiations leading to the 2021 reform, as outlined in section 5.4. As such, the hearings clearly demonstrated to the Commissioner-designate the issues with which Parliament was most concerned. One interviewee explained that both Commissioner Phil Hogan and Commissioner Wojciechowski made pledges about what they would (and would not) do in their respective hearings.

#### 4.2.5. Own-initiative reports

Figure 2 – Number of own-initiative reports drawn up by AGRI, 1991 to 2022 (n=83)



Note: search performed September 2022, therefore 2022 data point is incomplete at the time of writing.

Source: Author's compilation from the Parliament Legislative Observatory.

Current rules on own-initiative reports are set out in Rule 54 of the Rules of Procedure (European Parliament, 2022). In 2002, the Conference of Presidents adopted a decision establishing relevant implementing provisions.<sup>63</sup> A key rule is that committees can draw up own-initiative reports only with the authorisation of the Conference of Presidents. These reports typically lead to a Parliament

<sup>63</sup> [https://www.europarl.europa.eu/cmsdata/199160/F1\\_EN.pdf](https://www.europarl.europa.eu/cmsdata/199160/F1_EN.pdf)

resolution adopted in plenary laying down recommendations on the subject of the report, and a follow up response from the Commission (within three months) on how it proposes to address the recommendations made.<sup>64</sup>

According to the European Parliament's database for monitoring the EU decision-making process (European Parliament's legislative observatory - OEIL),<sup>65</sup> during the period 1991 to September 2022 there have been 83 own-initiative reports for which the AGRI committee was the responsible committee, with one to seven reports produced per year (Figure 2). A search through the database for the total number of own-initiative reports produced by the various parliamentary committees over the same period returns 2 729 results, suggesting that those under the responsibility of the AGRI committee are just over 3% of the total. To these should be added reports of other Committees to which AGRI provided an opinion (182 own-initiative reports).

The total number of own-initiative reports is not in itself a meaningful metric of the importance and impact of the reports; this is reflected rather in the follow-up action taken.

Cunha and Swinbank (2011) explain that the Parliament's own-initiative report on the Commission's 'Reflections' document setting out the basis for the 1992 MacSharry reform criticised the Commission's proposals for lacking ambition and for not having an overall strategy. However, the authors state that 'the Commission took no great account of the report'. They add that the report was also published too late to influence the negotiations and that Parliament, in seeking a broad compromise between Member State's views and farmer lobbies' interests, 'played a marginal role in the negotiation and had no influence on the final agreement'.

The Parliament took a two-stage approach to the Agenda 2000 reform (Cunha and Swinbank, 2011). First it produced an own-initiative report (adopted in June 1998) with the intent to force the Commission and the Council to hold a general debate on the CAP that would provide a framework for the analysis of more specific own-initiative reports responding to the detailed proposals. Sectoral reports were duly published in January 1999. Although there were some inconsistencies between the overarching report and those dealing with the specific proposals, Parliament was able to express, by a huge majority, its political positions on future guidelines for the CAP. Indeed, forestry measures under the rural development pillar of the CAP were extended following a request from the Parliament for a legislative proposal on European forest strategy; the Parliament's request was explicitly acknowledged in the Commission's proposal.<sup>66</sup> However, Cunha and Swinbank conclude that the resignation of the Santer Commission in March 1999 meant that 'Parliament had little opportunity to influence the final outcome'.

Cunha and Swinbank (2011) do not explicitly mention own-initiative reports in connection with the Fischler reform of 2003 and state that the real influence of the Parliament on the final outcome is difficult to assess. They do note though that the Council's final compromise largely reflected Parliament's concerns. Garzon (2006), on which Cunha and Swinbank rely, found that the Parliament, through the AGRI committee, played an important role in helping to devise a political compromise on decoupling which went far beyond its institutional role at the time in anticipation of its future role as co-legislator.

Own-initiative reports retain their relevance post-Lisbon, with Parliament co-deciding on the CAP under the OLP. A selection of reports produced by the AGRI committee during the period leading up to the 2021 CAP reform that are of relevance to the negotiations is provided in Table 2. As

<sup>64</sup> The European Parliament is systematically tracking how the Commission responds to Parliament's requests expressed in its resolutions on own-initiative reports and also how the Commission delivers on the commitments taken in its follow-up notes. See 'European Commission follow-up to European Parliament requests', editions [2017-2019](#) and [2019-2021](#).

<sup>65</sup> <https://oeil.secure.europarl.europa.eu/oeil/>

<sup>66</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51998PC0158\(02\)](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:51998PC0158(02))

indicated in the list, many reports of relevance to the impending Commission proposals of 1 June 2018 were produced during 2017 and 2018, leading to resolutions adopted at plenary in May 2018. Some of the recommendations made in the resolutions already point to the Parliament's position before and during the negotiations and the final influence it exerted in the 2021 CAP reform (as outlined in section 5.4).

The future of food and farming report, which provided comprehensive recommendations on the objectives and entire structure of the CAP, was published too late to allow the Commission to take on board the Parliament's recommendations contained within it. However, interviewees explained that many of the points in it featured in earlier reports and were already considered in the Commission proposals. Many of those that were not considered were subsequently added through the Parliament's amendments.

Own-initiative reports therefore play a role in highlighting the Parliament's position and the orientation it will take during the negotiations on the main points of interest. It is also noted that some of the points made in the AGRI committee reports can be seen in the farm to fork and biodiversity strategies that were published by the Commission in May 2020 as part of the Green Deal; examples include the call for short supply chains<sup>67</sup> and for innovation in agriculture.<sup>68</sup> However, an interviewee cautioned that it is usually hard to determine the extent to which own-initiative reports are taken into consideration by the Commission because there is no before and after version of the Commission's thinking. Furthermore, AGRI provided opinions on own-initiative reports produced by other parliamentary committees. Notable examples include the Parliament's position on the MFF post-2020, which was drawn up by BUDG and stressed the need for continued support for agricultural policy as one of the long-standing EU policies enshrined in the Treaties;<sup>69</sup> and, the call for reinforcing support to lagging regions in the EU, which was drawn up by REGI.<sup>70</sup>

Table 2 – A selection of relevant own-initiative reports drawn up by the AGRI committee in the period leading to the 2021 CAP reform

Report title [ref]	Outcome (Parliament resolution) and key points
<a href="#">Future of food and farming</a> [2018/2037(INI)]	<b>Resolution adopted by the Parliament on 30/05/2018</b>  Key points of relevance: The resolution sets out the CAP reform priorities, calling <i>inter alia</i> for modernisation and simplification alongside increased flexibility to Member States and their regions to cope with their specificities while rejecting renationalisation. The resolution also calls for adequate funding and rejects the 25 % reduction in the rural development budget for 2021-2027 as proposed by the European Commission on 2 May 2018.
<a href="#">Current situation and future prospects for the sheep and goat sectors in the EU</a> [2017/2117(INI)]	<b>Resolution adopted by the Parliament on 03/05/2018</b>  Key points of relevance: The resolution sets out improvements to support measures and incentives to address the vulnerabilities of sheep and goat farming, including <i>inter alia</i> voluntary coupled aid, agri-environmental payments, assistance to young farmers, as well as other market support policies to enhance price transparency and address crisis situations. The report takes into account <i>inter</i>

<sup>67</sup> One of the recommendations provided in the 2016 EP resolution on how the CAP can improve job creation in rural areas (2015/2226(INI); resolution adopted on 27/10/2016.

<sup>68</sup> One of the recommendations provided in the 2016 EP resolution on Technological solutions to sustainable agriculture in the EU (2015/2225(INI); resolution adopted on 07/06/2016.

<sup>69</sup> Next MFF: preparing the Parliament's position on the MFF post-2020 (2017/2052(INI)); resolution adopted on 14/03/2018.

<sup>70</sup> Lagging regions in the EU (2017/2208(INI)); resolution adopted on 13/03/2018.

Report title [ref]	Outcome (Parliament resolution) and key points
	<i>alia</i> the recommendations of the EU Sheepmeat Forum, held in 2015 and 2016, under the aegis of the Commission.
<a href="#">European strategy for the promotion of protein crops - Encouraging the production of protein and leguminous plants in the European agriculture sector</a> [2017/2116(INI)]	<b>Resolution adopted by the Parliament on 17/04/2018</b>  Key points of relevance: The resolution calls for a major European strategic plan for the production and supply of plant proteins to reduce the EU livestock sector's dependence on imports of vegetable proteins and the risks associated with price volatility in international markets. Recommendations include the provision of support under the CAP, such as voluntary coupled payments, greening payments and agri-environmental measures, to promote the cultivation of vegetable protein crops such as soya, alfalfa, broad beans, peas and legumes in the EU.
<a href="#">Implementation of CAP young farmers' tools in the EU after the 2013 reform</a> [2017/2088(INI)]	<b>Resolution adopted by the Parliament on 29/05/2018</b>  Key points of relevance: The resolution calls for support to young farmers to be enhanced, acknowledging that despite the series of tools introduced in the 2013 CAP reform the number of young farmers and the area of farms cultivated by young farmers in the EU continues to decline. Recommendations <i>inter alia</i> include enhanced support to young farmers, through the existing 'Young Farmer Scheme' and a new start-up aid measure for young farmers, as well as administrative simplification of direct payments and rural development measures to encourage young people to move into farming.
<a href="#">State of play of farmland concentration in the EU: how to facilitate the access to land for farmers</a> [2016/2141(INI)]	<b>Resolution adopted by the Parliament on 27/04/2017</b>  Key points of relevance: The resolution calls for incentives to be considered in the context of the post-2020 CAP reform that aim to combat the concentration of agricultural land, including <i>inter alia</i> degressive support, ceilings, and an adjusted direct payments scheme that gives added weight to the first hectares, as well as direct aid to small farms.
<a href="#">How can the CAP improve job creation in rural areas?</a> [2015/2226(INI)]	<b>Resolution adopted by the Parliament on 27/10/2016</b>  Key points of relevance: The resolution provided recommendations <i>inter alia</i> for the future CAP after 2020. These included the simplification in CAP procedures and the provision of sufficient funding to halt the loss of small and medium-sized farms in the EU. It calls for the maintenance of direct payments, but to be allocated only to persons whose main area of activity is agriculture. It also stresses that ensuring food security in the EU must remain the primary principal action under the future CAP.

Source: Author's compilation from the Parliament Legislative Observatory.

#### 4.2.6. Interaction with stakeholders

Stakeholders (professional organisations and civil society groups) have always interacted with the Parliament. Under the CP, interviewees from professional organisations and NGOs explained that they held conversations with individual MEPs on wider political issues, and often within the national context, the idea being that MEPs would then push their positions at the national level.

Under the OLP, stakeholders tend to engage with Parliament much more at the European level and the debate has become more technical. One interviewee commented that the Parliament is much more open to hear the views of civil society and stakeholders post-Lisbon Treaty. This interviewee explained that while the Parliament used to be the last institution with which its organisation engaged, now it is the first. However, a different interviewee explained that it is important for

stakeholders to carry out detailed preparatory work with the Commission before shifting focus to the Parliament (and the Council) during the legislative process.

In accordance with their ability to influence the CAP, stakeholders tend to have a hierarchy of engagement with rapporteurs at the top, followed by shadow rapporteurs, influential MEPs and political groups. While relationships are developed more widely, it is not possible for stakeholders to have relationships with each individual MEP. The relationship is not only one-way; MEPs contact stakeholders when they need assistance in gaining understanding on a specific issue or when they need help to draft an amendment. An interviewee explained that MEPs making contact are not limited to Members of involved committees and that dialogue with MEPs who take a different view to the stakeholder can also be valuable to highlight potentially difficult areas and areas in which a compromise might be reached.

Stakeholders provide briefings to MEPs to inform them on issues with which they are concerned. Information tends to be increasingly targeted to the specific MEP or political grouping to ensure that the message has resonance. Some stakeholders suggest draft amendments to MEPs on (technically complex) issues that concern them and on which they have specific expertise.

In addition to stakeholders raising issues with MEPs, the Parliament can bring influence to bear through organised groups, both inside and outside of Parliament, which allow interaction directly with civil society. Of course, groups interacting with the Parliament can also use this opportunity to push their agendas. Greer (2017) notes that co-decision intensified contacts between stakeholders and the Parliament and the broadening of interest in the CAP anticipated by Greer and Hind (2012) did therefore materialise.

## Intergroups

Roederer-Rynning (2003) points to interaction between the Parliament and citizens, mainly via organised groups, as another means of influence outside the formal procedures. She reports that the interest that organised groups have taken in the Parliament has increased as the Parliament has grown in stature. A key event in the development of this interaction under the CP on food and farm issues was the 'mad-cow' or BSE crisis which triggered greater public interest in food safety and the transparency of EU policies. By linking themselves to the Parliament, organised groups representing the various interests of civil society gain a platform on which to raise their concerns.

Intergroups are unofficial groupings of MEPs drawn from at least three political groups who are interested in a particular topic that does not necessarily fall within the scope of the Parliament's normal work but may be of interest to wider society.<sup>71</sup> It should therefore be noted that these are not forums in which the Parliament can formally exert any influence. Intergroups hold informal discussions and promote exchanges between MEPs and civil society and have been in existence since the first direct parliamentary elections in 1979 (Landorff, 2022). Intergroups are one of only two cross-party groupings, with the other being the political committees (Nedergaard and Jensen, 2014).

Mény (2009) explains that ground rules were introduced in 1995 to deal with the proliferation of intergroups and the lack of transparency surrounding them. Rule 35 of the 2019-2024 Parliament's rules of procedure sets out the conditions under which intergroups can be established at the start of a parliamentary term and their operating rules. A limited number of intergroups can be formed by Members of Parliament from any political group and any committee. Organisations providing financial assistance, human resources and equipment must be declared by the intergroup. Intergroups are not Parliament bodies and therefore may not express Parliament's opinion.

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<sup>71</sup> <https://www.europarl.europa.eu/about-parliament/files/organisation-and-rules/organisation/intergroups/en-rules-governing-the-establishment-of-intergroups.pdf>

The intergroups which are potentially relevant to the CAP are as follows. Some of these were already active under the CP, while others have been established post-Lisbon Treaty:

- **Biodiversity, hunting, countryside (established 1985).** Human resources are provided by the European Federation for Hunting and Conservation (FACE) and European Landowners' Organisations (ELO).
- **Climate change, biodiversity and sustainable development (established 1994).** Human resources provided by European Bureau for Conservation and Development (EBCD).
- **Green New deal (established 2007).** No information is available in its 2021 declaration of financial interests.
- **Rural, mountainous and remote areas (RUMRA) and smart villages (established 2014).** Human resources and equipment provided by Future of Rural Energy in Europe (FREE).
- **Welfare and conservation of animals (established 1983).** Human resources are coordinated by Eurogroup for Animals.
- **Wine, spirit and foodstuffs (established 2014)**<sup>72</sup> No outside resources provided.

Intergroups provide a forum in which civil society groups can represent their interests with MEPs. Historically, the intergroup on the welfare and conservation of animals is considered to be the most powerful intergroup (Nedergaard and Jensen, 2014; Landorff, 2022). This intergroup has been in existence since 1983 and has provided a cross-party platform for MEPs to discuss and exchange views on animal welfare issues. In addition, this intergroup has worked on reports, resolutions and amendments, has asked parliamentary questions, sent letters to authorities and organised internal and public events.<sup>73</sup>

According to the intergroup's website, many of its actions have resulted in improvements in legislative proposals or triggered own-initiative reports. Nedergaard and Jensen (2014) also provide examples of the success of this intergroup, especially in relation to the long-distance transportation of animals. The intergroup has also held meetings on animal welfare in the context of the CAP reform negotiations, for example, on 19 December 2019.<sup>74</sup> This session included a report on the state of play in the negotiations from Maria Noichi MEP, shadow rapporteur for the CAP strategic plans dossier.

Landorff (2022), in her analysis of the intergroups in the 2014-2019 Parliament shows that Members of Eurogroup for Animals spoke at 23 of the 56 intergroup meetings and delivered interventions meaning that there was ample opportunity for Eurogroup to convey their views to MEPs of the intergroup. This demonstrates that intergroups can offer civil society groups repeated access to MEPs to represent their particular interest.

Nedergaard and Jensen (2014) explain that intergroups are important for crafting ideas which might eventually be picked up by other actors and turned into real policies; they also provide a space in which a wider consensus can be built across political groups and nationalities on specific issues. Although Nedergaard and Jensen state that intergroups usually attempt to come up with policy solutions to specific problems rather than suggesting entirely new policies, this is not always the case. An interviewee told us that intergroups are a good way to have exchanges and to think about forward looking policy making. An example of this is the work done by the RUMRA and smart villages intergroup around the specific needs of rural, mountainous and remote areas.<sup>75</sup>

<sup>72</sup> Wine was the focus of a previous intergroup on viticulture, quality and tradition founded in 1994.

<sup>73</sup> <https://www.animalwelfareintergroup.eu/what-we-do/objectives>

<sup>74</sup> <https://www.animalwelfareintergroup.eu/calendar/cap-reform-and-animal-welfare>

<sup>75</sup> <https://www.smart-rural-intergroup.eu/european-rural-agenda/>



It is also the case that simply by being a member of an intergroup, MEPs show their support for the groups' area of interest which demonstrates support within Parliament for certain topics. This policy signalling is visible to the Commission and Council when formulating their own positions. Nedergaard and Jensen (2014) also note that MEPs use membership of intergroups to signal their interest in issues to their constituents and civil society groups.

## Thinktanks

While the relevance of thinktanks has increased in importance in recent years, i.e. post-Lisbon Treaty, some thinktanks were in existence under the CP, although none appear to have focused specifically on the CAP. As with intergroups, thinktanks are not forums through which the Parliament itself can formally exert any influence. Although there are several thinktanks which take an interest in the CAP, and these can be used to both inform and influence MEPs and provide a platform for their views, two in particular were mentioned by interviewees as being particularly relevant in the context of the CAP, albeit for their work under the OLP. These are profiled below.

The **RISE Foundation (Rural Investment for a Sustainable Europe)** was established in 2006 by the former Commissioner for Agriculture, Rural Development and Fisheries, Franz Fischler and his Chief of Staff Corrado Pirzio-Biroli and is now run by the former Commissioner for the Environment, Janez Potocnik with the support of the European Landowners' Organization (ELO) and the Friends of the Countryside (FCS). Current board members include Paolo De Castro MEP, member of the AGRI committee. Although established under the CP, the first RISE report was published in June 2009,<sup>76</sup> so shortly before the Lisbon Treaty entered into force.

The stated aim of RISE is to inject new ideas and innovation into agricultural and rural development policy to improve European agriculture, the environment and the future prospects of rural areas. RISE brings together experts to develop research reports with a focus on environmental-climate-agricultural challenges. Public events are held to launch reports and hold discussions on specific topics. These events often include MEPs such as the Green Recovery for Agriculture event held in October 2020 at which Norbert Lins MEP, Chair of AGRI and Pascal Canfin MEP, member of ENVI appeared on the panel.<sup>77</sup>

RISE has released reports which contributed to CAP reform debates including on 'Public goods from private lands' (Buckwell, 2009) and 'CAP: thinking out of the box. Further modernisation of the CAP – why, what and how?' (Buckwell, *et al.*, 2017). The RISE Foundation has also contributed to reports commissioned by the Parliament such as 'What tools for the European agricultural policy to encourage the provision of public goods' (Hart, *et al.*, 2011).

**Farm Europe** was founded in 2015. Its stated aim is to stimulate thinking on rural economies in the European Union. It focuses on all policy areas that impact on rural business with a strong emphasis on agriculture and food policies, particularly the CAP, but also food standards, the food chain, environment, energy and trade issues. Farm Europe believes that networking and the confrontation of ideas can generate and offer decision-makers ambitious, innovative, forward looking political alternatives. Farm Europe considers itself an active player in the European project, designing and promoting forward looking ideas.

Contributors to Farm Europe include Yves Madre, senior advisor to former Commissioner for Agriculture, Rural Development and Fisheries, Dacian Cioloş, now MEP and AGRI Member, and Antonella Rossetti, chief advisor to Paolo De Castro MEP when he was Chair of AGRI in the 7<sup>th</sup> parliamentary term (2009-2014). Other contributors include João Pacheco, a former Deputy Director-General of DG AGRI.

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<sup>76</sup> <https://risefoundation.eu/publications/>

<sup>77</sup> <https://risefoundation.eu/12-10-2020-a-green-recovery-for-agriculture/>

Farm Europe publishes a blog which sets out its position on topics relevant to its areas of interest, including the CAP, and also holds events at which MEPs, DG AGRI staff, national agricultural Ministers and stakeholders discuss issues relevant to the CAP decision-making process; for example, wine sector reforms in the context of the CAP, held in May 2021 which featured contributions from Pina Picierno MEP and Irène Tolleret MEP, both substitute Members of AGRI.<sup>78</sup> Evidence from the Farm Europe website suggests that the group is very much aligned with the Parliament perspective in terms of the CAP decision-making process and therefore acts as a multiplier of the Parliament's view.<sup>79</sup>

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<sup>78</sup> [https://www.farm-europe.eu/wp-content/uploads/2021/04/WEBMINAR-The-reform-of-the-CAP-03052021\\_page-0001.jpg](https://www.farm-europe.eu/wp-content/uploads/2021/04/WEBMINAR-The-reform-of-the-CAP-03052021_page-0001.jpg)

<sup>79</sup> See for example, "CAP: European Parliament votes in favour of a triple-performance agricultural policy" posted on 21/10/2020. <https://www.farm-europe.eu/2020/10/>



## 5. The European Parliament's role in CAP decision-making under the ordinary legislative procedure

### 5.1. The ordinary legislative procedure as applied to CAP decisions

Co-decision was first introduced in a number of policy areas other than the CAP in 1992 under the Maastricht Treaty. Crombez and Swinnen (2011) note that this change formally recognised the parity between the Parliament and the Council as legislative bodies and granted the Parliament involvement in the legislative process.

The 2009 Treaty on the Functioning of the European Union (Lisbon Treaty) extended co-decision to agriculture and renamed it the ordinary legislative procedure (OLP) (European Parliament, 2020). Roederer-Rynning (2015) explains that this was in the face of some resistance due to unsettled constitutional issues relating to the exact distribution of power between Council, Parliament and the Commission. There was also increasing political sensitivity around the CAP given rising unemployment and pressure to reduce public expenditure which meant that many Member States were reluctant to relinquish full control by involving the Parliament in CAP decision making.

The Commission holds the 'right of initiative', i.e. the prerogative to propose legislation at Union level, under Article 17 TEU (European Parliament, 2020). The OLP starts with a legislative proposal from the Commission and consists of up to three readings by the Parliament, although it is increasingly common for OLP acts to be adopted at first reading.<sup>80</sup>

➤ **First reading.** Although the Parliament and the Council examine the Commission's proposal in parallel, the Parliament acts first via a vote in plenary to either (i) approve the proposal without amendments; (ii) amend the proposal; or (iii) reject the proposal. The Council then either accepts the Parliament's first reading, accepting or rejecting the proposal, or it makes amendments of its own, in which case the file returns to Parliament for a second reading. There is no time limit at this stage for either Parliament or Council. As Knops and Swinnen (2014) point out, there is now a tendency for trilogues to take place between the three institutions to agree a position before it is submitted for first reading.

➤ **Second reading.** If the Council has made amendments, then these are put to a second reading of the Parliament. The Parliament, via plenary, can accept or reject the Council's amendments leading to the adoption or rejection of the proposed legislation. The Parliament can also adopt amendments to the Council's position, in which case, the Commission provides an opinion on the amendments. The Council in turn can then accept these amendments, either by a qualified majority or unanimously if the Commission has provided a negative opinion, resulting in the proposed legislation being adopted. The second reading is time-limited with a three-month period (extendable by one month) for Parliament. This period starts on the announcement of the Council's position at first reading in plenary (if no vote is taken within this time period the Council's position is adopted). The Council also has three months with its time starting from referral from the Parliament. However, if the Council only accepts certain amendments, the Conciliation Committee is convened. The

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<sup>80</sup> Some 28% of acts were adopted on first reading in the 1999-2004 Parliament, 72% in the 2004-2009 Parliament, 85% in the 2009-2014 Parliament and 89% in the 2014-2019 Parliament. This may suggest that committees are becoming better at achieving a compromise that plenary can accept: <https://www.europarl.europa.eu/olp/en/ordinary-legislative-procedure/overview>

Committee has six weeks (plus a two-week extension) to try to reach agreement through a series of trilogues between the institutions. If the Committee cannot approve a joint text within the time limit, the act is not adopted. If agreement is reached, a third reading is undertaken.

- **Third reading.** If agreement has been reached, the Parliament and the Council must adopt the act within a time period of six weeks (with a two-week extension). If approved by both, the legislation is adopted. If either Parliament or Council does not approve the legislation, then it is not adopted.

Essentially, the formal OLP can be split into two phases which take place once the initial legislative proposals have been produced by the Commission. These are examined in the sub-sections below.

### 5.1.1. Processing phase

Once a legislative proposal has been submitted to Parliament, the text must be referred to a responsible committee by the President. Other committees can be involved in various ways (European Parliament, 2020).

The lead committee is responsible for putting forward parliamentary amendments to the Commission's legislative proposals in plenary and for negotiating within the trilogue. Opinion-giving committees can submit amendments for the consideration of the lead committee on aspects of the text that fall within their responsibility, but if these are not accepted, the opinion-giving committee cannot put these amendments to plenary.

Once the committee structure has been agreed, the next step is to appoint rapporteurs and shadow rapporteurs within all of the involved committees (European Parliament, 2020). The rapporteur leads the Parliament's response to the legislative proposal through the parliamentary process and the interinstitutional negotiations. The rapporteur produces the lead committee's draft report on the Commission legislative proposal. Shadow rapporteurs, appointed by other political groups, present their amendments. The committee then discusses the rapporteur and shadow rapporteur positions before voting, by simple majority, on a committee position (there can be informal discussions to achieve compromise amendments before the vote). At this point, the committee tables its report for a vote in plenary.

Votes in plenary are generally preceded by a debate, during which additional amendments can be tabled by either the responsible committee, an associated committee (under certain circumstances, see below), by a political group or a group of individual Members reaching the low threshold.

The Parliament then votes by a simple majority on either rejecting the draft legislative act, amending it or adopting it as presented.

### 5.1.2. Negotiating phase

This is the phase in which the co-legislators, the Parliament and the Council, try to negotiate an agreed legislative text with the support of the Commission, the latter acting as an honest broker. Trilogues between the institutions can be used at any stage of the OLP and can lead to first, second or third reading agreements, or to a joint text during conciliation.

Trilogues are political negotiations, although they can be preceded by preparatory technical meetings attended by experts from the three institutions (European Parliament, 2020). Trilogues are focused around the four-column document. This comprises the Commission draft text, the co-legislators' respective positions, showing any suggested amendments to the draft text, and a compromise position for agreement.

Trilogues are chaired by the co-legislator hosting the meeting. Each institution explains its position, taken from its negotiating mandate, with the Commission acting as a mediator as the co-legislators attempt to find a compromise. Both Parliament and the Council can report back or seek new instructions on a regular basis according to their internal rules.

The frequency and number of trilogues depend on the nature of the file and on specific political circumstances (for example, the end of a parliamentary term). As a result of the rotating nature of the Presidency of the Council, there is usually pressure to conclude discussions before the end of their Presidency.

Once an agreement has been reached in trilogue, it is put to the Parliament and the Council in line with the procedure outlined above under the first, second or third reading.

## 5.2. Internal European Parliament dynamics

The Lisbon Treaty introduced a fundamental change in the Parliament's role in the CAP decision-making process. As discussed in Chapter 4, under the CP, Parliament had very limited influence over the process. However, the OLP made the Parliament a co-legislator with a much-expanded role (Chapter 5.1). Understanding Parliament's contribution to decision-making under the OLP therefore requires a more detailed examination of the role of the actors involved, namely the AGRI committee, the other committees and the plenary.

### 5.2.1. Political groupings

As alliances of national party delegations, political groups are unique to the European Parliament. In the absence of a European 'government', and with the Parliament as a co-legislator on equal footing with the Council, political groups guide proposals through the Parliament's legislative process and influence their content (Kontola, *et al.*, 2022).

Kontola, *et al.* (2022) also draws attention to the importance of national groupings within political groups; this is important in the context of the CAP where different Member States have different priorities according to the structure of their agricultural sector. That said, the fact that groups must share political affinities means that ideology can be more important than nationality (Ahrens and Kontola, 2022). Political group chairs are often selected from the largest national party delegations.

Kontola, *et al.* (2022) explains that in the current 9<sup>th</sup> legislature, the largest national delegation in the Group of the European People's Party (Christian Democrats) (EPP) and the Greens/EFA is the German, while in the Progressive Alliance of Socialists and Democrats in the Parliament (S&D), delegations from Germany, Italy and Spain are broadly equal in size. The composition of the Renew Europe group has shifted from a northern complexion in its predecessor (ALDE) and is now dominated by French MEPs. The French Rassemblement National and the Italian Lega dominate the ID. Following the withdrawal of British MEPs from the ECR after Brexit, the group is now dominated by Polish MEPs. The composition of GUE/NGL is more varied with three large delegations from France, Germany and Greece and a high number of national delegations with only one or two MEPs.

Up until the 2019 parliamentary election, Parliament was, according to Kontola, *et al.* (2022), dominated by a grand coalition of the two biggest political groups, the EPP and the Group of the S&D. This composition meant that, as long as the EPP and the S&D were in agreement (and assuming that their MEPs voted with their group),<sup>81</sup> compromises reached between them would achieve a majority in plenary. As will be explained fully in the section that follows, the political composition of the committees, which scrutinise legislative proposals, follows that of the

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<sup>81</sup> A lack of group discipline in the Parliament separates EP political groups from national political parties (Kontola, *et al.*, 2022); there is no obligation for individual Members to follow their group recommendation (Matthews, 2019c).

Parliament as a whole; committees prepare positions which are then put to a vote in plenary in order to determine the Parliament's agreed position (see also section 5.2.4).

The 2019 election resulted in an increase in seats for Renew Europe (previously known as the Alliance of Liberals and Democrats for Europe, ALDE) who won 14.6 % of seats and the Greens/EFA who won 10.1 % of seats. This broke the duopoly between the EPP (25.0 %) and the S&D (20.6 %), who both lost seats, and meant that after the election it became necessary for at least three political groups to form a majority. Although this increased the importance of the views held by both Renew Europe and the Greens/EFA, it should be pointed out that the rapporteurs for the three CAP files (voted at the end of 2021) were already drawn from the EPP, S&D and Renew Europe (see section 5.2.2).

The main impact of the election was that the rapporteur for the strategic plans regulation was not re-elected and therefore had to be replaced. An interviewee explained that while it would have been preferable to have had the continuity, the potential impact of this was mitigated by the fact that the rapporteur appointed in the 9<sup>th</sup> legislature had been involved in the discussions before the elections and could therefore provide some continuity (see also section 5.2.2).

An interviewee explained that in practice, the election did not lead to a substantial change in outlook for the AGRI committee because the EPP and S&D had already taken the opinions of other political groups, especially Renew Europe (formerly ALDE), into consideration both within the 2013 and the 2021 decision-making process. This interviewee explained that there were no major areas of disagreement between the political groups in the 2021 discussions; the social dimension (see section 5.4 for full details) was very important to the S&D, but was ultimately supported by the EPP as well, even though this was not their main interest. Interviewees involved in the process agreed that the three rapporteurs in 2021 coordinated well with each other across their party group lines, especially on the strategic plans regulation.

Another interviewee involved in the process explained that the 2019 election increased the role of Parliament because there was more of a public debate about the CAP than would otherwise have been the case.

An IEEP analysis of the available manifestos for the political parties prior to the 2019 election revealed that most references to CAP reform were unspecific (Charveriat, *et al.*, 2019).<sup>82</sup> While all parties, except for the European Left, called for a reform of the CAP, there was a marked difference in terms of approach. The EPP supported what IEEP called a 'very classical agenda', while other parties called for a fundamental rethink of Europe's agriculture to respond to societal concerns.

ALDE and the Party of European Socialists (PES) called specifically for reform to the CAP, the former as an essential step to reach sustainability and the latter to include emphasis on reduced food waste, better animal welfare and better nutrition. The European Green Party (EGP) called for a redirection of subsidies towards healthy food production, as well as a move from industrial agriculture and genetically modified organisms (GMOs) to more sustainable farming, a reduction in meat consumption and the promotion of healthier plant-based diets. The EGP also called for a ban on fur farming, transporting animals over long-distances and animal testing. The EPP simply called for the CAP to be designed to help mitigate climate change and food security. The European Left (EL) called for European food sovereignty, but offered no concrete proposals in terms of how this might be achieved.

In general terms, the analysis showed that there was a strengthening of green ambitions within the S&D and ALDE groups. In fact, the EPP group stood out as having marked differences from the other political groups suggesting that a decline in their numbers would increase the green

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<sup>82</sup> IEEP analysed the manifestos of the following political parties: EGP, EL, EPP, ALDE, PES. Political parties form political groups within the new Parliament.

influence within the Parliament. An interviewee emphasised the increased environmental concern in the 9<sup>th</sup> legislature.

### 5.2.2. The composition and role of the AGRI committee

AGRI is one of the 20 standing parliamentary committees carrying out preparatory work for the Parliament's plenary sittings.<sup>83</sup> Committees have been described by many authors as the 'sinews of Parliament' (for example, Roederer-Rynning, 2003) to illustrate their centrality to the operation of the Parliament. The political makeup of the committees reflects that of the plenary assembly and therefore evolves between legislatures.

Under both the 2013 and the 2021 CAP reform, AGRI was designated as the committee responsible for each of the legislative packages. As the responsible lead committee, the role of AGRI is to draft the Parliament's position before this is voted on in plenary.

#### Internal support

The work of individual Members of the European Parliament and parliamentary committees is supported at various levels. Support is provided by accredited parliamentary assistants (APAs) (attached to individual MEPs), policy advisers (part of the secretariats of political groups), and administrators at the secretariats of parliamentary committees (part of the Directorates General for Internal Policies and External Policies (DG IPOL and DG EXPO) of Parliament's Secretariat General). In addition, independent research support is provided by the policy departments, established in 2004 (as part of DG IPOL and DG EXPO) and the European Parliamentary Research Service (DG EPRS), which was created in 2013, as a separate Directorate General within Parliament's Secretariat. Other DGs providing support of a more logistical nature include DG for Infrastructure and Logistics, DG for Translation and DG for Logistics and Interpretation for Conferences.

Support for Members and parliamentary committees has in recent years been strengthened by the recruitment of more APAs for individual support service to Members, policy advisors and administrators at the secretariats of parliamentary committees. Moreover, the provision of individual IT equipment allowed for continuity of parliamentary activities during the COVID-19 pandemic.

Knops and Swinnen (2014) investigated the composition of the AGRI committee under the CP and the OLP and concluded that, despite the predictions of political scientists, there is no evidence that the background or political links of committee Members changed. In the 7<sup>th</sup> legislature (2009-2014), AGRI remained a committee heavily dominated by Members with farming interests (31 % of Members) and/or had a clear and recognised expertise in agriculture by education, occupational trajectory or ministerial office (24 %) (Roederer-Rynning, 2015).

Matthews (2019b) reports that a fifth of committee Members in the 9<sup>th</sup> legislature are farmers (ten of 48 full Members); three of these are organic farmers, all within the Green/EFA political group. Other Members have a spouse who farms, some come from farming families and others have previously worked for organisations which represent farming interests. A further group includes those who have represented farmers in a political sense or have worked on agricultural policy

issues in a Ministry of Agriculture or within the Commission (including as Commissioner for agriculture). Taking all these groups together, Matthews (2019b) concluded that 21 full committee Members (44 %) are either farmers or have represented farming interests at some stage in their professional careers. The AGRI committee therefore remains heavily dominated by Members with personal farming interests and/or clear and recognised expertise in the sector.

<sup>83</sup> <https://www.europarl.europa.eu/committees/en/home>

As Knops and Swinnen (2014) point out, the highly technical nature of the legislative dossiers dealt with by the AGRI committee, as well as the relatively narrow focus on agricultural issues, tend to attract MEPs with specialist interest and knowledge to the committee.

According to Rule 209 of the Parliament's rules of procedure (European Parliament, 2022), the political make up of committees should, as far as possible, reflect the composition of the plenary. Accordingly, in the 7<sup>th</sup> legislature (2009-2014), AGRI was dominated by Members from the EPP and S&D (38.6 % and 25.0 % respectively), as it was in the 8<sup>th</sup> legislature (28.8 % EPP and 24.7 % S&D). However, the 2019 elections, midway through the 2021 CAP decision-making process, resulted in a fundamental change to the political balance in Parliament and hence also to the composition of the AGRI committee.

As explained in the previous section, the 2019 election resulted in the loss of overall majority for the EPP and S&D and the composition of the 9<sup>th</sup> legislature and the AGRI committee post-election reflected this new political backdrop as shown in Table 3.

Table 3 – Political composition of European Parliament and AGRI committee, eighth and ninth legislatures

Political composition of European Parliament and AGRI committee, eighth and ninth legislatures								
	Eighth legislature (2014-2019)				Ninth legislature (2019-2023)			
	Plenary	%	AGRI	%	Plenary	%	AGRI	%
EPP	219	29.2	28	30.8	176	25.0	26	28.6
S&D	188	25.0	20	22.0	145	20.6	18	19.8
Renew Europe*	68	9.0	8	8.8	103	14.6	14	15.4
Greens/EFA	52	6.9	6	6.6	71	10.1	10	11.0
ID	-	-	-	-	65	9.2	7	7.7
EFD	44	5.9	4	4.4	-	-	-	-
ECR	71	9.5	9	9.9	64	9.1	8	8.8
GUE/NGL	51	6.8	8	8.8	39	5.5	5	5.5
ENF	36	4.8	6	6.6	-	-	-	-
NI	20	2.7	2	2.2	42	60.0	3	3.3
<b>Total</b>	<b>751</b>		<b>91</b>		<b>705</b>		<b>91</b>	

\* 8th legislature: ALDE.

Source: Author's compilation based on European Parliament data.

Although Roederer-Rynning (2015) notes that the AGRI committee in the immediate post-Lisbon era was not a different committee from what it had been before, Matthews (2019b) explains that half of the Members of AGRI after the 2019 election had been elected for the first time. Only 31 % of AGRI Members after the 2019 election had been Members of AGRI before the election, suggesting that, the composition of AGRI did in fact change in the post-Lisbon era. This proportion would though be slightly higher if substitute Members in the previous Parliament are taken into account. Matthews speculated that this significant change in the composition of AGRI would have



implications for its willingness to take over unchanged the previous Committee's reports on the CAP reform. Interviewees involved in the process confirmed that there was significant pressure to change, but the continuing presence in AGRI of key Members involved in its previous composition ensured continuity; one interviewee noted that it would not have been possible to agree the CAP with effect from 2023 if the process had started again after the election.

As the 2019 election changed the composition of political groups within the Parliament, there could have been a change in the allocation of Committee Chairs and Vice-Chairs under the so-called d'Hondt method<sup>84</sup> (Kotanidis, 2019b). Wax, *et al.* (2019) report that Marine Le Pen and Matteo Salvini's newly formed Identity & Democracy (ID) group claimed the right to lead AGRI. However, Matthews (2019b) explains that the four pro-European parties operated a *cordon sanitaire* to prevent ID representatives holding any Committee Chairs to block the ID candidate; ultimately Norbert Lins (EPP) was appointed.

As noted by Knops and Swinnen (2014), rapporteurs, who draft the Parliament's amendments to the Commission's proposals, are the most influential MEPs. Kotanidis (2019b) explains that the appointment of rapporteurs is not regulated in the Rules of Procedure, but committees use variations of a points system. Each political group receives a quota of points proportionate to its size. Reports and opinions are then distributed by the political group coordinators on the committee between the different political groups. The number of points each subject is worth depends on the importance of the topic and the type of report.

In the 2013 CAP decision-making process, the AGRI rapporteurs were drawn from the EPP and the S&D:

- **Direct payments:** Luis Manuel Capoulas Santos (Portugal/S&D)
- **CMO:** Michel Dantin (France/EPP)
- **Rural development:** Luis Manuel Capoulas Santos (Portugal/S&D)
- **Horizontal regulation:** Giovanni La Via (Italy/EPP)

In the 2021 CAP decision-making process, the AGRI rapporteurs were drawn from the EPP, S&D and Renew Europe. The change in the composition of Parliament after the 2019 election did not materially affect the work of AGRI because Renew Europe already had one rapporteur:

- **Strategic plans regulation:** Esther Herranz García (Spain/EPP), replaced after the 2019 election by Peter Jahr (Germany/EPP)
- **Horizontal regulation:** Ulrike Müller (Germany/Renew Europe)
- **Amending regulation:** Eric Andrieu (France/S&D)

A key point of difference was that in 2013, one AGRI rapporteur, Luis Manuel Capoulas Santos, had responsibility for two files (direct payments and rural development). Knops and Swinnen (2014) note that this imposed a great responsibility and a formidable task on one person given the politically and technically complex character of these two files. The view of interviewees reported in Knops and Swinnen (2014) was mixed on whether this was a good idea, although there was a consensus that Capoulas Santos and his team were effective.

### 5.2.3. The role of opinion-giving and associated committees

If a committee to whom a matter has been referred wants to hear the view of another committee, or if another committee wishes to make its views heard, the President may be asked to name a committee as an opinion-giving committee (Rule 56) (European Parliament, 2020). Although the

<sup>84</sup> The D'Hondt method is a means of proportional allocation such that the allocation of Chairs and Vice-Chairs reflects the weight of the political groups in Parliament (Kotanidis, 2019).

lead committee takes into account the opinions of opinion-giving committees, these are non-binding.

AGRI was designated as the committee responsible for each proposal included in the legislative packages in the 2013 CAP decision-making process (Knops and Swinnen, 2014). Different combinations of committees were designated as opinion-giving committees, although not all opinion-giving committees chose to draft opinion reports:

- **Direct payments:** DEVE, ENVI, EMPL, BUDG, CONT, REGI
- **CMO:** DEVE, EMPL, BUDG, REGI
- **Rural development:** DEVE, ENVI, EMPL, BUDG, CONT, REGI
- **Horizontal regulation:** DEVE, BUDG, CONT, REGI

Neither ENVI, nor CONT, were happy with this arrangement in the 2013 negotiations and filed requests with the Conference of Committee Chair (CCC) to be involved with various combinations of legislative packages as associated committees (Roederer-Rynning, 2015). Associate committees are governed by Rule 57 of the Rules of Procedure of the European Parliament<sup>85</sup> which states that, 'the committee responsible shall accept without a vote amendments from an associated committee where they concern matters which fall within the exclusive competence of that associated committee; if the committee responsible fails to respect the exclusive competence of the associated committee, that associated committee may table amendments directly in plenary; if amendments on matters which fall within the shared competence of the committee responsible and an associated committee are not adopted by the committee responsible, the associated committee may table those amendments directly in plenary' (European Parliament, 2022).

An agreement was reached under which the ENVI and CONT rapporteurs would be invited to the AGRI shadow rapporteurs' meetings where the critical comprises take place. While this allowed the requests to be withdrawn, AGRI Members opposed this arrangement and ignored the opinions of ENVI rapporteurs (Roederer-Rynning, 2019).

AGRI was again designated the lead committee in the 2021 decision-making process. ENVI requested associate committee status on the strategic plans and the amending regulations. The AGRI Chair in the 8<sup>th</sup> legislature (2014-2019, Adam Siekierski, Poland/EPP) expressed deep concern at what he said was a 'totally disproportionate request' (Contiero, 2018). The Parliament's dispute settlement body recommended that ENVI be given a larger role (Moore, 2018) and the Conference of Presidents duly appointed ENVI as associate committee for the strategic plans regulation. Rac, *et al.* (2020) considered this (and the greater focus on societal issues) an illustration of the contest of authority taking place within the Parliament. The structure of opinion-giving committees for the 2021 reform was as follows:

- **Strategic plans regulation:** ENVI (associated committee), DEVE, CONT, REGI, ITRE (decided not to give an opinion), FEMM, BUDG, INTA (decided not to give an opinion)
- **Horizontal regulation:** DEVE, BUDG, CONT, ENVI (decided not to give an opinion), REGI
- **Amending regulation:** BUDG (decided not to give an opinion), PECH (decided not to give an opinion), ENVI, REGI, CONT, DEVE

The ENVI rapporteur for the strategic plans regulation file was Christophe Hansen (Luxembourg/EPP).

Knops and Swinnen (2014) concluded that opinion-giving committees had a marginal influence over the 2013 decision-making process, both in committee and in plenary, despite in the case especially of ENVI and BUDG, a strong interest. However, the difficult relationship between ENVI

<sup>85</sup> It was Rule 54 in the previous parliamentary term (2014-2019).



and AGRI did draw attention to the process and is likely to have influenced the decision to appoint ENVI an associate committee in the 2021 decision-making process.

The involvement of ENVI as an associate committee in the 2021 decision-making process was not without incident. According to Michalopoulos (2018), news of the ENVI designation was greeted enthusiastically by NGOs such as Greenpeace and Birdlife Europe, who felt that the decision reflected the fact that the environment is an integral part of farming. WFF anticipated that ENVI's involvement would lead to a richer debate and a Parliament position that reflects better the interests of EU citizens. COPA-COGECA, on the other hand, expressed concerns about losing consistency in the proposals.

Fortuna and Foote (2020a) reported on a 'fractious relationship' between the two committees; an interviewee involved in the process noted that the fact the two Committee Chairs came from different parties did not help and that cooperation was better when the (politically neutral) secretariat was involved; another interviewee explained that the ENVI rapporteur tried hard to bridge the positions between the committees. While AGRI voted for the appointment of Agricultural Commissioner Janusz Wojciechowski, all ENVI coordinators voted against (see above section 4.2.4). Later, ENVI halted cooperation with AGRI on the strategic plans regulation dossier in June 2020 over what was described as an 'unbridgeable gap', particularly on the green architecture of the CAP. Interviewees indicated that political groups then negotiated between themselves rather than at the committee level which is a common practice when it is necessary to achieve a breakthrough in discussions, although this weakened the influence of the AGRI committee.

As a general observation, one interviewee involved in the process explained that in the 2021 negotiations, the AGRI committee viewed the CAP as an economic policy focused on food production whereas the ENVI Committee viewed it as a policy to deliver ecological sustainability; these differences caused major debates. Another interviewee added that the ENVI Committee was particularly concerned with making amendments to support the Green Deal and farm to fork strategy.

Fortuna and Foote (2020b) reported on a clash between the two committees on the provisions related to the climate objectives in the farming sector. An interviewee involved in the process explained that the committees also disagreed on elements of conditionality; crop rotation; peatland restoration and soil cover; and around eco-scheme ambition (for more detail on these specific aspects of the 2021 decision-making process, see section 5.4). Compromises were ultimately reached over many issues, although some were reached via political group discussions rather than via discussions between the committees. Interviewees explained that the Renew group created a cross-committee task force to ensure that colleagues were aware of the discussions taking place; communication within political groups between rapporteurs was also said to have operated well.

An interviewee explained that while the ENVI Committee did bring some (relatively minor) amendments rejected by the AGRI committee to plenary, as was its right under the associate committee status, this did not matter because the EPP, S&D and Renew had already agreed compromise amendments.

Interviewees involved in the process and one long-standing commentator on CAP reform indicated that the associate committee status did not work as well as had been hoped; another interviewee involved in the process explained that the associate committee status granted to ENVI did not ultimately save time in the plenary process as had been hoped. However, another interviewee also involved in the process felt that ENVI's involvement had a positive effect on the voting at plenary, even though it had complicated reaching agreement, and cost time, at committee level. An interviewee not directly involved in the process pointed out that, fractious relationship aside, ENVI was able to influence the Parliament's amendments and the final legislation, particularly in relation to eco-schemes and the overall green architecture, as well as

inserting references to the Green Deal and the farm to fork strategy. This interviewee did though also state that associate committee status was not as useful as it could have been. For example, there was some incoherence around investments where although AGRI had the overall mandate, ENVI had the mandate for green investments.

Another interviewee, not directly involved in the process, explained that, supported by their political groups, for whom environmental issues were of secondary importance, some AGRI Members were able to push back against ENVI suggestions meaning that ultimately, ENVI's influence was reduced. This interviewee did though explain that there is a need to find a working compromise between farmers and environment and climate concerns and that ENVI is likely to be an important player in this debate in future decision-making negotiations. This view was confirmed by interviewees involved in the process who accept that ENVI must be involved in future decision-making around the CAP. However, one explained that it would have been better to have started with negotiations at the political group level to then inform the work of the committees.

#### 5.2.4. The plenary

As outlined above in section 5.1.1, agreed committee opinions are put to plenary where additional amendments can be made. Knops and Swinnen (2014) reported different views on the meaning of plenary voting for additional amendments. If a committee has been successful at reflecting the majority of Parliament in terms of the views of opinion-giving and, where relevant, associated committees, as well as the view of a majority of political groupings, there should be no need for further amendments to reach agreement. If plenary does vote through additional amendments, it implies that the majority view was not adequately captured in committee. One interviewee pointed out that the plenary process can sometimes remove inconsistencies and result in a more coherent parliamentary position.

Knops and Swinnen (2014) concluded that the changes introduced by plenary in the 2013 decision-making process were relatively minor, but nonetheless significant, and in some cases decisive for the Parliament's negotiating mandate. They provide examples of the following changes to the AGRI committee's position:

- Definitively banning provisions for double-funding.
- Reinstating part of the Commission's greening model to partially replace or modify less constraining AGRI provisions on 'automatically green' farmers.
- Partly reintegrating cross-compliance requirements.

According to Fortuna (2020), in the 2021 decision-making process, the three largest political groups, the EPP, the S&D and Renew Europe, struck an agreement before plenary voted on the AGRI report to ensure that a set of compromise amendments would pass. The only amendment not carried was one supported by the Greens/EFA and the Left (GUE/NGL) to reject the Commission's entire proposal.<sup>86</sup> Compromise amendments agreed included:

- Providing an area of at least 10 % of landscape elements beneficial for biodiversity.
- Ring-fencing 35 % of the rural development budget for environmental and climate-related measures.
- Ring-fencing at least 30 % of direct payments for eco-schemes.

<sup>86</sup> This amendment received support from 24% of those voting (Matthews, 2020).

### 5.3. European Parliament influence over the 2013 CAP decision-making process

Knops and Swinnen (2014) covered the Parliament's influence over the 2013 CAP decision-making process in a comprehensive report commissioned by the Parliament. This was developed into Swinnen (2015b) 'The political economy of the 2014-2020 Common Agricultural Policy an imperfect storm' and the reader should refer to these texts for the full detail of this process. Here the main elements from Knops and Swinnen are recapped to provide a summary of the key points.

According to Knops and Swinnen, the extension of co-decision rules to agricultural policies and the increased powers of the Parliament on budgetary policies (granted by the Treaty of Lisbon in 2009) marked a major change in the process by which the CAP was amended. They note that 2013 was the first point at which the institution which directly represents the interests of EU citizens took part as an equal player with the Council in determining the shape of the new CAP.

Bureau and Mahé (2015) noted that when drafting its legislative proposals, the Commission had to keep in mind that the Parliament could veto them and hence the proposals had to be more 'co-constructed'. An interviewee for this study, who was involved in the 2013 reform, explained that the Commission was well aware of the need to carry out the reform in conjunction with the Parliament and there was a series of consultations between the Commission and the Parliament (the AGRI and ENVI Committees, as well as specific interested MEPs and MEPs with influence in these committees and their political groups) before the Commission's initial communication (The CAP towards 2020) was produced in 2010 to ensure that the view of the Parliament was taken into account in the overall political direction of the reform.

Knops and Swinnen reported on the Parliament's influence with respect to the following issues within the CAP: capping, greening, market regulation, rural development, MFF negotiations.

#### 5.3.1. Capping

Capping, alongside greening (see below) was considered to be one of the most contentious issues of the 2013 reform. The Commission's original proposal was to start reducing the amount of direct payments to individual farms once these reached EUR 150 000 with a mandatory cap on direct payments over EUR 300 000. While the Parliament had supported the idea of capping in numerous reports, the Council was very much against the idea. Knops and Swinnen (2014) felt that the Commission only put forward the capping proposal in the first place because they expected to be supported on this by the Parliament.

Knops and Swinnen reported that some observers expected the Parliament to use this issue as a way of demonstrating its new powers as a co-legislator. However, the Council proposed that capping should be voluntary and the final outcome, which involved compulsory degressivity (a 5 % reduction in the payments for individual farms above EUR 150 000), but voluntary capping of payments at EUR 300 000, ended up much closer to the Council's preference than the Parliament's. Knops and Swinnen concluded that the final result was far from the Parliament's original intention.

#### 5.3.2. Greening

Another key issue, greening was designed to make environmental management and the delivery of public goods a more integral part of agricultural support in order to address the environmental challenges facing the EU and to add long-term legitimacy to the CAP. Knops and Swinnen (2014) report that the greening proposal was met with widespread criticism from both environmental organisations, which felt they did not go far enough, and those who felt that they would undermine the EU's food security and would add complexity to the CAP.

There were different views on greening within the Parliament, including within and between political groups which made establishing the Parliament's negotiating mandate difficult. For example, although the rapporteur's draft had been amended within the AGRI committee to allow the double funding of activities under Pillar 1 and Pillar 2, this was overturned in plenary.

Ultimately, both the Parliament and the Council wanted less stringent environmental requirements than the Commission, with the Council's view diverging further from the Commission proposals than the Parliament's. Given that the two institutions wanted to see changes made in the same direction, it is difficult to highlight cases where the Parliament specifically succeeded in the negotiation. However, Knops and Swinnen point to the following key issues:

- **General requirements.** The list of farmers considered 'green by definition' was only slightly extended compared to the Commission's proposal. This was in line with the Council proposal. However, Pillar 2 agricultural land management payments had to go beyond the greening requirements to avoid double funding, in line with the Parliament's (and Commission's) proposal.
- **Crop diversification.** In line with the Council, the Parliament wanted an exemption from the measures for farms under ten hectares (the Commission had proposed a cut-off point of three hectares), at least two crops for farms between 10 and 30 hectares and at least three crops for farms over 30 hectares. The Commission proposal would have limited the maximum area for one crop to 70% of arable land. The Parliament wanted a higher limit of 80% and the Council a limit of 75%, which was ultimately agreed; in this respect the Council achieved its negotiating mandate, supported by the Parliament's more extreme mandate.
- **Permanent grassland.** The Parliament and the Council wanted the application of rules on permanent grassland to be at the national regional or sub-regional level, rather than at the farm level as proposed by the Commission, and were successful in achieving this. The Parliament also wanted permanent pasture to be counted as permanent grassland and achieved this against the mandates of the Commission and the Council.
- **Ecological Focus Areas (EFAs).** While the Commission mandate wanted EFAs to apply to all area eligible for direct payments, the Parliament wanted a threshold of ten hectares, below which EFAs would not apply and the Council wanted, and achieved, a threshold of 15 hectares. The Parliament was therefore partially successful in that a threshold was adopted.

### 5.3.3. Market regulation

Knops and Swinnen (2014) explain that the CMO was a contentious file with the Parliament wanting to see a return to more intervention in the market to counter the impacts of the food price spikes of 2007-2008 and the milk crisis of 2009-2010. The Parliament was successful in achieving some of its mandate with respect to limitations on the use of export refunds as a crisis management instrument. It was also able, *inter alia*, to add durum wheat to the list of products eligible for public intervention and cheese to the list of products eligible for private storage aid, extend the school fruit scheme to include vegetables, and define a time period for operational funds in the fruit and vegetables sector. The Parliament also supported the Council in making changes to the Commission draft around the rules for producer organisations and associations of producer organisations.

### 5.3.4. Rural development

Knops and Swinnen (2014) record that Parliament was successful in achieving most of its mandate with respect to the share of funds ring-fenced for environmental payments. Parliament was also

successful in resisting the Council's demand to allow double funding for greening under Pillar 1 and Pillar 2 and for organic farming. Parliament also ensured that the annual breakdown of rural development resources by Member State would be set out within an annex to the regulation rather than addressed through an implementing act and also ensured that adjustments due to inter-pillar transfers would be dealt with through a delegated act rather than an implementing act.

Parliament also increased the support rate for LFA mountain areas from EUR 300/ha to EUR 450/ha, increased the age definition of a young farmer from less than 40 years of age to no more than 40 years of age and extended the commitment period for animal welfare payments from one year to a range of one to seven years. In agreement with the Council, the Parliament excluded compliance with the Water Framework Directive and the Sustainable Use of Pesticide Directive and removed GAEC 7: Crop rotation in arable land, except for crops growing under water from the cross-compliance framework.

### 5.3.5. MFF negotiations

Knops and Swinnen (2014) recognised the importance of the parallel MFF negotiations and the impact this had as a constraint on co-decision by limiting the ability of the Parliament to influence the financial framing of the CAP. The Parliament felt that many of the elements falling under the MFF negotiation should have been subject to co-decision as part of the CAP negotiation.

Just over half (55 %) of those interviewed by Knops and Swinnen said that the MFF negotiations dictated the content of the CAP reform and restricted the Parliament's room for manoeuvre. A further 40 % felt that the MFF negotiations slowed down the whole process. However, interview results were inconclusive in terms of whether this link strengthened or weakened the Parliament's negotiating strategy. While some interviewees argued that Parliament was left in a weaker position, others felt that the attention focused on the budget reduced attention on actual policy content. Bureau and Mahé (2015) thought it a 'clever trick' on Parliament's part to delink the two negotiations in order to avoid complicating the CAP negotiations by introducing national interests, familiar vetoes and marathon debates. It was though clear that delaying CAP negotiations until the budget figures were known added time pressure and this reduced the likelihood of radical change which would take more time to negotiate.

Against this background, Knops and Swinnen concluded that despite the pressure imposed by the MFF and the need to close the deal, the Parliament's negotiators managed to win some concessions from the Council on some of the issues placed within the MFF negotiating box. This established an important principle for the Parliament that policy content which should be legislated under co-decision is not determined solely by the heads of state. That said, many of their interviewees felt that Parliament could have taken an even tougher stance and could have thereby achieved more.

## 5.4. European Parliament influence over the 2021 reform

### 5.4.1. Milestones in the post-2020 CAP decision-making process

Erjavec, *et al.* (2022) sets out the timeline of the proposals for and negotiations of the post-2020 CAP. The proposal phase led by the Juncker Commission took place between May 2017 and November 2019. The decision-making process then continued under the von der Leyen Commission from December 2019 until October 2020, when the Council and the Parliament adopted their negotiating mandates. The negotiation period then began in November 2020 with agreement reached in June 2021.

- The process began with a consultation on the future of the CAP which ran from 2 February to 2 May 2017 in which the Commission consulted widely on specific policy



priorities. A public consultation was carried out as part of this process with the results communicated in a public conference 'The CAP: Have your say' in July 2017.<sup>87</sup>

- A 'Reflection paper on the future of EU finances', was published on 28 June 2017 (European Commission, 2017b). A key element of this strategy document was the impact of the UK leaving the European Union as this implied a gap in financing.
- A strategy paper on the CAP, 'The future of food and farming' (European Commission, 2017a) was published under Commissioner Hogan in November 2017.
- The Commission's proposal on the MFF was published in May 2018.<sup>88</sup> This put forward a 5 % nominal cut in CAP funds and proposed the capping of support at farm level. The proposal prompted strong opposition from farmer organisations and some Member States.
- The AGRI committee adopted its Report on the future of food and farming, under the rapporteurship of Herbert Dorfmann (Italy/EPP), by 32 votes to five with six abstentions on 16 May 2018. Parliament's plenary duly adopted its resolution on the future of food and farming on 30 May 2018 by 468 votes to 123 with 89 abstentions.
- The Commission published its draft CAP legislation on 1 June 2018. These comprised three proposals: (i) a regulation setting out rules on support for CAP strategic plans; (ii) a regulation amending the single common market organisation (CMO), the regulation on quality schemes for agricultural products and foodstuffs, the regulation on the labelling and protection of geographical indications of aromatised wine products and the regulation laying down specific measures for agriculture in the outermost regions of the Union; and, (iii) a horizontal regulation on financing, managing and monitoring the CAP. The proposals prompted a strong negative reaction from COPA-COGECA, while environmental NGOs claimed that the proposals were not ambitious enough.
- The European Green Deal was published on 11 December 2019 (European Commission, 2019). This set out the EU's cross-cutting climate and environmental ambitions.
- The Farm to Fork and Biodiversity strategies were published on 20 May 2020. These set out quantitative targets which would need to be addressed within the post-2020 CAP.
- On 27 May 2020, and in the context of the COVID-19 pandemic, the Commission published two Communications: (i) 'The EU budget powering the recovery plan for Europe';<sup>89</sup> and, (ii) 'Europe's moment: repair and prepare for the next generation'.<sup>90</sup> In essence these proposed a reduction in spending under CAP's Pillar I and an increase in spending under Pillar II.
- Agreement was reached between Parliament and the Council on the MFF and NextGenerationEU, the temporary recovery instrument, on 10 November 2020<sup>91</sup> with publication following.<sup>92</sup>
- The Council reached political agreement on its negotiating mandate for the post-2020 CAP on 21 October 2020 with the Parliament agreeing its negotiating mandate on 23 October 2020.
- Negotiations between Parliament and the Council began on all three regulations on 10 November 2020.
- Agreement was reached between Parliament and the Council on all three regulations on 25 June 2021.

<sup>87</sup> [https://ec.europa.eu/info/consultations/modernising-and-simplifying-common-agricultural-policy\\_en](https://ec.europa.eu/info/consultations/modernising-and-simplifying-common-agricultural-policy_en)

<sup>88</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_18\\_3570](https://ec.europa.eu/commission/presscorner/detail/en/IP_18_3570)

<sup>89</sup> [https://ec.europa.eu/info/strategy/recovery-plan-europe\\_en](https://ec.europa.eu/info/strategy/recovery-plan-europe_en)

<sup>90</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_20\\_940](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_940)

<sup>91</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_20\\_2073](https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2073)

<sup>92</sup> [https://ec.europa.eu/info/publications/adopted-mff-legal-acts\\_en](https://ec.europa.eu/info/publications/adopted-mff-legal-acts_en)

- The CAP legal texts were adopted by the Parliament and the Council on 23 November and 2 December 2021 respectively and published in the Official Journal on 6 December 2021.

With regard to the Parliament's priorities for CAP reform, Rossi (2021a) explains that these were set out in its resolution on the future of food and farming which was adopted in plenary on 30 May 2018. The Parliament welcomed the intention to simplify and modernise the CAP for the economic benefit of farmers and to meet citizens' expectations. However, Parliament considered that the MFF needed to increase or at least maintain the agricultural budget in real terms in order to meet both the existing and new challenges regarding food security for European agriculture. This position on the funding earmarked for agriculture underpins the Parliament's position on all three regulations.

### 5.4.2. The strategic plans regulation

#### Introduction

Rossi (2022a) set out the background to the strategic plans regulation as follows.

On 1 June 2018, the Commission published its proposals establishing rules on support for strategic plans to be drawn up by Member States under the CAP. They included provision for a new delivery model. While the EU would set the basic policy parameters such as the nine specific objectives of the CAP (which cover economic, social and environmental objectives) as well as the different types of intervention, the Member States would have responsibility for translating the framework into support arrangements for beneficiaries. The Commission also identified higher ambitions in relation to the achievement of EU environment and climate related objectives and a better targeting of direct payments with a shift towards a more results-based approach. In practical terms, it would involve national authorities establishing a CAP strategic plan setting out their proposed interventions.

In Parliament, the file was assigned to the AGRI committee and Esther Herranz García (Spain/EPP) was appointed rapporteur on 4 July 2018. Following its request, the ENVI Committee obtained the status of associated committee under Rule 57 of the Rules of Procedure, with Giovanni La Via (Italy/EPP) appointed rapporteur for the opinion. According to Rossi (2021a), this association reflects a new emphasis on the environmental components contained in the CAP, including the relevance of the climate dimension.

#### The European Parliament's starting position

In terms of the Parliament's priorities for the strategic plans regulation, these are framed within the overall position on the CAP reform and the need to ensure adequate funding for agriculture in the 2021-2027 MFF as set out in the Parliament's resolution on the future of food and farming of May 2018 (see also 5.4.1). The Parliament supported the existing structure of the CAP, i.e. direct payments to farmers, market measures, and rural development and rejected the 25 % cut in the rural development budget that the Commission suggested in its proposals for the next MFF.

With respect to the proposed new delivery model, the Parliament requested that the Commission present a clear and simple model of a national strategic plan to clarify the criteria against which the national strategies would be evaluated.

The Parliament also called for a more targeted support arrangement that would take account of the diversity of agricultural systems, particularly small and medium family farms and young farmers. It suggested that this could be achieved through a compulsory redistributive higher support rate for the first hectares of a holding linked to the average size of a holding in Member States. Parliament also wanted support for larger farms to be degressive, reflecting economies of scale, with mandatory capping to be decided at the Union level. Parliament was also concerned to



ensure that support should be targeted towards those who are actively farming in order to earn a living, 'genuine farmers'.

Other issues included in the resolution covered issues such as funding for agricultural crises, the uptake of innovative technologies, and revisions to the current greening measures. Parliament's resolution also stressed the need for a fair distribution of direct payments. Parliament contended that increased convergence of direct payments between Member States could only be achieved if the budget was increased sufficiently.

## Establishing the European Parliament negotiating mandate

The AGRI committee organised an extraordinary meeting on 11 June 2018, at which the then Commissioner for Agriculture, Phil Hogan, presented the CAP legislative proposals.

Rossi (2021a) reports on the following activity under the eighth parliamentary term (2014-2019):

- The AGRI committee held an initial exchange of views on 9 July 2018.
- A representative from the Commission provided a presentation to the Committee on 30 August 2018 on the future CAP.
- AGRI held a public meeting on 9 October 2018 on 'The future of the CAP', at which rapporteurs on the CAP from both the Committee of the Regions (CoR) and the European Economic and Social Committee (EESC) participated.
- A subsequent workshop requested by AGRI entitled 'The CAP beyond 2020 – an appraisal of the Commission legislative proposals' was held on 15 October 2018. This included consideration of an independent study to assess the design of the new CAP strategic plans as proposed by the Commission (Erjavec, *et al.*, 2018).

On 29 October 2018, the AGRI rapporteur Esther Herranz Garcia (Spain/EPP) published her draft report, which included 448 amendments. This noted that Members of AGRI had expressed concern over implications arising from the proposals' increased subsidiarity and pointed to the need to reword the text to strengthen certain common elements of the CAP. A further 4 805 amendments were tabled in committee. The Committee on Budgets submitted its opinion on 22 November 2018, which included its position on the level of funding for the CAP reflecting the latest breakdown of the EU budget per programme. Opinions were also received from the Committee on Budgetary Control, the Committee on Development, the Committee on Regional Development and the Committee on Women's Rights and Gender Equality. The ENVI Committee voted its draft opinion on 14 February 2019. A further 670 amendments resulted from the opinion-giving committees.

Matthews (2019a) reports that in order to reach a coherent position and to facilitate the vote, the AGRI rapporteur negotiated over 130 compromise amendments. On 2 April 2019, AGRI adopted the report by 27 votes in favour, 17 votes against and one abstention.<sup>93</sup> The text approved by AGRI however did not reach the plenary due to the end of the eighth parliamentary term. Rossi (2021a) sets out the main points included in the report as follows:

- The report acknowledged the need for the CAP to be more results driven, but argued for the CAP budget to be kept at least at the same level as during the current period. AGRI also called for a strong body of EU provisions to prevent the distortion of competition, ensuring non-discriminatory treatment for farmers throughout the EU in order to avoid a renationalisation of the CAP. In terms of the targeting of income support to genuine farmers, the report recommended that support should not be precluded to farmers also involved in non-farming activities.

<sup>93</sup> [https://www.europarl.europa.eu/doceo/document/A-8-2019-0200\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-8-2019-0200_EN.html)

- The report included an amendment that the CAP should expressly take into consideration the EU's equality policy, paying particular attention to the need to boost the participation of women in rural development, and that this should be taken into account by Member States in their strategic plans. This would include establishing a thematic sub-programme in favour of rural women within these plans.
- In light of the ageing agricultural population, and given the need to encourage new farmers to join the sector, the report recommended that Member States should have the option of increasing the age limit from 40 to 45 years as the main eligibility requirement for support to young farmers.
- The report recognised that the intervention type entitled 'basic income support for sustainability' was the main support provided by the CAP for stabilising the income of farms. It recommended that a minimum of 70 % of the expenditure for Member States should be allocated to this form of support.
- On the proposed CAP strategic plans, the report acknowledged that their design and management would not be easy. It indicated that the new model based on national strategic plans involved 'a dramatic paradigm shift within the CAP'. It suggested postponing the strategic plans' implementation until 2023, to allow more time to draft them. Recognising the need to avoid any risk of interruptions in payments to farmers, an amendment was included for a transition period to make it possible to maintain the current support programmes until the strategic plans have been approved.
- In relation to the performance, monitoring and evaluation framework, the report recommended that these tasks should be established by a delegated act. The report also removed the bonus for performance, as the new delivery model already provided for penalties for countries that do not meet established targets.

After the European elections, Peter Jahr (Germany/EPP) was appointed as AGRI rapporteur in September 2019, while Christophe Hansen (Luxembourg/EPP) was appointed rapporteur in ENVI. On 16 October 2019, the Conference of Presidents decided that as part of a list of unfinished files on which the Parliament had not yet adopted a position, work on all three CAP files constituting the CAP reform package should resume. The AGRI committee held a public hearing on CAP reform in December 2019. This included a panel on strategic plans which was co-chaired by the ENVI Committee. The potential for a more sustainable agriculture was examined along with an exchange of views with Members.

The committee rapporteurs and shadows were mandated to continue working on finding a broad consensus on points with a view to political groups tabling amendments for the October II plenary session. During this session, on 23 October 2020, Parliament adopted its first-reading position on the Commission's legislative proposal for the CAP strategic plans. The adopted text constituted the basis for the subsequent trilogue negotiations with Council.

Rossi (2021a) explains that the Parliament position endorsed the enhanced conditionality that each farmer has to comply with to receive direct payments. It also wanted to dedicate at least 35 % of the rural development budget to all types of environment and climate-related measures and at least 30 % of direct payments to eco-schemes.

Parliament voted in favour of setting up farm advisory services in every Member State, allocating at least 30 % of their EU-sponsored funding to help farmers fight climate change, manage natural resources sustainably and protect biodiversity.

Parliament also voted to reduce annual direct payments to farmers above EUR 60 000 and cap them at EUR 100 000, with at least 6 % of national direct payment allocations to be used to support small and medium-sized farms. It also voted that 4 % of Member States' direct payment budgets should be directed towards supporting young farmers. In addition, Parliament sought to confirm the proposed approach that only those who actively farm would be eligible for direct payments.

While Agricultural Commissioner Janusz Wojciechowski commented that the Parliament's position was much more ambitious than the one discussed in the Council, NGOs and environmental campaigners did not feel that Parliament's position took sufficient account of environment, climate and biodiversity issues (Euractiv, 2020).

### The Council's negotiating mandate

Rossi (2021a) explains that the Bulgarian Presidency published its conclusions on the Commission's communication on the future of food and farming on 19 March 2018.<sup>94</sup> The conclusions were supported by 23 Member States and called for simple strategic plans, allowing for flexibility in their design and subsequent amendments. The first formal exchange of views within Council on the CAP legislative proposals took place in the Agriculture and Fisheries Council on 18 June 2018.

Consecutive Council presidencies pushed forward discussions with presidency papers and progress reports, inviting Ministers to consider questions on the most critical issues, including the cuts proposed by the Commission to the CAP budget in general and rural development in particular, flexibility, simplification, and the nature of the new delivery model. Whilst welcoming in general the elements of simplification and subsidiarity, some Ministers reiterated concerns about possible additional administrative burden and costs associated with the proposed new delivery model. Discussions identified the need for further consideration on the content of the CAP strategic plans, the performance review system, financial flexibility, performance indicators, environmental and climate-related aspects, small farms and the possibilities offered by eco-schemes (i.e. a new instrument designed to reward farmers for environmental care and climate action, see box in section 2.5.2). These considerations formed the basis for continuing work on this file in subsequent Agricultural Council meetings.

In its October 2020 meeting, the Council adopted a general approach on the post-2020 CAP reform package, constituting its position for the subsequent trilogue negotiations with the Parliament. Rossi (2021a) explains that Council wanted eco-schemes to absorb at least 20 % of the direct payments envelope. Council also wanted eco-schemes to be compulsory for Member States, but with a two-year pilot phase, and flexibility for Member States on how to shape and fund the various green practices to reach climate and environmental goals.

### European Parliament and Council negotiations

Negotiations between Parliament and Council commenced for all three CAP files on 10 November 2020 and continued through a series of trilogue meetings. In late June 2021, negotiators reached an agreement on the three proposals of the CAP reform package. This agreement was endorsed by EU agriculture ministers on 28 June 2021 and by AGRI committee Members on 9 September 2021. The agreement on the CAP strategic plans regulation was voted by AGRI Members by 38 votes in favour to eight, with two abstentions.

### Agreement

On 9 September 2021, the AGRI committee approved the deal reached by Parliament and Council in late June. Parliament voted on the three proposals of the CAP reform package during its November II plenary session on 23 November. The provisional agreement on the CAP strategic plans regulation was approved by a large majority of Members (452 in favour, 178 against and 57 abstentions), as well as the statements annexed to the regulation. An amendment tabled for the plenary and aimed at voting down the proposed regulation was rejected by a large majority of the votes. Council's formal adoption of the three regulations took place without debate on 2 December 2021. The CAP strategic plans regulation, now Regulation (EU) 2021/2115 of 2 December 2021, was published in the Official Journal on 6 December 2021 and will apply as of 1 January 2023.

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<sup>94</sup> <https://data.consilium.europa.eu/doc/document/ST-7324-2018-INIT/en/pdf>

## Parliament's influence

There are many examples where the Parliament was successful in securing its negotiating mandate, although our research reveals that often it is the sentiment that was successful rather than the specific wording. There are also many examples where the Parliament was not successful in securing its negotiating mandate, although, in some cases, modifications were made elsewhere to reflect the point being made. It is not the purpose of this study to provide an in-depth analysis of the amendments put forward and the specific outcomes achieved. This study provides an overview of the main areas in which the Parliament was able to exert its influence over the final agreement.

Examples of the Parliament's success in securing its negotiating mandate are evident in the following areas of the strategic plans regulation.

### Objectives and general principles of the CAP

The Parliament was able to negotiate several changes which added further strength and/or precision relating to economic, environmental and social objectives. Examples include making clear that competitiveness objectives refer to both the short and long-term; that the general CAP objectives should contribute to the implementation of the 2030 Agenda for Sustainable Development and that biodiversity loss should be halted and reversed rather than biodiversity simply protected; and, inserting references to gender equality, new farmers, improving animal welfare and combating antimicrobial resistance.

The Parliament introduced the principles mentioned in Article 39 of the Lisbon Treaty to the recitals, namely that agriculture is a sector closely linked to the economy as a whole, and that structural and natural disparities exist between the various agricultural regions.

### Green ambition

This was a key focus of the Parliament's negotiating mandate, and, according to interviewees, a key area of success. The main elements of success for the Parliament were:

- **Conditionality.** The Parliament negotiated several amendments to the SMRs and minimum standards GAECs which are set out in Annex III of the regulation. These amendments generally added further precision and/or tightened the terms of conditionality, as also indicated by several interviewees. An example is the establishment of a reference year and a maximum annual decrease in the ratio of permanent grassland to agricultural area of 5 % against this reference year (GAEC 1: maintenance of permanent grassland).
- **Eco-schemes.** Those interviewed for this study indicated that the Parliament's influence over the eco-schemes was a key area of success. Parliament expanded the scope of eco-schemes to include animal welfare actions and ensured that each eco-scheme shall in principle cover at least two areas of action which are set out in the regulation. To some extent these amendments address the desire to have Member States offer a broad variety of eco-schemes. The Parliament strengthened the eco-schemes by ensuring that Member States shall use a rating or scoring system to make sure that eco-schemes deliver on their targets. Parliament also added some simplifications to reduce the administrative burden of eco-schemes for farmers and Member States by removing the need to control for compliance with SMRs and GAECs where these are incorporated into an eco-scheme.
- **Environmental measures under Pillar II.** Many of the successful amendments here mirror those made under eco-schemes because the two provisions are coherent. In addition, Parliament was able to add animal welfare to the list of actions for which support can be provided for more than the usual five to seven years and successfully

defended the link between support under Pillar II and eco-schemes which the Council had wanted to remove.

- **Ring-fencing of funds for eco-schemes.** Interviewees told us that this was another key area of success for the Parliament. The Parliament starting position was that 30 % of direct payment allocations should be reserved for eco-schemes while the Council wanted to allocate 20 % for this purpose. The final agreement was for a compromise at 25 % for the whole programming period, although the Parliament had to accept two restrictions put forward by the Council.
- **Ring-fencing of funds for environment and climate measures under Pillar II.** In broad terms, the Parliament had wanted to reserve 35 % of the total EAFRD for environmental and climate measures under Pillar II whereas the Council supported the Commission proposal for 30 %. The Parliament was successful in achieving its goal, although the 35 % includes area-specific constraints payments with a weighting factor of 50 % and animal welfare and green investment payments with a weighting of 100 %.
- **Green Deal alignment.** De Castro, *et al.* (2020) report that the Commission detailed the elements of consistency between the CAP proposal and the objectives included under the Green Deal under the explicit request of the Parliament. Although the Parliament was not successful in ensuring that the Commission assessment of CAP strategic plans was based on contribution to the quantified targets set out in the farm to fork and biodiversity strategies, a recital was added making clear that the Commission should assess the consistency and contribution of CAP strategic plans to the farm to fork and biodiversity strategy targets for 2030. The Commission must also submit a report to the Parliament and Council to assess the operation of the new delivery model by the Member States and combined contribution of the interventions set out in CAP strategic plans to achieving the environmental and climate-related commitments of the Union, in particular those emerging from the European Green Deal.

### Targeting of support

The Parliament was able to negotiate some changes to the text to ensure that the targeting of support better met Parliament's objectives. However, Parliament had to concede to the Council that the capping of payments would not be mandatory at the EU level and was not able to achieve full internal convergence in payments. While some interviewees felt that the capping of payments and the consequential increase in support for smaller farmers was a key success for the Parliament, the final text reflects the Council wording which weakened the Commission's original proposal which the Parliament supported.

- **Definitions.** Parliament tightened some definitions, including that of 'active farmer' to ensure that it could not exclude farmers with non-farming income; and 'young farmer' where Member States must use a definition of between 35 and 40 years of age rather than a potentially lower age at a Member State's discretion. The Parliament introduced a definition for 'new farmer'.
- **Young farmers.** Parliament was able to increase the allocation of direct payments to young farmers from 2 % to 3 % (although Parliament had wanted 4 %). This 50% increase in support was hailed as a key success for Parliament by one interviewee.
- **Small farmers.** While Parliament did not succeed in establishing a mandatory scheme for small farmers (voluntary for farmers) to replace direct payments, it did achieve a maximum payment threshold of EUR 1 250 per year and per farmer.
- **Coupled support.** Parliament secured a derogation so that protein crops can receive coupled support without having to demonstrate specific difficulties and ensured that coupled support for livestock production is consistent with Directive 2000/60/EC (the Water Framework Directive).



## The social dimension

All interviewees spoken to as part of this study agreed that the introduction of a social conditionality clause into the CAP was one of Parliament's biggest achievements in the negotiations. Interviewees explained that this was a relatively late addition to the Parliament's mandate and was necessary to ensure the support of the S&D who 'needed something to sell to their electorate'. Social conditionality was also supported in particular by the French Members of Renew. However, the addition of this element was not directly linked to the 2019 election; an interviewee explained that S&D was actually more influential before the election. Social conditionality forms Section 3 of the strategic plans regulation.

- Article 14 states that farmers and other beneficiaries receiving direct payments or annual payments under Articles 70-72 are to be subject to an administrative penalty if they do not comply with the requirements related to applicable working and employment conditions or employer obligations arising from the legal acts referred to in Annex IV. Member States should include rules on an effective and proportionate system of administrative penalties in their strategic plans which should comply with the requirements set out in the horizontal regulation.
- Farm advisory services will cover conditions of employment and employer obligations as well as occupational health and safety and social care in farming communities (Article 15). Improving the conditions of employment was also made an objective of support and a type of intervention in the fruit and vegetables, hops, olive oil, table olives and wine sectors (Articles 46, 47, 57 and 58).
- While Parliament wanted these provisions to take effect from 2023, it had to accept voluntary application from 2023 and mandatory application from 2025 (Recital 49).
- In a joint statement the Parliament and the Council invited the Commission to monitor the impact of the social conditionality mechanism on workers' conditions and, where appropriate, to come forward with proposals to enhance the social dimension of the CAP.

## Rural development

The Parliament extended support under rural development to include the purchase of animals protecting livestock against large predators or being used in forestry instead of machinery, and large-scale investments in broadband. Although Parliament was not able to explicitly exclude support for investments not consistent with animal health and welfare legislation, it was able to modify a recital to include reference to aligning support investments to the relevant Union rules in the areas of environment and animal welfare.

The Parliament added a completely new and separate article on investments in irrigation which included most of Parliament's suggestions.

Parliament added support for the installation of 'new farmers', having established a definition, alongside support for the establishment of young farmers and rural business start-ups.

Although Parliament could not negotiate new articles on (i) measures in favour of rural women; and (ii) the development of a smart villages strategy, the core principle of gender equality was added as a recital, as was the concept of the development of smart villages as a possible solution to address rural structural problems, as a possible target for investment support and in relation to support for cooperation.

## Interventions in certain sectors

The Parliament was able to add animal disease resistance, climate change resilience and the protection and enhancement of biodiversity to the objectives of the development of sustainable production methods. Parliament also increased the maximum rate of Union financial assistance for research and development in operational programmes from 50 % to 80 % (although this was at

the expense of a reduction in the minimum proportion of expenditure covering research and development from 5 % to 2 %).

Parliament added further environmental provisions to the interventions possible in the fruit and vegetables and the wine sectors. Although the Parliament was not able to add a specific section for leguminous crops with the intention of increasing the sustainable production and consumption of legumes in the EU, the environmental benefits of legumes was added to a recital.

### Advisory services

The Parliament was not successful in substantially extending the list of services that Member States should ensure are covered by advisory services. However, the main gist of Parliament's request was added to the regulation by noting that assistance shall be offered for a range of activities covering, *inter alia*, setting up for the first time; innovation; climate, environmental and animal welfare techniques; safety standards; and social support. The Parliament also added risk prevention to the list of risk management services.

### Role of the regions

This is another area where interviewees told us the Parliament achieved notable success. With support from the Council, the Parliament increased the regional role in drawing up and implementing CAP strategic plans. Although strategic plans remain national, elements can be established at the regional level and Member States must ensure that relevant regional authorities are involved in design; regional authorities can also be involved in managing and monitoring at the regional level.

### Evaluation of Member States' performance

The Parliament was quite successful at strengthening the CAP evaluation framework. This addresses a complaint that De Castro and Di Mambro (2015) made around a lack of indicators to report on greening under the 2013 reform.

- **Indicators.** In some cases, Parliament was able to strengthen the wording around indicators and it was able to add additional indicators, especially covering issues relevant to the farm to fork and biodiversity strategies. Parliament was also able to add a gender breakdown to indicators concerned with young farmers, jobs in rural areas and generational renewal. Parliament was also successful in resisting some, but not all, Council attempts to delete some indicators and combine others, thereby ensuring the importance of indicators.
- **Performance review.** The Parliament increased to 22 the number of result indicators that Member States must use for performance review, i.e. leading to financial sanctions if Member States do not achieve certain targets. This is substantially more than the 12 that Council had wanted. Both the Parliament and the Council supported a biennial performance review based on the information provided in the annual performance reports and were therefore able to insert Article 121a. The Council had proposed that if result indicators in Member States fell short of milestones for financial years 2024 and 2026 by 45 % and 35 % respectively, Member States would have to provide a justification. The Parliament successfully argued that a 35 % (2024) and 25 % (2026) shortfall would trigger a justification.
- **Performance framework.** Parliament and Council were united in not accepting the Commission's request for empowerment to adopt implementing acts on the content of the performance framework. This would have given the Commission the power to create new indicators potentially against the will of Member States. The agreed compromise position made the implementing acts in question subject to a no-opinion clause, meaning that any draft implementing act would only be adopted if the relevant committees issued an opinion (Article 139 (2)). The same clause was also introduced to



Article 129 on information to be sent by Member States to the Commission in the context of the performance framework.

#### Global dimension of the CAP

The Parliament had wanted to insert an article setting out the global dimension of the CAP which included provisions to ensure that the CAP strategic plans contributed to the achievement of the goals set out in the 2030 Agenda for Sustainable Development. While not successful in achieving this aim, a recital was added specifying that the CAP strategic plans will be taken into account in the regular assessments by the Commission of the Policy Coherence for Sustainable Development, established on the basis of the 2030 Agenda for Sustainable Development.

### 5.4.3. The financing, management and monitoring (horizontal) regulation

#### Introduction

Rossi (2022b) explains that the European Commission submitted to the Council and the European Parliament on 1 June 2018 a proposal for a regulation of the European Parliament and of the Council on the financing, management and monitoring of the CAP and repealing Regulation (EU) No 1306/2013 (horizontal regulation). The horizontal regulation sets out the legislative framework for adapting the CAP financial management rules to the new delivery model. This new delivery model can be summarised as entailing a shift of the policy focus from compliance to performance and on towards more subsidiarity to rebalance responsibilities between the EU and the Member States.

The file was assigned to the AGRI committee with Ulrike Müller (ALDE, Germany) as rapporteur.

#### The European Parliament's starting position

As noted above, the Parliament's general priorities for CAP reform were set out in its resolution on the future of food and farming which was adopted in plenary on 30 May 2018. Rossi (2022b) explains that although the Parliament welcomed the intention to simplify and modernise the CAP, there should be no renationalisation of the CAP.

However, the Parliament did accept that subsidiarity should be granted to Member States in the context of a common set of EU rules, objectives, indicators and checks in order to better target the implementation of the CAP to the different realities of EU agriculture. The Parliament considered that this approach would guarantee a level playing field for farmers, and respect for the rules and principles of the single market.

In an attempt to reduce the administrative burden related to the financial management of the CAP, the Commission wanted a less prescriptive approach, which involved fewer detailed requirements at EU level in terms of controls, penalties and audit arrangements. In line with its view on not renationalising the CAP, Parliament wanted to set the general common objectives, basic standards, measures and financial allocations following the co-decision procedure at the EU level.

In terms of controls, again to avoid any renationalisation, Parliament wanted basic uniform criteria in the new performance-based evaluation approach. It wanted the same for the Commission's financial and performance control and audits to guarantee that functions would be performed to the same high standards and in accordance with the same criteria across the EU.

In a desire to reduce the burden on farmers, Parliament wanted to see the collection of information through new technologies, rather than farmers' data submissions. Parliament also wanted to avoid the introduction of unnecessary national and regional rules.

#### Establishing the European Parliament negotiating mandate

The AGRI committee organised an extraordinary meeting on 11 June 2018, at which the then Commissioner for Agriculture, Phil Hogan, presented the CAP legislative proposals. Rossi (2021b)

reports on discussions within AGRI, between AGRI and the Commission, and AGRI and experts on several occasions. Matthews (2019a) reports that 863 amendments were tabled, including those provided by the four opinion-giving committees (REGI, DEVE, CONT and BUDG). The rapporteur, Ms Müller, successfully condensed almost 600 proposed amendments into 63 compromise amendments; one alternative compromise amendment was tabled by the ECR political group.

AGRI adopted the report by 28 votes in favour, seven against and two abstentions in a vote held on 8 April 2019, although the text approved by AGRI did not reach the plenary due to the end of the 8<sup>th</sup> parliamentary term.<sup>95</sup> Rossi (2022b; 2021b) summarises the main points included in the report as follows:

- The crisis reserve established in the CAP budget by at least EUR 400 million a year, with potential addition of further unspent amounts from the previous years for a maximum of EUR 1.5 billion.
- The financial discipline activated only above the first EUR 2 000 of direct payments.
- Tougher penalties for reoccurring violations of conditionality rules.
- Member States' performance subject to reporting obligations only every two years.
- Early warning mechanisms, minimum control samples and EU audit performed when needed to control implementation.
- A revision of Commission empowerments to rebalance powers between institutions.

On 16 October 2019, the Conference of Presidents decided that as part of a list of unfinished files on which the Parliament had not yet adopted a position, work on all three CAP files constituting the CAP reform package should resume. Deliberations continued and, on 23 October 2020, Parliament adopted its position on the future CAP in view of starting negotiations with the Council. Parliament's position on the horizontal regulation was approved by 434 votes in favour, with 185 against and 69 abstentions. An interviewee explained that the final negotiating mandate was not substantially different from the pre-election position.

Rossi (2022b) explains that the final mandate included issues such as rules for strengthening the crisis reserve and clarifications on the governance structure already agreed in the AGRI committee. It also included provisions to smooth the passage from a compliance to a performance-based system, with an EU complaints mechanism to support beneficiaries in case of problems with national authorities and the maintenance of some Commission control on the eligibility and compliance of payments. This dilution of the performance-based approach was part of a compromise package agreed among the main political groups ahead of the plenary vote and covering a number of CAP reform elements.

### The Council's negotiating mandate

According to Rossi (2021b), in the Council, Ministers conveyed positive views on various elements of the proposal, such as subsidiarity and simplification, including the use of new technologies in agriculture and the shift from a compliance- to a performance-based policy. Ministers also called for additional efforts to further simplify the CAP and ensure greater subsidiarity, and avoid any additional administrative burden and costs associated with the new delivery model.

Some delegations raised issues such as the need to consider the constitutional framework establishing regional competences in the agricultural sector in certain Member States. Other key aspects of the CAP financial framework were also at the core of discussions, such as the threshold for financial discipline, the functioning of the crisis reserve, performance reporting, and the system of control and penalties.

<sup>95</sup> [https://www.europarl.europa.eu/doceo/document/A-8-2019-0199\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-8-2019-0199_EN.html)

On 21 October 2020, Council agreed its general approach on the three proposals of the CAP reform package, following two and a half years of negotiations conducted under five presidencies (Rossi, 2021b).

The Council's position differed from the Parliament's on issues such as the maintenance of the performance-based approach and provisions envisaging a EUR 450 million agricultural reserve at the beginning of the year (the Parliament agreed with the Commission's proposal for a EUR 400 million fund) and a possible refill using EAGF (or the financial discipline mechanism activated only above the first EUR 2 000 of direct payments, as in Parliament's proposal).

### European Parliament and Council negotiations

Negotiations between Parliament and Council commenced for all three CAP files on 10 November 2020. Rossi (2021b) reports that following this first round of negotiations, the rapporteur informed AGRI Members that there had been agreement to conduct negotiations in eight blocks, each covering a specific element of the proposal. It was apparent that only a few points divided the Parliament and Council positions, such as the Council's concerns over additional tasks imposed on Member States, and Parliament's desire to have a say on implementing legislation.

In late June 2021, negotiators reached an agreement on the three proposals of the CAP reform package. This agreement was endorsed by EU agriculture ministers on 28 June 2021 and by AGRI Members on 9 September 2021. The agreement on the CAP horizontal regulation was voted by AGRI Members by 39 votes in favour to seven, with two abstentions.

### Agreement

On 9 September 2021, the AGRI committee approved the deal reached by Parliament and Council in late June. Parliament voted on the three proposals of the CAP reform package during its November II plenary session (23 November). The provisional agreement on the CAP horizontal regulation was approved by a large majority of Members (485 in favour, 142 against and 61 abstentions); an even larger majority (over 630 votes in favour) approved the statements annexed to the regulation. Council's formal adoption of the three regulations took place without debate on 2 December. The CAP horizontal regulation, now Regulation (EU) 2021/2116 of 2 December 2021, was published in the Official Journal on 6 December 2021 and will apply as of 1 January 2023.

### Parliament's influence

Unlike the strategic plans regulation, the Parliament and the Council were generally quite aligned on some of the amendments to the horizontal regulation, as is evident from the negotiating process and outcome; this alignment was also confirmed by interviewees. Against this background, it is more difficult to identify examples of success that can be solely attributed to the Parliament's influence. The following areas of the horizontal regulation highlight some examples of the Parliament's position and the extent to which it was successful in securing its negotiating mandate.

#### Agricultural reserve

Whilst the Parliament was content with the Commission's suggestion that the agricultural reserve should be at least EUR 400 million in real terms at the beginning of each year in the programming period, the Council successfully argued for an exact sum of EUR 450 million. The Parliament was not successful in adding a stipulation that the amount available each year should be at least equal to the initial amount allocated, or in imposing a ceiling on the crisis reserve of EUR 1.5 billion.

#### New delivery model

The Parliament expressed some concern about the functioning of the new delivery model. To overcome these concerns, the concept of 'basic Union requirements' was clarified and reinforced and a definition of 'serious deficiencies of the governance systems' (i.e. systemic weaknesses taking

into account recurrence, gravity and compromising effect) was added by the Council. A recital was added under parliamentary pressure which allows the Commission to impose financial corrections if there are serious deficiencies in Member States' implementation of CAP strategic plans.

#### Protection of EU financial interests

The Parliament reinforced the protection of EU funds by empowering the Commission to check the implementation of CAP strategic plans. In the case of doubts about compliance with eligibility conditions, the Commission was given the power to suspend and reduce payments to Member States. The Parliament was also successful in insisting that the Commission shall publish multiannual reports and communicate them to the Parliament.

#### Governance system

The Parliament made substantial amendments to the structure of the governance body section by reordering the articles to clarify the roles and tasks of national bodies. Parliament also added the explicit possibility that paying agencies could be departments or bodies of regions responsible for the management and control of expenditure as an alternative to Member State bodies. The tasks of certification bodies were detailed and clarified, and the Parliament successfully insisted that the Commission communicate the list of national certification bodies to Parliament annually.

#### Financial discipline, penalties and controls

Interviewees stressed that one of the most important contributions of the Parliament to the horizontal regulation is reinforcing the control system and standardising this across Member States, which links to the expressed aim that there should be no renationalisation of the CAP. The Parliament added precision to the control system for conditionality by clarifying the beneficiaries to be subject to control.

Both the Parliament and the Council added the death of the beneficiary and the long-term professional incapacity of the beneficiary as additional cases of force majeure and exceptional circumstances.

The final legislation also included the option for Member States to set up a simplified control system for farmers participating in the small farmers scheme under the strategic plans regulation or having fewer than five hectares if there is no small farmer scheme. Although this option derived from the Council mandate, the focus on small farmers is consistent with Parliament's approach to small farmers under the strategic plans regulation. Under this provision, farmers can be excluded from on-the-spot checks if it can be demonstrated their non-compliance would not have significant consequences.

Another simplification obtained by the Parliament was to set a de-minimis threshold of EUR 100 for penalties to reduce the administrative burden; the Council had wanted to increase the threshold to EUR 250.

The Parliament added a definition of 'reoccurrence' in the context of a breach of conditionality and introduced a common system of gradually increasing penalties. Reductions in payments will amount to 10 % (as opposed to 3 % for a first non-compliance) in the case of reoccurrence of the same non-compliance within three consecutive years. A reduction of 15 % in payments will be made in the case of intentional non-compliance.

Both the Parliament and the Council wanted to limit the use of financial discipline (which may be used to fund the agricultural reserve as a last resort in case of insufficient funds) to direct payments over a threshold of EUR 2 000 and so were able to make this amendment.

A new chapter was added to introduce rules on the control system and administrative penalties in relation to social conditionality, reflecting the Parliament's addition of social conditionality to the strategic plans regulation.

The Parliament was successful in allowing Member States to correct any errors made by farmers in good faith in their aid declaration without penalty.

#### Transparency – data mining tool – ARACHNE

The Parliament ensured that information on beneficiaries of CAP funds should allow groups receiving support to be identified.

To help Member States take action to ensure the proper functioning of their management and control systems, a compromise was reached where the Commission shall make available to Member States a data-mining tool to assess risks presented by projects, beneficiaries, contractors and contracts. A Commission assessment of the tool will take place in 2025 in view of its generalised use by Member States.

With respect to the provision of information to raise public awareness of the content and objectives of the CAP, Parliament added that this should include information about the CAP's interaction with the climate, environment and animal welfare. The intention is to inform citizens, consumers and farmers about the challenges faced in the agriculture and food sector.

Finally, the Parliament added greater precision to the description of the elements of the integrated administration and control system (IACS) with respect to pigs.

### 5.4.4. The amending regulation

#### Introduction

The European Commission submitted to the Council and the European Parliament on 1 June 2018, a proposal for a Regulation of the European Parliament and of the Council amending the following regulations:

- Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products;
- Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs;
- Regulation (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products; and,
- Regulation (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union.

The file was assigned to the AGRI committee with Eric Andrieu (S&D, France) as rapporteur.

#### The European Parliament's starting position

Rojek (2021) explained that the Parliament's resolution reacting to the Commission's communication on the future of food and farming called on the Commission to maintain the current CMO framework. However, the Parliament noted the need for innovative market and crisis management instruments, such as voluntary sector agreements to manage supply, and mentioned the possibility of introducing a voluntary milk supply reduction scheme.

Parliament stressed the importance of maintaining compulsory individual sector programmes (wine, fruit and vegetables, olive oil and apiculture) for producing countries and suggested introducing similar programmes for other sectors. Parliament believed that tools such as the EU market observatories (for milk, meat, sugar and crops) should be extended to sectors not yet covered.

Parliament called for an in-depth review of the current crisis reserve mechanism in order to create a workable EU fund for agricultural crises. It also insisted on improving support for producer

organisations, cooperatives and interbranch organisations, calling on the Commission to clarify and update the rules for these organisations, particularly as regards competition policy.

Concerning quality schemes and geographical indications, Parliament hoped that the progress achieved in promoting the EU's agricultural interests in trade negotiations, notably market access for high-quality EU agri-food products and protection of geographical indications (GIs) in third countries, could be continued.

On support for outermost regions, Parliament considered that the POSEI budget should be maintained at a level sufficient to face the challenges of agriculture in these regions. Parliament had also addressed this point in its resolution of 6 July 2017 on promoting cohesion and development in the outermost regions of the EU.

## Establishing the European Parliament negotiating mandate

The AGRI committee organised an extraordinary meeting on 11 June 2018, at which the then Commissioner for Agriculture, Phil Hogan, presented the CAP legislative proposals. Rojek (2021) reports that after a series of discussions the rapporteur, Eric Andrieu, duly published his draft report, containing 109 amendments, on 25 October 2018.

Opinions were received from ENVI, REGI, DEVE and CONT. The other opinion giving committees (BUDG, and PECH) did not submit opinions. Matthews (2019a) reports that in addition to the 109 amendments proposed by the rapporteur to the Commission proposal, 687 amendments were tabled by Members, and a further 92 amendments by the opinion-giving committees. In order to reach a coherent position and to facilitate the vote, the rapporteur negotiated 61 compromise amendments. The amendments also concerned parts of the current CMO Regulation that were not amended by the Commission's proposal.

The AGRI committee report was adopted on 1 April 2019 by 29 votes in favour, seven votes against and one abstention.<sup>96</sup> The text approved by the AGRI committee did not reach the plenary due to the end of the eighth parliamentary term.

On 16 October 2019, the Conference of Presidents decided that as part of a list of unfinished files on which the Parliament had not yet adopted a position, work on all three CAP files constituting the CAP reform package should resume. Deliberations continued, before Parliament adopted its position on the future CAP on 23 October 2020. Parliament's position on the amending regulation was approved by 463 votes in favour, with 133 against and 92 abstentions. An interviewee explained that the final negotiating mandate was not substantially different from the pre-election position.

Rojek (2021) sets out the following key elements of the Parliament's agreed mandate:

- Measures for market disturbances: The current volume reduction scheme granting aid to dairy farmers, who voluntarily produce less in times of severe market imbalances in order to stabilise prices, should be extended to all agricultural sectors.
- Widening the market safety net: The list of products eligible for public intervention should be extended to new products: white sugar, sheepmeat, pigmeat and chicken.
- Public intervention should be open for all eligible products throughout the whole year, not only for specified periods.
- Table olives and rice should be added to products eligible for private storage aid.
- Supply management for GIs: The possibility to introduce time-limited regulation of supply for products with a protected designation of origin (PDO) or protected geographical indication (PGI), currently applying to cheeses, hams and wines, should be extended to all agricultural products with quality marks.

<sup>96</sup> [https://www.europarl.europa.eu/doceo/document/A-8-2019-0198\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-8-2019-0198_EN.html)



- Value sharing for GIs: The mechanisms for value sharing between farmers, including farmers' associations, and their first purchasers should be extended to other products that have a quality mark recognised by Union and national law.
- EU observatory: The Commission should establish an observatory of agricultural markets that should cover at least the following sectors: cereals; sugar, sugar beet and sugar cane; olive oil; fruit and vegetables; wine; milk and milk products; beef and veal; pigmeat; sheepmeat and goatmeat; and poultrymeat. It would collect statistical data in order to improve market transparency and better anticipate market turbulences. The observatory should set up alert thresholds and notify Parliament and Council of threats of market disturbance.
- Internal market competition rules should not apply to agricultural products and practices that aim at higher environmental, animal health or animal welfare standards than EU or national ones.
- Resale at a loss should be prohibited for agricultural products falling under the regulation.
- International trade: In order to maintain fair competition and ensure reciprocity, the EU should enforce production standards consistent with those established for its own producers. Import of agri-food products from third countries should only be allowed if they comply with standards and obligations applying to the same products in the EU, in particular in the field of environmental and health protection.
- Vine planting: The authorisation scheme for vine planting that currently applies until 2030 should be prolonged until 2050. Every ten years the Commission should undertake a review of its functioning, with the first due on 1 January 2023.
- Prohibited vine varieties: Parliament did not agree to allowing the *Vitis labrusca* species to be used for wine production or to lifting the existing ban on six varieties (Noah, Othello, Isabell, Jacquez, Clinton and Herbemont). However, Member States should be allowed to authorise the replanting of *Vitis labrusca* or the six varieties in historical vineyards as long as the existing planted surface was not increased.
- Wine labelling: Wine labels should include nutrition information, or at least the energy value and the list of ingredients or a direct link to where it can be found.
- De-alcoholised wines: De-alcoholised or partially de-alcoholised wines could be included in the category of grapevine products, as the Commission proposed, but they should not benefit from PDO, PGI and TSG protection.
- Naming of plant-based products: The amendment that meat-related terms and names (such as steak or burger) should be reserved exclusively for animal products was rejected in the plenary vote, but Parliament agreed that existing restrictions on the use of dairy-related terms only to animal milk products should be further tightened.
- Outermost regions: The amounts allocated to measures under the programmes of support for the Union's outermost regions (POSEI) and for smaller Aegean islands (SAI) should be maintained at current levels.

### The Council's negotiating mandate

The Council considered that the existing market support instruments had proved to be effective against market disturbances and the majority of delegations agreed that the CMO should not be overhauled.

Most of the Council's proposed amendments concerned provisions relating to geographical indications and to the wine sector. Rojek (2021) stated that the most controversial point was the opening of the market to prohibited vine varieties. Discussions showed a clear difference of opinion between the main wine-producing countries, which were strongly against, and the rest of the Member States, which would be either flexible or willing to accept it.



Twelve Member States (Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Italy, Malta, Portugal, Slovakia, Slovenia and Spain, the EU's main wine-producing countries, jointly accounting for over 90 % of EU wine production) presented a non-paper<sup>97</sup> in which they called for the *status quo* to be maintained, along with the ban on the six varieties and varieties of the species *Vitis labrusca* (while retaining the already existing derogations).

The next revised drafting suggestions sought, among other things, to strike a balance as regards vine varieties by maintaining the existing prohibition on six specific hybrid varieties and on the species *Vitis labrusca* but allowing the use of hybrids in PDO wines; to clarify the rules on wine labelling; to make the use of the terms 'de-alcoholised' and 'partially de-alcoholised' mandatory on the labelling of such wine products; to change the rules concerning authorisations for new plantings and extend the period for converting planting rights into authorisations. The Council's general approach and negotiating mandate were agreed on 21 October 2020.

### European Parliament and Council negotiations

Negotiations between Parliament and Council commenced for all three CAP files on 10 November 2020. Rojek (2021) reports that the co-legislators were quite close in their positions on wine and geographical indications, but much further apart as regards market management and crisis measures.

The most controversial points proved to be the amendments proposed by Parliament on public intervention, private storage aid, trade with third countries, transparency of the market, exceptional market measures and provisions related to the sugar sector. The Council voiced concerns that these changes would go against the market orientation of the CAP, internal market competition rules and WTO commitments.

In late June 2021, negotiators reached an agreement on the three proposals of the CAP reform package. This agreement was endorsed by EU agriculture ministers on 28 June 2021 and by AGRI committee Members on 9 September 2021. The agreement on the amending regulation was voted by AGRI Members by 40 votes in favour to five, with two abstentions.

### Agreement

On 9 September 2021, the AGRI committee approved the deal reached by Parliament and Council in late June. Parliament voted on the three proposals of the CAP reform package during its November II plenary session 23 November. The provisional agreement on the amending regulation was approved by a large majority of Members (487 in favour, 130 against and 71 abstentions). Council's formal adoption of the three regulations took place without debate on 2 December. The CAP horizontal regulation, now Regulation (EU) 2021/2116 of 2 December 2021, was published in the Official Journal on 6 December 2021 and entered into force on 7 December 2021.

### Parliament's influence

Examples of the Parliament's success in securing its negotiating mandate are set out in respect of each of the regulations covered by the amending regulation. By far the most amendments were made to Regulation (EU) No 1308/2013 (CMO regulation).

Regulation (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products

Most of Regulation (EU) No 1308/2013 remained unchanged. The key areas where the Parliament was successful in introducing changes are as follows:

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<sup>97</sup> <https://data.consilium.europa.eu/doc/document/ST-5654-2019-INIT/en/pdf>

**International trade.** The Parliament tried to add an article stipulating that agricultural and food products imported from third countries must comply with production standards and obligations consistent with those which apply in the Union, particularly those that cover environmental and health protection. While the Parliament was unable to negotiate the addition of this article, it was agreed at the super-trilogue on 24/25 June 2021 that three statements on international trade would be made instead;<sup>98</sup> several interviewees indicated that these statements can still be considered a Parliamentary success. These were:

- Joint statement by the Council, the Parliament and the Commission on proactive engagement at multilateral level concerning the application of EU health and environmental standards to imported agricultural products. This recognised the need to seek greater coherence between health and environmental standards that apply to agricultural products in the Union and those that apply to imported agricultural products, in conformity with international trade rules. It also recognised the need to engage proactively at the multilateral level to increase the ambition on international environmental objectives.
- Joint statement by the Council and the Parliament concerning the application of EU health and environmental standards to imported agricultural products. This called on the Commission to present, by June 2022, a report containing an assessment of the rationale and 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 as well as identifying the concrete initiatives to ensure better consistency in their application, in conformity with WTO rules.<sup>99</sup>
- Unilateral statement by the Commission indicating what could be done in terms of the imports of agricultural and agri-food products from third countries. This stated that the Commission will continue to ensure that import tolerances and Codex Maximum Residue Limits<sup>100</sup> are assessed and reviewed for the presence of active substances that are not, or are no longer, approved in the Union, so that any residues in food or feed do not present any risk for consumers. The Commission will also take into account environmental concerns of a global nature in conformity with WTO rules when assessing import tolerance applications or when reviewing import tolerances for active substances no longer approved in the Union.

**Transparency of the markets in agricultural products.** The Parliament wanted to increase transparency in agricultural markets and to increase surveillance to enable early warning of market volatility. Parliament was able to secure a compromise on its proposals which established Union observatories to better monitor agricultural product markets. The observatories will monitor (i) production, supply and stocks; (ii) prices, costs and, as far as possible, profit margins at all levels of the food supply chain; (iii) short- and medium-term market forecasts; (iv) imports and exports of agricultural products, in particular the filling of tariff quotas for the import of agricultural products into the Union.

The market observatories will also identify threats of market disturbance and the Commission will regularly present information on the market situation for agricultural products, the causes of market disturbances and possible measures to be taken in response to those market disturbances to the Parliament and to the Council.

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<sup>98</sup> <https://data.consilium.europa.eu/doc/document/ST-10991-2021-ADD-1/en/pdf>

<sup>99</sup> The report can be found here: [https://food.ec.europa.eu/system/files/2022-06/ia\\_environmental-standards-aw-report.pdf](https://food.ec.europa.eu/system/files/2022-06/ia_environmental-standards-aw-report.pdf)

<sup>100</sup> Codex maximum residue levels are internationally agreed food standards covering pesticide residues in or on food and feed.

**Measures against market disturbance.** Parliament succeeded in making changes to the market disturbance package which allow the Commission to react efficiently and effectively against the threat caused by significant price changes or other events which significantly disturb or threaten to disturb the market. The amendment allows the Commission to adjust or suspend import duties in whole or in part including for certain quantities or periods as necessary, or take the form of a temporary voluntary production reduction scheme, in particular in cases of oversupply. While Parliament was unsuccessful in adding white sugar to the list of products eligible for public intervention, a joint statement<sup>101</sup> was agreed between the three institutions recognising the difficulties the sector faced following the abolition of the sugar quotas and noting that policy development could follow the conclusion of an external report on the sugar sector.<sup>102</sup>

**Import duties.** Parliament successfully argued for greater flexibility in the operation of the Special Safeguard Clause in Article 5 of the WTO Agreement on Agriculture. The trigger volume for activating the clause was set equal to either 125 %, 110 % or 105 %, depending on whether market access opportunities, defined as imports expressed as a percentage of the corresponding domestic consumption during the three preceding years, are less than or equal to 10 %, greater than 10 % but less than or equal to 30 %, or greater than 30 %, respectively. The amendment also specified that where domestic consumption is not taken into account, the trigger volume shall be equal to 125 %.

**The wine sector.** Both Parliament and Council wanted to make similar amendments in relation to the wine sector and, according to interviewees, this was the main political issue within the CMO regulation. The main amendments secured by Parliament are set out below.

- **Authorisations for wine planting and replanting.** Parliament wanted to extend the duration of the scheme of authorisations for vine plantings to 2050, although the Council only wanted an extension to 2040. A compromise was agreed to extend the scheme to 2045 with reviews in 2028 and 2040 to evaluate the operation of the scheme and make proposals if appropriate. Parliament was successful in negotiating that where replanting takes place on the same parcel of land on which grubbing up has been undertaken, the authorisation will be valid for six years. Parliament was also successful in allowing Member States which have not converted planting rights into authorisations by 31 December 2022 to do so until 31 December 2025.
- **Forbidden wine varieties.** The Parliament and Council were aligned against lifting the ban on *Vitis Labrusca* varieties and varieties resulting from crosses between *Vitis vinifera*, *Vitis Labrusca* and other species of the genus *Vitis* being planted in the EU. The ban was maintained with the compromise that growers already using these varieties can continue to do so without legal risk. Growers may also replant areas with these varieties, but must not increase the area; the production must be used for purposes other than wine making.
- **Dealcoholised/partially dealcoholised wine and scope of Geographical Indications.** In line with the Parliament and the Council's mandate, total and partial dealcoholisation treatment and corresponding mandatory labelling will be allowed for all wines except PDO/ PGI wines.
- **Wine labelling.** Parliament expanded the mandatory information on wine labels to include the terms 'de-alcoholised' and 'partially de-alcoholised' where applicable. Parliament also added the nutrition declaration and list of ingredients as well as the minimum durability where a partially de-alcoholised wine has an alcoholic strength below 10 %. The nutritional declaration on the label may be limited to the energy value

<sup>101</sup> <https://data.consilium.europa.eu/doc/document/ST-10991-2021-ADD-1/en/pdf>

<sup>102</sup> The external report is available here: <https://op.europa.eu/en/publication-detail/-/publication/c8a80147-7f1f-11ec-8c40-01aa75ed71a1/language-en>

with other elements provided electronically and may not be displayed with information intended for sales or marketing purposes.

**Producer and interbranch organisations.** Parliament was successful in securing the following amendments:

- **Statutes of producers' organisations (POs).** Parliament secured an amendment that allows for members of a PO (although not those in the milk and milk products sector) to be in direct contact with purchasers as long as this does not jeopardise the concentration of supply or placing of products on the market by their PO. Parliament also agreed a compromise that the requirements for recognising POs should not prevent the recognition of POs dedicated to small-scale production (Parliament had requested recognition for POs dedicated to marginal production).
- **Vertical initiatives for sustainability and extension of rules for POs, associations of POs or interbranch organisations.** Parliament successfully gained an exemption from competition laws for POs to make arrangements so that price can better reflect commitments to sustainability. Parliament also amended the scope of extensions to rules applying to POs and IBOs to other operators in the same economic area for a limited period of time and added a distinction between organic and non-organic milk in price reporting requirements.

**Supply regulation for products with a GI.** Parliament was successful in extending measures to facilitate the adjustment of supply to market requirements from cheese, wine and ham products under a PDO/PGI to all products under a PDO/PGI.

**Value sharing for products with a GI.** Parliament added the possibility for IBOs to issue price guidance for the sale of grapes for the production of PDO/PGI wines provided that such guidance does not eliminate competition in respect of a substantial proportion of the products in question.

Regulation (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs

**Objectives.** Parliament extended the definition of quality schemes to also include a product's contribution to sustainable development.

**Generic nature, conflicts with names of plant varieties and animal breeds, with homonyms and trademarks.** Parliament suggested a clarification so that a name may not be registered as a GI where it might cause confusion between products with the registered designation and the variety or breed in question. The Commission compromise text was added.

**Names, symbols and indications.** Parliament wanted to tighten the text around the use of symbols and the wording appearing on the label of PDO/PGI products. Some, but not all, elements of Parliament's suggestion appeared in the compromise text agreed. This is also the case with respect to traditional speciality guaranteed (TSG) products.

**Protection.** The Parliament and the Council both wanted to ensure that the protection of registered names was comprehensive and covered, for example, in e-commerce transactions. The final text that ensures this is though based on the Council wording.

**Restriction on use of registered names.** The Commission draft proposed removing Parliament's involvement in implementing acts laying down rules for the protection of TSGs, but Parliament was successful in maintaining its involvement under the procedure laid down in Article 5 of Regulation (EU) No 182/2011.<sup>103</sup>

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<sup>103</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.

Regulation (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products

**Labelling of aromatised wine products.** Parliament wanted to add an article covering the nutritional declaration and ingredient list on aromatised wine labels in line with its successful amendment to wine labelling. The Commission compromise text covering this was added.

Regulation (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union

**Programme of options specifically relating to remoteness and insularity (POSEI).** Parliament added the possibility for France to authorise levies on imports to Réunion to fund a development programme for local agriculture to better safeguard food security on the island.

## 6. Conclusions and recommendations

This concluding chapter provides an overarching assessment of the influence that the Parliament has had over the CAP under the CP and the OLP and offers suggestions on how Parliament could increase its influence in the future. The section draws on observations based on our preceding analysis, as well as the interviews carried out with MEPs involved in the CAP decision-making process; academic and commentators on the CAP; and, Parliament, Commission and Council officials.

### 6.1. The influence of the Parliament over the CAP

The Parliament had **very little influence over the CAP under the CP**. By definition, the Parliament was only consulted, there was no obligation on the part of the Council, as the sole legislator, to take any account of the Parliament's views. One interviewee with long-standing involvement in the development of the CAP referred to Parliament's role as being largely symbolic. That said, the Council and the Commission did not completely ignore Parliament's views. This legislative arrangement meant that the Parliament was largely absent from the CAP debate until the extension of the OLP to cover agriculture under the Lisbon Treaty from 2009.

Nonetheless, the Parliament did have some methods of influence at its disposal, including **delaying providing its opinion under the CP**, which was, however, necessary before the legislative procedure could continue. However, this, **and other methods of influencing** the CAP debate such as greater involvement in the budgetary procedure (since 1975), committees of inquiry and special committees, parliamentary questions, the approval of commissioners, own-initiative reports and the use of organised groups **had at best a very marginal impact and were not consequential**.

Commentators on the CAP decision-making process explained in interviews that under the CP, Parliament did not have to consider the cost or practicality of how the CAP might operate and was therefore free to make what some perceived as 'unrealistic demands'. As a result, the opinions of Parliament were sometimes not taken seriously by commentators, or the EU institutions involved in the decision-making process.

The **extension of the OLP to the CAP** made the Parliament a co-legislator alongside the Council and thereby **put the Parliament front and centre of the CAP decision-making process**. Interviewees explained that the Parliament gained credibility under the OLP. As Knops and Swinnen (2014) observed, the fact that the CAP decision-making process concluded successfully demonstrates that co-decision worked in that agreements have been reached. The change of procedure also gave the Parliament shared responsibility for the CAP which added a degree of focus in terms of what Parliament asked for. **As a result of this change in formal legislative procedure, the Parliament very clearly greatly increased its influence over the CAP, and this is the universal view of those interviewed for this study.**

This **influence extends to the initial Commission proposal**, although interviewees felt that at this phase of CAP development influence was relatively minor. Interviewees did though explain that with reference to the 2013 reform, the Commission was well aware of the need to draft a proposal which the Parliament could broadly support. The extent of Parliament's influence over the initial Commission proposal is less clear in the 2021 reform. One interviewee explained that there is ongoing communication between the AGRI committee and the Commission which allows the Commission to understand the views of different political groups and thereby to calibrate their proposals. However, another interviewee drew attention to the fact that the Parliament's own-initiative report on the future of food and farming was only adopted in plenary three days before the Commission published its draft legislation for the 2021 reform and was therefore not taken



into account. Other interviewees though felt that the Commission was well aware of the emerging direction of the report and therefore did take it into account in the draft legislation. In either case, the timing does not suggest that the Commission, in its initial proposal, reflected extensively on the Parliament's position.

Many interviewees covering a range of perspectives explained that the **2013 CAP decision-making process had been a learning experience for the Parliament** and that the Council also needed to come to terms with the new procedure. For example, one interviewee explained that in 2013, the Parliament allowed many details to be decided under implementing acts, over which it had no influence, rather than delegated acts which it can influence. This interviewee explained that, by nature of the democratic process, MEPs are more likely to want to negotiate concessions on points of substance where victory can be claimed than on less obvious victories such as retaining Parliament's voice on issues to be decided later. This approach was much less in evidence in the 2021 negotiations where Parliament was more careful not to give away future influence. Another interviewee explained that the Council sometimes includes implementing acts in its mandate to allow room for negotiation, so the implication is that Parliament could have extracted more concessions in 2013 than it ultimately did. In contrast, one interviewee explained that the Commission had taken account of the Parliament's new role and had made efforts to work with the Parliament, partly to act as a counterweight to the Member States in the Council.

Another factor which restricted the Parliament's role in the 2013 decision-making process was the **relationship between the CAP and the MFF negotiations**. An interviewee explained that the Council conclusions on the MFF were considered non-negotiable by the Council which reduced the areas within the CAP where Parliament was able to have a voice. For its part, Parliament insisted that this approach amounted to an infringement of its powers under the Lisbon Treaty, and it was an important recognition of Parliament's power that the Council conclusions on the post-2020 MFF created fewer restrictions on the 2021 CAP negotiations. Although there were still areas around the MFF where the Parliament expressed its disagreement, this was a much lesser restriction in 2021 than it had been in 2013. This long-standing commentator on the CAP concluded that in the 2021 decision-making process the Council appeared to have taken some account of the Parliament's view in terms of its concerns over the 2013 MFF decision-making process.

Interviewees generally felt that the **Parliament was more effective in the 2021 decision-making process than it had been in 2013**. One interviewee explained that the Parliament learned a lot from the 2013 experience, thanks in part to the continued presence in the AGRI committee of MEPs involved in the earlier negotiation. This highlights the importance of experience and continuity in the composition of AGRI. Another interviewee explained that in 2013 the Parliament had been more prepared to accept the Council's position whereas in 2021 the Council realised it had to compromise in order to reach agreement.

One interviewee characterised the Parliament's influence in 2013 as being able to block some elements that it did not like, but with improved organisation and clearer targets in 2021, Parliament was able to increase its influence. MEPs involved in the process scored the Parliament's 2021 performance very highly and felt that the Parliament had been able to secure important amendments. Some commentators on the CAP that were interviewed for this study added that the Parliament's successes in 2013 were in fact less substantial than they appeared to be at the time when the substance of the amendments, and the impact they would actually have, was taken into account.

While our findings on the influence of Parliament in the 2021 CAP decision-making process are consistent with those presented in relation to the 2013 process in Knops and Swinnen (2014), one interviewee from outside the process cautioned against drawing too much from a comparison of the 2013 and 2021 decision-making processes because the issues at stake were different, as was the view of the Parliament. Other confounding factors vis-à-vis the Parliament's influence are the



roles and views of the Council and Commission, which also differed, and which are beyond the scope of this study.

Interviewees were asked to comment on the effectiveness of the OLP at allowing the Parliament to better represent the issues of concern to citizens in the CAP, whether the OLP increased the democratic legitimacy of the CAP and whether it had increased citizen awareness of the CAP. Interviewees explained that by bringing the Parliament inside the decision-making process, the OLP by definition increased democratic legitimacy and better represented the interests of citizens. Examples provided included the addition of social conditionality and greater focus on environmental issues. Interviewees were though less sure about the extent to which the OLP has had an impact on improving citizen awareness of the CAP, although it is thought to have contributed to some extent. These findings echo those of Knops and Swinnen (2014) in relation to the 2013 decision-making process.

## 6.2. Recommendations to increase Parliament's influence

The experience gained and lessons learned in the previous CAP decision-making processes under the OLP (2013 and 2021 CAP reform) may provide useful insights on how the Parliament can increase its influence in future. In identifying ways in which the Parliament could increase its influence over future CAP decision-making it is instructive to first consider the barriers that restrict Parliament's influence.

Interviewees raised a number of issues which can be summarised as follows.

- **Limited influence over the EU multiannual budget.** The fact that the Parliament does not have an equal say over the MFF reduces its ability to influence the CAP decision-making process. While this was a more significant barrier in the 2013 decision-making process, it remains an issue.
- **Difficulties in agreeing on a coherent position within the Parliament.** One interviewee explained that a strong majority for the negotiating mandate is important. However, it is an accepted fact of a democratic institution that opinions do differ both between and within political groups and committees; there are of course, also differences of opinion between Member States in the Council. Interviewees felt that in the 2021 decision-making process, the AGRI committee had a relatively strong position, but this was not the case in the ENVI committee.
- **The openness and transparency of parliamentary debate.** One interviewee explained that the Council knows the positions of different political groups in the Parliament and can exploit this knowledge in the trilogue. In contrast, the Parliament knows much less about the position of the Council. In this context, the very transparent interactions between the AGRI and ENVI committees in the 2021 decision-making process also provided the Council with the opportunity to exploit divisions.
- **Limited capacities for providing policy expertise and research support.** A wide range of interviewees from inside and outside Parliament, including those involved in the process from all EU institutions, made the point that the Commission has access to more policy expertise and analytical research support than the Parliament, as does the Council via the Member States. The need to enhance the capacity to provide policy expertise and research support within Parliament appears to persist. This is especially the case in highly technical policies such as the CAP, even if the support available to MEPs has been strengthened considerably in recent years, among others, by the creation of the Policy Departments in 2004 and EPRS in 2013, as well as the recruitment of more accredited parliamentary assistants for individual support to Members, policy advisors in the political group secretariats, and administrators in the parliamentary committee secretariats. Interviewees consider that Parliament is more effective in defending its position when it avails of adequate policy expertise and research support

that combines good technical knowledge with a deep historical understanding of the CAP and its mechanisms.

- ***Certain shortcomings in bilateral engagement*** between the Parliament and the Commission and between the Parliament and the Council. The use of technical meetings between the Commission and the Parliament was raised by many interviewees. Although these do occur, and are considered very useful, interviewees involved in the process felt that better use could be made of technical meetings so that trilogues could instead focus on more overarching political issues. It should be noted that one MEP interviewed dissented from this general view and felt that, while clearly useful, there may have been too many technical meetings in the 2021 process. This interviewee felt that the Commission needs to make more effort to ensure that technical meetings focus on technical issues and do not stray into political issues that cannot be solved at this level; another interviewee supported this view on clearly distinguishing between technical and political issues. One interviewee involved in the process noted that bilateral meetings between the Parliament and the Council worked better than those between the Parliament and the Commission; in this interviewees' opinion, the Commission was reluctant to release the information necessary to make technical progress.

Finally, it should be noted that measures to address the COVID-19 pandemic were identified as a barrier in the 2021 decision-making process in that they imposed restrictions on working methods and meeting possibilities for secretariat and political support staff in all institutions. The measures also restricted the ability of MEPs to meet physically which made it harder to reach compromises. The way in which Parliament adapted to the COVID-19 restrictions to keep the process going was praised by (non-parliamentary) interviewees. However, it is assumed that this will not be a factor in future decision-making processes.

The barriers identified in this study go beyond those identified by Knops and Swinnen (2014), but are aligned in terms of the need for a coherent parliamentary position (i.e. across political groups and committees), the need to keep interinstitutional lines of communication open via technical meetings and the need for strong capacity for providing policy expertise and research support within the Parliament.

There is a need to make a distinction between barriers which can be overcome, or at least mitigated, and those which are inherent to a democratic institution. For example, within a democratic institution there are bound to be different points of view across specific issues, such as the inherent characteristics of the CAP, to what extent is it about food production or the provision of public goods; attitude to public support, to what extent should the CAP intervene in the market; and the national dimension, to what extent should the CAP offer a centralised European approach rather than an approach which is less 'common', but more closely reflects the different national (and even regional) characteristics. It should also be recalled that the view of Parliament will change at elections to reflect its composition and that MEPs have an interest in getting re-elected which means that they have to pay attention to the views of their constituents. With this in mind, it will always be difficult for the Parliament to have a fully coherent and strategic, long-term view. It is also difficult to envisage a democratic institution which could reasonably conduct its business behind closed doors; the Council is always likely to have greater insight into the views within Parliament than *vice versa*.

On the other hand, there are barriers to greater influence which can be addressed, at least to some extent. These, and other areas where changes could be sought, are set out below.

- ***Exercising Parliament's power in interinstitutional negotiations more effectively.*** Interviewees highlighted the importance of selecting politically influential figures as rapporteurs, and highlighted the role of specific individuals, a point also made by

Knops and Swinnen (2014). One interviewee highlighted the need for the Parliament to be tougher in negotiations (as it was in 2021 compared to 2013) and to use its political power as the democratically elected institution to reject proposals if necessary. Again, this is in line with Knops and Swinnen (2014) who concluded that the Parliament should consider using the 'democratic accountability card' when necessary. A related issue concerns the use of implementing and delegated acts: Parliament should avoid giving its power away via implementing acts by insisting on delegated acts, or additional detail in the basic act.

- **Enhancing bilateral working with the Commission.** An interviewee from an EU institution explained that the Commission and the Council work very closely together at the technical level in the run up to the drafting of legislative proposals to clarify the text and to ensure mutual understanding, even if there is no agreement on a specific point. It was highlighted that a similar relationship would also be available to the Parliament should it wish to take advantage of this. Interviewees involved in the process explained the need for more informal dialogue between Parliament and the Commission at both the political and technical level in the OLP negotiation stage. One focused specifically on the opportunity to take advantage of more technical meetings with the Commission to resolve technical issues outside the trilogue framework. However, it was also explained that to enhance bilateral working with the Commission it would be necessary for the Parliament to have higher capacities for providing policy expertise and research support (see the last recommendation on capacities).
- **Improving Parliament's internal working arrangements - committees.** While making the ENVI Committee an associate committee in the 2021 decision-making process was appropriate in that the CAP increasingly has an environmental component, the working relationship between the committees could have been better. Ways to smooth the working relationship of the two committees should be investigated. One interviewee went further and questioned whether giving the ENVI Committee associated status will be sufficient in the future given the wider coalition of interests in the CAP. Interviewees highlighted the role of political groups in resolving issues between the AGRI and ENVI Committees. It is noted that a cross-committee taskforce was established by the Renew Group to keep colleagues informed about the discussions and interviewees within the Renew Group felt that this had been helpful.
- **Improving Parliament's internal working arrangements – own-initiative reports and communicating Parliament's view.** One interviewee explained that the development of Parliament's position should start with the confirmation hearing of the commissioner for agriculture and that greater political discussion should take place around Parliament's own-initiative report response to the Commission communication. Another interviewee added that Parliament's own-initiative report should be published more quickly so that it can better inform the Commission's draft legislation. Knops and Swinnen (2014) also made the point that the Parliament could consider taking a more proactive stance by adopting a clear and common position before the Commission proposals are published. Swinnen (2015b) makes the point that co-decision inevitably implies a longer CAP decision-making period which in turn requires Parliament to have a longer-term perspective; a point also made by some interviewees. In this context, it might be helpful to increase communication with the Commission and the Council in the early phases of the decision-making process to seek areas of common ground.
- **Placing greater focus on political rather than technical points.** The way in which the Parliament's mandate is currently established encourages an approach where almost every article can attract an amendment. However, there is no determination of which amendments are most important and rapporteurs have considerable flexibility within the trilogue to prioritise. One interviewee with a long career of observing the CAP

suggested that the Parliament might be more influential if it focused more clearly on its key political demands. Other interviewees suggested that the Parliament should put more focus on its political objectives rather than the technical details. Another interviewee explained the need for Parliament to develop solutions to problems and issues which can command a majority in Parliament rather than to focus on what is not acceptable to Parliament.

➤ **Further enhancing Parliament's capacities for providing policy expertise and research support.** Increasing parliamentary capacities in these areas to complement or even counterbalance – at least to some extent – the resources available to the Commission and the Council (via the Member States), is seen by almost all interviewees from within and outside the Parliament as being necessary to increasing Parliament's influence. This argument had also been brought up by scholars with regard to trade policy (Coremans and Meissner, 2018), a policy area of a technical complexity that is comparable to that of agricultural policy. Earlier academic work (for example, Knops and Swinnen, 2014) identified the Parliament's research support services to be relatively weaker when compared to the other EU institutions. Similarly, Haniotis (2015) explained that Parliament – and also the Council – lack the resources 'to support with evidence their positions' which gives the Commission 'a natural advantage in capturing the mainstream of public thinking'. Although, as mentioned, there has been a considerable increase in a range of parliamentary resources since the latter observation, the need for more support continues to be identified. One interviewee involved in the CAP decision-making process explained that there is a need for more accredited parliamentary assistants (APAs), policy advisors and administrators at the Committee secretariat to provide advice on what is a complex and highly technical policy. This interviewee also called for the production of more impact assessments, policy studies and policy evaluations by the EPRS to provide Parliament's own evidence base which does not rely on analysis carried out by the Commission. Several interviewees with a long track record of commentary on the CAP decision-making process felt that more analytical advice should be provided, citing the US Congressional Research Service (US CRS) as a model and one cited the OECD secretariat. Nonetheless, as some scholars argue, drawing on the experience in the national and European context, there will always be an 'imbalance' or 'information asymmetry' between a parliament and the executive with regard to information and expert support (Lord, 2018; Zaal, 2014).<sup>104</sup>

<sup>104</sup> Furthermore, the European Parliament does not have the same budgetary means as the Commission for commissioning external expertise.

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This study explains the historical evolution of the common agricultural policy (CAP), established in 1962. It sheds light on the European Parliament's role in shaping the CAP, initially under the consultation procedure (until 2009) and, since the Lisbon Treaty, under the ordinary legislative procedure (OLP). The focus lies on Parliament's own institutional dynamics in the negotiation of the 2013 and 2021 CAP reforms. In particular, this paper examines how the Parliament's status as co-legislator has influenced the design of the CAP and provides some recommendations as to how Parliament could maximise its influence in future reforms.

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