Preface

Despite the various treaties which have seen the European Economic Community established by the Treaty of Rome in 1957 transformed into the European Union (EU) of today, the provisions dealing with the Common Agricultural Policy (CAP) have remained essentially unchanged. And it is ironic that the latest treaty amendments have returned the numbering of the provisions on agriculture to those found in the Treaty of Rome. The lack of change in these provisions should not, however, be taken as evidence that the agricultural policy which they developed has remained the same over this period – this is clearly not the case. Reform of the CAP has been evolutionary, but it has resulted in a regime that is now fundamentally different from that introduced in 1962.

At the heart of these reforms is the move away from price support to producer support. Such producer support is increasingly focussed on the delivery of public goods, for example through instruments implementing cross-compliance which encompass a requirement to maintain all agricultural land in good agricultural and environmental condition. This has allowed the CAP to respond to a wide range of public concerns about agriculture, such as the impact of agriculture on the environment (especially its negative impact on biodiversity), the vitality of rural areas (including the need to avoid land abandonment) and consumers’ concerns about food quality and provenance. The policy landscape is greatly altered from that which obtained as the original Member States convened in 1958 at Stresa to discuss the future shape of the nascent CAP. Yet, the CAP is still being affected by a number of the decisions made at that time.

This book begins in Chapter 1 of Part I by looking back at the Stresa Conference to trace the development of the instruments of the CAP over the last fifty-plus years before considering the most recent reforms. Separate chapters next specifically examine the amendments to the direct payments regime and to the Single Common Market Organization, Part I then concluding with discussion of the potential role of risk management strategies as an arm of agricultural policy. The new landscape in which the CAP operates forms the subject matter of Parts II, III and IV, reflecting the importance of agriculture as a sector now encompassing issues which extend well beyond commodity production. Part II explores the CAP’s environmental impact past, present and future, commencing with analysis of the theoretical basis for the interaction between agriculture and the environment and, in particular, the increased emphasis on ‘payment for ecosystem services’. Against this background, subsequent chapters identify and assess individual regulatory spheres which continue to generate controversy, namely environmental impact assessments, climate change, biofuels and water (whether in terms of pollution from agriculture or the need to integrate water resources management within the CAP). The focus of Part III is on agriculture and the food chain. Both the new regulation on food information and the new regulation on geographical indications are discussed, before further chapters consider organic food and animal welfare, with particular reference to their future role in the light of shifting consumer preferences. Part III concludes by turning to the controversial topic of scientific innovation in the food chain, with chapters
on recent developments in the fields of genetically modified food and nanotechnology. Part IV casts its net wide to address the changing international dimension. In the context of the World Trade Organization, there is analysis of the negotiations for the reform of the Agreement on Agriculture and also of the compatibility of the recent CAP reforms with that Agreement, before two chapters engage with the complex issue of food security (looking respectively to questions of Community Preference and the EU’s contribution to the realization of the first Millennium Development Goal). The final two chapters in this Part evaluate the impact of the CAP on developing countries, the more precise focus of the second being implementation of the European Consensus for Development. In conclusion, Part V addresses the themes that emerge from the whole range of previous chapters by looking back to look forward.

Earlier versions of the chapters were presented at the 17th Irish European Law Forum hosted by University College Dublin on 13th and 14th March 2013. The editors acknowledge the financial support offered by the University College Dublin Sutherland School of Law and that offered by the Irish Environmental Protection Agency. Among those who helped at the Conference, particular gratitude is due to Deirdre Norris for her administrative support in its organization and who, with Ms Yongkang An and Ms Xiuyan Fei, ensured the Conference proceeded as smoothly as it did over the two days. The editors would likewise wish to thank the contributors not only for their participation in the Conference, but also for their major efforts in meeting the deadlines set and in responding so swiftly to our requests. The references to websites in the chapters are correct as of 1 August 2015.

The editors would further wish to express their appreciation to all at Edward Elgar Press for their unfailing patience and all their endeavours to ensure the publication of what we hope is a very successful book arising out of a highly stimulating Conference. Special thanks go to Ben Booth, Laura Mann, David Fairclough and Claire Greenwell.

Over the course of this work, from its original conception to the Dublin Conference, both of us have lost those most dear to us – our parents. We would like to dedicate this work to all four of them; they may be gone but they will never be forgotten.