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Mind the Gap: Assessing Member States' Implementation of Farm to Farm-to-Fork Targets within the 2023–2027 Common Agricultural Policy

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Abstract

This work has the aim of dissecting the legal and policy dress designed for the new “Green” Common Agricultural Policy (CAP 2023–27) across the proposed CAP Strategic plans (CSPs) of the EU member states. The analysis is carried out through the lens of a special inquiry: the consistency and coherence between the CAP and the perspective of the Green Deal and its satellite strategies, among all the Farm to Fork Strategy (F2F) and Biodiversity Strategy for 2030, for transition to a resilient and Sustainable food system. The F2F proposes a roadmap of interventions and sets specific goals to reach such a transition. Within these interventions, a renewed CAP is the first stage through which the direction undertaken by the EU can be measured. Following the new CAP delivery model, this work will investigate the national CSPs and address the consistency of the CAP financial instruments utilised to fulfill the social, economic and environmental objectives of the CAP according to the ambition of the F2F and other key strategies.

Keywords: CAP; farm-to-fork; food system

I. The transition to a sustainable food system: an indispensable piece of the Green Deal puzzle

From farm to fork, or from seed to supermarket shelf, the EU food supply chain has grown increasingly complex over time, sustaining ever-growing populations whilst simultaneously contributing significantly to commercial profits around the world. However, this expansion has also resulted in an unbearable cost to the environment and the EU socio-economic sphere around the agri-food sector.¹ The European Union has recognised these

¹ Within the climate change and biodiversity crisis, poor working conditions and livelihood pressures continue to occur across food systems and not just in Europe. This happens in a context of rapid consolidation and major power imbalances. Indeed, dominant food industry players have been able in several contexts to drive down prices and working conditions in supply chains affecting seasonal migrant workers, food retail staff and self-employed delivery workers alike. Farmers, in particular, are facing significant consequences, as input costs surged by 40% from 2000 to 2010. Despite this, the portion of the EU food chain value on agriculture decreased from 31% in 1995 to 24% in 2005. In this context, the viability of farming (particularly for smallholders) has been severely challenged. From 2003 to 2013, more than 1 in 4 farms disappeared from the European landscape. See more on the work of S Murphy, D Burch and J Clapp, *Cereal Secrets: The World's Largest Grain Traders and Global Agriculture* (Oxfam International 2012) & O Boysen, K Boysen-Urban and A Matthews, “Stabilizing European Union Farm Incomes in the Era of Climate Change” (2023) 45(3) *Applied Economic Perspectives and Policy* 1634–58.

issues, in the Green Deal strategy launched in December 2019.² The solutions are outlined in this very ambitious plan that aims to make Europe the first climate-neutral continent by 2050 while promoting the competitiveness of European industry and ensuring a fair transition for the member states. This objective passes through the reduction of net GHG gas emissions by at least 55% by 2030, compared to 1990 levels to achieve climate neutrality in 2050. The “ecological transition” process, promoted by the Green Deal, intends not only to achieve “climate neutrality” but to protect the health and well-being of citizens. Indeed, in this overall construction, a particular role is played by action to protect biodiversity and the health of ecosystems. In the perspective that emerges from both the policy documents and the Commission’s regulatory proposals, the sustainability of ecosystems coincides with their “resilience” and “integrity.”³ Among the various possible meanings of the ecological notion of resilience, the Commission uses what can be summarised in the formula “resilience of ecosystem functions”⁴ or “functional resilience.”⁵ A system is resilient when it has the capacity to continuously provide, due to its healthy condition, certain services and products: the capacity to store and sequester carbon, first of all, but also additional services and products such as food and biomass production, water and air purification, protection from floods, desertification and other consequences of climate change.⁶ The formulation of the new goal of ecosystem health in the Green Deal, therefore, expands, above all else, the horizon of sustainability beyond the specific version of sustainable development, recovering a dimension of sustainability that is obscure to the political agendas of Western systems but has long been well known and developed by ecological science.⁷

Within this context, the transition to a sustainable food system appears to be a crucial and indispensable stage to which the Green Deal must be measured. The agri-food sector and its impacts, because of its multidimensional nature, are intertwined with both the health of ecosystems, its biodiversity and the ambition to decarbonise the sector. According to the IPCC Special Report on Climate Change and Land,⁸ it is estimated that food systems generate 21–37% of global GHG emissions including crop and livestock production, land use and food production along the value chain. It is important to specify that the sector has a massive contribution (up to 30%) towards GHG gas emissions globally with the livestock sector alone responsible for 81–86% of all agricultural GHG emissions at the EU level.⁹ Intensive agriculture, monoculture practices and long food supply chains are rising and increasingly contributing to biodiversity loss and resource depletion.¹⁰ The current business-as-usual scenario tells us that over one-tenth of the EU’s territory experiences significant degradation due to tree uprooting or excessive water flow every

² COM (2019) 640 on the European Green Deal; The EU Commission specified that specifying in the communication that “there is a need to rethink policies for clean energy supply across the economy, industry, production and consumption, large-scale infrastructure, transport, food and agriculture, construction, taxation, and social benefits.”

³ COM (2020) 380; A more comprehensive analysis in the work of E Chiti, “Oltre la disciplina dei mercati: la sostenibilità degli ecosistemi e la sua rilevanza nel Green Deal europeo” (2022) 9(2) *Rivista della Regolazione dei Mercati* 468–77 & M Biscosi, “Two Parallel Discourses and a New Path for Policy-Making: e Biodiversity Strategy for 2030” in *Riv. quad. dir. amb.*, 2021, 1, 44 ss.

⁴ P Capdevila, et al., “Reconciling Resilience across Ecological Systems, Species and Subdisciplines” (2021) *Journal of Ecology* 3102.

⁵ TH Oliver, et al., “Biodiversity and Resilience of Ecosystem Functions” (2015) *Trends in Ecology and Evolution* 673.

⁶ COM (2021) 554, pp. 3, 7 and 56.

⁷ E Chiti, “Oltre la disciplina dei mercati: la sostenibilità degli ecosistemi e la sua rilevanza nel Green Deal europeo” (2022) *Rivista della regolazione dei mercati*.

⁸ IPCC, “Summary for Policymakers” in *Climate Change and Land* (2019) <https://doi.org/10.1017/9781009157988.001>

⁹ J-L Peyraud and M MacLeod, *Future of EU livestock—How to Contribute to a Sustainable Agricultural Sector* (Final Report. Directorate-General for Agriculture and Rural Development, Brussels, Belgium, European Commission 2020) p 82.

¹⁰ FAO, *The Future of Food and Agriculture – Trends and Challenges* (2017): <https://www.fao.org/3/i6583e/i6583e.pdf>

year - this amounts to approximately 970 million tons of loss of soil every year in Europe alone. This negligent use is brought about by nitrogen-based fertilisers and pesticides used widely across agricultural practices causing severe negative impacts on both plants' and insects' health – eventually leading to an irrevocable loss in biodiversity.¹¹ The damage resulting from these harmful agricultural practices may cost nearly 3% of the global gross domestic product (GDP) per annum. Moreover, the fact that 31% of the land required to meet EU food demand is located outside Europe, highlights their heavy reliance on foreign resources that causes environmental abuse such as delocalised GHG emissions, deforestation and other damaging activities.¹² Environmental impacts pose threats to human health through a variety of pathways. As reported by the European Environmental Agency (EEA) Agriculture is responsible for some 90% of EU ammonia emissions which is a major contributor to air pollution and therefore a severe threat to Europeans' health.¹³ Moreover, other serious health concerns related to the exposition of endocrine disruptive chemicals (EDCs), the contamination of water and groundwater sources due to the use of pesticides¹⁴ above the allowed standards, and for which several member states are facing judicial infringement procedures.

To cope with these agri-food complex issues, to build environmental resilience to advance in this course and to reach carbon neutrality, the EU in 2019 adopted two key communications, namely the “Farm to Fork Strategy”¹⁵ and the “EU 2030 Biodiversity Strategy.”¹⁶ Through these two initiatives, there is an explicit focus on effecting change that will boost sustainability across all aspects of our agriculture which includes ensuring global food security while reducing environmental impacts associated with agriculture. Among all the sectors and interventions highlighted by the Green Deal as targets for a radical “green” transition, these strategies cast the light on the Agri-food supply chain and the health of its essential production base: the agricultural ecosystems. Regarding the latter, the Biodiversity Strategy for 2030 puts forward EU commitments and measures to address the main drivers of biodiversity loss like the changes in land and sea use, overexploitation, climate change, pollution and invasive alien species with the aim to: protect nature and increase the coverage and effectiveness of protected areas, building notably on the Natura 2000 network,¹⁷ restore damaged ecosystems, including carbon-rich ecosystems, to good ecological status and enhance the flow of essential services that they provide, promote the sustainable use of forest, agriculture, marine, freshwater and urban ecosystems; and fully integrate biodiversity considerations into other EU policies and address EU impacts on global biodiversity.¹⁸

¹¹ P Panagos, et al. “Projections of Soil Loss by Water Erosion in Europe by 2050” (2021) 124 *Environmental Science & Policy* 380–92.

¹² European Commission, “Science for Environment Policy, thematic issue: Global Environmental Impacts of EU Trade in Commodities” (2013). <http://ec.europa.eu/environment/integration/research/newsalert/pdf/44si_en.pdf>.

¹³ European Environment Agency, “Air quality in Europe” (2017) <https://www.eea.europa.eu/publications/air-quality-in-europe-2017/at_download/file>

¹⁴ Eurostat, “Agri-environmental indicator – pesticide pollution of water” (2018). <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Agri-environmental_indicator_-_pesticide_pollution_of_water>

¹⁵ COM (2020) 381 A Farm to Fork Strategy for a Fair, Healthy and Environmentally-friendly Food System (2020).

¹⁶ COM (2020)38 EU Biodiversity Strategy for 2030 Bringing Nature Back into our Lives (2020).

¹⁷ Stretching over 18% of the EU's land area and more than 8% of its marine territory, Natura 2000 is the largest coordinated network of protected areas in the world. It offers a haven to Europe's most valuable and threatened species and habitats. See more on https://ec.europa.eu/environment/nature/natura2000/index_en.htm

¹⁸ As an example, in June 2023, the new Regulation 2023/1115 on Deforestation-free products became effective. The primary catalyst for such initiatives is the continual growth of agricultural land associated with the production of various commodities. The regulation aims at avoiding that a listed products Europeans buy, use and consume contribute to deforestation and forest degradation in the EU and globally. The EU is then acknowledging its role as a significant economy and consumer of these commodities linked to deforestation and forest degradation, the EU acknowledges partial responsibility for this issue and aims to take a leading role in its resolution.

Biodiversity is crucial for agriculture because using multiple species, integrating the use of the crop, livestock, forest and aquatic resources, and conserving and managing habitat diversity at landscape or seascape scale are key elements in promoting resilience, improving livelihoods and supporting food security and nutrition.¹⁹ Agriculture has, conversely, a major role to play in the conservation and sustainable use of biodiversity, as many of the drivers that have negative impacts on it, including overexploitation, overharvesting, pollution, overuse of external inputs and changes in land and water management are at least partially caused by inappropriate agricultural practices. Therefore, together with the Farm to Fork strategy, the biodiversity strategy plays a very important function in addressing the challenges of creating sustainable food systems.

II. The farm-to-fork direction between light and shade

The F2F strategy acknowledges the indissoluble relations between the health of people, societies and the environment, tries to facilitate the shifting to healthier and sustainable diets and advances in bringing a healthy agri-food ecosystem back. It is the first attempt in the history of the EU food law of the Union in addressing “food sustainability” from production to consumption. It is imperative to emphasise the scale of the venture that the EU has chosen to undertake, as it is equally important to specify that the strategy does not define whatsoever the “sustainability” is going to pursue or explicitly acknowledge its multidimensional nature. The strategy seems to focus more on the output and promising results of enforced sustainable food systems, describing the range of environmental, social and economic benefits that these would bring; it also establishes clear and determined goals to arrive at chased sustainability, these objectives revolve around the reduction of dependency on pesticides and antimicrobials, the reduction of the excess of fertilisation, the increase of organic farming, the improvement of animal welfare and the reversal of biodiversity loss by 2030. Although we are talking about strategic and programmatic documents, not defining “how” to reach a certain “sustainability” is certainly a deficiency familiar to the whole Green Deal project. The agri-food context is undoubtedly no exception. Here we have a situation that has paradoxical characteristics where a concept so central to the ultimate goal of the strategy remains undefined appearing as a panacea without clear conceptual boundaries.²⁰ However, to depict the F2F as a mere list of desirable goals and outputs to achieve an unsolved knot called a “sustainable food system” would be unfair. It has been recognised²¹ that the reformist attitude of the strategy is expressed in the form of 27 regulatory and non-regulatory actions presented in the Annex to the Communication.²² The nature of reformist interventions has three different faces:

¹⁹ To reach these objectives the strategies open the road for two main action plans: a widened Nature Protection Network of protected areas to transform at least 30% of Europe’s lands and seas into effectively managed protected areas, with 10% of them strictly protected. This Trans-European Nature Network will build upon existing Natura 2000 areas and complete them with nationally protected areas. And as a second important action plan, the EU wants a far-reaching EU Nature Restoration plan. EU parliament think tank, Briefing for the agri committee – the EU 2030 fBiodiversity Strategy [https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652207/IPOL_BRI\(2020\)652207_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/652207/IPOL_BRI(2020)652207_EN.pdf)

²⁰ H Schebesta and JJJ Candel, “Game-Changing Potential of the EU’s Farm to Fork Strategy” (2020) 1 Nature Food 586.

²¹ European Commission, Directorate-General for Research and Innovation, Group of Chief Scientific Advisors, *Towards a Sustainable Food System: Moving from Food as a Commodity to Food as More of a Common Good* (Independent expert report, Publications Office 2020). <https://data.europa.eu/doi/10.2777/282386>

²² These are divided into the four main policy areas, accompanied by the indication of the range of the years (between 2021 and 2024) in which they will be probably implemented. See F Venturi, *The Farm to Fork Strategy. A Comprehensive but Cautious Approach to “Multidimensional” Food Sustainability* (Rivista Quadrimestrale Di Diritto dell’Ambiente 2021).

on one hand it aims to the revision of the current regulatory framework according to the new objective and sub-objectives on pesticides, fertilisers, organic farming, antimicrobial use, etc. On the other hand, it proposes new regulatory instruments such as the eagerly awaited “proposal for a legislative framework for sustainable food systems.” This regulation proposal, which is a flagship output of the F2F strategy that should have seen the light by the end of 2023, had the core objective of promoting agri-food policy coherence at the EU level and national level, delivering “sustainability” in all food-related policies and strengthen the resilience of food systems making the transition to sustainable food systems easier. Among these 27 actions,²³ there is a cross-cutting initiative that is fundamental for its horizontal impact along the entire EU agri-food chain, that is the “use” as an instrument for the sustainability of the new Common Agricultural Policy foreseen for the period 2023–27 and, in particular, the direction and control of its CAP Strategic Plans prepared by Member States according to the abovementioned strategies’ vision. Indeed, within this new CAP, Member States are obliged to clarify how their CSPs can achieve more sustainable agriculture, ensure environmental protection and fight against climate change. It emphasises the need for CSPs to fully reflect the ambitions of the Green Deal, the F2F, and the Biodiversity strategies, and to be assessed based on robust environmental and climate criteria. These combined objectives can be identified as the 50% reduction in the use and risk of chemical pesticides, and the use of more hazardous pesticides; the 50% reduction in sales of antimicrobials for farmed animals and in aquaculture; the 25% of the EU’s agricultural land is dedicated to organic farming; the 10% of agricultural area under dedicated to high diversity landscape features; the 50% reduction in nutrient losses while ensuring no deterioration in soil fertility and the contribution to the 55% GHG gas emission reduction target by 2030 and to climate neutrality by 2050. The call for promoting organic and other agroecological practices aims at limiting the usage of synthetic fertiliser and pesticide application while expanding crop diversity. By adopting these procedures, environmental well-being is enhanced through reduced GHG gas emissions alongside the protection of biodiversity. Sustainable land use practices like organic farming have been proposed by the Biodiversity Strategy to safeguard biodiversity through ecosystem resilience enhancement. While advocating for greater adoption of organic farming techniques, the F2F strategy intends to mitigate negative impacts on habitats and wildlife caused by intensive agricultural activities while promoting soil health improvement.

In the nine objectives of the new CAP described in Article 6 of Regulation 2115/2021, we can observe, especially for the objectives dedicated to environmental sustainability, how the F2F and Biodiversity objectives are mirrored and internalised within the CAP objectives. The latter,²⁴ indeed, are focused on the contribution of the CAP to climate

²³ The nature of reformist interventions has three different faces: the first one aims to the revision of the current regulatory framework according to the new objective and sub-objectives on pesticides, fertilisers, organic farming, antimicrobial use, etc. The second one proposes new regulatory instruments such as the eagerly awaited “proposal for a legislative framework for sustainable food systems.” This regulation proposal, which is a flagship output of the F2F strategy, has the core objective of promoting agri-food policy coherence at the EU level and national level, delivering “sustainability” in all food-related policies and strengthening the resilience of food systems making the transition to sustainable food systems easier. Eventually, among these twenty-seven actions, there is a cross-cutting initiative that is fundamental for its horizontal impact along the entire EU agri-food chain. This is the “use” as an instrument for the sustainability of the new Common Agricultural Policy foreseen for the period 2023–27 and, notably, the direction and control of its “CAP Strategic Plans” (CSPs).

²⁴ See Art. 6 (d), (e), (f) and (i) which recall the Farm to fork objectives of reduction of the use of chemical and hazardous pesticides in agriculture by 50%, Reduce nutrient losses by at least 50%, while ensuring no deterioration on soil fertility, Reduce by 50% the sales of antimicrobials for farmed animals and in aquaculture; and the Biodiversity strategy objective to protect and restore at least 30% of EU land and sea, to enhance resilience, restore biodiversity and crucial habitats.

change mitigation and adaptation²⁵ carbon sequestration; in fostering the efficient management of natural resources, reducing chemical dependency and in contributing to halting and reversing biodiversity loss, enhancing ecosystem services and preserving habitats and landscapes.²⁶ Since its foundation, the CAP has been an institutional apparatus in constant evolution that rationalises financial outlays to European farmers in a pluralistic political unity that consolidates through the years.²⁷ Over the sixty years of the CAP's existence, the financial envelope has been progressively conditioned to the socio-economic and environmental needs of the Union.²⁸ The nowadays environmental conditionalities and the embedded objectives of the above-mentioned strategies shall, at least in a theoretical framework, trace the path to phase out the harmful and therefore “unsustainable” production practices. This means that EU taxpayers' money should not be used anymore just for the support of the production of marketable goods or services. Farmers cannot be economically supported for business-as-usual traditional production practices. Practices that, moreover, do not allow them to be paid sufficiently and fairly for their work. Agricultural aid should be based on the binomial “public money for the public good,” meaning for the production of common (or private) goods enjoyed by society as a whole, namely ecosystem services, investment in the health of ecosystems and biodiversity assets.²⁹

From an initial analysis, therefore, we can see how a certain focus on ecosystem sustainability³⁰ appears crucial in the transition to a sustainable food system addressed by the policy instruments and how some of these concepts are present in the objectives of the new CAP. What needs to be assessed is how these goals are being pursued, how effectively they are being implemented, and where and how to intervene in the gaps.

III. The new CAP structure

The 2014–20 CAP was much criticised during these years, and many of the observations made are clearly underlined in the European Court of Auditors Special Report 21/2017³¹ which encouraged the European institutions to work on a more ambitious CAP. The Report points out that it has never been demonstrated the real benefits of the proposed “greening practices”³² and that it is highly unlikely that they would lead to appreciable climate–environmental results. Most of the budget allocated on the first pillar and direct payments did not bring the expected results both in terms of income redistribution to smallholder farmers and in terms of rural development.

From there, a long journey started for the renewal of the CAP. Indeed, in 2017, Public Consultation on the Future of the CAP³³ took place to achieve a CAP that is more

²⁵ To read about the potential mitigation and adaptation potential from agriculture, forestry and other land use see IPCC, 2023: “*Climate Change Synthesis Report*.” Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change (2023) p 106.

²⁶ Art. 6 REG. 2021/2115 on the Objectives of the CAP.

²⁷ V Rubino, *La sostenibilità in agricoltura e la riforma della PAC* (Cacucci, 2021).

²⁸ Fr Sotte, *La politica agricola europea : storia e analisi* (Firenze University Press, 2023) 7.

²⁹ A Peeters, et al, *A Green Deal for Implementing Agroecological Systems: Reforming the Common Agricultural Policy of the European Union* (Landbauforsch 2020) pp 83–93.

³⁰ The objectives of reducing chemical dependency and in contributing to halting and reversing biodiversity loss are in line with the pursuing of ecosystem resilience discussed above. Supra, n 5.

³¹ European Court of Auditors, “Special report N°21/2017: Greening: a more complex income support scheme, not yet environmentally effective” (2017) <<https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=44179>>

³² *Ibid.*, The Green payments are a type of direct payment which serve as a financial incentive for farmers who contribute to environmental conservation and sustainable managements of resources. The total allocation was €12 million annually, these payments constituted 30% of all direct payments within CAP and nearly 8% of the overall EU budget.

³³ See more on B Silvia., *La comunicazione della Commissione “Il futuro dell'alimentazione e dell'agricoltura”* (Rivista di diritto agrario 2018) p 110.

environmentally sustainable and fairer and more equitable towards European farmers. The first reform proposal came in 2018 from a commission still led by the Junker administration, but negotiations with the outgoing parliament failed to reach an end. The 2019 European elections and the new Parliament, together with the new Von der Leyen administration and its EU Green Deal project had a considerable impact on the new CAP project that started in 2017–2018. The “trialogue”³⁴ only started in 2020 and the negotiations slowed down by the release of the new innovative drive and requirements of the F2F and Biodiversity strategies and the unpredictable impact of the Covid-19 pandemic. After several months of discussions, agreement was found in June 2021 for a CAP 2023–2027 through the three regulations 2021/2115, 2021/2116, and 2021/2117³⁵ delivered in December 2021 with almost two years of delay on the original plan and a transitional regulation³⁶ to cover the period.

The new CAP introduces a new delivery model based on a decentralised approach where member states propose a CAP Strategic Plan for the use of the financial resources made available by the two pillars: the “European Agricultural Guarantee Fund (EAGF),” or “first pillar,” and “European Agricultural Fund for Rural Development (EAFRD)” or “second pillar.” These are respectively set, for the 2023–2027 period, at €291.1 billion and €95.5 billion. More specifically, the EAGF finances direct payments, while the EAFRD is dedicated to rural development measures (mainly, but not solely, in the form of annual payments). Even after this reform, therefore, the first pillar will contain the majority of the total funds dedicated to CAP (72%) with more than 51.1% of these earmarked for “Basic Income Support for Sustainability (BISS).” These are the major payments dedicated to the EU farmers and are based on the payment of titles (eligible hectares).³⁷

The CSPs are prepared through a specific internal assessment and identification of national and regional needs concerning CAP objectives. This is done through a SWOT analysis³⁸ of territorial agricultural policies. In this new delivery model, the EC Commission has a co-management role together with the member states and carries out an ex-post and ex-ante assessment of the CSPs.³⁹ Indeed, for the preparation of their CSPs, the EC provides a total of 402 recommendations⁴⁰ covering key policy parameters to assist Member States in the drafting of their CAP strategic plans. The Country-specific and differentiated assessments were structured around the nine specific objectives of the CAP and the Green Deal. Even though the Commission and the Parliament tried to structure the target of the CSPs as a binding bond for the States, during the negotiations the latter managed to avoid this obligation. The final text of regulation 2115 merely notes in the

³⁴ Negotiations between EU Commission, EU Parliament and Council of the European Union.

³⁵ Regulation (EU) 2021/2116 on the financing, management and monitoring of the common agricultural policy; (2021) Regulation (EU) 2021/2115 establishing rules on support for strategic plans to be drawn up by Member States; (2021) Regulation (EU) 2021/2117 establishing a common organization of the markets in agricultural products (2021).

³⁶ Regulation (EU) 2020/2220 laying down certain transitional provisions for support from the European Agricultural Fund for Rural Development (EAFRD) and from the European Agricultural Guarantee Fund (EAGF) in the years 2021 and 2022.

³⁷ B Bourget. “The Common Agricultural Policy 2023–2027” (2021) 607 Change and Continuity, Fondation Robert Schuman Policy Paper.

³⁸ The SWOT is an economic framework analysis for identifying and assess a certain entity strengths, weaknesses, opportunities and threats.

³⁹ The ex-ante evaluation cycle consists in two rounds of observation letters sent by the European Commissions to the states relating to the draft CAP Strategic Plans. The two performance reviews are set for the 2025 and 2027 where the Commission verifies whether the CSPs are implemented as approved or not replying on the auditing systems of the member states. The member states will also deliver an annual report on the implementation of the CSPs and attend an annual meeting with the Commission to possibly implement CSPs amendments. See more on art. 132 REG 2021/2115

⁴⁰ COM/2020/846 final recommendations to the member states as regards their strategic plan for the common agricultural policy (2020). <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020DC0846>>

recitals that Member States should explain how their Strategic Plans contribute to achieving the targets set out in these strategies.⁴¹ This includes how to reach the objectives of sustainable agriculture ensuring environmental protection and fighting against climate change. It emphasises the need for CSPs to fully reflect the ambitions of the Green Deal, the F2F and the Biodiversity strategies, and to be assessed based on robust environmental and climate criteria. But this “performance framework” model only obliges member states to establish results targets which are indicators of uptake of given schemes without any implementation countercheck mechanism that would address the real impacts.⁴² The agriculture-related EU Green Deal targets must be embedded into the CAP performance obligation framework to ensure their effective implementation. Without this legal basis, the Commission has no mandate to request member states to be consistent with the strategies. These targets should also be associated with the financial envelopes, to be able to cut off financial flows to all member states that demonstrate a sidestepping of the commitment to the goals of the Green Deal and its sectoral strategies.⁴³ The new structure places a great deal of responsibility on states on “how” to achieve the objectives of Article 6 rooted in the Green Deal and subsequent strategies mentioned above. In light of these considerations, this section will attempt to analyze how states’ choices within their CSPs reflect F2F strategy and biodiversity strategy objectives. Specifically, the following section will analyze the measures taken towards ecosystem health and protection of biodiversity; the livestock sector and the antimicrobial resistance objectives, and the reduction of synthetic pesticides and enhancing organic farming.

IV. Analyzing the transition through the lens of National Strategic Plans

A. Agri-food ecosystem health and biodiversity

The reformed CAP brought a series of new characteristics to comply with the ecological ambitions described above. The first step toward a “greener” CAP is undertaken through a so-called “enhanced cross-compliance” on environmental requirements to receive the BISS payments. These are the Statutory Management Requirements (SMRs), and the Good Agriculture Environmental Conditions (GAECs). The SMRs are a series of rules coming from 13 directives and regulations on water (SMR1-2), Nature Conservation (SMR3-4), Food Safety (SMR7-8) Plant protection (9–11) Animal welfare (SMR9-11).⁴⁴ These requirements certainly do not change the sustainability direction of the CAP since these apply to all farmers whether they receive income support or not. The others, which are called the Good Agricultural and Environmental Conditions (GAECs), are a set of specific practices related to environmental protection that farmers must respect. Despite the reinforcement⁴⁵ of these requirements, there are already several criticisms regarding the lack of effectiveness of these measures.⁴⁶ According to

⁴¹ A Matthews, “An Ambitious CAP is Needed to Underpin the Green Transition” (Recht der Landwirtschaft 75 Jahrgang 2023).

⁴² M Lovec, I Rac and E Erjavec, “External Shocks, Policy Spillovers, and Veto Players: (Post)Exceptionalist Common Agricultural Policy and the Case of the 2023–2027 Reform.” (2024) Journal of European Integration 1–21. & A Matthews, “The CAP in the 2021–2027 MFF Negotiations.” (2018) 53(6) Intereconomics 306–311; A Matthews, “An Ambitious CAP is Needed to Underpin the Green Transition” (Recht der Landwirtschaft 2023).

⁴³ Supra, note 41.

⁴⁴ See more on Annex II of REG 2115/2021

⁴⁵ In the 2014–2020 CAP there were seven GAEC standards and there were requirements from the Nitrates and Natura 2000 Directives. With the reform the GAEC standard became nine in addition to requirements from the Nitrates, Water Framework, Natura 2000 and Pesticides Directive.

⁴⁶ To know more see L. Russo, “Le ‘nuove’ misure agroambientali della Pac 2023–27: quali novità?” (Rivista di diritto agrario 2022), and the work of M Alabrese and E Cristiani, “Clima e impegni internazionali nell’attuazione della Pac” (2022) 2 Rivista diritto agrario.

the ECA,⁴⁷ the greening measures have historically improved practices on just the 5% of agricultural land, and fundamentally remain “an income support scheme.” Moreover, it has been noticed how certain standards such as the GAEC number 8, which stipulates a minimum allocation of 4% of the arable land to non-productive areas, can easily be evaded for a number of exceptions like a minimum number of hectares and other.⁴⁸ Together with GAEC 7 (obligation on crop rotation) which is clearly linked to the 2030 Biodiversity Strategy’s objectives, these conditionalities’ effectiveness has been further undermined by the general European Commission derogation in 2023, applied by most member states after the outbreak of war between Russia and Ukraine and the growing controversial “concerns” for supplies in the European agri-food sector.⁴⁹ These derogations on important environmental measures for the restoration of biodiversity and the enhancement of ecosystem services under the unspecified and unassessed European food security threats are becoming a dangerous narrative in Europe today. This narrative finds fertile ground in the interests of large food industries and conservative parties in the European Parliament. According to this view, actions towards nature restoration and conservation would undermine food security. Since the beginning of 2024, farmers across various European countries have staged several strikes and demonstrations. Protests in France, Spain, Germany and Italy emphasised the strong demand for fair remuneration for farmers leading to concessions from national governments and prompting discussions and derogations of climate commitments at the EU level.⁵⁰ On the contrary, it is well consolidated the role of nature restoration in securing long-term food security.⁵¹ Healthy ecosystems are the basis of fundamental ecosystem services, such as pollination, that our food systems depend upon. Putting additional land under traditional production regimes, especially land that is currently set aside for biodiversity, further exacerbates the twin biodiversity and climate crises, steering EU countries further away from fulfilling their international commitments and legal obligations.⁵² Indeed, the same phenomenon is currently happening in the legal procedure of the Nature restoration law proposal. Within Article 9 of the regulation proposal, dedicated to the restoration of agri-food ecosystems, it was inserted an emergency clause derogation that can be activated in the event of a food security emergency.⁵³

⁴⁷ European Court of Auditors, “Greening: A More Complex Income Support Scheme, Not Yet Environmentally Effective” (Special Report No 21/2017, 2017).

⁴⁸ Farmers could be exempted from the obligation, like for limited dimension of arable land. All Member States but Denmark, Estonia and Ireland are making use of these exemptions.

⁴⁹ Providing for derogations from Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the application of the standards for good agricultural and environmental conditions of land (GAEC standards) 7 and 8 for claim year 2023.

⁵⁰ An interesting mapping of protests, demands and concessions was delivered by the press agency Euractive: <https://www.euractiv.com/section/agriculture-food/news/snapshot-of-farmers-protests-and-its-not-over/>

⁵¹ In chapter five of the IPCC Sixth Assessment Report, the IPCC states, with high confidence, that agroecological practices, and other agricultural approaches that work with natural processes, support food security, health and well-being, biodiversity and ecosystem services. Agroecology can improve the resilience of the food system, support the long-term productivity and reduce the reliance on external inputs. Some practices can also provide mitigation measures. This has been recognised by the European Commission in several documents like in the COM (2022) 133 called “Safeguarding food security and reinforcing the resilience of food systems.”

⁵² Read more on the work of N Elisabeth, *Nature Restoration as a driver for Resilient Food Systems. Policy Report* (Institute for European Environmental Policy 2022).

⁵³ See more details in the EU council press releases: <https://www.consilium.europa.eu/en/press/press-releases/2023/11/09/nature-restoration-council-and-parliament-reach-agreement-on-new-rules-to-restore-and-preserve-degraded-habitats-in-the-eu/>

The other important innovation in terms of environmental measures is the “new green architecture” regulated by Article 97 of Reg (EU) 2115/2021 (the new CAP regulation concerning the NSPs). Here, the Commission proposes a list of 41 agri-environmental measures and practices called “Eco-schemes” to reward and compensate farmers, in addition to the BISS payment, for contributing to public goods via sustainable practice and going beyond the baseline. These practices must necessarily include at least two areas of the main climate and biodiversity objectives.⁵⁴ The Eco-scheme regime is compulsory for states and voluntary for farmers. As a basic rule, States are required to allocate 25% of the budget for direct payments (Pillar I) and identify the list of eco-schemes they intend to propose to their farmers. It is entirely at the discretion of individual farmers whether or not to adopt one or more eco-schemes. This new provision raised several perplexities about the future environmental impact. The eco-schemes, presented as one of the innovative elements for the green deal-driven ecological transition, especially in its implementation in national strategic plans appear as a weak and unambitious measure.⁵⁵ Studies⁵⁶ show that only 19% of eco-schemes were deemed good and likely to deliver on their areas of action. In the analysis, 40% of the eco-schemes seem to go in the right direction but still require some key improvements to ensure their environmental benefits. However, 32% of eco-schemes were evaluated as poor quality as their current requirement are not so high and would fit better in CAP conditionality, rather than in eco-schemes. The eco-schemes regime has also been criticised⁵⁷ also for lacking transparency and accountability, and for unclear methodologies on the evaluation of these practices and how to reach the budget allocated for that. This flexibility for MSs and farmers to express their own choices is certainly an added value for addressing context-specific solutions. However, it was empirically observed how up to this new CAP a scarcity of clear requirements and evaluation criteria risks to encourage a “race to the bottom” where MSs “compete” for the lowest requirements for their farmers’ Direct Payments.⁵⁸

B. The livestock sector and antimicrobial use

The farm-to-fork strategy observed that the livestock sector represents a challenge for the European food system sustainability, and it clearly is responsible for 70% of EU agricultural GHG emissions, and for occupying “68% of the total agricultural land.”⁵⁹ The F2F also identifies a quite varied set of measures going in the direction of a reduction of animal food

⁵⁴ These objectives are gathered in the following categories: (1) Climate Change mitigation (2) Climate Change adaptation (3) Water quality (4) Soil quality (5) Biodiversity (6) Pesticide use reduction (7) Animal welfare (8) Antimicrobial resistance the European Commission list of potential agricultural practices that eco-schemes could support is available here https://agriculture.ec.europa.eu/system/files/2021-01/factsheet-agri-practices-under-ecoscheme_en_0.pdf

⁵⁵ T Nemcová, C Nyssens-James, et al., *New CAP Unpacked and Unfit* (BirdLife Europe & European Environmental Bureau report December 2022) <https://eeb.org/wp-content/uploads/2022/12/New_CAP_Unpacked-6.pdf>

⁵⁶ See the analysis of S Colombo, et al. “Analysis of the environmental and economic performance of common agricultural policy eco-schemes in soil organic carbon sequestration” and Bird Life Europe, European Environmental Bureau (EEB) and WWF European Policy Office, “Will CAP eco-schemes be worth their name?” (2021). <<https://www.birdlife.org/wp-content/uploads/2021/11/CAP-report-eco-schemes-assessment-Nov2021.pdf>>

⁵⁷ Some of these early considerations have been published by A Münch, et al., *Comparative Analysis of the CAP Strategic Plans and Their Effective Contribution to the Achievement of the EU Objectives* (Research for AGRI Committee 2023); and ARC, M Willard, et al. “Project Report CAP Strategic Plans: Reforming the CAP in Wartime” (December 2022) <https://www.arc2020.eu/wp-content/uploads/2022/12/ARC2020_CAP_Strategic_Plans_Reforming_the_CAP_in_war_time.pdf>

⁵⁸ See more on this point in the work of G Pe’er, et al. *Action Needed for the EU Common Agricultural Policy to Address Sustainability Challenge* (British Ecological Society 2020).

⁵⁹ Supra, n 14.

consumption patterns.⁶⁰ A clear goal, as we observed earlier, is the reduction of “overall EU sales of antimicrobials for farmed animals and in aquaculture by 50% by 2030.” When we look at the new CAP, among the conditionalities for the direct payments, none of them is related to ruling the livestock sector. Indeed, when we look at SRM9 and SRM10, they embed the duty to respect the rules enshrined in the directives laying down minimum standards for the protection of calves and pigs.⁶¹ Moreover, there are no GAEC standards that address livestock production, no parameters for livestock intensity, and no mention of pollution from livestock emissions.⁶²

Analyzing all the CPSs,⁶³ it can be observed that there are no eco-schemes dedicated to the reduction of intensive industrial livestock farming. Indeed, among the areas of actions of eco-schemes identified in Article 31 there are no mentions of measures for reducing intensive animal farming, nor of the importance of mitigating its environmental impact. Only 12 eco-schemes out of the 91 presented are linked somehow to the result indicator to address animal welfare.⁶⁴ We can also observe unchanged support for livestock farming through the use of “coupled payments.” This is a voluntary instrument that can be used for interventions in specific sectors to address needs that require particular interventions, with a maximum budget allocation of 15% of direct payments (Pillar I). Despite the historically problematic nature of this instrument,⁶⁵ all analyzed Member States (except the Netherlands) plan to offer coupled income support. Over 70% of coupled payments are dedicated to the livestock sector.⁶⁶ Intensive livestock production causes the most severe environmental and health impacts in the agri-food sector which include GHGs, air and water pollution, antimicrobial resistance, and direct and indirect deforestation via feed imports. On these points, the lack of systemic vision is once again evident. Indeed, to reach the systemic and integrated sustainable food system steps it is urgently needed to move towards a lower animal per hectare production process, to diversify production in a way that cycles nutrients and reuses waste flows, and to reduce severe dependencies on imported feed.⁶⁷

C. The use of synthetic pesticides and organic farming

The other crucial table on which the fates of the F2F strategy are being played out is that of the reduction of synthetic pesticides. The utilisation of synthetic pesticides results in the contamination of our air, water and the broader environment, causing harm to human

⁶⁰ Indeed, the strategy aims for the introduction of fiscal measures like price and tax incentives for the promotion of healthy diets, and it envisages the possibility of creating a sustainable labelling framework providing a customer's service towards healthy and sustainable food choices.

⁶¹ See Council Directive 2008/119/EC laying down minimum standards for the protection of calves and Council Directive 2008/120/EC laying down minimum standards for the protection of pigs.

⁶² See more on the analysis of R Talenti, *Revising the European Regulatory Framework for Livestock-Related GHG Emissions – Is the EU Really Advancing Towards Climate Neutrality?* (Rivista Quadrimestrale di diritto dell'ambiente 2023), di Diritto Dell'Ambiente, number 3, 2022).

⁶³ See the analysis of the eco-schemes of MUNCH, Arndt, et al. “Research for AGRI Committee-Comparative analysis of the CAP Strategic Plans and Their Effective Contribution to the Achievement of the EU Objectives” (2023).

⁶⁴ See the approved 28 CAP Strategic Plans (2023–2027) Summary overview for 27 Member States Facts and figures <https://agriculture.ec.europa.eu/system/files/2023-04/approved-28-cap-strategic-plans-2023-27.pdf>

⁶⁵ The Coupled direct payments are granted to farmers based on the amount produced, e.g., per ton of wheat produced or per liter of milk, or linked to production inputs, e.g., hectares of arable crops or number of livestock. Several studies analyzed how historically coupled payments distorted agricultural markets by influencing production decisions, led to intensification and overproduction of goods. These practices raised several perplexities on their alignment to environmental goals and with the effort of making the CAP a fairer instrument. Indeed, since these payments are linked to production, these contribute to income inequality among farmers, especially to small-holder farmers.

⁶⁶ Supra, n 56.

⁶⁷ Supra, n 54.

health and contributing to the ongoing decline of biodiversity in agricultural regions.⁶⁸ Consequently, Member States are urgently required to diminish the usage and associated risks of pesticides, aligning with the F2F goal of a 50% reduction in the utilisation and risk of chemical pesticides and more hazardous variants by the year 2030. Member states should instead go and be incentivised towards a holistic approach to crop protection that considers the ecosystem health of the whole farm, pest, and predator behavior and life cycles, in contrast to the use of conventional chemical pesticides. Biocontrol practices can be regarded as a fundamental component of integrated pest management (IPM), integrated production (IP) and organic farming, approaches that are key to achieving the EU's pesticide use reduction objective of the proposed Sustainable Use of Pesticides Regulation (SUR) as well as the Farm to Fork strategy and the EU Biodiversity Strategy 2030. The situation became even more imperative as, due to the recent farmers' protests and an EU parliament's first rejection, the SUR was withdrawn in February 2024.⁶⁹

The CSPs fall short of adequately pursuing reductions in pesticide usage across European farms. Member States exhibit weak implementation of conditionality requirements related to pesticide use, and the strategic plans lack substantial reduction targets and timetables. The GAEC 4 – establishing buffer strips along water courses, the number 7 – describing crop rotation and diversification standards, and the number 8 GAEC8 – dedicating space for nature on farms, proved to be easily derogated for member states.⁷⁰ Other studies assessed 166 eco-schemes on the matter and showed that half of them targeted specifically at pesticide reduction are deemed of low quality or even deemed to amount to greenwashing by national experts.⁷¹ Last but not least, the impact indicator I.18 will be used to evaluate the impact of the CAP and the extent to which Member States reduced the use of pesticides over the programming period. It is composed of three indicators: Sales of pesticides; Harmonised Risk Indicators; and Sales of more hazardous pesticides. These indicators have been strongly criticised by NGOs⁷² as they do not provide accurate information on the use of pesticides and their reductions.

Initial analyses⁷³ of the resources allocated to these issues are unlikely to bring about a change of pace from the already problematic situation denounced in 2020 by the Special Report of the European Court of Auditors.⁷⁴ To address these shortcomings, alternatives to

⁶⁸ R Schulz, et al. "Applied Pesticide Toxicity Shifts Toward Plants and Invertebrates, Even in GM Crops." (2021) 372(6537) *Science* 81–4; V Silva, et al. "Pesticide Residues in European Agricultural Soils—A Hidden Reality Unfolded" (2019) 653 *Science of the Total Environment* 1532–1545; H Siviter, et al. "Agrochemicals Interact Synergistically to Increase Bee Mortality." (2021) 596(7872) *Nature* 389–92.

⁶⁹ On 6 February 2024, President Ursula Von der Leyen announcement at the European Parliament Plenary that the SUR has been defined as something that become "a symbol of polarization," "It has been rejected by the European Parliament. There is no progress anymore in the Council either. So we have to do something." The president then suggested to start a new proposal after undertaking a "strategic dialogue" with agri-food stakeholders. The intervention is available here: <https://www.euronews.com/my-europe/2024/02/06/von-der-leyen-announces-withdrawal-of-contentious-pesticide-law-the-first-defeat-of-the-gr>

⁷⁰ Europe and European Environmental Bureau, "Pesticides in the new CAP: business as usual puts nature and human health at risk" (Policy Briefing 2022). <<https://eeb.org/wp-content/uploads/2022/07/EEB-BirdLife-Briefing-Pesticides-July-2022.pdf>>

⁷¹ BirdLife Europe, European Environmental Bureau & WWF European Policy Office; "Will CAP eco-schemes be worth their name?" (2021). <<https://www.birdlife.org/wp-content/uploads/2021/11/CAPreport-eco-schemes-assessment-Nov2021.pdf>>

⁷² See the report of IFOAM (2022) <<https://www.organicseurope.bio/news/environmental-ngos-and-organic-movement-call-on-commission-to-develop-a-new-indicator-to-measure-progress-towards-the-farm-to-fork-pesticide-reduction-target/>>

⁷³ European Environmental Bureau & BirdLife Europe policy briefing Pesticides in the new CAP: business as usual puts nature and human health at risk (July 2022) <https://eeb.org/wp-content/uploads/2022/07/EEB-BirdLife-Briefing-Pesticides-July-2022.pdf>

⁷⁴ European Court of Auditors. "Sustainable Use of Plant Protection Products: Limited Progress in Measuring and Reducing Risks" (2020).

be found in eco-schemes and pillar two measures must be strengthened and better funded for facilitating a transition to agroecological practices. This transition was indeed sought by the now failed project of the sustainable use regulation proposal on pesticides,⁷⁵ particularly in the provision for effective implementation of integrated pest management and a genuine reduction in pesticide usage. This allocation of funds for low-input farming systems should be results-oriented. Farmers ought to be presented with a comprehensive set of measures encouraging the adoption of non-chemical alternatives to pesticides, encompassing agronomic, mechanical, physical and biological methods. This approach, embedded within the CSPs, is crucial for fostering sustainable and resilient agricultural practices.

This deficiency raises serious doubts about the ability of the current CAP plans to achieve any meaningful reduction in pesticides and meet the objectives of the Farm to Fork and Biodiversity Strategies. Moreover, concerns are even more serious since any binding measure expected in the SUR is now postponed to a date to be determined.⁷⁶

An issue strongly interlinked with the use of pesticides is that of organic food production. The direction is set by the F2F and the Action Plan for Organic Production, which envisages dedicating 25% of agricultural land to organic farming by 2030.⁷⁷ The area that will receive specific CAP support for organic production in 2027 will almost double to almost 10%, compared to the area financed in 2020 (5.6%).⁷⁸ In their evaluation of organic farming support, IFOAM and EEB showed that Member States either set targets too low to meet the EU target of 25%, or allocated budgets too low to support the targets.⁷⁹ Among the EU's biggest agricultural countries (and beneficiaries of the CAP funds) Italy reached 15.2% of the share of organic farmland, France 7.7%, and Germany and Spain 9.7%. Germany and Spain have reduced direct payment levels compared to the 2014–22 period going against the no backsliding principle established by Article 105 of Regulation 2021/2115.

Concluding remarks: What lies ahead for the EU transition to sustainable food systems?

This article tried to advocate how important the implementation of the Green Deal and its following sectoral strategies are for the transition to a sustainable food system. This is an imperative necessity to reverse the deterioration of ecosystem health and biodiversity to ensure a more sustainable equilibrium between food production and natural resources. The CAP 2023–27 does not seem to be in line with the F2F and Biodiversity strategies' objectives. As we have observed in key aspects and objectives of these strategies such as soil and biodiversity protection of agri-food ecosystems, GHG emissions from the livestock sector, chemical pesticides, and organic farming, this CAP is found lacking in the very aspects of ecological transition promised by its strategies. We have noted how despite the nine objectives of the CAP having some connotations of ecological sustainability, these are very little reflected in the implementation of the CSPs and in the instruments that the CAP offers.

While structuring their National Strategic Plans, Member State will have to show how, in pursuing the CAP's objectives, it will also make a specific contribution to achieving the objectives of the Green Deal and various pieces of EU environmental, climate and

⁷⁵ COM/2022/305 final proposal on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 (2022).

⁷⁶ *Supra*, n 66.

⁷⁷ N Lampkin and J Sanders. "Policy Support for Organic Farming in the European Union 2010–2020" (No. 200. Thünen Working Paper 2022).

⁷⁸ *Supra*, n 54.

⁷⁹ See B Stefan, R Grajewski and P Rehburg, "Where does the CAP money go? Design and priorities of the draft CAP Strategic Plans 2023–2027" (No. 191a. Thünen Working Paper 2022).

biodiversity strategies. In spite of this, however, there is no legal link between the evaluation of this contribution. The only measure that provides for an assessment of the alignment of the climate and biodiversity targets of the Green Deal and its strategies with the CAP is a report,⁸⁰ which the Commission must present before the European Parliament, which appears as a mere administrative reporting function with no direct obligations for the Member States or legal link whatsoever.⁸¹

This new CAP also seems to still follow well-trodden logic linked to previous CAPs rather than taking that step forward in the direction of a transition to a resilient food system. Indeed, in this very last aspect, we saw how a large proportion of the CSPs' budget is still poorly targeted and concentrated on the first pillar dedicated to basic payments that proved to have a very limited contribution to encouraging and supporting the changes in agricultural production that are necessary. In certain cases, these are even harmful financial envelopes such as in the case of coupled payments.⁸² These payments should be gradually phased out and substituted by payments that follow principles like public money for public goods⁸³ that reward and incentivise farmers to contribute to providing environmental services through sustainable agricultural practices. Part of this lack of alignment and inconsistency might be traced to the fact that the CAP reform started under the guidance of another European Commission, before the Green Deal and F2F project. The COVID-19 pandemic and other external factors have and are certainly not facilitating the whole process.

This CAP, for example, will impact European food production until 2027 and has not been supported to date by one of the F2F strategy's flagship initiatives that was supposed to deliver a guidance for the transition to the sustainable food system. Indeed, the F2F strategy promised the horizontal framework law "Sustainable EU Food System" law.⁸⁴ This is an "umbrella law" compared to the CAP which would become one of several "daughter laws" (*lex specialis*), with the intention to increase the chances of coherence and meaningful delivery on the ground. This legislative initiative aimed to significantly accelerate the transition to a sustainable food system by integrating sustainability into all food-related policies by laying down general principles and goals, together with the obligations and responsibilities of all actors in the EU food system. Indeed, as can be seen from the 2021 "Inception Impact Assessment"⁸⁵ for the legislative framework, the Commission announced that *"the sustainable food system initiative would set out the common basis composed of general objectives, definitions, principles and requirements for ensuring that sustainability considerations, beyond the already applicable safety-based requirements, are taken into account when food is produced/placed on the Union market, taking into account EU international trade obligations."* The clear policy objective of the legislative initiative is to determine comprehensive framework legislation intended to *"serve as a lex generalis, applying to all actors of the food system."* Besides the definition, the future Regulation is to lay down rules on sustainability labeling of food products, minimum criteria for sustainable

⁸⁰ Reg. 2115/2021, paragraph 125: "The Commission should submit a report to the European Parliament and the Council in order to assess the operation of the new delivery model by the Member States and combined contribution of the interventions set out in Member States' CAP Strategic Plans' to achieving the environmental and climate-related commitments of the Union, in particular those emerging from the European Green Deal."

⁸¹ Supra, n 41.

⁸² Supra, n 62.

⁸³ Supra, n 24.

⁸⁴ Supra, n 20.

⁸⁵ DG SANTE, "Inception Impact Assessment Sustainable food system framework initiative" (2021). <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13174-Sustainable-EU-food-system-new-initiative_en>

public procurement of food, together with sustainability governance and monitoring. However, the Impact Assessment of the legislative proposal received a negative opinion from the Regulatory Scrutiny Board (RSB).⁸⁶ Moreover, due to the ongoing farmer's protests that already produced their effects with the SUR proposal,⁸⁷ there are great concerns about the possible actual release of this law. The impact of general sustainability principles in SFS law would have on the practical design of the next CAP is potentially significant if, for example, the financial envelope support were limited only to producers deemed sustainable or producing products deemed sustainable. That would certainly help in the coherence of the F2F objectives on organic production, reduction of chemical pesticides, etc. but even though this would ever happen, the impact of the CAP appears to be just a small piece of the puzzle.

In fact, besides the production of food, the success of the F2F strategy will be measured very much in the reform of other EU legislations like the Sustainable Use of Pesticides Regulation which aims to translate F2F pesticide reduction targets into binding national targets; the Nature Restoration Law, which requires MSs to put in place restoration measures necessary to enhance biodiversity in agricultural ecosystems; a revision of Industrial Emissions Directive would require large pig, poultry and cattle farms to apply best practice technologies to reduce ammonia and methane emissions. Concerning these two proposals for regulations, hard and unpredictable times lie ahead in which an economic crisis continually fueled by pandemics and wars has created significant political pushback against these initiatives. Farmers respond that these new legislative obligations, or on the perspective of future environmental commitments, are increasingly onerous. They claim that there is no additional financial support. And they argue that the current situation reduces their production and undermines EU food security. This argument gained traction because of the rise in energy prices and subsequent food price inflation. This is also due to the Russian invasion of Ukraine in February 2022. From a Communication of the Commission itself, however, it was stated⁸⁸ that the food supply was not an issue for the EU but that rising prices did have a negative impact on global food security. The relative priority to be given to environmental objectives brought by the Green Deal versus encouraging food production has led to an increasingly polarised debate on agricultural policy throughout 2023 with an increased political support of conservative parties to the EU parliament sustaining the "food security first" claim. With European Parliament elections in June 2024 and the Commission expected to put forward its vision for the CAP post-2027 in mid-2025, the entire situation is creating even more distance between the idea of a transition to a sustainable food system and its actual implementation.

⁸⁶ The Regulatory Scrutiny Board is an independent body within the Commission that advises the College of Commissioners. It provides central quality control and support for Commission impact assessments and evaluations at early stages of the legislative process. The Board's work on impact assessments strengthens subsequent evaluations, and vice versa.

⁸⁷ *Supra*, n 66.

⁸⁸ European Commission, *Safeguarding Food Security and Reinforcing the Resilience of Food Systems*, COM (2022) 133 (Brussels 2022).