Health Check of the CAP: What's at stake?



European Affairs Program WORKING PAPER

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- Working Paper European Affairs Program -

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INTRODUCTION

At the end of 2007, the European Commission launched the Health Check (HC) of the Common Agricultural Policy (CAP). After a consultation with all stakeholders, legislative proposals were made in May 2008, on which the Agricultural Council is intending to agree before the end of 20081 which will be under the French EU Presidency The role of the European Parliament is consultative, but it would receive co-decision power once the Lisbon Treaty enters into force.

According to Commissioner Fischer Boel, who is responsible for Agriculture and Rural Development, the HC is not a new fundamental reform, but rather an evaluation of the 2003 reforms. The main features of the 2003 reform were the decoupling of direct payments, conditionality under cross-compliance and the shifting of funds from the first to the second pillar under compulsory modulation. The objectives of the HC are to strengthen the market orientation of CAP, the principle of decoupling and the rural development policy.

Yet until today, there remain a number of ambiguities and uncertainties, which make it difficult to assess what will be the scope of the decisions:

• The general context contains both positive and negative elements, the positive relate to the fact that the review is not forced upon the EU by the market situation as with previous reforms. The negative elements are more troublesome aspects, such as the upcoming budgetary mid term review in 2008/9 and the next multiannual financial framework for the period 2014-2020 and the end of term of the Commission and the Parliament.



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¹ Council Conclusions on the Commission communication "preparing for the "health check" of the cap reform". Agricultural and Fisheries Council meeting, Brussels, 17 March 2008, p. 4. Accessed, 26 March 2008, http://www.eu2008.si/en/News_and_Documents/Council_Conclusions/March/0317_AGRI.pdf



- Regarding the extent of the ambitiousness, it is difficult to identify a common ground between the modest approach of the Commission and the declarations made by the future French presidency, which indicated its willingness to question the foundations of CAP and to restate its objectives².
- The **general orientation** of the review remains to be seen, as there are considerable differences between some of the visions.

This paper will try to indicate what is at play in the discussion on the HC, because the interests concerned are more diverse than we may assume. The debate on the HC is directly or indirectly linked with a wide range of issues that are of importance to the society. Of course, agriculture has always been about food production. But in rural areas, agriculture is not only an important economic factor but also an element of the regional policy and a strong incentive for decent land management. Furthermore, European consumers demand agricultural products of the highest quality, produced in an environmentally friendly way, with respect for animal life and health. Moreover, the surge of bio-energy has created another outlet for agriculture, namely contributing to a diversified and secure energy supply. Finally, European agriculture does not stand on itself. Finally, in the World Trade Organisation (WTO) negotiations in the Doha Development Agenda, European agriculture is under pressure to reduce more trade distorting elements of its CAP.

1. PRODUCTION AND MARKETS

Despite its relative declining share in the EU economy and employment, agriculture remains first and foremost an economic activity. During the last years, both structural and cyclical evolutions in the agricultural sector have caused considerable food price inflation. The structural changes concern the increased demand for high protein food products in emerging economies, the surging demand for feedstocks for the production of biofuels and high energy prices. On top of that, cyclical elements such as weather related supply shortfalls and low stocks have contributed to the inflatory trend³. Medium and long term projections for different agricultural markets show a continuously tight market situation, resulting in high demand, high prices and little overproduction⁴.

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² Allocution de Monsieur le Président de la République après le vote de la loi autorisant la ratification du Traité de Lisbonne. Paris, 10 février 2008. Accessed, 25 February 2008,

http://www.elysee.fr/documents/index.php?mode=cview&press_id=1024&cat_id=7&lang=fr

³ Agricultural Outlook 2007-2016, OECD-FAO. pp. 10-15, 4 July 2007. Accessed 16 October 2007, http://www.oecd.org/dataoecd/6/10/38893266.pdf

⁴ Agricultural Commodity Markets Outlook 2007-2016. A Comparative Analysis of projections published by OECD&FAO, FAPRI, USDA and EC AGRI G.2, European Commission, 31 July 2007, 42 p. Accessed, 26 November 2007, http://ec.europa.eu/agriculture/analysis/tradepol/worldmarkets/outlook/2007_2016_en.pdf



The Commission is now proposing to take a further step in the market orientation of CAP by eliminating most of the remaining production limitations⁵. The Commission reckons this will provide farmers the best possibility to grasp commercial opportunities when they present themselves. The Agricultural Council agreed that the HC should help to align CAP better with global market trends, while preserving the European model of agriculture⁶. This debate promises to be intense, since the Commission's proposal to abolish some traditional market instruments, which exist since the 1960s or 1980s is clearly linked with the current situation on the global markets for agricultural commodities.

The remaining support instruments would also become more "neutral". A generalisation of the decoupling of direct payments is proposed by reducing the remaining coupled support and by suggesting member states to apply a more flat rate model for direct payments. The direction of this evolution implies that direct support would no longer be justified as an income transfer during a transitional phase. It would rather be a structural support for economic activity in certain rural regions for cohesion purposes and/or for the provision of positive externalities to society that are not valued by the market⁷. For the remaining support instruments, such as the intervention of bread wheat, the Commission seems determined to move in the direction of a genuine safety net and is thus keen on preventing structural abuses⁸. The shift of funds towards rural development is another way to make support more neutral.

Although there is more or less an agreement regarding the general orientation towards a more market based CAP, two questions remain. The first regards the difference of opinions between member states on the intensity and the pace of the necessary adjustments. The second relates to the flexibility for regional and national circumstances that is required to prevent undesired consequences of the changes in vulnerable regions.



⁵ The HC contains proposals to abolish cereal intervention (except for bread wheat), compulsory set-aside and dairy quotas. (Communication from the Commission to the Council and the European Parliament. Preparing for the "Health Check" of the CAP reform, European Commission, 20 November 2007, pp. 6-7. COM(2007)722) (Hereinafter: Health Check Communication)

⁶ Council Conclusions on the Commission communication "preparing for the "health check" of the cap reform", o.c., p. 2.

⁷ BUREAU, Jean Christophe, WITZKE, Heinz Peter (Eds.), Reflection on the Possibilities for the Future Development of the CAP, Brussels, European Parliament, Committee on Agriculture and Rural Development, 23 December 2007, p. 22. (PE 397.241)

⁸ Health Check Communication, o.c., p. 6.



2. FARMERS' REVENUE

A new logic regarding farmers' income has entered the debate. To guarantee a fair standard of living in the agricultural sector has always been one of the basic objectives of the CAP. Since the 2003 reforms introduced decoupling, a farmer can no longer increase his income by simply producing more of a product of which he is guaranteed to get a minimum price. The decoupled payment gave farmers a basic income certainty, leaving the possibility to take an entrepreneurial risk in investment and production choices. However, this more market oriented approach contains a larger financial risk for a farmer, because part of his revenue is now subject to market price volatility. Moreover, agricultural yields can also be affected by bad weather. For both reasons, the Agricultural Council has been pleading to introduce some kind of income safety net or risk management for a farmers' revenue in exceptional circumstances⁹.

The discussion about **risk management focuses** in the first place around the issue of what exactly can be defined as exceptional conditions and on a secondary notice, how this safety net should be designed. The Commission has proposed to introduce a crop insurance against adverse climatic events and mutual funds for animal and plant diseases. Both systems would allow public financial contributions up to 60% of the costs under the new provisions concerning the national envelopes of the first pillar, of which 40% would be co-financed by the Community budget¹⁰. In the ongoing debate, the French have drafted a memorandum to encourage a responsible organisation of agrifood sectors in order to stabilize the markets for both consumers and producers¹¹. However, it is doubtful whether such a system would not be discarded by other member states as endangering fair competition.



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⁹ Council Conclusions on the Commission communication "preparing for the "health check" of the cap reform", o.c., p. 3.

Proposal for a Council Regulation establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers. European Commission, 20May 2008, pp. 50-52. (COM (2008) 306 final) (Hereinafter: Health Check Proposal).

Memorandum pour favoriser une organisation responsable des filières agroalimentaires dans l'intérêt des agriculteurs et des consommateurs. Ministère français de l'Agriculture et de la Pêche, 16 January 2008. Accessed, 26 March 2008, http://agriculture.gouv.fr/sections/magazine/focus/assises-agriculture/groupe-bilan-sante-pac/downloadFile/FichierAttache_7_f0/PAC_Memorandumdefinitif_080116.pdf?nocache=1202997939.03



Another aspect in the debate is the uneven distribution of funds between large and small farmers, regions and sectors, which is perceived by the public opinion as unfair and thus poses a legitimacy problem for CAP. The Commission has relaunched the idea of degressively capping the largest payments¹², but several member states oppose to it arguing that the most productive and cost-effective farms would be hit. In the legislative proposals, the Commission tried to smooth the issue with the idea of degressive modulation 13, which couples degressive capping and modulation. The Commission does however envisage more far-reaching reductions of direct payments compared to Lutz Goepel, the rapporteur of the European Parliament who proposed the idea. The fact that more funds for rural development would be made available in this way and that all modulated funds would be retained in the same member state, should make the proposal more acceptable. In any case, the proposals uphold the ambiguity related to direct payments. Is this aspect of the policy designed as a social measure to stabilize the farmers' revenue or is it a market stabilization measure, which took away the incentive for overproduction and is in fact a final stage of decoupling?

3. A NEW STEP FOR RURAL DEVELOPMENT

The rural development policy constitutes the second pillar of CAP, of which it is part since the 1970s. Rural development is designed to support also the social and environmental role of agriculture in rural areas, whereas the first pillar is specifically supporting agriculture as an economic activity. By supporting inter alia agri-environmental measures, training of farmers and early retirement programmes, it recognises the multidimensional role of agriculture in rural areas.

Rural development has known an evolution of continued strengthening, parallel to the reforms of the market support mechanisms. This is again the case in the HC, to prepare the agricultural sector to the new challenges. On the one hand, this would compensate some of the proposed abolitions of market measures, in particular in less favoured or vulnerable regions where the potential negative effects of the change in support mechanisms would be felt hardest. On the other hand, rural development can help deal with new challenges as climate change, because some of the appropriate tools, such as agri-environmental schemes, are already in place. The Commission has drawn up an indicative list of measures that specifically address the new challenges of climate change, renewable energy, water management and biodiversity¹⁴.

¹⁴ Health Check Proposal, o.c., pp. 141, 145-147.





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¹² An example suggested to reduce payments above €100000 by 10%, above €200,000 by 25% and once above €300,000 by 45%. (Health Check Communication, o.c.,p. 5)

¹³ Health Check Proposal, o.c., p. 25.



The expanding role of rural development as a dimension of CAP is also connected with negotiations in the World Trade Organization on agricultural trade liberalisation. Previous WTO negotiations have pressured the EU to reform CAP in order to make it less trade distorting. Rural development measures are considered only minimally trade distorting and thus CAP's second pillar is basically about helping agriculture with new instruments.

However, shifting CAP funds between the two pillars is not only dictated by the need to make them WTO compatible. Rural development helps to create a more sustainable agriculture. In the past, rural development measures have contributed positively to a wide array of issues. It was conducive to a better land management in general by preventing land degradation and abandonment and by improving production structures. It helped to diversify farmers' activities and productions as well as improve the marketing of products. Besides, added value was created by aiming at quality before quantity, e.g. organic farming, and encouraging new market outlets, e.g. bio-energy.

Any reinforcement of rural development will require additional financial means. The Commission has proposed to increase the compulsory modulation rate from 5% to 13% by 2012 and to review the system of national envelopes, which would allow member states to use up to 10% of the direct payments in a more flexible way for additional sectoral payments¹⁵. Particularly the **rhythm and intensity of the increase of the compulsory modulation rate** is a contentious issue, because some member states are against further reducing direct payments in favour of rural development. Therefore the Council stated that all funding possibilities are still under consideration¹⁶. The extent to which funds should be switched from the first pillar of CAP to the second will be a sensitive issue in the negotiations on the HC. Another remaining issue is the extent to which member states will have the freedom to choose freely the measures they want to apply in their rural development policy.



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¹⁵ Ibid., pp. 25, 50-52.

¹⁶ Council Conclusions on the Commission communication "preparing for the "health check" of the cap reform", o.c., p. 4.



4. A SUSTAINABLE AND SAFE AGRICULTURE

In the long term, agriculture is faced with the challenge of feeding a world population of up to 9 billion people. This contains a risk of conflict between quantity and quality of production. To provide enough food for the world's population is one thing, but farmers will simultaneously have to pay attention to the quality of their products, which should not be sacrificed under pressure of a higher demand. An important aspect of quality is food safety. During the last decade, European agriculture has been hit by some dramatic food crises, such as the BSE scare or the mouth and foot disease. These have brought the issue of food safety to the forefront, because consumers want to be sure that what they consume is safe. Tight regulations have created a framework to ensure food safety, e.g. by guaranteeing a products' traceability¹⁷.

Another function of agriculture can be to contribute to the management of open spaces and environmental preservation. Agricultural activities can be a source of pollution, due to the use of pesticides and fertilizers, which have negative effects on water quality and biodiversity. On the other hand, agriculture needs good environmental conditions to flourish and is in a good position to contribute positively to its preservation, e.g. by adapting production methods or preventing soil erosion.

The Commission now explicitly recognises that agriculture is highly exposed to climate change, which will influence crop yields and livestock management in a negative manner. However, agriculture can potentially contribute in the fight against climate change, e.g. by **developing bio-energy**. Regarding bio-energy, the main focus is currently going to biofuels for transportation¹⁸, for which the EU has put forward the target of 10% market share by 2020¹⁹. In order to make biofuels production sustainable, conditions should be introduced to guarantee a positive energy and environmental balance.

The creation of a truly sustainable agriculture requires that the environmental, climate change and food quality and safety concerns are met at the same time. In the HC, the Commission identified 3 main challenges facing a sustainable agriculture: climate change, water management and biodiversity. To tackle these issues, it proposed to use rural development measures and the existing cross-compliance system, which is already addressing these issues²⁰. There is a need to





¹⁷ Regulation (EC) 178/2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ 2002 L 31/1-24)

¹⁸ Communication from the Commission: An EU Strategy for Biofuels, European Commission, 8 February 2006, pp. 1-29, COM (2006) 34 final.

¹⁹ Presidency Conclusions. Brussels European Council of 8/9 March 2007. Council of the European Union, Brussels, 2 May 2007, p. 21. (7224/1/07 REV 1)

²⁰ Health Check Communication, o.c., pp. 8-9.



reinforce cross-compliance to streamline its concept and upgrade its effectiveness, while at the same time making it simpler and more efficient.

In the current debate, there seems to be a large consensus on the principles and objectives for a sustainable agriculture. The remaining questions relate to how far reaching the scope and intensity of the adaptation should be.

5. THE INTERNATIONAL DIMENSION

Agriculture is an important aspect of the ongoing WTO negotiations in the Doha Development Agenda, which have started in 2001. However, agricultural issues cannot be seen as an isolated issue from other trade issues at the negotiating table, and therefore the final compromise will be the result of a trade-off against concessions in the non-agricultural market access negotiations. The EU is, along with other developed countries, on the defensive on agricultural matters against developing countries that want to acquire greater market access.

Although it remains unclear if an agreement will be reached, the last draft modalities in the agricultural negotiations, issued on 8 February 2008, contained still a range of unresolved issues. The elimination of export subsidies by the end of 2013 had already been agreed at the Hong Kong Ministerial Council in 2005²¹. However, no agreement has been reached on how the export subsidies will be phased out. Regarding the EU's reduction of domestic support levels, a reduction range between 75% and 85% of the Overall Trade-Distorting Domestic Support and 70% reduction for the Final Bound Aggregate Measures of Support is mentioned²². In the negotiations on market access for agricultural products, the Special Safeguard Mechanism and Sensitive Products take a particular place, because these provisions allow exceptions to counter the negative effects of indiscriminate trade liberalisation. WTO Members are allowed to designate a number of products as Sensitive, which means that tariff cuts apply only partially and that domestic products remain protected. The Special Safeguard Mechanism would allow countries to raise tariffs above their bound levels for a limited duration in order to protect domestic sectors against price depression and/or import surges²³.



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²¹ Doha Work Programme. Ministerial Declaration. Hong Kong, WTO, 22 December 2005, p. 2. (WT/MIN(05)/DEC)

²² Ibid., pp. 2, 4.

²³ Special Products and the Special Safeguard Mechanism. Strategic Options for Developing Countries. Geneva, International Centre for Trade and Sustainable Development (ICTSD), 2005, pp. 4-6. Accessed, 3 March 2008, http://www.agtradepolicy.org/output/ictsd/dialogues/2006-04-01/SP-SSM.pdf



It is very difficult to evaluate the impact of the ongoing WTO negotiations on the HC debate. However, it is clear that substantial concessions will have to be made on agriculture. The opposition in the Agricultural Council is strong, as numerous member states dismissed the proposed draft²⁴. Furthermore, the current high and rising food prices have ignited the debate about **food security** and have put further agricultural trade liberalisation under pressure. Calls for more protectionist policies have been made in several countries, although this will not provide any long term solutions.

In the context of the HC debate, some countries are strongly emphasising the issue of growing unequal competition between European farmers and non-EU farmers. French President Sarkozy spoke out against "the environmental, social, fiscal and monetary dumping imposed on our farmers" and pleaded for a **new Community preference**²⁵. This would imply that certain requirements would be demanded of imported products, related to environmental or social conditions. Although very complex and controversial, there seems to emerge a growing desire to compensate this. The question is how and to what extent this can be reconciled with the general trend of the negotiations.

6. BEYOND CAP: THE BUDGETARY ISSUE

Despite the consistent drop as share of the total EU budget in the last decades, amongst others by limiting the annual nominal growth of first pillar budget to $1\%^{26}$, CAP still represents over 40% of the budget. Any change to the CAP would thus have budgetary impact, but how far-reaching the changes of the HC will turn out to be is still unclear. Two possible scenarios can be distinguished. On the one hand, the HC could be a simplification, streamlining and limited deepening of previous reforms. On the other hand, the HC might become the starting point of a more fundamental reform of CAP. The first scenario is in line with the way the Commission is approaching the issue. A more substantial reform of CAP would then be left for the new Commission that will take office in 2009, which would have to combine this with a new global financial framework for the EU for the period 2014-2020. The second hypothesis is much more ambitious, since it aims at striking a new general pact on CAP by the end of 2008. The French, assuming the EU presidency in the second half of 2008, have pronounced exactly the ambition to use the HC to review



²⁴ Nouvel Appel à la Vigilance des Ministres de l'Agriculture de L'Ue dans les negotiations sur la libéralisation des Echanges. In: Bulletin Quotidien Europe N° 9625, 19 March 2008, p. 11.

²⁵ Allocution de Monsieur le Président de la République à l'occasion de l'Inauguration du 45^e Salon International de l'Agriculture. Paris, 23 février 2008. Accessed, 26 February 2008, http://www.elysee.fr/documents/index.php?mode=cview&press_id=1085&cat_id=7&lang=fr

²⁶ Presidency Conclusions. Brussels European Council of 24 and 25 October 2002. Council of the European Union, Brussels, 26 November 2002, p. 5. (14702/02)



the foundations and objectives of CAP²⁷. Somewhere in between these two positions a third possibility will eventually have to be found.

Whatever the outcome of the HC will be, there will be budgetary consequences attached to it which remain unclear for the moment. There is the link with the mid term review of the budget which is to be concluded in 2009. To what extent will the discussions on the HC and the budgetary mid term review interfere with one another? On the same subject, what does the Agricultural Council conclusion mean, which state that "The Council notes the context within which the decisions taken in the Health Check will be taken, notably: the European Council's decisions on the Financial Perspectives for 2007-2013; the Commission's description of the Health Check as constituting a preparatory action in view of the budgetary review 2008/2009, without prejudging the outcome of this review"28. Those kind of conclusions are difficult to interpret because they are obviously the result of a compromise between quite different views on the course to follow in the next month. In fact there are theoretically four possible consequences of the HC in budgetary terms: (1) neutrality: no consequences at all, (2) a continuation and even a slight accentuation of the declining trend as established in the current financial perspectives, (3) a declining trend during the rest of the period of the financial perspectives with some additional decisions on principle in anticipation of a more substantial reduction after 2013 or (4) a substantial reduction before 2013. The second and fourth alternatives seem less likely, while the third option is more probable.

Another question is whether the measures taken in the context of the HC will influence future discussions on the CAP envelope for the next Financial Perspective 2014-2020. It can be expected that CAP budget will be under serious pressure given the new budgetary logic in favour of the 'modern policies' of the Lisbon Strategy instead of 'old policies'. With the institutional deadlock lifted by the agreement on the Lisbon Treaty, reinforced Community efforts are expected to be directed to the new challenges facing the Union. However, for the EU to execute effectively the Lisbon Strategy, more funds will be needed. It seems very unlikely that the European Council will be able to agree on a larger budget, so it will come to down to cutting money elsewhere. Agriculture will probably be the first victim of this exercise. Not only has CAP been criticised for years as being ineffective and over expensive, the current economic conjuncture provides the perfect momentum to scale down CAP expenditure.



²⁷ Allocution de Monsieur le Président de la République après le vote de la loi autorisant la ratification du Traité de Lisbonne, o.c.

²⁸ Council Conclusions on the Commission communication "preparing for the "health check" of the cap reform", o.c., p. 1.



Finally, there is the issue of re-nationalising CAP. An evolving view in favour of more co-financing is noticeable in several member states because their national budgets are now capable of carrying the burden, which was not the case several years ago. Does the increasing importance of rural development entail the potential for renationalisation of CAP financing?

In the coming months, the discussion risks being dominated by two contradictory logics: a liberal logic that wants to exploit the current favourable market conditions to reduce support levels and a reasoning advocated by the traditional agricultural countries which argue that it would be very unwise to downscale agricultural support at this strategically important moment.

CONCLUSION

Generally speaking, one can never stress enough how difficult it is to make sound projections and this is particularly true concerning agricultural markets. Despite the global surge in agricultural commodity prices, it seems as if the Commission remains careful not to draw definitive conclusions based on what may well be a cyclical event. On the contrary, the Commission sticks to the more classical scenario which reckons that a return to more modest price levels is most likely. This evolution can already be distinguished today in the dairy market.

It is thus important not to launch radical reforms of structural nature based on cyclical evolutions that are being interpreted in the wrong way and can change rapidly. However, this should not impede on a certain number of specific reforms in single market organisations in order to adapt them to the new market conditions and to enhance their performance. In a more globalized world, European agriculture and its old intervention regimes, which had become less effective in the last years due to their inherent rigidity and untargeted approach, should evolve.

The key is to put more flexible mechanisms into place, which are better suited to deal with a wide variety of market situations, agricultural models and regional constraints. This is more or less what the Commission is proposing in the Health Check: a better targeted intervention system, the mutualization of risks and specific considerations regarding certain productions or vulnerable regions.

This reformist, rather than revolutionary approach seems to be supported by a majority of member states. Therefore an agreement before the end of the year is likely, although the final result will probably be less far-reaching compared to the Commissions' initial ambitiousness. The most difficult issues to agree upon will most likely concern the dairy quotas and the extent of the increase in compulsory modulation.





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- 5 March 2008: "The current situation and context of the Palestinian refugees" with H.E. Karen Koning Abuzayd, Commissioner-General of the UNRWA: organised by EGMONT and UNRWA
- 10 March 2008: "Ukraine Government's programme for 2008" with Prime Minister Mme Tymoshenko, organized by EGMONT, The Mission of Ukraine to the EU and the EU Ukraine Business Council.
- 17-18 March 2008: "World Inequality: A Challenge to Globalisation" organized by EGMONT.

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