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COHERENCE OF EU COMMON AGRICULTURAL POLICY REFORM WITH THE EU GREEN DEAL OBJECTIVES

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Climate change and environmental degradation are among the most important challenges of today. However, even though there is an increasing awareness of this global threat, international community still has difficulties with taking concrete steps to tackle these crises. In this regard, the European Union (EU) plays the leading role in actions against these problems. In accordance with this role, the European Commission announced its ambitious European Green Deal with the objective of being the first climate-neutral continent by 2050.

This thesis aims to examine whether the new Common Agricultural Policy (CAP) reform delivers the European Green Deal objectives, particularly in light of the "EU Farm to Fork Strategy" and "EU Biodiversity for 2030 Strategy".

KEYWORDS

European Green Deal, Common Agricultural Policy Reform, EU Farm to Fork Strategy, EU Biodiversity Strategy

CONTENT

1 INTRODUCTION

1.1 General

Human society on Earth has undergone an unprecedented transformation through the Industrial Revolution and subsequent technological advancement. This process has played a key role today's prosperous life paving the way for an almost limitless capacity for humanity to shape its own habitat. However, the physical nature of the World has been seriously damaged like never before as a negative side effect of this progress. It is also a fact that no matter how developed a society is in the world in terms of knowledge and technology, members of that society must have suitable environmental conditions and adequate food to survive. That is why climate challenge and environmental degradation experienced today have become one of the most important existential threats for humanity and one of the key issues to be handled by policy-makers.

Similarly, industrialization process in the last two centuries resulted in a radical conversion of 12.000-year traditional agricultural production methods by the introduction of new techniques and use of machinery. This progress enabled an unprecedented increase in the amount of agricultural output with much less labour force compared to conventional ways of production. Consequently, the world population dramatically boomed thanks to the fact that more productive large-scale farmlands reduced prices of agricultural goods making them more affordable for people. However, such intensification of agricultural production inevitably culminated in negative environmental impacts like soil degradation, water contamination and air pollution as well as an increase in greenhouse gas (GHG) emissions which are the most important sources of today's global warming. In other words, there is a close relationship between today's modern intensive agricultural production methods and environmental challenges faced today. It is estimated that global food supply chain creates approximately 13.7

billion metric tons of carbon dioxide which equals to 26% of human-based GHG emissions.[1]

However, this reality was disregarded by societies and policy-makers for a long time since securing enough food for people was a major issue for governments. Thus, environmental deterioration due to agricultural activities remained as a negative externality in economic activities related to agriculture. In this regard, the approach of the European states to the issue was not much different as one of the first objectives of the European Economic Community (EEC) was to introduce a common agricultural policy (CAP) in order to increase agricultural production which dramatically declined in the European Continent due to the destruction of farmlands and loss of human capacity during the Second World War. Regarding the first years of enforcement, the CAP can be considered as a successful tool in terms of guaranteeing food supply that after some point, the overproduction started to be another problem to be solved by the policy-makers of the European Union (EU).[2]

In light of these challenges faced, the CAP has undergone several reform processes throughout its implementation for a better adaptation to new circumstances in agricultural activities like abovementioned overproduction issue in some sub-sectors. Nevertheless, environmental effects of the CAP were not on the agenda until 1990's. Increasing climate-related occurrences such as drought, floods and forest fires as well as spread of non-communicable diseases like cancer raised the awareness of catastrophic impacts of climate change and environmental degradation among EU citizens[3]. In order to respond to the expectations of public opinion in the EU, the policy-makers of the EU started to

[1] *Poore/ Nemecek,* Science 2018, p.987.
[2] *Gardner,* European Agriculture, p.7.
[3] European Environment Agency, The European Environment State And Outlook 2010: Synthesis, 2010, p.155, doi:10.2800/45773.

take into account negative effects of the CAP on climate, natural resources and biodiversity while reshaping it for more sustainable and environmentally-friendly structure.

In this context, after the first introduction of comprehensive greening measures of the CAP in 2013 reform, the Junker Commission adopted a draft regulation proposal for a "fairer, greener and more flexible CAP" reform in 2018 which is considered as a kick-off of almost 4-year reform process in the new CAP rules. [4] In the meantime, just after the new College of Commissioners took the office under the presidency of von der Leyen, the ambitious European Green Deal objectives of the Union were revealed in December 2019 to transform the economy as a whole in the direction of being the first climate-neutral continent in the world by 2050[5]. In order to reach the objectives indicated in this multi-sectoral growth strategy, a set of strategy papers and draft legislative proposals were adopted by the Commission. In this context, "Farm to Fork Strategy"[6] and "Biodiversity Strategy"[7] of the EU lay down the objectives specifically related to EU agricultural policies. Taking into account the fact that complementarity and compliance between EU policies is of vital importance for a well-functioning Union, the new CAP reform which already started to be officially discussed at that time was supposed to be coherent with the European Green Deal objectives, particularly with the Farm to Fork and Biodiversity Strategies.

[4] European Parliament Briefing: CAP strategic plans, available at https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/630324/EPRS_BRI(2018)630324_EN.pdf (4 April 2022).

[5] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, the European Green Deal, 11.12.2019, COM(2019) 640 final.

[6] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system, 20.05.2020, COM/2020/381 final.

[7] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, EU Biodiversity Strategy for 2030 - Bringing nature back into our lives, 20.05.2020, COM(2020) 380 final.

Moreover, the climate change and environmental degradation issues are global problems which cannot be handled at regional level. As one of the largest economies in the world, and also, one of the biggest polluters and GHG emitters, the EU plays an active role in international efforts for mitigating climate change and other environmental problems. As one of the good examples for these efforts, the EU itself, together with its Member States, is a party to Paris Agreement which sets binding commitments for the Union to reduce GHG emissions to a certain amount compared to 1990 GHG levels. With this understanding, the EU has already reduced 20% of its GHG emissions created in agricultural sector compared to 1990 level[8]. Nevertheless, the EU should adopt all its sectors, including agriculture, in accordance with its Green Deal objectives in order to achieve its internationally binding target to reduce GHG emissions 55% compared to 1990 level by 2030[9].

It is also important to bear in mind that COVID-19 pandemic, which broke out a few months later than the embracement of EU Green Deal objectives, made people aware of the interrelations between ecosystems, supply chains, consumption behaviours and boundaries of our world.[10] As a result, such a devastating pandemic increased the expectations for more revolutionary CAP provisions against the negative impacts of agricultural activities on nature as well as enabling more sustainable production methods.[11]

[8] Farm to Fork Strategy (fn.6), p.5.
[9] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality, 14.07.2021, COM/2021/550 final.
[10] Farm to Fork Strategy (fn.6), p.4.
[11] *Bisoffi et al.*, COVID-19 and Sustainable Food Systems: What Should We Learn Before the Next Emergency, 2021, p.1. available at https://www.frontiersin.org/articles/10.3389/fsufs.2021.650987/full (4 April 2022).

In the direction of the abovementioned developments in the EU agenda and taking into account the necessity for complementarity and compliance between EU policies for a well-functioning Union, it is expected that the new CAP rules should be in compliance with the EU Green Deal Objectives. That is why I believe that it deserves to conduct a study on this topic. In this context, centre issue of this thesis will be a comparative analysis between the new CAP rules and Green Deal Objectives of the EU, particularly with "Farm to Fork Strategy" and "Biodiversity Strategy". Accordingly, in this thesis, I will try to find an answer to my research question: "Do the new Common Agricultural Policy rules of the EU deliver the targets of European Green Deal?" From a first impression, I expect the result to be negative.

In this context, structure of my thesis will be as follows:

After the introduction part, in the second chapter, I will focus on European Green Deal Objectives, particularly the Farm to Fork and Biodiversity Strategies of the EU. Before giving details about the objectives, I will briefly explain the development of the notion of Green Deal in the international agenda for a better understanding of EU approach to the issue. Under this chapter, I will also examine possible impacts of EU Green Deal objectives to agricultural sectors of non-EU Countries in order to find out to what extent the Green Deal objectives are realistic to implement in an interdependent global trade system.

Regarding the third chapter, I will look into the details of Common Agricultural Policy of the EU. After briefly explaining the historical background and structure of the policy, I will focus on the latest CAP reform, particularly provisions on tackling with greenhouse gas emissions produced in agricultural activities, protection of natural resources and enhancing biodiversity. As a last point in this chapter, I will mention about impacts of the implementation of the CAP on third countries' agricultural sectors, which is a problematic area for the CAP.

Fourth chapter will be the key part of my thesis since I will compare the EU green deal objectives with the latest CAP reform and find an answer to my research question. I will start the chapter by making a comparison between the EU Green Deal Objectives and the provisions of the new CAP. In this regard, after giving space to different point of views in EU public opinion regarding the issue, there will be three sub-chapters to examine the coherence between them. First of all, I will focus on the provisions on the reduction of greenhouse gas emissions in agricultural sector. Secondly, I will compare the compliance between Green Deal targets and CAP measures in terms of increasing biodiversity. Lastly, I will make a comparison from the perspective of the protection of natural resources for a more sustainable agricultural sector. Subsequently, I will give an answer to my research question. For the last two parts of this chapter, I will remark the possible reasons for the incompliance and recommendations for a better alignment respectively.

Finally, in the conclusion part, I will mention about the lessons learnt and experiences achieved by the research. I will also explain the hurdles encountered during the study to enlighten future studies in this field.

1.2 Methodology

A large number of books, articles and reports have examined the EU CAP from different perspectives across the years. Since the CAP has complex rules and obligations, it allows for further research on wide variety of specific subjects. Also, as the CAP has passed through a reform process recently, it provides a new basis for research. Similarly, EU Green Deal after its launch in 2019 has been a popular topic for scholars and institutions not only in the EU but also across the world. Therefore, especially in the last three years numerous articles and reports have been written on this subject.

Therefore, since there are numerous articles and reports written on these subjects, literature review will be used as a research method in this thesis. By relying on the information achieved via comparative study between two legislative fields, an assessment will be made and conclusions will be drawn.

Moreover, particularly European Union institutions and agencies' websites and specific reports contain high quality statistical data regarding the subject of this thesis. Therefore, these data will be crucial to help me find an answer to my research question, namely whether the new CAP rules deliver the target of European Green Deal objectives.

However, there are some limitations of the study. First of all, as stated earlier, the thesis will depend on archival data so first hand generated statistical data will not be used. Secondly, EU Member States will have more discretion to apply new CAP rules since the recent reform foresees more flexibility. Thus, as Member State practices may differ substantially, it will make it harder to assess their compliance with European Green Deal objectives.

2 EU GREEN DEAL

2.1 The Emergence of the notion of ''Green Deal'' in international agenda and the position of the EU

Today, there is no doubt that the environmental degradation caused by human activities is one of the most important challenges which should be tackled at global level. However, this understanding was not on the agenda until 1970's due to lack of interest in public opinion, particularly in developing countries.[12]

[12] *Ntambirweki*, HICLR 1991, p. 906.

Moreover, the environmental challenges at hand have long-term consequences while governments are generally in power for not more than five years. That's why even in developed countries like the United States of America (USA) had no political motivation to take more decisive steps against the issue since any binding measure taken would have economic, social and political impacts for the governments in power.[13]

Nevertheless, as the negative effects of the environmental problems appeared more obviously, the issue inevitably started to be discussed at international level. In this regard, "United Nations Conference on the Human Environment" (Stockholm Conference) was held in Sweden in 1972 as the first international action bringing forward environmental concerns. The Conference resulted in a non-binding Stockholm Declaration [14] and formation of United Nations Environment Programme (UNEP) which promotes the awareness about the environmental cooperation among member states. In 1992, twenty years after Stockholm Conference, "United Nations Conference on Environment and Development" (Earth Summit) gathered in Rio de Janeiro with the outcome of The United Nations Framework Convention on Climate Change [15]. This was followed by a series of Conference of Parties (COP) annual meetings which were foreseen in the Convention.

As one of the cornerstones of these meetings, Kyoto Protocol was signed in 1997 and came into force in 2005 with the principle of "common but differentiated responsibility" which puts more liability to developed countries and sets binding

[13] *O'Neill,* The Environment and International Relations, p.50.
[14] United Nations, Declaration of the United Nations Conference on the Human Environment, 1972, available at https://documents-dds-ny.un.org/doc/UNDOC/GEN/NL7/300/05/IMG/NL730005.pdf?OpenElement (5 May 2022).
[15] United Nations, The United Nations Framework Convention on Climate Change, 1992, available at https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf (5 May 2022).

targets against environmental challenges[16]. In this context, Paris Agreement, signed by 190 countries including the EU in 2015, upgraded the commitments of parties with a high promising policy to keep global warming well below 2 °C until the end of the century.[17]

Regarding the notion of "Green Deal", its first official use as terminology goes back to 2008 global financial crisis. In this regard, Mr. Achim Steiner, executive director of the United Nations Environment Programme, announced the need for a "Green New Deal", an economic recovery plan based on renewable energy and sustainable use of natural resources with a reference to the notion of "New Deal" of the USA president Roosevelt which was used after Great Depression.[18] In direction of this understanding, the EU named its actions as "European Green Deal" to stress that it is a regional and EU wide policy.

With regard to EU stance in external environmental relations, it is seen that the EU is one of the forerunner in this struggle and more ambitious to take active position with a comparison to other countries in the world.[19] In addition to the efforts for signing multilateral conventions on the protection of environment, the EU is also trying to put pressure by including environmentally sensitive provisions to Free Trade Agreements (FTA) signed with third countries.[20] Moreover, the EU seems ready to take more concrete steps against the climate and environmental crisis. Within this understanding, the EU voluntarily raised

[16] *Harris,* NYU Environmental Law Journal 1999, p.27.
[17] *Rogelj et al.*, Nature 2016, p.631.
[18] *Steiner,* AUILR 2010, p. 848.
[19] *Morgera,* in: *Van Vooren et al.* (eds), Ambition, Complexity and Legitimacy of Pursuing Mutual Supportiveness Through the EU's External Environmental Action, p.1.
[20] *Mcneill,* Australian and New Zealand Journal of European Studies 2020, p.40.

its target to reduce the GHG emission set in accordance with Paris Agreements from 40% to 55% comparing 1990 base year data.[21]

2.2 EU Green Deal objectives

2.2.1 The motivation behind the ambitious EU goals on climate action

Although environmental crisis is a global challenge for all societies in the world, the volume of responsiveness for mitigation is not at the same level. As stated above, the EU has a leading role to take international action against the issue. However, it is hard to explain the motivation of the EU with solely its international commitments. In this regard, the EU public awareness and will of politicians are key drivers to act.[22] In this regard, three main reasons lie behind those ambitious actions.

First and foremost, there is a considerable public awareness against the climate change and other environmental problems as an impetus, particularly from young voters. In such a situation, since political elites cannot ignore the demands of their voters, debates on green policies are becoming more central position in elections held both in EU and national level.[23]

Second point in the issue is the need to play a leading role for the rest of the world with an understanding of historical responsibility of European Continent as the centre of industrial revolution along with high number of consumption compared to most part of the rest of the world. That's why the EU is committed

[21] Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law'), OJ L 243, Article 4.
[22] *Mravcová,* Slovak Journal of Political Sciences 2019, p.42.
[23] *Burchell,* The Evolution of Green Politics, p. 4.

to the principle of "common but differentiated responsibility" and the Union is trying to be even more ambitious than its legal commitments.[24] For instance in a report published by the European Parliament states that

"*Committee on Development…acknowledges the historical responsibility of the EU and other major greenhouse gas emitters vis-à-vis developing countries and disadvantaged people, especially women, who are the prime victims of climate change; points to the need for renewed EU leadership in international climate negotiations*."[25]

Lastly, from the political-economy perspective, the EU is struggling to stay as a powerful player in the new era of multi-polar world with the rise of new countries seeking stronger position like China, India and Brazil in addition to already important states like the USA and Russia. Even though the EU is still the largest economy in the world in terms of total GDP, global power of the EU has been decreasing comparatively with the rise of new actors. That's why it can be argued that the EU is trying to evolve its environmental response to an opportunity to continue its economic leadership by introducing new binding regulatory measures for those who desire to enter the EU market. As the EU is an important market for the rest of the world, new binding environmental rules introduced by the EU will be expected to force third countries to follow these rules. However, in some cases, adoption of regulations requires important transformation in economies as a whole meaning that it would bring high costs for developing countries which already suffering from several economic inefficiencies like corruption and non-transparency. That's why it is a big question mark whether the rest of the world would be able to follow the EU in this process or not with current low-level public awareness.

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[24] *Petri/ Biedenkopf,* in: *Johansson-Nogués/ Vlaskamp/ Barbé (eds),* Responsibility in International Climate Negotiations, p. 35.

[25] European Parliament, Report on a 2030 framework for climate and energy policies, 27.01.2014, 2013/2135(INI).

2.2.2 Structure of EU Green Deal strategies

After her designation as a candidate for the president of the Commission by the European Council, Ursula von der Leyen published a political guideline for the agenda of the Commission for the term of 2019-2024 with a heading of "A Union that Strives More"[26]. In this guideline, *"A European Green Deal"* is placed in the first row of a six-heading list with a determination of committing to propose European Green Deal within first 100 days in office as a priority of her presidency[27].

In this context, on 11 December 2019, the Commission presented its "Communication on the European Green Deal"[28]. The Communication reveals a roadmap on how the EU will respond to climate and environmental challenges with a multisectoral approach while it embraces a new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use.[29] In this Communication, the Commission also committed to adopt a European Climate Law which would enshrine the 2050 emission neutrality objective of the EU in legislation and in accordance with this commitment, European Climate Law was entered into force on 29 July 2021. According to EU Climate Law,

[26] European Commission, A Union that strives for more - Political guidelines for the next European Commission 2019-2024, EU Publications Office, 2019.
[27] *Ibid.*, p.5.
[28] European Green Deal (fn.5).
[29] *Ibid.*

"all sectors of the economy – including energy, industry, transport, heating and cooling and buildings, agriculture, waste and land use, land-use change and forestry, irrespective of whether those sectors are covered by the system for greenhouse gas emission allowance trading within the Union ('EU ETS') – should play a role in contributing to the achievement of climate neutrality within the Union by 2050."

With regard to particular focus of the Communication on the agricultural sector of the EU, it committed to adopt Farm to Fork strategy and Biodiversity Strategy by spring 2020 with a stress that European farmers are key players to managing such a transformation. Since they have special importance for this thesis, the details of these two strategies are given in separate headings in below.

2.2.2.1 Farm to Fork Strategy

The EU Commission presented its *"Farm to Fork Strategy: for a fair, healthy and environmentally friendly food system*" [30] on 20 May 2020 by underlining that agriculture sector is one of the key policy areas of the EU Green Deal and reaching the objectives of the Union also requires a green transition in agricultural sector. In this regard, the Farm to Fork Strategy lays down a new approach to ensure that agriculture and food value chains contribute appropriately to the Climate Law targets of the EU.[31]

First of all, the Strategy reveals some of the policy objectives in agricultural sector such as ensuring a sustainable livelihood for primary producers, creating a robust and resilient food system that function in all circumstances, a shift in people's diet to reduce the environmental footprint and raising standards globally in order to avoid the externalisation and export of unsustainable practises.

[30] Farm to Fork Strategy (fn.6).
[31] *Ibid.*, p.5.

In the light of the abovementioned objectives, the Strategy sets out some quantitative targets for the EU by 2030 such as reduction in the use of chemical and more hazardous pesticides by 50%; a cut down in nutrient loses by 50 % while ensuring that there is no deterioration in soil fertility, a reduction in the use of fertilisers by at least 20% , taking action to reduce overall EU sales of antimicrobials for farmed animals and in aquaculture by 50% and increase the ratio of land under organic farming to 25%. In order for a better comparison purpose of this thesis, it is useful to see all these quantitative targets in a table:

Table 1: Key quantitative targets of the Farm to Fork strategy to be reached by 2030

- Reducing the use and risk of chemical pesticides by 50%
- Reducing the use of more hazardous pesticides by 50%
- Reducing nutrient losses by at least 50% while ensuring no deterioration in soil fertility
- Reducing fertilizer use by at least 20%
- Reducing the sales of antimicrobials for farmed animals and in aquaculture by 50%
- Increasing total farmland under organic farming to 25%
- Reducing per capita food waste at retail and consumer levels by 50%

Source: *EU Farm to Fork Strategy*

The Strategy also sets several qualitative objectives like “creation of a healthy food environment supporting healthy and sustainable food choices” and “sustainable food labelling framework that covers the nutritional, climate, environmental, and social aspects of food products”. However, these objectives will not be directly in the focus of this study.

In this regard, the Farm to Fork Strategy acknowledges that the transition must be supported by a CAP that focuses on the Green Deal. Thus, the Strategy underlines the need for a careful assessment of the capacity of Member States in their Strategic Plans and monitoring them during the implementation period.

2.2.2.2 EU Biodiversity Strategy for 2030

In accordance with the EU Green Deal initiative, the EU Commission also revealed its "*Biodiversity Strategy for 2030: Bringing nature back into our lives"*[32] in May 2020, on the same day of publication of Farm to Fork strategy. Before going into details of the Strategy, it may be helpful to understand the background of EU stance on this matter by mentioning what exactly biodiversity is and why it is so essential for a liveable world and commitments of the EU in this issue.

According to UN Convention on Biological Diversity, biodiversity means *"the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems."*[33]

In other words, biodiversity is the variety and extent of animal and plant species, including their genes and habitats, and of entire ecosystems.[34]

It should be borne in mind that biodiversity with its three levels - ecosystems, the species they contain and the genetic diversity within species- underpins much of modern agriculture as well as the livelihoods of millions of people.[35] Moreover, The World Health Organisation (WHO) estimates that in

[32] EU Biodiversity Strategy for 2030 (fn.7).
[33] United Nations, Convention on Biological Diversity, 1992, Article 2, available at https://www.cbd.int/doc/legal/cbd-en.pdf (15 May 2022).
[34] Centres for European Policy Network, Biodiversity Strategy 2030 Policy Brief, 2020, available at https://www.cep.eu/fileadmin/user_upload/cep.eu/Studien/cepAnalyse_Biodiversity/cepPolicyBrief_Biodiversity_final.pdf (15 May 2022)
[35] *Sunderland,* International Forestry Review 2011, p.266.

many developing countries up to 80% of the population relies on biodiversity for primary health care and the loss of biodiversity has been linked to the increased emergence and transmission of infectious diseases.[36]

Although it is of great importance for human life, the biodiversity in the world has been shrinking rapidly due to human activities. In this regard, agricultural expansion and intensification are key drivers of biodiversity and ecosystem services loss.[37] Particularly, biodiversity loss shows itself in the endangerment or extinction of species and the degradation or destruction of ecosystems which is caused by five main drivers; changes in land use, overexploitation, climate change, pollution and invasive alien species.[38] As a result, losing biodiversity decreases the yields of crop and increases economic costs caused by natural disasters.[39]

Furthermore, according to the 2019 State of the Environment report[40] from the European Environment Agency (EEA), agricultural intensification is one of the main causes of biodiversity loss in Europe. The report also found that formerly diverse landscape and many small fields has transformed into uniform unbroken terrain managed with large machines and this situation has led to a reduction in biodiversity.[41]Since permanent grasslands cover up to 34% of the EU's agricultural area species-rich and structurally diverse grasslands are key

[36] *Sunderland (fn.35),* p.266.
[37] *Kehoe et al.,* Nature Ecology & Evolution 2017, p.1.
[38] Biodiversity Strategy 2030 Policy Brief (fn.34). p.1.
[39] *Ibid.*
[40] European Environment Agency, State of the Environment Reporting in Europe: United in Diversity, 2019, available at https://www.eea.europa.eu/downloads/32675b8c37bb4a3485211db331915010/1627995372/state-of-the-environment-reporting.pdf (2 June 2022).
[41] European Court of Auditors, Special Report- Biodiversity on farmland: CAP contribution has not halted the decline, 2020, doi: 10.2865/336742.

factor for preserving biodiversity.[42] Despite their importance, most grasslands are under threat since they are over-used as a result of high livestock densities, over fertilised and face further intensification and conversion to other land uses.[43] It is noted that, since 1980, the EU has lost 57% of its farmland birds and other living creatures like butterflies, bees and flying insects are also in serious decline.[44]

With this understanding, International Convention on Biological Diversity was signed in 1992 to halt biodiversity loss and the EU is a party to the Convention together with its Member States. In accordance with Article 6 of the Convention, Parties are bound by developing national biodiversity strategies or action plans.[45] In order to meet its commitments under the Convention on Biological Diversity, the Commission adopted a Communication for the first time on the European Biodiversity Strategy in 1998. Later, it adopted its first action plan in 2001, which it updated it in 2006, and then replaced by a ten-year EU Biodiversity Strategy for 2020 which was published in 2011.

In light of this information, the new EU Biodiversity Strategy for 2030 encompasses the roadmap of the EU for the next decade to halt biodiversity loss in accordance with EU Green Deal Objectives. It is a fact that even though biodiversity is not limited to agricultural sector, agricultural activities are main actor in this issue. As a good sign for that, between 2014-2020, the Commission allocated 86 billion euro budget to halt biodiversity loss and 77% of this amount

[42] European Environmental Bureau, Grasslands in the new CAP: bad news for biodiversity and climate, June 2022, p. 2, available at https://eeb.org/wp-content/uploads/2022/06/Briefing-Grasslands-No-Branding-V3.pdf (2 June 2022).
[43] European Environmental Bureau, Grasslands in the new CAP (fn.42).
[44] Birdlife International Press release - European Parliament delivers another major blow to EU Green Deal: Approves nature-annihilating Common Agricultural Policy, 23 November 2021, available at https://www.birdlife.org/news/2021/11/23/press-release-eu-parliament-vote-common-agricultural-policy-fails-green-deal-23nov2021/ (2 June 2022).
[45] Convention on Biological Diversity (fn.33).

spent from the CAP budget.[46] That's why it is important for the Commission to publish the new EU Biodiversity Strategy on the same day with the Farm to Fork Strategy to show its close relationship with agriculture sector.

With regard to details of the new Biodiversity Strategy, the Commission claims that it is a comprehensive, ambitious, long-term plan for protecting nature and reversing the degradation of ecosystems by addressing five main drivers of biodiversity loss.[47] It is also argued in the Strategy paper that improving the diversity of agroecosystems would increase the sector's resilience to climate change, environmental risks and socioeconomic shocks, while creating new jobs, particularly in organic farming, rural tourism and recreation.[48]

As one of the most concrete targets of the Strategy, it is underlined that 30% of the land should be protected in the EU in terms of preserving biodiversity. This means a minimum increase in the percentage of protected areas of an extra 4% for land and 19% for sea areas as compared to today's protection level[49]. Moreover, the Strategy paper puts another target for the most vulnerable parts of the EU that there should be specific focus on areas of very high biodiversity value or potential. As a consequence, the Strategy sets a target that at least one third of protected areas – representing 10% of EU land are the most vulnerable to climate change and should be granted special care in the form of strict protection.

[46] European Court of Auditors Special Report (fn.41), p.4.
[47] European Commission website - Biodiversity strategy for 2030, available at https://environment.ec.europa.eu/strategy/biodiversity-strategy-2030_en#:~:text=The%20EU's%20biodiversity%20strategy%20for,contains%20specific%20actions%20and%20commitments (7 June 2022).
[48] EU Biodiversity Strategy for 2030 (fn.7), p.7.
[49] Ibid.

It is again useful to see all quantitative targets included in the EU Biodiversity Strategy related to agricultural sector in a table form to make a better comparison in the following chapters.

Table 2: Key quantitative targets in the EU Biodiversity Strategy for 2030

❖ At least 30% of the land should be protected in the EU
❖ At least one third of protected areas (10% of EU lands) with high biodiversity potential should be strictly protected
❖ the overall use of – and risk from – chemical pesticides should be reduced by 50% by 2030
❖ the use of more hazardous pesticides should be reduced by 50% by 2030
❖ at least 25% of the EU's agricultural land must be organically farmed by 2030
❖ reduction of use of fertilisers by at least 20%

Source: EU Biodiversity Strategy for 2030

As it is seen from the table, some targets are overlapping with Farm to Fork Strategy such as reducing the use of pesticides and fertiliser as well as increasing the share of organic farming in the EU. These targets are common for both Strategies as they have same or similar objectives in several aspects.

2.2.2.3 Other Documents Related to Agricultural Sector

EU Green Deal seeks a comprehensive economic transition which includes all sectors in economy. In this direction, the EU Commission puts forward diversified sectoral strategies in order to present a road map. However, it is hardly possible to argue that one sector can be totally independent from the other ones in today's highly interdependent economic activities. That is why there are so many cross-cutting issues encompassing more than one sector in economy. Agricultural activities can also be a part of another EU Green Deal document.

For instance, Methane Strategy [50] of the EU is a clear example for this understanding. The strategy outlines how the EU plans to reduce methane emissions, focusing on energy consumption like oil and gas, agricultural activities and waste as three main sources of man-made methane emissions. However, since this thesis exclusively focuses on the Farm to Fork Strategy and Biodiversity Strategy, there is no need for a further explanation of the details of Methane Strategy or other documents adopted in parallel to EU Green Deal objectives.

2.2.3 International Dimension of the EU Green Deal

As the challenges are in global scale, the position of the EU and possible effects of EU policies to third parties are also important. In this regard, the EU plays a leading role for international efforts to mitigate the climate and environmental crisis. EU policy-makers believe that the EU policies would be followed by other actors and it would develop a stronger 'green deal diplomacy' focused on convincing and supporting others to take on their share of promoting more sustainable development.[51]

Moreover, as it is stated in the Communication on the European Green Deal,

"*as the world's largest single market, the EU can set standards that apply across global value chains. The Commission will continue to work on new standards for sustainable growth and use its economic weight to shape international standards that are in line with EU environmental and climate ambitions.*"

[50] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, on an EU strategy to reduce methane emissions, 14.10.2020, COM/2020/663 final.
[51] European Green Deal (fn.5), p.20.

This policy is particularly important to prevent “carbon leakage” to the EU. Otherwise, setting standards on the EU level would not have a net contribution unless non-EU countries adjust themselves to such standards and they would be allowed to import their environmentally harmful products.

In this context, international standardisation of agricultural production methods plays a significant role for a genuine carbon emission reduction objective of the EU. As the third largest agricultural importer after the USA and China, it is important that agricultural products imported by the EU should have the same environmental and climate sensitivity. Without such an international standardisation, the EU efforts will not result in a success in terms of EU green deal objectives while competitiveness of EU farmers would decrease and economically hamper their position due to increasing costs of more environmentally friendly production methods.

3 COMMON AGRICULTURAL POLICY OF THE EU

3.1 Historical Background and Rationale of a Common Agricultural Policy in the EU

Common Agricultural Policy of the EU is one of the most comprehensive agricultural policies in the world and one of the first common policies of the Union.[52] Since free movement of agricultural goods is an essential part of the common market foreseen in the Treaty of Rome, article 38 of the Treaty stipulated Member States to create a common policy in agriculture in the EEC.

However, the inclusion of agricultural products to the free movement of goods was a controversial issue during Treaty negotiations.[53] Agricultural sector was highly protected by state interventions due to its fragile conditions, particularly for Germany because there was a fear that liberalisation of agricultural markets could damage their national agricultural production.[54] Nevertheless, Member States decided to liberalise agricultural sector as well with the expectation of balancing Germany in trade, a net exporter in industrial goods against France, a net agricultural exporter.[55]

[52] *Pe'er et al.,* Science 2019
[53] *Ackrill,* CAP, p.29.
[54] *Swinnen,* The World Economy 2009, p. 1515.
[55] *Henrik,* Economics Working Papers 2001, p.10.

The CAP has longstanding aims such as ensuring food security for consumers with reasonable prices and a fair income level for producers while the EU agriculture sector is competitive against the world market.[56] As a result, the CAP is an important means to reach the objectives of the EU in agricultural sector.

3.2 Objectives of the CAP and Adaptation to new Challenges via Reforms

As it is previously mentioned, the CAP is one of the oldest common policies of the Union and it has been implemented since 1962. In its sixty-year period of implementation, the CAP has tried to respond to the challenges faced by farmers and consumers of Member States, in various circumstances. In this regard, evolving hardships and threats in time also forced Member States to adapt the CAP rules to new circumstances. That is why there are quite important differences between the early implementation of the CAP and today's structure such as subsidy regime and public intervention methods to the market. However, mentioning about the details of the early years of the CAP is not in the scope of this thesis.

On the other hand, it is important to mention about the main objectives of the CAP which are unchanged from the first years of implementation. In this regard, article 39/1 (b) of TFEU states that the CAP has the objectives

"*(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) to ensure a fair standard of living for the agricultural community, in particular by increasing the*

[56] Council of the EU website - Feeding Europe 60 years of common agricultural policy, available at https://www.consilium.europa.eu/en/60-years-of-common-agricultural-policy/ (1 July 2022).

individual earnings of persons engaged in agriculture; (c) to stabilise markets; (d) to assure the availability of supplies; (e) to ensure that supplies reach consumers at reasonable prices."

In addition to traditional objectives of the CAP, new challenges like climate change and environmental concerns which are an inevitable part of today's policies. In this direction, first large-scale reform carried out in the CAP provisions in 1992 with an aim of shifting from market support system to direct income support. This market oriented policy also aimed to protect environment and incentives to improve food quality.[57] In the following reform processes, the CAP has become more concerned with climate change, protection of environment and sustainable use of natural resources. For instance, in 2003 reform process, the CAP introduced cross-compliance rules to reconcile agricultural activities with environmental protection by stipulating EU farmers to be compliant with EU directives and regulations about environment, food security and animal health.[58]

3.3 Current Structure of the CAP and the new rules for post- 2023

This section covers two subheadings since the current CAP rules still in force and new provisions will be implemented after 1 January 2023. In this context, initially current CAP rules will be summarised and then new CAP rules will be revealed.

3.3.1 2014-2020 CAP

[57] *Mahé/Roe,* AJAE 1996, p.1.
[58] *Ridier et al.,* EAAE 2008, p.1.

The CAP has been implemented under two pillars since 2003 reform. First pillar consists of two sub headings; the former is direct payments to farmers and the latter is common organisation of the market in agricultural products. This two-pillar structure is also kept under the new CAP reform.

Direct payments are the most important component of the CAP since it accounts for around 70% of Member State allocations under the EU CAP budget. The main legal text for this subheading is the Regulation (EU) 1307/2013[59] which came into force on 1 January 2014 and it will be in force until 31 December 2022. In this regard, farmers have to obey some basic rules which are called as cross compliance, a conditionality to receive income support under the CAP. These rules are consist of Statutory Management Rules (SMRs) and Good Agricultural and Environmental Conditions (GAEC). If farmers do not comply with these rules they may experience cut in their support or face additional penalties.

Alongside direct payments given to increase farm revenues, the Regulation also covers greening scheme which is one of most the essential contribution of the CAP to the environmental concerns. Under this scheme, the Member states are required to use 30% of their national allocations for "*greening rules"* like crop diversification,[60] maintaining existing permanent grassland and establishing an 'ecological focus area' of at least 5% of the arable land on farms with more than 15 hectares.[61]

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[59] Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009
OJ L 347.

[60] Farmer has to cultivate at least two different types of crops if he/she has more than 10 hectares of arable land. If he/she has more than 30 hectares, he/she must cultivate at least three different types of crops. However, the main crop may not cover more than 75% of the arable land, and the two main crops should be less than 95%

[61] *Underwood/Tucker*, Ecological Focus Area choices and their

Regarding Common Organisation of the Market (CMO) rules, it plays an important role to stabilise markets by providing support schemes in specific sectors particularly in times of price fluctuations. The main legal text for CMO is the Regulation (EU) 1308/2013 which came into force on 1 January 2014.

The Second pillar of the CAP handles the "rural development policy" of the Union. Under rural development pillar, the EU supports rural areas in the EU and tries to address wide range of economic, environmental and societal challenges. In this context, Member States have prepared 118 national/regional Rural Development Programmes (RDPs) for 2014-2020 in order to implement EU rural development policy which is specified in the Regulation (EU) 1305/2013. In those RDPs, Member States choose some measures indicated in the Regulation according to needs of their rural areas. However, article 59(6) of the Regulation (EU) 1305/2013 states that at least 30% of member States rural development funds should be reserved for environment and climate related investment measures.

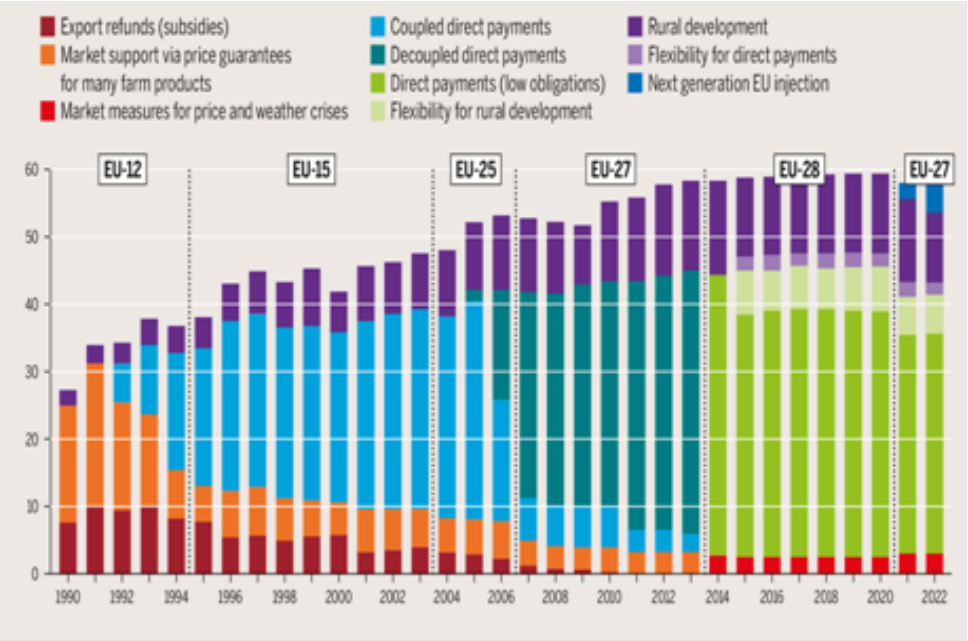
With regard to budgetary issues, the CAP has been funded by two EU funds. European Agricultural Guarantee Fund (EAGF) provides financial support for both direct support schemes and CMO regimes under the first pillar of the CAP. On the other hand, RDP measures under the second pillar of the CAP, co-financed by Member States and European Agricultural Fund for Rural Development (EAFRD). The CAP budget for 2014-2020 was around 408 billion euro and around 308 billion of the budget was allocated for the first pillar and remaining 100 billion euro was spent for the rural development pillar.[62] For

potential impacts on biodiversity, Institute for European Environmental Policy, 2016, p.12, available at https://www.researchgate.net/publication/311128433_Ecological_Focus_Area_choices_and_their_potential_impacts_on_biodiversity (3 July 2022).

[62] European Parliament website – Financing of the CAP, available at https://www.europarl.europa.eu/factsheets/en/sheet/106/financing-of-the-cap (3 July 2022).

more detailed information about the allocation of the CAP budget, the graph in below can be a guiding light.

Graph 1: CAP allocations according to headings



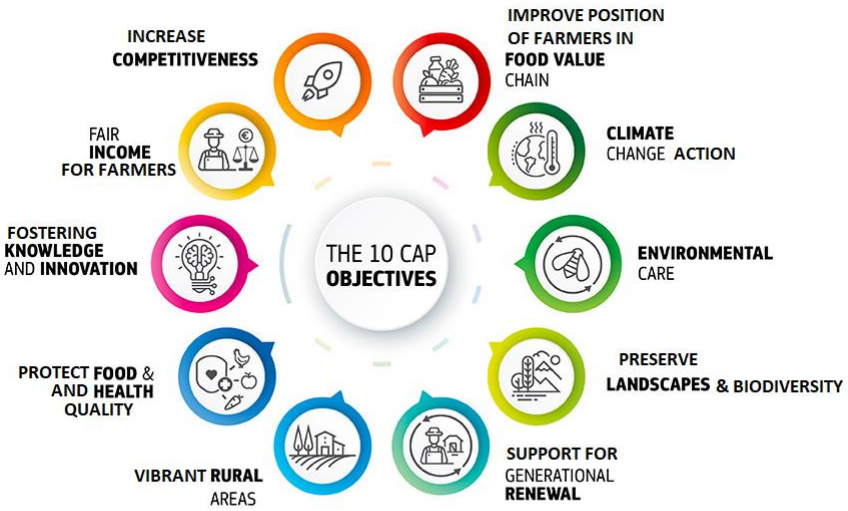
Source: Meat Atlas 2021-Heinrich Böll Stiftung

3.3.2 The new CAP from 1st of January 2023

As stated in the previous chapter, the CAP has undergone a reform process started by the Commission in 2018 for a "fairer, greener and more flexible CAP" to reflect better to the new challenges of the EU agriculture. After a two-year transition period, the new CAP regulations were adapted by co-legislators and these regulations will be applied from 1 January 2023.

With this understanding, the EU sets 10 strategic objectives for the new CAP such as ensuring fair income for farmers, increasing competitiveness, climate change action, environmental care, preserving landscapes and biodiversity. The objectives can also be seen in the graph below.

Graph 2: 10 key priorities of the CAP



Source: European Commission

Another important aspect of the new CAP is "schemes for the climate, the environment and animal welfare" which are also called as "eco-schemes". According to article 31 of the Regulation (EU) 2021/2115[63] Member States are obliged to establish, and provide support for, voluntary schemes for climate, environment and animal welfare. In this regard, Member States shall support farmers who make commitments to observe agricultural practices beneficial for

[63] 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, PE/64/2021/REV/1, OJ L 435.

the climate, the environment and animal welfare and combating antimicrobial resistance. According to the Regulation, Member States shall also obliged to establish a list of the agricultural practices beneficial for the climate, the environment and animal welfare and combatting antimicrobial resistance.

According to article 31(4) of the abovementioned Regulation, each eco-scheme shall in principle cover at least two of the following areas of actions for the climate, the environment, animal welfare and combatting antimicrobial resistance:

a) Climate change mitigation, including reduction of greenhouse gas emissions from agricultural practices, as well as maintenance of existing carbon stores and enhancement of carbon sequestration;
b) Climate change adaptation, including actions to improve resilience of food production systems and animal and plant diversity for stronger resistance to diseases and climate change;
c) Protection or improvement of water quality and reduction of pressure on water resources;
d) Prevention of soil degradation, soil restoration, improvement of soil fertility and of nutrient management and soil biota;
e) Protection of biodiversity, conservation or restoration of habitats or species, including maintenance and creation of landscape features or non-productive areas;
f) Actions for a sustainable and reduced use of pesticides, in particular pesticides that present a risk for human health or environment;
g) Actions to enhance animal welfare or combat antimicrobial resistance.

In a similar vein, article 70 of the Regulation (EU) 2021/2115 lays down “environmental, climate-related and other management commitments” which covers voluntary commitments going beyond rural development measures for the relevant statutory management requirements and GAEC standards.

In addition to abovementioned changes in the new CAP, there is also an important structural change in accordance with the objective of creating a more flexible approach. According to this flexible understanding, the EU set some framework rules for the achievement of the CAP under the Regulation (EU) 2021/2115 and Member States has a responsibility to deliver the objectives of the CAP via their Strategic Plans prepare in the light of their specific needs. In other words, unlike previous one-size-fits-all model, Member States are able to choose their own policies for 2023-2027 years in parallel to their priorities as long as they help to achieve the Union's CAP objectives.[64] In this regard, the Commission has a duty to approve draft CAP Strategic Plans of Member States in terms of the capability of the Plans for addressing the objectives of the CAP.

This new flexible approach has brought some question marks on the integrity of the implementation of future CAP, particularly in terms of addressing the environmental and climate targets of the EU.[65] There is no doubt that this new approach will be useful to achieve the targets set by the Union if eco-schemes in the first pillar and conditionality rules designed ambitiously by Member States.[66] However, it is hard to measure the willingness level of Member States in practice to adopt the environmental and climate related measures. In this regard, the objectiveness of the Commission in the approval process of the CAP Strategic Plans will be in crucial importance.

The last but not least, article 7 of the Regulation (EU) 2021/2115 stipulates Member States to submit a set of common output, result, impact and context indicators in their CAP Strategic Plans to collect more scientific data. This is an

[64] Henke et al. , JCMS 2018,

[66] Heinrich Böll Stiftung, Meat Atlas: Facts and Figures about the Animals We Eat, 2021, available at https://eu.boell.org/sites/default/files/2021-09/MeatAtlas2021_final_web.pdf (10 July 2022).

important step to evaluate the performance of the CAP for the next years based on more scientific information.

3.4 Impacts of the CAP to third countries' agricultural sectors

Since the CAP aims to increase income of EU farmers mostly for the continuity of agricultural production in EU lands, most of the CAP budget is allocated to farmers, particularly by direct payments. These payments play a crucial role in the competitive role of EU farmers compared to rest of the world.

However, even though CAP payments are in conformity with WTO rules, there is a criticism, especially from developing countries that these payments are causing an unequal situation for them instead of creating a level playing field for trade of agricultural products. For this reason, the CAP payments can be considered as a negative substance for the rest of the world. In this regard, directing the CAP payments to environmentally related measures will be contribute to legitimacy of the CAP support to EU farmers in international stage.

4 ASSESSMENT OF THE COMPATIBILITY OF THE NEW CAP REFORM WITH EU GREEN DEAL OBJECTIVES

As it is mentioned in the previous chapters, EU Green Deal objectives are not solely policy guidelines for the Union but also they are binding targets for the EU policy-makers after the adoption of the new European Climate Law. Thus, just like any other EU legislative act, the provisions of the new CAP of the EU are obliged to be aligned with the EU Green Deal Objectives. Moreover, Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 also underlines that Member States' CAP Strategic Plans should

"…include an explanation of the national contribution to achieving the Union's targets for 2030 set out in the Farm to Fork Strategy and the EU Biodiversity Strategy with a view to allowing the Commission to assess the consistency and contribution of the proposed CAP Strategic Plan to the Union's environmental and climate legislation and commitments and, in particular, to the relevant Union targets."[67]

In this context, this chapter focuses on the assessment of compatibility of the new CAP rules with the Green Deal Objectives of the EU, particularly with "Farm to Fork Strategy" and "Biodiversity Strategy". In other words, this chapter tries to find an answer to the research question of the thesis: "Do the new Common Agricultural Policy rules of the EU deliver the targets of EU Green Deal?"

First of all, it will be useful to give space to different opinions on the issue before scrutinising the legislative documents.

[67] Commission Implementing Regulation (EU) 2021/2289 of 21 December 2021 laying down rules for the application of Regulation (EU) 2021/2115 of the European Parliament and of the Council on the presentation of the content of the CAP Strategic Plans and on the electronic system for the secure exchange of information, C/2021/9601, OJ L 458

4.1 EU Public opinion and stakeholder views on the issue

Common Agricultural Policy of the EU has been always a controversial issue in the EU public opinion, particularly due to the fact that its share in the EU budget is considerably high throughout its 60-year implementation period[68]. However, in recent years, the main focus on the CAP has been diverted towards its capability for a greener and more sustainable agriculture in the EU by virtue of increasing awareness in environmental issues.[69] In this regard, there are different views on the compatibility of the new CAP with the EU Green Deal objectives.

As it is expected, the main actors in creation of the new CAP, the Commission, the Council and majority of the European Parliament defend that the new CAP is fully complied with the EU Green Deal objectives. In his statement just after the adoption of the new CAP legislation, Mr. Janusz Wojciechowski, EU Commissioner for Agriculture, expressed that

"this new CAP will be greener. It will play a key role in the transition towards sustainable food systems, with increased ambition for climate, environment, and animal welfare. The new tools introduced, combined with the new way of working, will result in a better targeted and efficient performance … to achieve our common goals: the CAP and Green Deal objectives."[70]

In a similar vein, Mr. Peter Jahr, member of the European Parliament who negotiated the CAP strategic plans on behalf of the Parliament, argued during the voting of the CAP regulations that *"The CAP gives European farmers confidence for the future and provides incentives to take advantage of climate and*

[68] *Kostic et al.*, Ekonomika Poljoprivrede 2016, p. 1366.
[69] *Stępień/Czyżewski,* Management 2019, p. 298.
[70] Statement by European Commisioner for Agriculture, Mr Janusz Wojciechowski, 2 December 2021, available at https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_6547 (10 July 2022).

environmentally-friendly farming methods. The increased funding for ecological measures is unprecedented"[71]

On the other hand, there was a strong opposition from some of the members of the European Parliament, particularly from Group of Greens. In his speech on the day of voting, Mr. Bas Eickhout, Dutch member of the European Parliament, stated that

"many are desperately claiming this is a sustainable CAP reform, but a powerful and entrenched intensive farming lobby, and the governments and MEPs serving them, have done their utmost to preserve the destructive status quo, resisting at every step additional safeguards and watering down environmental conditionality rules... They have wasted this 'last chance' CAP reform, holding back positive change for climate, biodiversity and small farmers this decade."[72]

Similarly, Ms. Tilly Metz, another member of the group of the Greens, commented that

"The Common Agricultural Policy falls far short of the promises of the Green Deal and only cements the status quo. The clear winner is the agricultural industry. Whoever has the largest areas of land will continue to get the most money without any significant commitments to the protection of animals, the environment or the climate. The meagre efforts to protect the environment, climate and biodiversity are almost purely symbolic."[73]

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[71] Statement by EPP Group - Support for new farm policy is support for local food, 23 November 2021, available at https://www.eppgroup.eu/newsroom/news/support-for-new-farm-policy-is-support-for-local-food (10 July 2022).

[72] Euronews - EU parliament gives green light to agricultural reforms, 23 November 2021, available at https://www.euronews.com/my-europe/2021/11/23/eu-parliament-gives-green-light-to-agricultural-reforms (10 July 2022).

[73] Green/ EFA Group Statement, No Green Light From Greens/EFA – CAP Reform Is Set To Again Fail Farmers, Climate & Environment, 23 November 2021, available at https://www.greens-efa.eu/en/article/press/no-green-light-from-greens-efa-cap-reform-is-set-to-again-fail-farmers-climate-environment (10 July 2022).

With regard to the reactions of the related NGOs to the new CAP regulations, the COPA-COGEGA, the most influential umbrella lobbying organisation for EU farmers, underlined that *"the new climate, social and environmental requirements included in the newly adopted CAP represents an evolution of farmers' commitments to produce more sustainably"*[74] despite huge criticism about the organisation's lobbying activities to weaken the role of Green Deal during future CAP negotiations.

On the contrary, some NGOs dealing with the environmental issues have taken an oppositional stance against the new legislative CAP documents. For instance, in a report, jointly published by the European Environment Bureau, Birdlife Europe and World Wildlife Fund, it is assessed that draft CAP Strategic Plans prepared by Member States fall short of expectations in terms of the effectiveness of eco-schemes.[75]

As it is seen from the statements, there are two different points of view in EU public opinion on the issue. In this regard, while the former advocates the contribution of the CAP to the EU Green Deal objectives, the latter argues that the new CAP includes controversial provisions to EU Green Deal.

4.2 Assessment of Compatibility

[74] Copa – Cogeca/ European Farmers European Agri-Cooperative Statement, 23 November 2021, available at https://webcache.googleusercontent.com/search?q=cache:h7V80-PjDykJ:https://www.copa-cogeca.eu/Archive/Download%3Fid%3D3944009%26fmt%3Dpdf&cd=3&hl=tr&ct=clnk&gl=tr (12 July 2022).

[75] BirdLife Europe, European Environmental Bureau (EEB) and WWF European Policy Office, Will CAP eco-schemes be worth their name?, November 2021, available at https://wwfeu.awsassets.panda.org/downloads/eco_schemes_assessment__november_2021__final_1.pdf (12 July 2022).

4.2.1 General Overview

Since this thesis conducts a comparative study between two legislative fields in the EU, it is always important to clarify the scope of the assessment. As stated in the third chapter, there are three main regulations adopted by co-legislators for a CAP reform. However, Regulation (EU) 2021/2116 [76] on the financing, management and monitoring of the CAP contains horizontal provisions related to budgetary procedure. Besides, Regulation (EU) 2021/2117[77] lays down rules on common organisation of the markets in agricultural sector. That's why these two regulations are mostly excluded from the research since it has little relevance with EU Green Deal Objectives. Nevertheless, it deserves to mention that Regulation (EU) 2116/2021 points out some important elements such as data sharing[78] and proper conditionality controls[79] for more effective contribution of the CAP to the Green Deal Objectives.

With this understanding, for the CAP reform, this study mainly focuses on the Regulation (EU) 2021/2115 establishing rules on CAP strategic plans and EU

[76] 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, PE/65/2021/INIT, OJ L 435.

[77] 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, PE/66/2021/REV/1, OJ L 435.

[78] "*the 'European Green Deal', the 'Farm to Fork Strategy ... and 'EU Biodiversity Strategy for 2030 ... set out the bolstering of environmental care and climate action and the contribution to the achievement of Union environmental and climate objectives and targets as a strategic orientation of the future CAP. Hence, sharing land-parcel identification system and other integrated administration and control system data has become necessary for environmental and climate purposes at national and Union level. Provision should therefore be made for sharing the data collected through the integrated system, which is relevant for environmental and climate purposes, between Member States' public authorities and with the Union institutions and bodies."*

[79] *Conditionality is an important element of the CAP which ensures that payments promote a high degree of sustainability and ensure a level playing field for farmers within Member States and within the Union, in particular with regard to the social, environmental and climate elements of the CAP but also concerning public health and animal welfare. This implies that controls should be carried out and, where necessary, penalties should be applied to ensure the effectiveness of the conditionality system.*

funds for agriculture. Indeed, the co-legislators reference to EU climate and environment objectives several times in this Regulation. For instance, in the paragraph 30 of the recital of the CAP Strategic Plans Regulation (EU) 2021/2115, it is stressed that

"s*upporting and improving environmental protection and climate action and contributing to the achievement of Union's environmental and climate-related objectives is a very high priority in the future of Union agriculture and forestry. The CAP should play a role both in reducing negative impacts on the environment and climate, including biodiversity… The architecture of the CAP should therefore reflect greater ambition with respect to those objectives."*

In the Regulation, it is also argued that the flexible structure of the new CAP will better contribute to addressing those objectives by saying that *the best combination of types of action for addressing those objectives will vary from one Member State to another.* [80]

Moreover, article 5 of Regulation (EU) 2021/2115 lays down three general objectives of the Regulation. One of these objectives is *"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."* This proves that the Regulation has a direct objective to address EU Green Deal targets.

On the other hand, the new structural changes in the new CAP, particularly the fact that each Member State will have its own CAP Strategic Plan in the direction of more flexible implementation, makes difficult to conduct a proper analysis on total effect of the CAP for environmental and climate issues. Because, total impact also depends on how ambitious the Member States will be for

[80] Regulation (EU) 2021/2115 (fn.67), Preamble para. 31.

implementing eco-schemes laid down in the CAP regulation. Similarly, it is also unclear whether the Commission will be able to force Member States for more aligned CAP Strategic Plans with EU Green Deal targets during approval process in the midst of food security concerns due to post-COVID-19 value chain problems and regional instabilities like Russian invasion on Ukraine. Nevertheless, it is the duty of the Commission as it is stated in the Regulation 2021/2115,

"*When assessing the proposed CAP Strategic Plans, the Commission should assess the consistency and contribution of the proposed CAP Strategic Plans to the Union's environmental and climate legislation and commitments and, in particular, Farm to Fork Strategy 'EU Biodiversity Strategy for 2030"*[81]

In order to prevent such an inefficient situation, article 7 of the new CAP lays down the rules for common indicators for Member States related to output, result and impact to assess the achievements of the objectives referred in the Regulation. During the assessment, those indicators will also be taken into consideration.

Regarding the scope of the EU Green Deal, as this policy area embraces a multisectoral approach, it is also necessary to narrow down the scope of this policy for a better analysis. Thus, EU Farm to Fork and Biodiversity Strategies will be in the centre of comparison as it is previously stressed in this thesis.

In addition to this, there is also a need to create some sub-chapters in this part for a decent assessment. In this regard, the analysis of the compatibility will be carried out in three sub-chapters. First of all, since the EU Green Deal particularly stress the need to mitigate climate change by reducing GHG emissions, any analyse of the compliance of the new CAP with EU Green Deal

[81] Regulation (EU) 2021/2115 (fn.67), Preamble para. 122.

objectives deserves a separate sub-chapter on reducing GHG emissions. Furthermore, as biodiversity loss is another important focus point for the EU policy-makers it also requires separate sub-chapter. Finally, protection of natural resources like soil will be the last sub-chapter of the analysis. In this context, in the first sub-chapter, the assessment will focus on whether the CAP helps reduce the GHG emissions related to agricultural activities. In the second part, it is examined whether the CAP contribute to reversing biodiversity loss. Finally, in the last sub-chapter, the impact of the new CAP to the protection of natural resources which is also another important issue to create a sustainable agriculture in the EU will be analysed.

Nevertheless, this categorisation does not mean that one of the CAP measures have to be related to only one of these three sub-chapters. It is always possible that a CAP provision can be directly or indirectly related to all these three objectives. For instance, there is no doubt that increasing the percentage of organic farming to 25% in EU agriculture, one of the objectives mentioned in both strategies, will contribute to all three sub-chapters. For this reason, in order to refrain from duplications during the assessment some cross-cutting issues will be discussed in mostly relevant subchapters.

4.2.2 Reduction of GHG emissions in agricultural activities

First and foremost, EU Green Deal puts a clear target for the Union in terms of reducing GHG emissions with the aim of becoming the first carbon-neutral continent by 2050. Moreover, as already mentioned before, the EU decided to submit an updated Nationally Determined Contribution (NDC) to Paris Agreement Secretariat with a more ambitious binding emissions reduction target by 2030 revising its initial 40% commitment to at least 55% compared to 1990 level. In light of this assertive target, the new CAP is supposed to be aligned in reducing GHG emissions in agricultural sector even though neither the Farm

to Fork Strategy nor the new CAP of the EU set quantitative targets in terms of reducing GHG emissions in agriculture. Nevertheless, article 6 (1) (d) of the Regulation 2021/2115 explicitly confirms as one of the specific objectives of the new CAP will be *"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."*

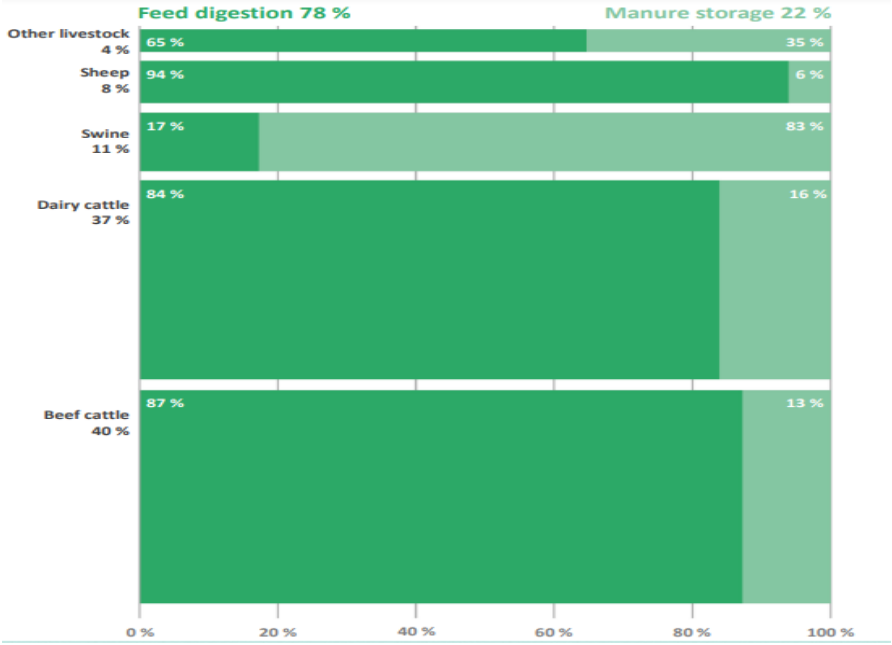
In this regard, the question here is to what extend do the new CAP provisions deliver the objective of reducing GHG emissions in agriculture by focusing on the main sources of these emissions in EU agriculture? Initially, it should be pointed out that the main agricultural activities creating GHG emissions are raising livestock (50%), soil fertilisation (%36) and land use change (14%)[82] For a decent analysis, it is better to compare these three sources of GHG emissions individually in sub divisions.

4.2.2.1 Raising livestock

As the main source of GHG emissions in EU agriculture, animal based products like meat, milk and eggs emits significant levels of GHG compared to plant based production and consumption.[83] On the other hand, most of the GHG emissions in the livestock production are related to digestion of animals as it is shown in the graph:

Graph 3: Livestock Emission Sources in the EU (2018)

[82] European Court of Auditors, Special Report - Common Agricultural Policy and climate: Half of EU climate spending but farm emissions are not decreasing, 2021, p.6., doi:10.2865/285879.
[83] Heinrich Böll Stiftung, Meat Atlas (fn.66).



Source: *European Court of Auditors Special Report on Common Agricultural Policy and Climate*

As it is seen in the graph, there are two main reasons of GHG emissions in livestock. Former is digestion of animals and the latter is manure. According to the graph, digestion and manure of beef cattle (40%) and dairy cattle (37%) are account for 77% in livestock emissions. In other words, 38.5 % of total EU GHG emissions in agriculture are stemming from raising cattle in the EU.

On the other hand, today's scientific knowledge does not offer an efficient solution to reduce the GHG emissions related to feed digestion other than reducing the number of livestock.[84] That's why the new CAP is supposed to promote reducing livestock, in order to reduce GHG emissions in EU agriculture.

Moreover, it is also important to note that promoting farmers to reduce livestock is not sufficient for the total effect of the measure if the consumption does not decrease with the help of import of the animal based products from non-EU countries due to domestic supply deficit. As a result, the net impact would

[84] European Court of Auditors, Special Report (fn.82), p.22.

depend on changes to consumption of animal products and if this leads to higher imports, there would be a degree of 'carbon leakage'.[85] Therefore, the new CAP also needs to encourage the EU citizens to change their diets in favour of plant based products.[86]

However, the new CAP has no obligatory measure for Member States to reduce livestock production or consumption in their strategic plans. On the contrary, the CAP continues its previous direct support policy in raising cattle for EU farmers without any significant change[87]. In this regard, Member States are required to include some voluntary interventions in order to achieve this strategic objective of the CAP. In addition to this, the CAP includes result indicators on this objective. In this regard, Indicator R.13PR *"reducing emissions in the livestock sector* and indicator R.25 *"Environmental performance in the livestock sector"* will help the Commission to assess the performance of the Member States in this issue.

After the submission of the draft CAP Strategic Plans by Member States to the Commission for approval, the Commission has sent its observation documents to the Member States to revise their CAP Strategic Plans for more alignment with the objective to reduce GHG emissions. For instance, the Commission criticise the Netherlands for not being ambitious enough to include interventions to reduce GHG emissions. The Commissions stresses that

"The Netherlands has a very high livestock pressure. The Commission regrets that the Plan does not foresee any interventions targeting a reduction of GHG or air pollutant emissions from intensive livestock production or from the high surplus of nutrients in the soil. The Netherlands is strongly recommended to implement a systematic approach,

[85] *Poore/ Nemecek,* Science 2018,
[86] *Blanco-Gutiérrez* et al., IJERPH 2020, p.15.
[87] *Guyomard et al.,* Animal 2021, p.10.

including the monitoring of progress towards targets in respect of climate ambition … by supporting farmers to switch to more sustainable and less intensive production."[88]

Since there is no obligatory intervention for Member States, it is up to them to decide the type of measures in their CAP strategic plans and how much budget will be allocated for those kinds of interventions. It is also important to what extent the Commission will force Member States in this issue before its approval for the national CAP plans. However, it is unlikely to have a significant change in intensive production volume of dairy and beef cattle in the EU in the next CAP implementation period due to lack of comprehensive campaign to reduce the consumption of those agricultural products and a holistic approach to regulate the production in the EU level.

4.2.2.2 Soil fertilisation

As it is stated in the above, soil fertilisation is another important source of GHG emissions in EU agriculture (36%). Both Farm to Fork and Biodiversity strategies underline the need for a reduction in fertiliser use for not only to protect the quality of soil or enhancing biodiversity but also to reduce GHG emissions. In this direction, as already mentioned in the second chapter, the EU has a target to reduce the use of fertiliser 20% by 2030.

In this regard, according to article 31 and 70 of the Regulation (EU) 2021/2115 which lay down environmental and climate related provisions, Member States may provide payments for commitments which go beyond the relevant minimum requirements for the use of fertiliser established by national and Union law. In addition to this, some other eco-schemes such as organic

[88] Commission Observation Letter on Netherlands' CAP Strategic Plan, 2022, p.4, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (15 July 2022).

production and enhancing carbon storage in soil help to reduce the use of fertiliser. Moreover, the Commission also informed Member States to revise their draft CAP strategic plans in reducing the dependency of synthetic fertilisers since 25% of fertilisers are imported from Russia and the war between Russia-Ukraine causes supply problems of those products. [89]

In this context, the Commission has made some warnings to Member States. For instance, in observation letter to Croatia the Commission commented that *"the Plan lacks a strategic reflection on the increase in GHG emissions linked to soil management, which are the main source of GHG emissions in agriculture. In this respect, the need for improvement of mineral and organic fertiliser application methods (e.g. precision agriculture) should be addressed appropriately*[90]

Under these circumstances and also having taken into consideration of the positive contribution of the objectives of reducing the loss of nutrients in soil by 50% and increasing organic farming up to 25% of total farms, it is expected to be reached the target of 20% decrease in fertiliser use.

4.2.2.3 Land use change

Changing land use is another source of GHG emissions in EU agriculture (14%). For instance, EU soils rich in organic matter like peatlands store about 20-25 % of the total carbon in soil and they act as a carbon sink when they stay untouched or they become a source of GHG when they drained.[91] Such drained organic soil

[89] Institute for European Environmental Policy, Reducing European fertiliser and feed dependency through the CAP, 2022, p.1., available at https://ieep.eu/uploads/articles/attachments/a7bbb2cc-8903-4be0-a60c-0226406b990d/Reducing%20European%20fertiliser%20and%20feed%20dependency%20through%20the%20CAP_IEEP%20(2022).pdf?v=63820101750 (15 July 2022).

[90] Commission Observation Letter on Crotia's CAP Strategic Plan, 2022, p.9, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (18 July 2022).

[91] European Court of Auditors, Special Report - CAP (fn.82), p.39.

which is managed as cropland or grassland represents only about 2 % of the total cropland and grassland area in the EU, but it accounts for 20 % of agricultural emissions.[92]

In this regard, protection of carbon-rich soils is already one of the objectives of conditionality rules of the new CAP under GAEC provisions. Nevertheless, article 31 (4) (a) of the Regulation (EU) 2021/2115 also make possible for Member States to include eco-schemes on maintenance of existing carbon stores for farmers who would like to voluntarily go beyond the relevant GAEC standards.

In this context, Result indicator R.14PR: "*Carbon storage in soils and biomass"* will be key indicator in ex-post assessment of the performance of the implementation of Member States. In this indicator, the Member States are required to give their planned share of utilised agricultural area (UAA) under supported commitments to reduce emissions or to maintain or enhance carbon storage including permanent grassland, permanent crops with permanent green cover, agricultural land in wetland and peatland.

In light of the objective to reduce GHG emissions, the Commission has sent its warnings to Member States for more ambitious action in this field. For instance, in the Commission's observation letter on Austria's CAP Strategic Plan, it is underlined that "*the current Plan does not provide a sufficient explanation of how the green architecture will deliver on emission reductions and carbon sequestration contributing to the achievement of the current targets and commitments… Austria is invited to revise its Plan accordingly, in particular in order to address the decline of the forest carbon sink and of permanent grassland and to enhance land-based carbon sequestration measures"*[93]

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[92] *Ibid*

[93] Commission Observation Letter on Austria's CAP Strategic Plan, 2022, p.3, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (18 July 2022).

4.2.3 Increase in EU biodiversity

Another central issue of this thesis is to assess the compliance between the new CAP rules and the objectives set out in EU Biodiversity Strategy for 2030. In other words, the question of this part is to what extent do the new CAP rules address the objectives of the new EU Biodiversity Strategy? In order to make a proper analysis, it is also important to take into consideration the achievement level of 2014-2020 CAP rules in terms of delivering EU Biodiversity Strategy for 2020 objectives.

As already mentioned in previous chapters, the Commission planned to spent €86 billion (8.1 % of total EU budget) in light of the efforts to halt biodiversity loss and 77 % of this amount (€66 billion) allocated from the CAP budget for the 2014-2020 period. [94] However, according to Special Report of European Court of Auditors on "Biodiversity on farmland" there is a lack of coordination between EU policies and strategies on this issue.[95] Furthermore, the report found that

"*the effect of CAP direct payments – 70 % of EU agriculture spending – on farmland biodiversity is limited. Some direct payment requirements, notably greening, and cross-compliance, have potential to improve biodiversity, but the Commission and Member States have favoured low-impact options. The EU's rural development instruments have greater potential than direct payments for maintaining and enhancing biodiversity. However, Member States relatively seldom use high-impact rural development measures such as result-based and "dark green" schemes*".[96]

[94] European Court of Auditors, Special Report- Biodiversity (fn.41), p.4.
[95] European Court of Auditors, Special Report- Biodiversity (fn.41).
[96] *Ibid.*, p.5.

As a result, the report of the European Court of Auditors stresses that EU's Common Agricultural Policy has not succeeded in halting the loss of farmland biodiversity[97]

In light of these findings of the ECA, the new CAP rules are supposed to be more revolutionary in terms of halting biodiversity loss. In this direction, the Commission showed its interest for more ambitious CAP regulation by declaring that one of the specific objectives for the new CAP was to contribute to biodiversity protection, better ecosystem services and the preservation of habitats and landscapes when it explicate its CAP legislative proposals for the post-2020 period in 2018. In this regard, in the paragraph 7 of preamble of the Regulation (EU) 2021/2115, it is stated that

"given the importance of tackling the dramatic loss of biodiversity, support under this Regulation should contribute to mainstreaming biodiversity action in Union policies and to the achievement of the overall ambition of providing 7,5 % of annual spending under the multiannual financial framework (MFF) to biodiversity objectives in 2024 and 10 % of annual spending under the MFF to biodiversity objectives in 2026 and 2027."

In addition to this, according to article 6/1 (f), one of the specific objectives of the Regulation (EU) 2021/2115 is *to contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes."*

In parallel to this understanding, GAEC rules on biodiversity and landscape also revised in the new CAP and 4% of land is devoted to non-productive elements and areas on all farms of at least 10 hectares.[98] Moreover, the compulsory

[97] *Ibid.*, p.46.

[98] European Commission website - Key reforms in the new CAP, available at https://agriculture.ec.europa.eu/common-agricultural-policy/cap-overview/new-cap-2023-27/key-reforms-new-

minimum for such non-productive features will be 3% where farmers can also "top up" that total to 7% through an eco-scheme.[99]

However, there is no binding rule in the CAP regulation (EU) 2021/2115 for Member States to reach the target of 30% protection of EU land as stated in EU Biodiversity Strategy. In this regard, article 31(4)(e) of the Regulation lays down a voluntary scheme for *"protection of biodiversity, conservation or restoration of habitats or species, including maintenance and creation of landscape features or non-productive areas"*. In addition to this, result indicator R.31 includes "Preserving habitats and species" which requires the share of utilised agricultural area under supported commitments for supporting biodiversity conservation or restoration including high-nature-value farming practices.

Yet, some Member States' CAP strategic plans suffer from the inadequacy of delivering this target. For instance, the Commission states in its observation letter on Hungary's Strategic Plan that

"Hungary should reinforce the interventions to ensure further enhancement of biodiversity protection going beyond the current practices to ensure a more effective protection of biodiversity, as the current proposed targets reflect extremely low levels of ambition."[100]

Taking into account the draft CAP strategic plans, there will be no or little contribution to the objective of halting biodiversity loss. Nevertheless, it is hard to measure the real impact of the CAP measures to biodiversity loss due to lack

cap_en#:~:text=GAEC%20on%20biodiversity%20and%20landscape,the%20current%20%E2%80%9Cgreening%E2%80%9D%20system. (2 August 2022)

[99] European Commission website - Factsheet: "A Greener and Fairer Cap", available at https://agriculture.ec.europa.eu/system/files/2022-02/factsheet-newcap-environment-fairness_en_0.pdf (2 August 2022)

[100] Commission Observation Letter on Hungary's CAP Strategic Plan, 2022, p.5, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (18 July 2022).

of scientific data on the issue. An evaluation report published by the Commission on the impact of the CAP on habitats, landscapes and biodiversity in March 2020 also confirms that an overall impact assessment was not possible owing to the lack of suitable monitoring data.[101] That is why, for a better analysis, new data should be collected in light of indicators listed in the new CAP regulation.

4.2.4 Protection of natural resources of the EU and the sustainability of agricultural production

As the last sub-chapter of this part, an analysis for the alignment of the new CAP to the EU Green Deal objectives in terms of protection of natural resources constitutes an important substance for this thesis. In this regard, improving water and soil quality, reducing the use and risks of pesticides and antimicrobials through the implementation as well as extending organic farming are some of the main topics of the evaluation.

First of all, since agricultural fields cover more than half of lands in Europe, increased use of external inputs like fertiliser, pesticides and excess water during farming practices caused environmental pressures on EU territory over the last decades.[102] In this regard 2014-2020 CAP rules already contain some provisions related to protecting soil quality through related GAEC rules or other

[101] European Commission, Evaluation of the impact of the CAP on habitats, landscapes, biodiversity, 2020, p.91, doi: 10.2762/818843.

[102] European Environment Agency, A Green CAP? Reform options from an environmental angle, 2011, available at https://www.eea.europa.eu/themes/agriculture/greening-agricultural-policy/green-cap-first-phase-report (4 August 2022).

provisions.[103]Moreover, numerous legislations are in force in the EU to protect the natural resources like Water Framework Directive[104].

Nevertheless, the European Green Deal puts more sustainable agriculture objectives in the EU to make further steps in this issue. Acting in line with this understanding, EU Farm to Fork Strategy puts forward some quantitative targets by the year 2030. These are reduction in the use of chemical and more hazardous pesticides by 50%; a cut down in nutrient loses by 50 % while ensuring that there is no deterioration in soil fertility; reduction in the use of fertilisers by at least 20% by the year 2030 and to reduce overall EU sales of antimicrobials for farmed animals and in aquaculture by 50% by 2030.

In light of these targets, Article 6(1)(d) of Regulation 2021/2115 confirms that the new CAP has a specific objective to foster sustainable development and efficient management of natural resources such as water, soil and air, including by reducing chemical dependency. In addition to this, while article 31(4) (c) of the Regulation lays down voluntary schemes for the protection or improvement of water quality and reduction of pressure on water resources; paragraph (d) of the same article includes prevention of soil degradation, soil restoration, improvement of soil fertility and of nutrient management and soil biota. Similarly, paragraph (f) of the article refers to actions for a sustainable and reduced use of pesticides, in particular pesticides that present a risk for human health or environment. Lastly, paragraph (g) includes actions to enhance animal welfare or combat antimicrobial resistance. As it is seen from abovementioned provisions, the CAP gives space to voluntary schemes that can address the EU Green Deal objectives.

[103] European Commission website - Key reforms in the new CAP (fn.98).
[104] Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327.

Moreover, the new CAP asks for submit several result indicators from Member States in their Strategic Plans. For instance, result indicator R.19PR demands the share of utilised agricultural area (UAA) under supported commitments beneficial for soil management to improve soil quality and biota (such as reducing tillage, soil cover with crops, crop rotation included with leguminous crops). In the same vein, result indicator R.20PR is related to air quality data while result indicator R.21PR includes water quality.

With regard to increasing organic farming, it is one of the most essential tools for EU climate and environmental objectives to protect natural resources and sustainable agricultural practices.. That is why both Farm to Fork and strategies have a clear target to increase the share of organic farming in the EU at least to 25% of agricultural land in the next 8 years. Moreover, the Commission also presented its action plan [105] in March 2021 particularly to boost the organic consumption in the line with EU Green Deal targets.

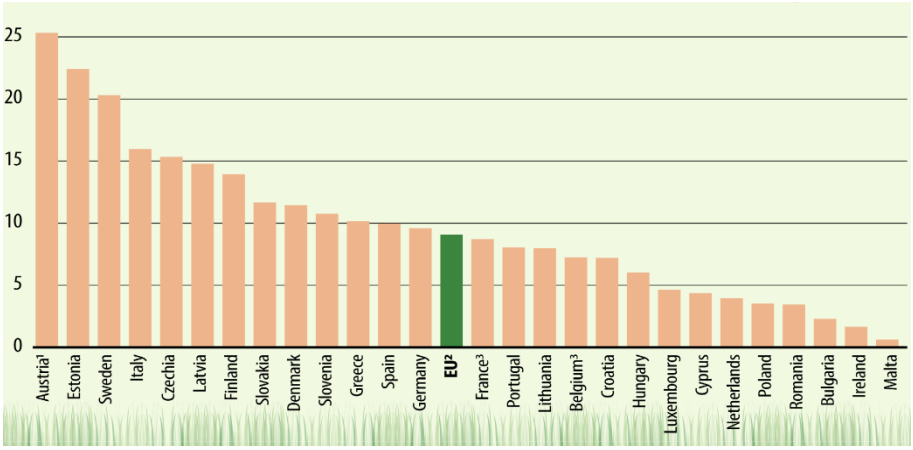
It is also a fact that organic farming practises contribute to almost all objectives of EU Green Deal. For that reason, it is a very important component of all three subchapters handled under this part of thesis. However, taking into consideration of its role in increasing the soil and water quality as well as reducing the use of antimicrobials and fertiliser, it is more convenient to assess organic farming under this subchapter.

In order to understand how ambitious is the Commission's plan to increase the share of organic farming in the EU to 25%, state of play in the EU should be reviewed. As it is seen from the graph below, the share of EU average organic farming is still below 10%. Besides, there are considerable differences among

[105] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on an Action Plan for the Development of Organic Production, 25.03.2021, COM(2021) 141 final.

Member States' performances. According to Eurostat data, the share of organic production in the Union was 5.9% in 2012 and it reached 9.1% in 2020 with an increase of 54% in 8 years.[106] Under normal circumstances, it is estimated that the EU organic farmland will reach around 15-18 % in 2030. That's why the Member States should do more than usual to reach such an ambitious target.

Graph 4: Share of Organic Farming area in the EU (2020)



Source: Eurostat
https://ec.europa.eu/eurostat/statistics-explained/images/b/b2/Organic_area_2020.png

The question of whether the provisions of the new CAP will improve the organic farming capacity is again an issue of how ambitious strategic plans will be submitted by Member States and to what extent the Commission will be determined to direct Member states for more organic practises in agriculture. According to a report published by the International Federation of Organic Agriculture Movements, Member States showed a low level of ambition to convert agricultural activities to organic farming in their submitted draft CAP Strategic Plans until now.[107]

[106] Eurostat – Organic Farming Statistics, available at https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Organic_farming_statistics#cite_note-3 (5 August 2022)
[107] IFOAM Organics Europe, Evaluation of Support for Organic Farming in Draft CAP Strategic Plans (2023-2027), 2022, p.3., available at

Member States have been also criticised by the Commission to improve their organic farming targets in their CAP strategic plans. For instance, in the observations letter of the Commission to the Netherlands, the Commission stress that

"*…the Plan does not make it attractive or include persuasive incentives to switch to organic farming. The Commission strongly recommends to the Netherlands to make better use of the Plan to promote national organic food demand and conversion to organic farming and to complement it with national instruments."*

Taking all this into account, even though the CAP introduced voluntary measures on the issue, the possibility to address the new CAP rules to the objectives related to protecting natural resources highly depend on the performance of Member States in the following years. Nevertheless, it is unlikely that EU organic farmlands will reach to the level of 25% targeted in both Farm to Fork Strategy and Biodiversity Strategy for 2030 unless the Commission force Member States to revise their CAP Strategic Plans for more attractive interventions for farmers and more budget to organic production.

4.2.5 Overall Assessment

During the legislation process of the new CAP, the EU Commission stressed the need for a better respond to environmental and climate challenges of the EU. As the co-legislators of the EU, the Parliament and the Council also proved that the new CAP is aligned with EU Green Deal objectives by adopting the new CAP regulations.

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https://www.organicseurope.bio/content/uploads/2022/03/IFOAMEU_CAP_SP_feedback_20220303_final.pdf?dd (5 August2022).

In this regard, there are some improvements in the new CAP in terms of addressing the climate and environmental issues such as increasing conditionality rules for direct support in farming practices. However, there are no radical changes in substantial scope between the new CAP rules and the CAP 2014-2020. For instance, in the new CAP 30% obligation of rural development programmes related to environment increased to 35%.

On the other hand, the findings of EU Court of Auditors report published in June 2021 show that the EU CAP 2014-2020 has no effect on climate change even though it is expected that around 100 billion euro was spent to tackle this challenge in that period.

Similarly, according to another report of EU Court of Auditors, 2014-2020 CAP rules were unable to prevent biodiversity loss. In this regard, the new CAP also does not promise radical changes to halt biodiversity loss. Nevertheless, the question of whether the new CAP rules deliver the objectives of EU Biodiversity Strategy like preservation of 30 % of EU lands, conversion of 25% of EU farms to organic farming and other targets related to protection of natural resources are highly depend on Member States' Strategic Plans and their ambition during the implementation phase.

However, according to a report published by BirdLife Europe, the European Environmental Bureau (EEB), and WWF European Policy Office, only 19% of draft eco-schemes are genuinely beneficial for environment and some measures has no relevance at all[108]. That's why it is still unclear whether the national CAP Strategic Plans will deliver the EU Green Deal Targets but it is also a fact that national governments are more focused on food security issues and rising food prices due to post COVID-19 fluctuations and Russia-Ukraine war.

[108] BirdLife Europe, European Environmental Bureau (EEB) and WWF European Policy Office (fn.75), p.10.

Moreover, most of draft CAP Strategic Plans of Member States unsatisfied the Commission until now. As a good example for this argument, the observation letter of the Commission on Greece's CAP Strategic Plan underlines that:

"The Commission has identified incoherencies and insufficiencies of the Plan's contribution to the objectives and targets of the EU environmental and climate legislation mentioned in Annex XIII to the SPR. 13. Furthermore, the Commission has doubts on the effective contribution of the Plan to the reduction of nutrient losses, water use efficiency, enhancing organic farming and biodiversity. The Commission notes in particular the lack of sufficient ambition regarding greenhouse gas emissions, carbon sequestration, and climate change adaptation (besides others with regard to forest fires prevention, enhancing water retention of the landscape, floods, drought and erosion prevention) as compared to the baseline situation, the needs identified, which thus require the modification of the Plan.[109]

Taking all into consideration, slight changes in mandatory rules in the new CAP and reluctant attitudes of Member States are expected not to contribute to the new CAP for a better alignment of EU Green Deal objectives. In other words, as an answer to the research question of this thesis, the new CAP reform is unlikely to deliver the objectives of EU Green Deal.

4.3 Possible reasons for insufficient compliance

[109] Commission Observation Letter on Greece's CAP Strategic Plan, 2022, p.3, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (5 August 2022).

Having claimed that the new CAP rules do not address sufficiently to ambitious EU Green Deal objectives, it is also important to remark possible reasons for this incompliance.

First of all, it is possible to argue that the Junker Commission had already started CAP reform process in 2018, even before the adoption of EU Green Deal Objectives and the replacement of the College of EU Commissioners in 2019 and this was a major burden for a decent alignment in a very short period of time. However, I believe that such an argument has no ground since coherence of the Union legal order is essential for a proper and well functioning Union, the draft CAP provisions was supposed to be revised according to EU Green Deal Objectives. Moreover, this was the reason behind the delay of CAP reform until the end of 2022 in order to create enough time for a better compliance. As a result, even though the CAP reform initiative had already started with the previous Commission, the new College of Commissioners had enough time to adopt a decent CAP aligned with EU Green Deal Objectives.

Besides, several economic, political and social reasons as well as structural problems like flexibility of the new CAP can be put forward regarding incompliance between the CAP and EU Green Deal objectives.

In this regard, economic reasons are one of the most important drivers in this situation. First and foremost, delivering the EU Green Deal targets cost huge amount of money as the adaptation of agricultural production techniques to Green Deal objectives would result in loss of agricultural output due to several requirements like the limitation in the use of fertiliser and pesticides. Moreover, conversion of agricultural practices and use of technology to mitigate climate change and environmental degradation requires heavy investment and return on such an investment takes long years. In the same vein, improving animal welfare standards is also another economic challenge for EU producers. According to the Scientific Advisory Board on Agricultural Policy at the German

Federal Ministry of Food and Agriculture, it is estimated that significant improvements in animal welfare would necessitate between 3 and 5 billion euros per year only in Germany and this amount equals to between 13-23% of current production costs.[110]

With regard to social reasons, farmers have less income than average in the EU. This also makes EU agriculture fragile in terms of sustainability of agricultural production. That is why the CAP direct payments are one of the most important sources of income for farmers since the beginning of the implementation of the CAP to minimise farmers' income gap. In this regard, even though direct payments to farmers have no substantial impact on EU green deal objectives, the biggest part of the EU CAP budget continues to be allocated to these payments. This fact prevents more revolutionary steps in CAP reform for more alignment to EU Green Deal objectives. Moreover, food security concerns which became evident particularly after the COVID-19 pandemic, necessitated EU policy makers to step down from a radical approach to the issue since measures taken for Green Deal objectives reduces the output in the short term.

Regarding political reasons, farmers have always been an important interest group for EU politicians. Since farmers can directly influence governments by their vote potential, particularly in Member States with more farmer population, it has been always hard to adopt legislation without their consent. In this regard, revolutionary steps in light of EU Green Deal objectives are barely to the direct interest of EU farmers. For example, as the biggest GHG emitters in EU agriculture, livestock farmers are against radical changes because of increasing obligations to protect groundwater and surface water, the climate, biodiversity

[110] German Scientific Advisory Board on Agricultural Policy, Pathways to a socially accepted livestock husbandry in Germany - Executive Summary and Synthesis Report, 2015, p.47, available at https://www.bmel.de/SharedDocs/Downloads/EN/_Ministry/ScientificAdvisoryBoard-Pathways.pdf?__blob=publicationFile&v=2 (2 August 2022).

and animal welfare since they lead to significantly higher production costs.[111] In addition to this, such a situation will lead to an increase agricultural import from third countries with less stringent controls[112] and this will inevitably create a conflict between politicians and local producers.

As another burden for compliance, the flexibility of the new CAP rules creates a wide margin of discretion to Member States in order to implement more ambitious green targets in their lands. However, even though the strategic plans need the approval of the Commission, Member States would prefer hiding behind CAP regulations, instead of using this flexibility to target EU Green Deal objectives[113]. In addition to this, even Member States have a motivation to reach to the environmental and climate targets of the new CAP rules, their Strategic Plans can fall short to address them. A good example for this can be found in the Commission observation letter to Poland which states that

"the Commission notes that reducing greenhouse gas emissions (GHG) from agriculture is given highest priority and welcomes the importance attached to this objective. However, the Plan hardly touches upon peatlands and livestock, two significant GHG emissions sources."[114]

Nevertheless, even the Commission has an ambition to divert this flexibility in favour of Green Deal objectives; it is hard to say that the Commission will be able to put enough pressure on Member States amid unstable conjuncture for food supply particularly due to COVID 19 pandemic and the war between Russia and Ukraine. This issue is especially a burden for the objective of halting biodiversity loss since food security and conservation of biodiversity are two sides of the

[111] Heinrich Böll Stiftung, Meat Atlas (fn.66), p.55.
[112] *Ibid.*, p.55.
[113] *Pe'er et al.* (fn.53), p.4.
[114] Commission Observation Letter on Poland's CAP Strategic Plan, 2022, p.4, available at https://agriculture.ec.europa.eu/cap-my-country/cap-strategic-plans/observation-letters_en (5 August 2022).

same coin.[115] Since ensuring food security is still vital for the well-being of Europeans, it remains difficult to reach Green Deal objectives via the latest CAP reform.[116]

The last but not least, the possibility of "carbon leakage" from third countries is another important burden for an ambitious implementation of CAP rules. This situation creates a threat for EU farmers to lose their competitiveness since they would produce costly due to alignment requirements to Green Deal objectives while third-country farmers have no obligation to do so. In this regard, the EU is still working on "carbon border adjustment mechanism" to neutralise such a difference in production cost by introducing tax on third-country products with less sensitivity on GHG emissions and environmental considerations during production process. However, it is still unclear to what extent this will be feasible for enforcement. Without a concrete solution to carbon leakage, it is hardly possible for Member States to approach the issue more sensitively.

4.4 Suggestions to increase the compliance of CAP with EU Green Deal objectives

As the last part of this chapter, it is also important to point out some recommendations for a better alignment between the CAP and EU Green Deal objectives.

First of all, as the flagship of EU agriculture, the CAP has to respond to the aim of reduction of GHG emissions set forth in the EU Green Deal with concrete targets. However, except voluntary schemes for this objective, there is no

[115] *Sunderland* (fn.35), p.1.
[116] European Student Think Tank, The future of meat and dairy production in light of the European Green Deal, 2022, available at https://esthinktank.com/2022/03/04/the-future-of-meat-and-dairy-production-in-light-of-the-european-green-deal/ (8 August 2022).

obligatory target in the new CAP rules. In this context, raising livestock, particularly raising dairy and beef cattle should be limited since they create almost half of agricultural GHG emissions in the EU. Reduction in livestock production also helps achieving other EU Green Deal targets. For instance, fertiliser use in feed production would be lower as well.[117]However, since there are substantial differences in livestock production and consumption between Member States, the CAP should provide a comprehensive framework for this initiative.[118]In this direction, changing dietary habits of EU citizens is another important aspect of the issue for more properly functioning market since limiting livestock production can result in a market disruption. In the long term, people's food in their plates can be more environmentally friendly via sound policies but in the short term, it is nearly impossible to convince people to voluntarily leave their traditional behaviours. In this regard, the CAP should have a holistic approach for the change in consumption behaviours of EU citizens.

Moreover, it is also a fact that not everyone has the same carbon footprint in terms of consumption. Thus, negative externality level of people can vary according to their consumption behaviours. In this regard, for a fairer approach, personal evaluation should be taken into consideration. That's why "polluter pays principle"[119] should be introduced in the CAP in order to dissuade the consumers and minimise negative externality in production and consumption. Enforcement of this principle would help market rebalance in products with higher GHG emissions at a higher market price and lower production/consumption level. This is also valid for agricultural products which pollute environment during production process.

[117] European Court of Auditors, Special Report - CAP (fn.82), p.19.
[118] Heinrich Böll Stiftung, Meat Atlas (fn.66), p.12.
[119] *Dupraz/Guyomard*, EuroChoices 2019, p.20.

With regard to the flexibility of the new CAP, this change can be defended as all Member States have different needs and priorities in their agricultural sector. However, climate change and environmental problems are common threats for all EU Member States. Even though this flexible approach can be regarded as different ways of solution to the same problem, in practice, farmers of Member States are reluctant to implement voluntary schemes laid down in the CAP. In the same vein, governments of Member States can prefer populist policies especially when they need vote of farmers. That is why, in order to address to such an existential threat, voluntary schemes and flexible approach should immediately revised and binding rules and targets should be introduced. However, it should be noted that such an obligation for Member States would be practical only when substantial measures are taken to prevent carbon leakage via agricultural imports from third countries.

Lastly and most importantly, in order to make radical contribution to the EU Green Deal Objectives via CAP rules, more revolutionary steps should be taken. In this regard, last reform process did not create fundamental changes particularly in terms of direct payments, the largest part of the CAP budget. This issue is one of the most important concerns about the efficiency of the CAP, especially due to the fact that farmers with large farmlands get the biggest part of those payments. Even though there are several conditionality rules to get direct payments, the effect of those rules are limited to achieve EU Green Deal objectives. That is why, direct payments scheme should be radically change if the EU policy-makers would like to introduce a CAP which genuinely comply with the EU Green Deal objectives.

5 CONCLUSION

Today, there is a consensus that climate and environmental problems are existential threats to life on Earth and it is hardly possible to advocate any opposite view to this argument. Taking into account the situation that the climate conditions is getting worse year by year, time is running up to tackle these problems. For this reason, harmonisation of agricultural legislation with environmental protection law is of crucial importance amidst increasing food security concerns due to the War between Russia and Ukraine and COVID-19 pandemic. For this reason, the issue has been one of the most prominent topics among scholars in recent years. This interest also enabled to benefit from various academic writings during the conduct of the study.

It is also important to stress that international community lacks the motivation to act ambitiously because of conflicts of interest even though these threats are in global scale. In this regard, the European Union has a critical responsibility as one of the most successful organisations in political history in terms of bringing peace and prosperity to the European Continent. The EU has a potential to influence world politics, particularly thanks to its economic power. For this reason, the EU should use its powers for the sake of the future of humanity since the EU has a direct impact on fight against climate challenge and environmental degradation.

Under these circumstances, achieving the targets set in the European Green Deal is of crucial importance and the EU needs to use all possible opportunities in favour of reaching these targets. In this regard, before taking any decision, the EU policy-makers have to consider all possible effects of their decisions to these existential threats. That is why, as agricultural activities are among the reasons of these problems, provisions of the Common Agricultural Policy of the EU should highly address the objectives of the European Green Deal.

With this understanding, the latest CAP reform was discussed in this thesis to find an answer about the question of whether its provisions deliver the objectives of European Green Deal and as it is explained in the previous chapter, the answer is negative. Apart from this, during the study, I also recognized that the EU institutions are aware of the reasons of climate and environmental problems. Moreover, they know how to tackle these issues. But, they preferred to maintain status quo by introducing little improvements or voluntary schemes regarding the environmental issues. This shows that economic and Member States'-interest-oriented motivation in the EU decisions still goes well beyond the social responsibility impulse of the Union.

To sum up, even though union-scale steps would contribute to more against such a global threat in light of principle of subsidiarity, the new CAP puts greater

responsibility to national level decisions to act ambitiously with its newly introduced flexible structure. In addition to this, the flexible structure also makes harder to conduct a proper assessment on the compatibility of the new CAP rules with the European Green Deal objectives. Consequently, it is highly possible that debates on this issue will continue in the next years.

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