

CAP DECISION-MAKING

A reform of the Common Agricultural Policy involves a plethora of actors, at different levels and at different times. In the institutions of the European Union, the three main bodies - Commission, Council of Ministers, and Parliament - play an important role; and in addition multiple other committees have varying levels of influence. Member states, in particular their agricultural policy departments, are of course important players too. Last but not least, civil society organisations have ensured their place at the table, and can make their voice heard through various channels - formal and informal.

This briefing aims to disentangle the complex decision-making processes in order to identify the opportunities and obstacles for involvement of external actors. It focuses mainly on the reform process within the EU institutions, but a few words will also be said about the important phases in Member States.

The process in the European institutions

1 The Commission prepares a reform proposal

Like all European legislation, a reform of the legal texts of the CAP starts in the Commission, more specifically in the Directorate General for Agriculture and Rural Development, a.k.a. DG AGRI. The Commission can either take the initiative or be asked to draft a reform proposal by the Council of Agricultural Ministers, or potentially by the Parliament, since it now holds decision-making powers on the same foot as the Council for (most) agricultural matters.

The degree of openness to external actors in this stage depends quite heavily on the Commissioner for Agriculture and Rural Development. In 2010-2011, at the onset of the last reform, Commissioner Ciolos appeared to genuinely want to involve civil society organisations. This may have set a precedent for future reforms, but other Commissioners may not be as interested in engaging in a real dialogue with civil society.

In any case, there are various official channels for civil society or even citizens to provide input into the policy-making process. The most basic one is what the Commission calls the **Public Debate**¹, which is an online public consultation. During the last reform, this lasted two months and was followed by a conference organised by the Commission to present their summary of the 5500 contributions collected.

In addition, DG AGRI consults regularly with a multitude of expert groups. There are 13 **Civil Dialogue Groups** on CAP-related matters². After heavy criticism by civil society representatives present in those groups during the last reform, DG AGRI reformed the CDGs in 2014 to ensure a more balanced representation of interests. Although COPA-COGECA still have a large delegation in most groups,

environmental and other NGOs and alternative farmers' groups are now better represented. The membership of the 13 groups was published in 2014 (see [here](#)) and is set for 7 years.

During this phase, the Commission publishes two documents. First, following the early public consultation, it publishes a "Communication", in which DG AGRI identifies the main challenges to the agricultural sector, sets the key objectives for the reformed CAP, and outlines suggested policy measures. Despite being only a communication, this document is crucial in that it largely frames the further debates and determines how ambitious the reform may be, at best.

The second document is the "Proposal". This is the legal document that will form the basis of the negotiations in further stages. The legal proposals (one for each CAP file - in the case of the last reform: direct payments, rural development, common market organisation, and horizontal regulation) are then sent to the European Parliament, the Council of Agricultural Ministers, and national Parliaments (who can only intervene if they deem the proposal infringes on the rule of subsidiarity)

2 The legislators process the proposal internally

The description of this stage and the next is based on the last reform process, rather than the theoretical co-decision procedure. In the latter, draft legislation can go through up to three readings, being sent back and forth between the Council of Ministers and the Parliament until they agree on a common text, which sometimes even requires a final conciliation stage, years after the Commission published its proposal. To

avoid such lengthy institutional ping-pong, CAP reforms can be expected to be restricted to one reading, according to the procedure described further.

In this phase, the European Parliament (EP) and the Council of Agricultural Ministers (CoAM) each process independently the Commission's proposals. Following internal negotiations between conflicting national or party interests, both need to adopt a stance on the proposals.

In the EP, the CAP files are referred to a parliamentary committee that will be responsible for preparing the Parliament's stance on the Proposal. Other relevant committees are given an advisory function. The responsible committee on CAP matters is typically the Committee on Agriculture and Rural Development, COMAGRI. However, in the last reform the Committee on Environment, Public Health and Food Safety (ENVI) claimed joint leadership, given the prominence of environmental concerns and policy measures in the Proposal. The decision was up to the EP's Presidency, and they decided to give exclusive leadership on the CAP reform to COMAGRI, while ENVI and a few other committees were given a non-binding, advisory role.

In COMAGRI, for each CAP file an MEP is then given the task to work on a draft EP position and lead internal negotiations. At this point party politics come into play, as the biggest European political party groups, the EPP (centre-left) and the S&D (centre-right), negotiate to distribute those **rapporteur** roles to one of their MEPs. The other major political groups also appoint shadow rapporteurs in COMAGRI. In the opinion-giving committees, opinion-rapporteurs are appointed.

The rapporteurs play a crucial role. They are in charge of most of the preparatory legislative work in COMAGRI, where they also manage the internal negotiations, and in the next stage they will be representing the EP in the negotiations with the Council.

The Proposals are thus first examined in COMAGRI. The rapporteurs compile amendments discussed in COMAGRI and may add recommendations from opinion-giving committees, from the [Economic and Social Committee](#) or from the [Committee of the Regions](#). Once the Proposals have been processed and voted on by COMAGRI, they are submitted to a vote in the plenary. The outcome of this vote is the **EP's negotiating mandate**.

In the meantime, the Council will also have conducted internal negotiations on the Proposals. If the outcome of these negotiations is similar to the amended reform

proposals adopted by the EP, the Council will simply endorse the EP's position and the reform ends there. This is highly unlikely, to say the least. Instead, and to avoid opening a second reading, the Council will adopt a **general approach** and **negotiating mandates** on each CAP file, and both legislators will try to find common ground.



3 The legislators negotiate in order to agree on a common reform text

If civil society representatives find it difficult to be heard or to make an impact during the previous phase, in this one they are talking to a brick wall. Negotiations between the EP and the CoAM with the Commission as mediator take place in **trilogues**, attended by selected representatives from each institution.

The disagreements at this stage are political rather than technical. Trilogues are often held in intensive marathons, meaning days in a row packed with meetings. There is little civil society organisations can do anymore to influence the outcome of the controversial points. What those organisations can still attempt is to get seemingly minor or symbolical changes or additions made to consensual pieces of legislation. For example in the last reform, a clause recognising the 'social function' of agriculture was added at this stage by the Green parties at the request of civil society organisations.

Once all the conflicts have been laid flat in trilogues, a **political agreement** is reached. The resulting legislative texts, called **Basic Regulations**, must then be formalised by a plenary vote in the Parliament, followed by adoption by the Council of Ministers.

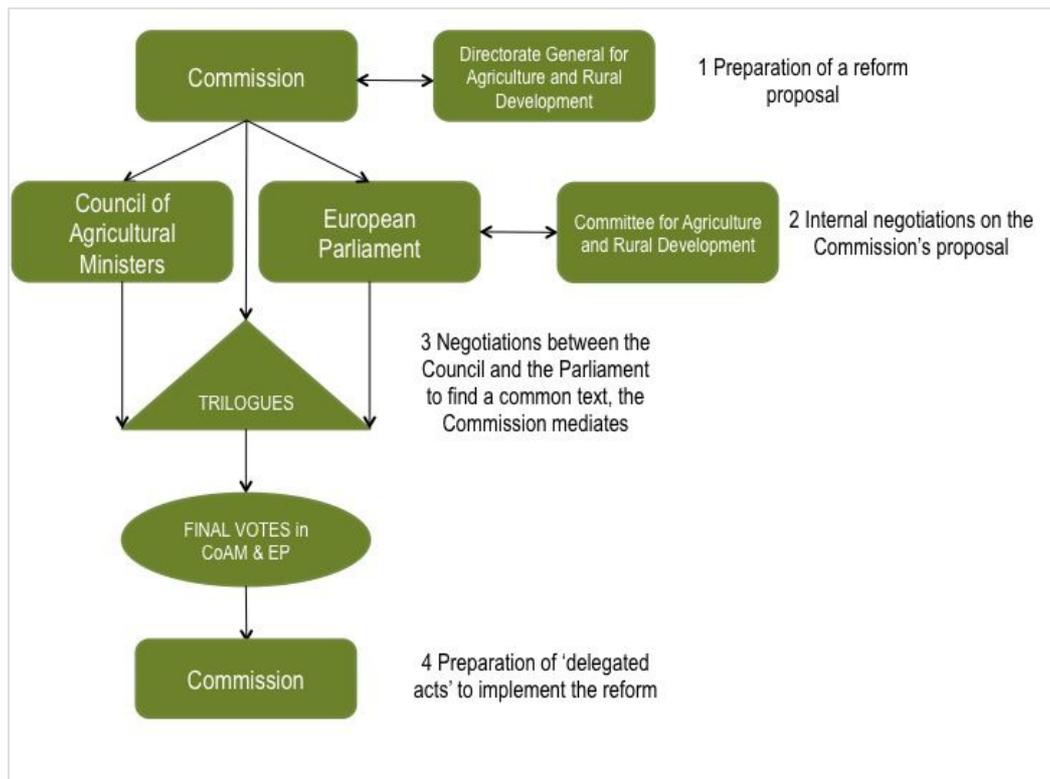
4 The Commission prepares the implementation

To finalise the reform, DG AGRI prepares and adopts **Delegated Acts** that clarify technical implementation and interpretation details³. DG AGRI's staff can act entirely autonomously in preparing the acts, or they

can consult expert groups. The expert groups that deal with delegated acts consist of representatives from all 28 member states, from the European Parliament, and sometimes independent experts. They can advise the Commission, but none of their recommendations are binding. Delegated Acts are an important part of the implementation process because they contain the exact rules according to which Member States will be implementing the CAP. The Commission also adopts

Implementing Acts that set out the procedural rules for implementation by Member States.

This last step of the reform happens mostly behind the scenes. Yet, it is very important because many clauses can be interpreted in different ways, and the professional lobbies know it. They are usually very active at this late stage to try to influence the Delegated Acts in their favour.



The domestic dimension of a CAP reform process

In the last reforms of the CAP, civil society and small-farmers were almost only active at EU-level, represented by the Brussels-based umbrella organisations: BirdLife Europe, the European Environmental Bureau, Friends of the Earth Europe, WWF Europe, ATTAC, CONCORD, the BEUC, the European Coordination Via Campesina (previously Confédération Paysanne Européenne), and IFOAM EU, to only name the main ones. This is comprehensible, given the difficulty for local or national organisations and unions to mobilise beyond their turf and lobby EU institutions. However, national decision-makers may have interpreted this as apathy and disinterest, while farmers' unions and industry lobbies were making sure their interests were heard.

There is only so much Brussels-based organisations can achieve. At the end of the day, the decisions on CAP matters are taken by national Agricultural Ministers and, since the Lisbon Treaty (2009), the Members of the European Parliaments. Given the difficulty for external actors to influence the reform process in Brussels during the second and third stages, it is crucial for civil society to have a strong national foothold to make sure their voices are heard by their Ministers and MEPs.

The domestic politics of a CAP reform process can be divided in three phases: before, during and after the negotiations in Brussels. Parliaments do not play a significant role; it is the Agricultural Department of the government that prepares, negotiates and implements the reform.

Before Brussels

A lot of thinking goes on in various forums before the official launch of a reform and during the early consultation. In the UK, the [IEEP](#) is the main research and advocacy organisation active on CAP matters, but others also engaged with Brussels politics during the last reform: [Compassion in World Farming](#), and the [European Forum for Nature Conservation and Pastoralism](#).

Despite the last reform being freshly implemented, thinking about the future of the CAP has already started. It is important that smaller organisations engage with this so as to be ready to inform and put pressure on the Scottish and UK governments when they start drafting their policy stance in the run up to 2020.

During the negotiations in Brussels

During the last reform, this period lasted almost 2 years (October 2011 - September 2013). It is important that Agricultural Ministers and MEPs feel that their constituents are engaged with the process and will hold them accountable for their behaviour in Brussels. In the run up to the plenary vote in the European Parliament on the its negotiating mandate (March 2013), Arc2020 organised the GO M.A.D. campaign

(cf. image below) calling on citizens to get in touch with their MEP. This initiative was relatively successful but only had a limited reach; it should be scaled up in the future with the participation of more NGOs in the campaign.

In addition, in the last reform many decision-makers did not understand the meaning of certain measures (the Ecological Focus Areas for example were often misunderstood) or they understood them based on what farming and industry lobbies had explained to them. This showed clearly that there is a crucial pedagogic role to be filled in by civil society organisations. We need to enter in dialogue with our representatives to make sure they understand the stakes and the proposals of civil society organisations.

After the deal is struck in Brussels

The reform does not end as soon as the deal is closed and the Commission has published the Delegated Acts. Member States and regions (Scotland is a region for CAP purposes) still have significant flexibility in implementing the CAP reform and that flexibility should be put to good use and not for a 'race to the bottom'. National and local NGOs have a crucial role to play in ensuring their government implement the reform in the most environmentally friendly and fair way possible.



Source: www.arc2020.eu

Notes

- 1 More information on the Public Debate [here](#)
- 2 More information on Civil Dialogue Groups [here](#)
- 3 More information on Delegated Acts [here](#)

References & interesting links for further reading

CAPreform.eu blog: <http://capreform.eu>

European Commission website: http://ec.europa.eu/agriculture/cap-post-2013/index_en.htm

Knops & Swinnen (2014) The first CAP reform under the Ordinary Legislative Procedure: a Political Economy Perspective

Zahrnt (2011) A guide to CAP Reform Politics: Issues, Positions and Dynamics