

## **CEDR LUCERNE SEPTEMBER 2013**

### **COMMISSION III**

#### **CONCLUSIONS**

##### **1. INCREASED PRODUCTION/PRODUCTIVITY AND SUSTAINABILITY**

The need to increase food production/productivity is now widely recognised as a policy imperative in order to address concerns of food security. However, this increased production/productivity is to be achieved in a sustainable manner, with “sustainability” to be broadly interpreted, including measures to mitigate the impact of climate change. At present, the legal instruments to implement such “sustainable intensification” are at an early stage of development, although initiatives are being undertaken in some Member States. The further development of such instruments is to be encouraged, and in a manner which ensures their integration into both Pillars of the Common Agricultural Policy. Particular attention could be directed to targeted cross-compliance measures based upon robust sustainability criteria.

##### **2. GOVERNANCE OF THE FOOD SUPPLY CHAIN**

At both EU and Member State level, the past two years has seen significant legislative activity in relation to the food supply chain. This activity has been directed to improvement of the bargaining position of farmers and may be broadly categorised into three areas.

- Greater “contractualisation”, intervening in private law, with impetus generated by the “Milk Package” and, to an extent, maintained under the Political Agreement on Common Agricultural Policy reform of 26 June 2013;
- Greater collective bargaining power for farmers, together with measures to integrate co-operatives.
- Tighter governance of the food supply chain through the instigation of grocery codes with independent regulation.

These developments would seem generally positive, but there may also be limitations. For example, different structures in different Member States are liable to affect the efficacy of measures to promote the bargaining power of farmers (for example, in some Member States there is no tradition of producer organisations); and the imposition of groceries codes may be more suited to Member States with consolidated processing and retail sectors.

### **3. URBAN SPRAWL**

The loss of agricultural land to development is becoming an ever more important concern both in many Member States and elsewhere in Europe; and such concern is magnified by the fact that it is no easy task for the legislator to define what is “urban” and what is “rural”. Since the protection of agricultural land should contribute to the objective of food security and likewise sits well with notions of sustainability, a concerted effort should be made to draw up appropriate designations of agricultural land deserving protection and to put in place the necessary legislation to achieve that aim.

### **4. HYDRAULIC FRACTURING**

While not as such central to agricultural law, hydraulic fracturing (or “fracking”) has already given rise to controversy in several Member States, with a high level of scepticism and widespread advocacy of the “precautionary principle” (resurrecting issues similar to those generated by GMOs). Note was taken of experience in the USA, where differing regimes have been adopted, these varying from prohibition in New York to “light touch” regulation in Texas. In this light, it would be inadvisable to drift into practices which are acknowledged to be irreversible against the background of a legislative lacuna in the EU.

### **5. CAP REFORM**

At this stage in the reform process, it is already apparent that much discretion in terms of implementation is liable to be accorded to Member States (such as transfers between Pillars and the coupling of support). It is likewise apparent that most Member States are suspending the precise formulation of national policies until outstanding matters have been finalised (such as “capping”), and, in light of the fact that the majority of the reform package will come into force on 1 January 2014, early agreement on outstanding matters would be of advantage, as would be early issue of the detailed implementing regulations.