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POLICY BRIEF

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German agricultural policy within the EU context

Changes since the make-over of government in 2021

by Jens-Peter Loy

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KEY MESSAGES

- Alliance 90/The Greens stand for sustainability and climate goals and lead the Ministry of Agriculture.
- In the CAP strategic plan, many of the goals of the 'Green Deal' and the 'Farm-to-Fork' Strategy of the EU are implemented in the area of sustainability and climate.
- Agricultural production in the EU is becoming more extensive. The use of fertilizers and pesticides is to be reduced. Set-aside and crop rotation are further elements of the reform.
- The EU and Germany also want to enforce social and sustainable standards in trade with third countries and in supply chains.

Introduction

After the German federal elections on September 26, 2021, there was a change of government. The grand coalition of the Social Democratic Party of Germany (SPD) and the Christian Democratic/Christian Social Union (CDU/CSU) was replaced by a coalition of the SPD (25.7%), Bündnis 90/Die Grünen (Alliance 90/The Greens) (14.8%) and the Free Democratic Party (FDP) (11.5%). The new coalition thus occupies 416 (56.5%) of the 736 seats in the German Bundestag.

The Federal Ministry of Food and Agriculture went to Bündnis 90/Die Grünen (Alliance 90/The Greens). Cem Özdemir was appointed Federal Minister of Food and Agriculture on December 8, 2021.

At the end of November 2021, the coalition agreement with a time frame covering 2021 to 2025 was agreed between the SPD, Alliance 90/The Greens and the FDP. The program is entitled: '(We want) To Dare more Progress'. The subtitle 'Alliance for Freedom, Justice and Sustainability' indicates the priorities of the individual parties. The FDP stands for freedom, the SPD for justice and the Greens for sustainability. The latter goal is essential for the future political direction in the agricultural sector.

At the EU level, too, the 'Green Deal' and the 'Farm-to-Fork' Strategy have put the spotlight on sustainability, and sustainability aspects and climate change mitigation are also key policy elements in the EU's external trade policy.

In the following, the central objectives of the new government and the agricultural policy framework set by the EU are briefly presented and evaluated with regard to the expected changes.

Goals set in the coalition agreement

With regard to agriculture and food, the coalition agreement identifies the following core policy areas and goals:

(1) **Animal welfare:** Farm animals are to be kept in a manner appropriate to their species, and mandatory animal husbandry labeling is to be introduced, including during transport and prior to slaughter. The costs are to be shouldered by the market participants. Investment subsidies will be based on animal husbandry criteria. The development of livestock numbers is to be based on the available surface area.

(2) **Crop production:** The aim is to achieve 30% organic farming in Germany by 2030. More funds will be made available for the 'Federal Organic Farming Program'. The use of crop protection products should be reduced to the necessary minimum. Integrated crop protection is to be promoted and research into this shall be promote. Glyphosate shall be withdrawn from the market by 2023. The breeding of climate-resistant crop varieties shall receive extensive support.

(3) **Digitization:** Public data for agriculture and nutrition should be made available in a simpler, more useable and more up-to-date form. The agricultural data framework for Gaia-X[1] is to be further developed as the basis for a European data infrastructure.

(4) **Soil policy:** The Soil Protection Act is to be updated. Research into climate-friendly crop production shall be promoted. Agriculturally used BVVG[2] land should be leased primarily to sustainable or organic farms and not sold. The EU proposal for certification of CO_2 reduction will be actively promoted. Among other things, this involves business models for land managers.

(5) **Food market:** Fair competition with fair prices in food retailing is to be promoted. Antitrust abuse supervision and merger control at the Federal Cartel Office should be

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[1] Gaia-X is a project initiated by Europe for Europe and beyond. Representatives from business, politics, and science from Europe and around the globe are working together, hand in hand, to create a federated and secure data infrastructure.

[2] The BVVG (Bodenverwertungs- und -Verwaltungs GmbH) – Germany's Real Estate Utilization and Management Agency – has been fulfilling its legal mandate to privatize formerly state-owned agricultural and forestry land in the German states of Brandenburg, Mecklenburg-Western Pomerania, Saxony, Saxony-Anhalt, and Thuringia since its establishment in 1992.

strengthened. Unfair trade practices such as the sale of food below production costs are to be prevented wherever possible. Supervision of the dairy market will continue and supply relationships will be evaluated.

Common Agricultural Policy (CAP) as the policy framework

The Common Agricultural Policy (CAP) sets out the main objectives and measures for national agricultural policies in the EU member states. The basic position paper for the future orientation of agricultural policy is the so-called European 'Green Deal', which forms the basis for further strategy papers such as the 'Farm-to-Fork' strategy or the 'Biodiversity Strategy'. The main objectives and measures are briefly described below.

'Green Deal'

The 'Green Deal' policy framework was presented by the EU Commission at the end of 2019. It contains landmark proposals for restoring nature in Europe by 2050, including the overarching goal of climate neutrality by 2050, reducing greenhouse gas emissions in the EU by 55% by 2030 compared to 1990.[3] In addition, measures are to be taken to adapt to climate change, including improving protection against natural catastrophes.

The EU relies on the leadership of European industry in the transition to climate neutrality (European Industrial Strategy). Decoupling economic growth from resource use and shifting to circular systems for production and consumption are key to achieving climate neutrality (Circular Economy Action Plan). Up to 90 billion euros will be used for a more equitable transition to climate neutrality, providing financial and technical support to regions most affected by the transition to a low-carbon economy. With 75% of the EU's greenhouse gas emissions coming from energy consumption and production, decarbonization of the energy sector is crucial. Increasing the energy efficiency of buildings is another goal. The renovation rate of buildings is to be doubled

[3] By 2030, Germany aims to reduce greenhouse gas emissions by at least 65% compared with 1990, and by 2045 it wants to be climate-neutral. The Climate Protection Act provides for annual emissions in agriculture to be reduced to 56 million metric tons of CO_2 equivalents by 2030. Binding annual interim targets have been set for this purpose. The German Federal Ministry of Food and Agriculture has developed ten measures to ensure that the statutory targets for agriculture and forestry are met (www.bmel.de).

or even tripled. Transport-related emissions are to be reduced by 90% by 2050. In the sustainability strategy for chemicals, the goal is to achieve a 'pollution-free environment' by 2050 by protecting air, soil and water. Furthermore, 3 billion new trees are to be planted by 2030 and only wood from sustainable sources shall be permitted. The EU biodiversity strategy for 2030 intends to help restore biodiversity in Europe by 2030. Another key component of the 'Green Deal' is the creation of a sustainable food system. The goals and measures for this were laid down by the EU Commission in May 2020 in the 'Farm-to-Fork' Strategy.

'Farm-to-Fork' Strategy

A key package of measures in the 'Green Deal' is the 'Farm-to-Fork' Strategy for a sustainable food system. The following goals are targeted:

- Ensure the supply of sufficient, affordable and nutritious food within the limits of the planet's carrying capacity.
- Reduction in the use of pesticides (-50%), fertilizers (-20%) and antibiotics.
- Increase the area used for organic farming.
- Promote more sustainable and healthy food consumption patterns.
- Reduce food loss and waste.
- Combating food fraud along the supply chain.
- Improve animal welfare.

The more sustainable food system contributes to the protection of nature and biodiversity. The strategy is in line with the EU 2030 Biodiversity Strategy and includes a number of initiatives and legislative proposals in areas such as: Organic farming, front-of-pack nutrition labeling and sustainable food labeling, reduction of food losses.

The aim is to provide primary producers with a fair income and strong support, and to ensure the competitiveness of EU agricultural sector at the global level.

The 'Action Plan for Organic Agriculture' is essentially about increasing the share of organic agriculture in the EU to 25% of the agricultural area by 2030. The EU member states are to develop national plans for the promotion of organic agriculture.

At the beginning of the COVID 19 pandemic, the vulnerability of the food chain in Europe became apparent and led to supply problems. In November 2021, the Commission published a Communication on a contingency plan to ensure food security in Europe in times of crisis. It aims to create a European mechanism for crisis preparedness and response in the area of food security. An expert group to help ensure that the EU is fully prepared for potential food supply challenges will also be established. Sustainability aspects should be prioritized when setting food safety standards in international trade. Agriculture and forestry can play a key role in combating climate change by absorbing carbon from the atmosphere. Climate-friendly practices include planting hedgerows or trees, growing legumes, using intercrops and cover crops, conservation agriculture and peatland preservation, and afforestation or reforestation. In addition, sustainable aquaculture will be promoted in the EU.

Biodiversity Strategy

On May 20, 2020, the Commission adopted a proposal for the EU Biodiversity Strategy for 2030. The following measures are planned in essence: Protected areas of at least 30% of Europe's terrestrial and marine areas will be created, extending the overall coverage of existing Natura 2000 sites. Restoring degraded ecosystems through a series of concrete commitments and actions, such as reducing the use and risks of pesticides by 50% by 2030 and planting 3 billion trees across the EU.

Reform of the Pesticides Directive

The target is part of the 'Farm-to-Fork' Strategy. In June 2022, the Commission converted the previous directive into a binding regulation that must be transposed into national legislation in the member states. The Commission proposal on the sustainable use of pesticides contains the following rules: (1) At EU and national level, the use of chemical pesticides and particularly hazardous pesticides is to be reduced by 50% by 2030. Member states will be able to set their own national reduction targets within given parameters (at least 35% reduction) to ensure that EU-wide targets are achieved on the one hand and national specificities are taken into account on the other. (2) In addition, strict new rules on environmentally friendly pest control will ensure that all pesticide users comply with the principles of integrated pest management. This requires that alternative environmentally friendly methods of pest prevention and control be used first.

Chemical pesticides may subsequently only be used as a last resort. This is to be ensured by documentation obligations for farmers, among other measures. In addition, the member states must lay down specific regulations for all crops, specifying the alternatives to be used instead of chemical pesticides. In addition, the Commission proposes a ban on all pesticides in sensitive areas. This applies to places such as urban green spaces, playgrounds, schools, recreational and sports fields, public paths and Natura 2000 protected areas. This should prevent citizens from coming into contact with harmful chemical pesticides in their daily lives. The intention is to eliminate the problems that have become apparent in the past due to the inconsistent implementation of the regulations still in force. To implement the new rules, member states must submit detailed annual progress and implementation reports to the Commission. To support pesticide users, the Commission proposal provides for financial support. Within the framework of the Common Agricultural Policy, compensation for any costs incurred in implementing the regulations shall be possible for a transitional period of 5 years. In addition, measures shall be developed to expand the range of biological and low-risk crop protection, e.g. in precision agriculture.

CAP strategy plan

Common Agricultural Policy (CAP)

The CAP is one of the most important areas of European policy. It is therefore one of the most communitized policy areas since the founding of the EU. While the first pillar of the CAP provides direct payments for the management of agricultural land, the second pillar serves to promote rural development. With the integrated 'Green Deal' Framework and the 'Farm-to-Fork' Strategy, the EU Commission has now presented a vision for the CAP that is also intended to align it more closely with environmental and climate protection goals.

For the first time, all EU member states must develop a National Strategic Plan for the 1st and 2nd pillars of the CAP for the funding period starting in 2023. The basis for this is the EU's CAP Strategic Plan Regulation. The Federal Ministry of Food and Agriculture submitted the first draft of the CAP strategic plan to the European Commission for approval on February 21, 2022. Specific funding priorities of the national design of the first pillar of the CAP are basic income support subject to the seven organic schemes and the redistribution premium to support small and medium-sized farms. In addition, young farmers up to the age of 40 are supported for five years when they set up.

In the second pillar, which is organized solely by the federal states, the measures include support for area-specific environmental and climate measures, growth promotion and business development in rural areas, and infrastructure measures. In this context, 52% of the funds serve the general objective of sustainable use of natural resources, a good quarter pursue the general objective of making rural areas more attractive, and 17% of the measures are geared to increasing the competitiveness of agriculture. 4% of the funds are allocated to the horizontal complex of objectives characterized as 'Knowledge, Innovation and Digitization'. In the 2nd pillar, management obligations for agri-environmental and climate protection measures related to land use, as well as area-specific measures to increase animal welfare, account for 24%. Another fifth of the funds goes to promoting the introduction and maintenance of organic farming. The promotion of local cooperation through LEADER accounts for 14%. Other areas range from investments to integrated rural development (ILE) and broadband supply, compensatory allowance for naturally disadvantaged areas, risk management, flood and coastal protection to business start-ups and diversification. Specific measures also address cooperation and knowledge exchange.

According to the CAP Strategic Plan Regulation, each Member State submits only one strategic plan. The plan may also contain regional sections. The preparation of the CAP strategic plan for Germany is coordinated by the Federal Ministry of Food and Agriculture (BMEL) in close consultation with the federal ministries concerned, the federal states (Länder) as well as associations and interest groups. In the previous funding periods, the federal states defined state programs for rural development in the area of the 2nd pillar (EAFRD). Due to the postponement of the CAP reform to 2023, transitional regulations for 2021 and 2022 were introduced in Germany. The main changes that will apply from 2023, subject to EU approval, are outlined below. Fig. 1 shows the main changes.

Conditionality refers to the requirements that every farmer must meet in order to receive basic income support for sustainability (previously the basic premium). Unlike before, the requirements now also apply to organic farms and small businesses. The regulations include the previous rules of 'cross compliance' (basic requirements for farm management), e.g. fertilization and labor law. From 2023 onwards, there will be regulations on livestock identification and livestock registration as well as on 'Social Conditionality' (labor law standards, e.g. working and rest times, etc.).

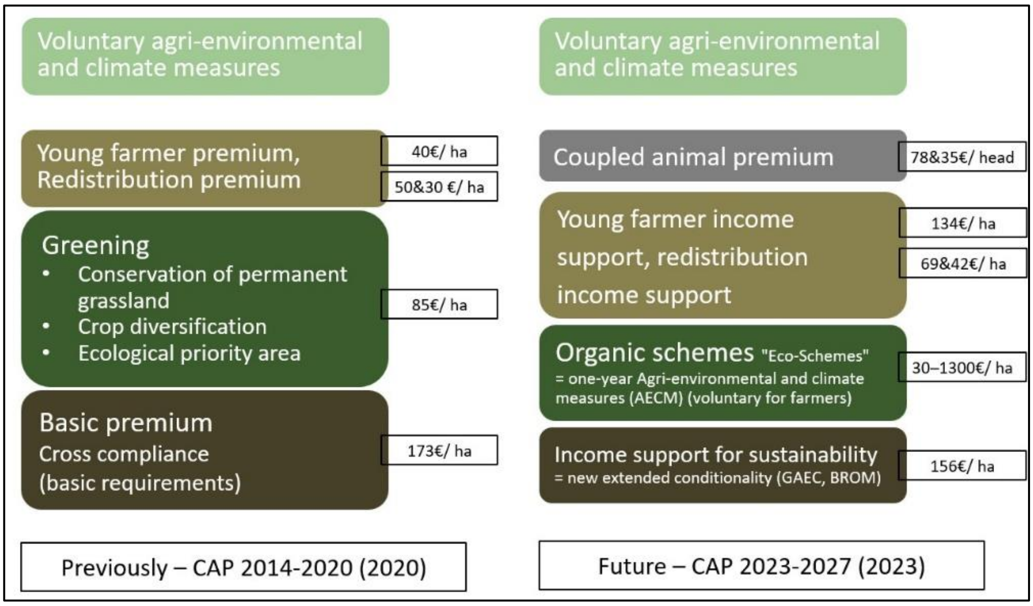

Figure 1: Anticipated changes in agricultural support in Germany
Source: Lower Saxony Chamber of Agriculture, 2022.

In addition, there are standards for the good agricultural and ecological condition of land (GAEC). These include the preservation of permanent grassland (GAEC 1), the appropriate protection of wetlands and peatlands (GAEC 2), the prohibition of burning stubble (GAEC 3), the creation of buffer zones along watercourses (GAEC 4), the reduction of erosion (GAEC 5), continuous land cover (GAEC 6), a minimum level of crop rotation (GAEC 7), a minimum percentage of set-aside land and the preservation of landscape elements (4%) (GAEC 8), and the prohibition of conversion of permanent grassland in Natura 2000 areas (GAEC 9).

In addition, so-called 'Eco Schemes' are introduced. These are one-year agri-environmental and climate protection measures in which farmers are to participate voluntarily. The financial incentives for these measures are earmarked to account for at least 23% of the funds from the 1st pillar. There will be seven eco schemes:

(1) Provision of land for biodiversity:

(a) Increase of non-productive area (> 4%).

b) Creation of flowering areas and strips.

c) Old grass strips or areas in permanent grassland.

(2) Cultivation of diverse crops (arable) with at least 10% legumes and five main crop species.

(3) Retention of agroforests on cropland.

(4) Extensification of all permanent grassland.

(5) Extensive management of permanent grassland.

(6) Managing cropland and permanent crops without synthetic chemical pesticides.

(7) Application of land management methods according to specific conservation objectives on agricultural land designated as Natura 2000 areas.

On November 24, 2021, the German Cabinet approved the Ordinance on the Implementation of the CAP Direct Payments Regulation (CAPDPR) and the Ordinance on the Implementation of the Conditions Applicable under the Common Agricultural Policy (CAPCondO). On December 17, 2021, these ordinances were approved with some amendments in the Federal Council and submitted to the EU. The ultimate fine-tuning of the strategic plan is likely to take until the fall of 2022. Already in June 2021, the Bundesrat had passed 3 laws on the CAP. The CAPDPR was published in the Federal Law Gazette (bgbl.de) on 31.01.2022. The CAPCondO has not yet been published and the present draft regulation will still change according to the results of the Special Conference of Agricultural Ministers' Conference (SAMC) on 28 July 2022. In addition, due to the Ukraine war, some regulations for 2023 have been cancelled (see below).

Assessment of the CAP strategy plan

What are the economic effects of the new CAP for the individual farm? As an example, a finishing farm with 100 ha of UAA (30 ha of grain maize, 35 ha of winter wheat and 35 ha of winter barley) and 2000 pig fattening lots is assumed. If the 7 one-year voluntary organic schemes of the 1st pillar have an income-neutral effect[4], the example farm would lose about 9,100 € in premium in 2023 compared to 2020 due to the reduction of the basic premium and the loss of the greening premium despite the increase of the redistribution income support. In addition, the farm loses the contribution margin on 4 ha of land to be set aside in the amount of about 3,000 €. For the minimum cultivation (mulching) of the set-aside area, costs of 180 € are incurred. In addition, there must be no bare soil in winter, so that for the greening also 1,800 € must be calculated. Since there were also costs for greening in the previous CAP, €1,020 is counted as a benefit in the example. Due to the set-aside area, the example farm also has to use farm

[4] In this context, income-neutral means that the expenses of the farms for the implementation of the measures correspond to the fees for these measures. The calculations come from the Lower Saxony Chamber of Commerce (2022).

fertilizer for € 1,500, so that an economic disadvantage of € 14,500 can be expected in 2023 compared to the previous situation if all regulations are complied with.

For forage farms, the ban on grassland renewal (plowing) on moorland sites and within Natura 2000 areas (FFH and bird sanctuaries) within the scope of GAEC 2 and GAEC 9 can be particularly significant. In many cases, this results in yield depressions that have to be compensated for, for example, by buying in basic feed. Intensive dairy farms on moorland or wihtin Natura 2000 areas could, according to current draft regulations, suffer considerable economic disadvantages in the new CAP compared to the previous funding period. Organic farms could also have considerable economic disadvantages under the current draft CAP: They are not exempt from the new conditionality (GAEC and BROM) for basic income support. However, they are still exempt from crop rotation. The currently proposed eco-regulations are in many cases also not economically viable for organic farms.

The upcoming agricultural reform will be even 'greener' with conditionality as a prerequisite for the basic income support and the voluntary organic schemes in the first pillar, as the payments are linked to environmental and climate measures. The income effectiveness of direct payments will decrease significantly depending on the type of farm. The necessity for a operational farm and crop assessment and impact optimization of premium applications will become more significant in the future in order to decide how and whether to apply for a premium at all. In 2024, the new government wants to conduct an evaluation of the CAP implementation and opt for a readjustment it if necessary.

Due to the war in Ukraine, adjustments will be made in 2023. On set-aside land, in addition to the possibility of offsetting e.g. landscape elements against arable land, it will also be possible to offset land used for the production of cereals (excluding corn), sunflowers or legumes (excluding soybeans). If farmers use this option, they cannot apply for an increase in non-productive land. In addition, crop rotation will not be mandatory. Wheat can also be grown after wheat (www.bmel.de).

EU external trade

The Council is committed to a strong and rules-based multilateral trading system. A responsible EU trade policy is characterized by a high level of transparency and effective communication with citizens on the benefits and challenges of trade and open markets.

Trade policy falls under the exclusive competence of the EU. This means that legislation on trade issues is made by the EU and not by member states. International trade agreements are also concluded by the EU. If it is a joint agreement that falls under both EU and member state competence, the Council may not adopt it until it has been ratified by all member states. The new federal government wants rules-based free trade on the basis of fair social, environmental and human rights standards. German and European trade policy should counteract protectionism and unfair trade practices. Mutilateralism and the further development of the World Trade Organization (WTO) are to be strengthened. The rules on market-distorting subsidies must be overhauled and the blockade in the dispute settlement mechanism lifted. The Paris Climate Agreement and the UN's global sustainability goals must be reflected in trade rules. The future EU trade agreements (with Chile, New Zealand, Australia, ASEAN, India, among others) should include effective sustainability standards implementing a dispute settlement mechanism. The German government's climate protection commissioner, Jennifer Morgan, is urging the rapid introduction of CO_2 punitive tariffs in the EU on steel and other products so that the costs incurred by the energy transition in Germany do not jeopardize jobs. 'An EU external tariff on CO_2 could motivate countries worldwide to do more to protect the climate and at the same time protect our economy.' If steel is produced by incurring the emission of large amounts of CO_2, the product should be subject to tariffs to protect German industry.

In Germany, a Supply Chain Act was ratified as early as 2021 and will come into force in 2023. The aim of the law is to improve the protection of human rights and the environment along global supply chains. The EU is also planning an EU directive on supply chains. However, it will be significantly more restrictive. The main differences are: The EU requires companies to audit their entire supply chain, while the German law only applies to direct suppliers. The EU targets companies with at least 500 employees and €150 million in annual sales, while the German law targets companies with at least 3,000 (from 2023) or 1,000 (from 2024) employees. For industries with a higher risk of labour abuse (e.g. textiles, agriculture or mining), the EU draws the line at 250 employees. The EU provides for civil liability. This means that European companies can be sued for abuses along their supply chain. However, Germany will only impose fines. Environmental damage is given greater consideration in the EU proposal.

Concrete projects

Many concrete measures in the agricultural sector were already introduced under the previous government. These include climate protection measures, the strategic plan governing the implementtion of the CAP and the experimental fields concering digitization. Minister Özdemier has launched a food strategy for which concrete measures are to be presented in 2023. A first draft for concrete measures in a central policy area of the coalition is the key framework paper on animal husbandry labelling. This is one of the four central building blocks for sustainable animal husbandry in Germany[5]. The labeling covers 5 types of husbandry (stable, stable and space, fresh-air barns, free-range and organic) and is attached on the food product in all forms of delivery to the end customer. The labelling obligation will initially be introduced for slaughter pigs, whereby the type of husbandry refers to the fattening phase of the animals. The draft law is scheduled for discussion and first reading in the German Federal Council in 2022 (www.bmel.de).

Conclusion

Both the EU and the new German government pursue ambitious goals in the areas of sustainability and climate protection. In the future, a significant portion of direct payments will be tied to the voluntary implementation of organic regulations and agri-environmental and climate protection measures. With the further promotion of organic farming and restrictions on fertilizer use and strenghend crop protection, German and EU agriculture will become more extensive and less able to contribute to

[5] Future-proof animal husbandry comprises four central building blocks: mandatory animal housing labeling, a funding concept for the conversion of stables, better regulations in animal welfare law and adjustments in building and licensing law (www.bmel.de).

the global supply situation. It is to be expected that exports from the EU on the world markets will decrease. At the same time, the EU reserves the right to apply its sustainability principles to EU imports in order to promote social and sustainability standards in the production of imports and to impose punitive tariffs in case of non-compliance. The protection of domestic industry and possibly also domestic agriculture to promote investment in sustainable production processes in the sense of an 'infant industry' argument is understandable, but harbors the danger that no clear distinction can be made between compensation for disadvantages and protection. There is a fear that the government's commitment to free international trade will be curtailed.

Another clear policy principle is supply at 'affordable' prices. Although this term is nowhere clearly defined, this goal stands in opposition to the many measures that will increase production costs and thus end-user prices. If food prices continue to rise for reasons additional to inflationary pressures, the debate about a socially acceptable price level will certainly gain in importance and acuteness, and this will be true not only for food.

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