

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS



With the support of the  
Erasmus+ Programme  
of the European Union



## **Effectiveness of Common Agricultural Policy implementation in Slovakia REPORT**

**August 2021**

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

**Title:** Effectiveness of Common Agricultural Policy Implementation in Slovakia

**Publication type:** Report

**Edited by:** Lucia Palsova and Zuzana Bohatova

**Published by:** Association of Agrarian and Environmental Lawyers

**Year:** 2021



Co-funded by the  
Erasmus+ Programme  
of the European Union



*The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.*

## Obsah

<b>1. Introduction.....</b>	<b>4</b>
<b>2. European Green Deal .....</b>	<b>5</b>
<b>2.1 Organic farming as one of the goals of the European Green Deal .....</b>	<b>8</b>
<b>3. Scientific papers published by the members of the Association .....</b>	<b>9</b>

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

## 1. Introduction

The Common Agricultural Policy is one of the most important common policies of the European Union. Its aim is in accordance with Art. 39, para. 1 of the Treaty on the Functioning of the European Union:

- (a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum use of the factors of production, in particular labour;
- (b) to ensure a fair standard of living for farmers, in particular by increasing the individual earnings of individuals engaged in agriculture;
- (c) stabilize markets;
- d) ensure a proper supply,
- (e) to ensure that supplies reach consumers at reasonable prices.

The 2014-2020 programming period brought the introduction of several legal and economic institutes for the protection of agricultural land as well as for rural development. However, from the point of view of several European Union countries, this was not enough, which is why the Member States of the European Union adopted a new strategy called the **European Green Deal** with the overarching aim of making European climate neutral by 2050.

In the presented “Report 2021”, the Association of Agrarian and Environmental Lawyers summarizes and analyzes the European Green Deal concerning agriculture and identifies the steps of the Slovak Republic in its implementation. The analysis is the result of research activities of individual members of the association who act as experts in the academic and decision-making field and practice.

The report is aimed at a target group consisting of-in addition to local, regional and national policy makers- also farmers, agricultural experts, as well as academics, students and members of the wide public.

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

## 2. European Green Deal

Climate change and environmental degradation pose an existential threat to Europe and the world. For this reason, the European Council in its conclusions of June 2019 called on Member States to step up their efforts to address climate change and called on the Commission to make progress towards a climate-neutral EU in line with the EU's international commitments under the United Nations Framework Convention on Climate Change. Climate Change, known as the Paris Agreement (Doc. 22016A1019(01))<sup>1</sup> and the United Nations' Sustainable Development Goals.

On 11 December 2019, the Commission presented a Communication on a Europe Green Deal. The Green Deal is a new EU growth strategy that sets out a plan for the ecological transformation of the European Union's economy for a sustainable future. Its main goal is to put Europe on the path of transformation into a climate-neutral, fair and prosperous society with a modern and competitive, resource-efficient economy. The reason is that the whole world, including Europe, will have to deal with the increasingly frequent and serious challenges of the environment and climate change. It is the European Green Deal that should be a tool to meet these challenges and turn them into opportunities.

The deal is built upon several “pillars”. Among the most important is a significant **increase in the European Union's climate ambitions** for 2030 and 2050. It will also ensure the supply of **clean and affordable energy**, focusing on strengthening renewable energy production, expanding international cooperation to improve energy infrastructure or combating energy poverty. Another aim is to focus on faster and more efficient development of the **circular economy**, especially in resource-intensive sectors (textiles, construction, electronics and plastics) and have a positive impact on consumer behaviour (preference for reusable durable products). It will also address energy-intensive areas such as the **construction and renovation** of buildings or **transport**, whose share of greenhouse gas emissions is extremely high. The development and subsequent implementation of the “Farm-to-Table” Strategy should in turn lead to more **sustainable food policies** by involving all stages of the food chain.

Achieving these ambitious targets will be extremely costly, especially for Member States that have a history of a worse starting position caused by the massive use of obsolete and non-environmentally friendly energy and heat sources. **The Investment Plan for a Sustainable Europe** is designed to help overcome similar obstacles, which should mobilize investments from European Union resources, including the participation of Member States and the private sector. The total amount of accumulated investments should reach a minimum value of 1 billion EUR. Other European financial instruments for a greener future are the **Modernization Fund** which aims to support investment in modernizing energy systems and improve energy efficiency or the **Innovation Fund** which aims to support innovative solutions in the fields of renewable energy, industry, carbon capture and storage or energy storage.

The agreement was presented on 11 December 2019 in Brussels and is part of a strategy to implement the 2030 Agenda and the commitments made under the Paris Agreement. The objectives of the Europe Green Deal will be legally enshrined in **European climate legislation (Climate Act)**. As part of the European Green Deal, the regulation imposes on the law the goal of achieving climate neutrality

---

<sup>1</sup> The EU and all of its Member States have signed and ratified the United Nations Framework Convention on Climate Change (Paris Agreement), where they have agreed to make the EU the first climate-neutral economy and society by 2050.

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

by 2050. On December 2020, the European Council reaffirmed its commitment to the EU's green transformation. EU leaders have agreed on a new binding EU target to decrease the net domestic greenhouse gas emissions by 55% by 2030 compared to 1990 levels, which is higher than the target of reducing emissions by at least 40% by 2030, agreed in 2014. EU leaders called on the Council and Parliament to take this new goal into account in European climate legislation.

The agreement also includes the **European Climate Pact**, which will serve as a platform for general public participation in the transition to a low-carbon economy. The pact is intended to provoke a wider debate on climate change through various activities and events, to launch real projects in areas such as building renovation, mobility or tree planting, and to bring together all stakeholders to share newly-gained experience and successful examples. The Commission also aims to create a network of climate project ambassadors who will set positive examples in the Member States and mobilize their communities to protect the climate. The initiative was launched on 16 December 2020 via virtual conference, with the participation of EC Executive Vice President Frans Timmermans.

In July 2021, the Commission presented the **Fit for 55** package - a set of proposals and initiatives aimed at revising and updating EU legislation to bring it in line with the EU's 2030 and 2050 climate goals.

The European Green Deal also represents support for measures to combat the COVID-19 pandemic, as a third of the 1.8 billion EUR investment from the Next Generation EU recovery plan will also go to the European Green Deal and will also be financed from the EU's seven-year budget.

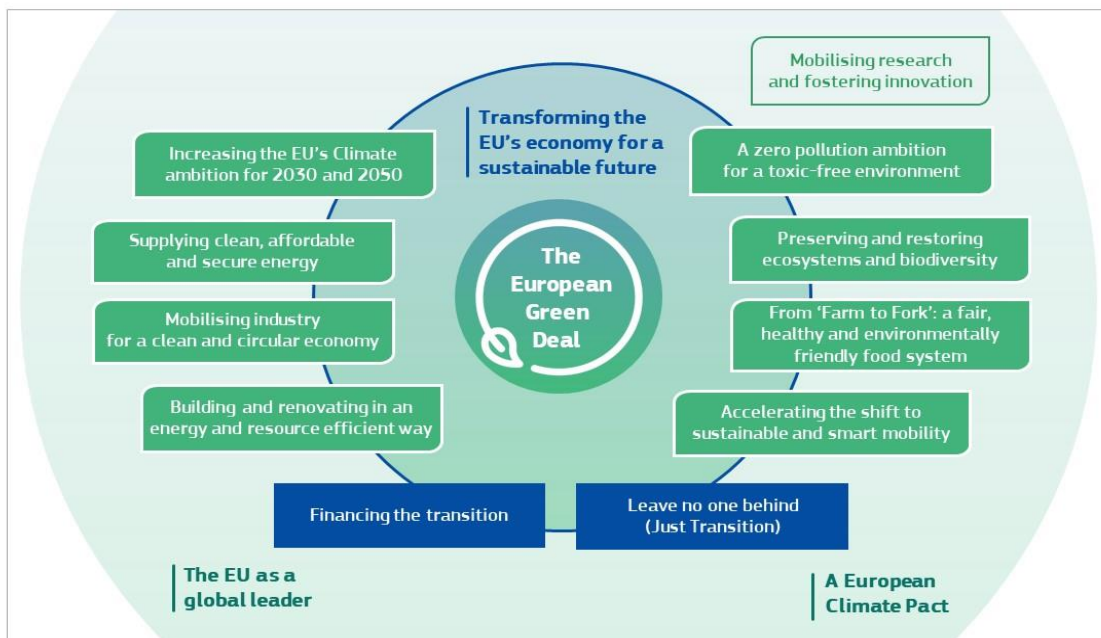


Figure 1 European Green Deal and its goals

Source: Eur-lex, 2021<sup>2</sup>

<sup>2</sup> Available online

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52019DC0640&from=ET>

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

The Green Deal is based on a holistic approach, in which all EU measures and strategies contribute to the objectives of the Green Deal. As Figure 1 shows, the specific strategies related to agriculture are:

1. **EU biodiversity strategy until 2030** pursuing the specific objectives of preserving and restoring ecosystems and biodiversity.

Measures proposed under this strategy include strengthening protected areas in Europe and restoring degraded ecosystems by expanding organic farming, reducing the use and harmfulness of pesticides, and planting trees.

2. Strategy from "**Farm to Fork**": a fair, healthy and environmentally friendly food system.

The strategy aims to help the EU achieve climate neutrality by 2050 by moving the current EU food system towards a sustainable model.

In addition to food safety and food security, the strategy has these main objectives:

- to ensure sufficient affordable and nutritious food within the capacities of our planet;
- ensure sustainable food production, inter alia by significantly reducing the use of pesticides, antimicrobials and fertilizers and by expanding organic farming;
- promote more sustainable food consumption and healthy eating;
- reduce food losses and food waste;
- combat food fraud in the supply chain;
- improve animal welfare.

The strategy includes several initiatives and legislative proposals aimed at:

- **organic farming;**
- **nutrition labeling** and sustainability on the front side of food packaging;
- **reduction of food waste.**

The transition to a greener food system will create new business opportunities, which will have a positive impact on the incomes of agri-food operators.

All of these objectives have become an integral part of the Common Agricultural Policy for the period 2021-2027. In creating the new CAP 2021-2027, the European Commission is aware that the EU's support for farmers is suffering from inequalities and from a lack of targeting and need-oriented criteria. The new CAP proposal addresses this problem only to a limited extent, since the basic mechanism of the I. CAP pillar remains unchanged<sup>3</sup>. In this regard, the approach of the EU to supporting farmers and stimulating Member States to implement this support, will be crucial. In terms of realistic implementation, it is unfortunately necessary to state that the measures of the new programming period have not yet been applied in several EU Member States, including Slovakia.

The significant potential of the agreement to transform the food chain towards sustainable and safe food production is also emphasized by the State Secretary of the Ministry of Agriculture and Rural Development of the Slovak Republic, who also draws attention to the need to assess the impact of strategies on agriculture as well as the preparedness of the agricultural sector to adopt the proposed changes.

---

<sup>3</sup> JONGENEEL, R.A. – SILVIS, H. – POPPE, K. 2018. Research for AGRI Committee - The CAP support beyond 2020. Assessing the future structure of direct payments and the rural development interventions in the light of the EU agricultural and environmental challenges. Brusel : Policy Department for Structural and Cohesion Policies. Directorate-General for Internal Policies. [online]. [cit. 2020-06-01]. Available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617502/IPOL\\_STU\(2018\)617502\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/617502/IPOL_STU(2018)617502_EN.pdf)

# ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

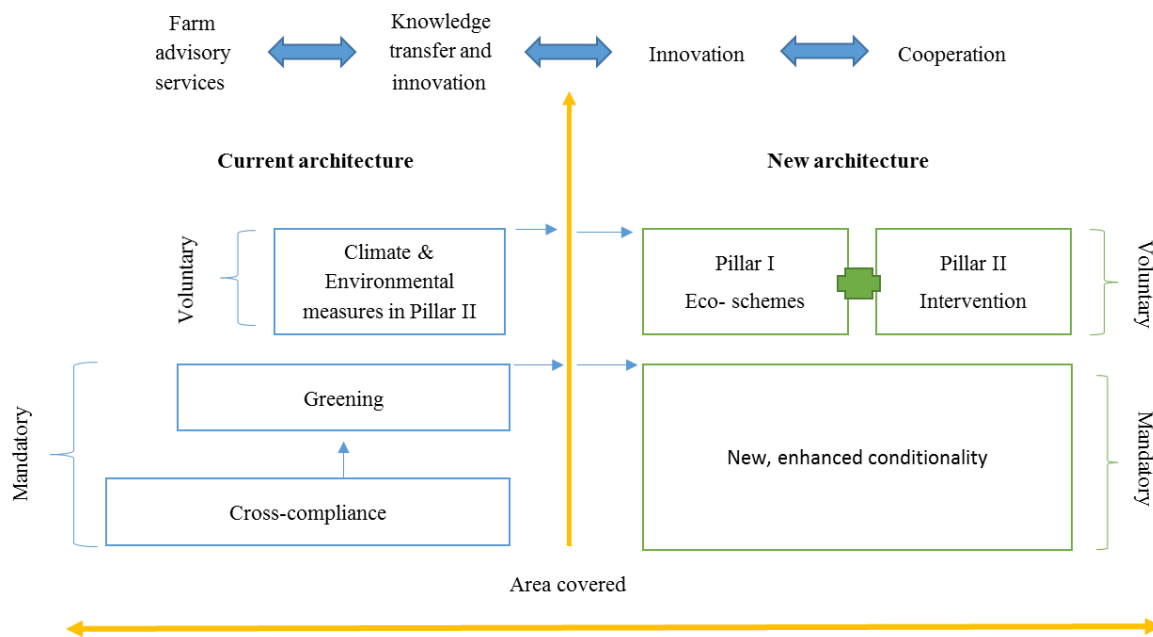


Figure X Green architecture of the CAP

Source: European Commission, 2019<sup>4</sup> processed by Alabreze, M., 2020<sup>5</sup>.

## 2.1 Organic farming as one of the goals of the European Green Deal

Support of organic farming is one of the key objectives of the field of agriculture. Although it is considered an alternative form of agriculture, the Commission is pushing for its active expansion. The main goal is to support organic production so that by 2030 it will reach 25% of agricultural land use in the EU. EU Member States are encouraged to draw up plans for national organic farming. In order to pursue the goal of the “Farm to Fork” strategy, an **Action Plan for Organic Farming** has been prepared and presented, which defines a set of measures to increase the share of organic farming in the EU.

The action plan is broken into three interlinked axes that reflect the structure of the food supply chain and ambitions of the Green Deal sustainability objectives:

**Axis 1:** stimulate demand and ensure consumer trust

**Axis 2:** stimulate conversion and reinforce the entire value chain

**Axis 3:** organics leading by example: improve the contribution of organic farming to environmental sustainability

In July 2021, the Council adopted conclusions on an action plan proposed by the Commission. EU ministers agreed on the following main points:

- organic farming is important for the sustainability of European agriculture;

<sup>4</sup> EUREPAN COMMISSION. 2019. Round tables on the green architecture of the CAP. [online]. [cit. 2020-04-19]. Available at [https://ec.europa.eu/info/events/round-tables-green-architecture-cap-2019-oct-09\\_en](https://ec.europa.eu/info/events/round-tables-green-architecture-cap-2019-oct-09_en)

<sup>5</sup> ALABREZE, M. 2020. Climate Change and Agriculture in the EU Policy Pathways. Presentation in the international conference: III CEDR Mediterranean Forum. Which Common Agricultural Policy for the future after Brexit? A dialogue between market, financial and environmental sustainability. Rome, 2020.



## ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

- the development of organic production helps to secure income and create jobs;
- balancing the demand for and supply of organic products ensures the profitability of the sector;
- the specificities and different situations in the Member States need to be taken into account when defining objectives and interventions;
- The involvement of public and private stakeholders is crucial to achieving the objectives of the strategy.

When it comes to the implementation of the Action Plan, the financial support for organics will continue to be offered through rural development commitments, with an additional stream of funding made available through eco-schemes. CAP support will also include technical assistance and the exchange of best practices and innovations in organics. Farm advisory services will be strengthened, notably as part of Agricultural Knowledge and Innovation Systems, to promote relevant knowledge exchange.

To support the ambitions of the action plan, the Commission intends to dedicate at least 30% of the budget for research and innovation actions in the field of agriculture, forestry and rural areas to topics specific to or relevant for the organic sector, such as increased crop yields, genetic biodiversity and alternatives to contentious products.

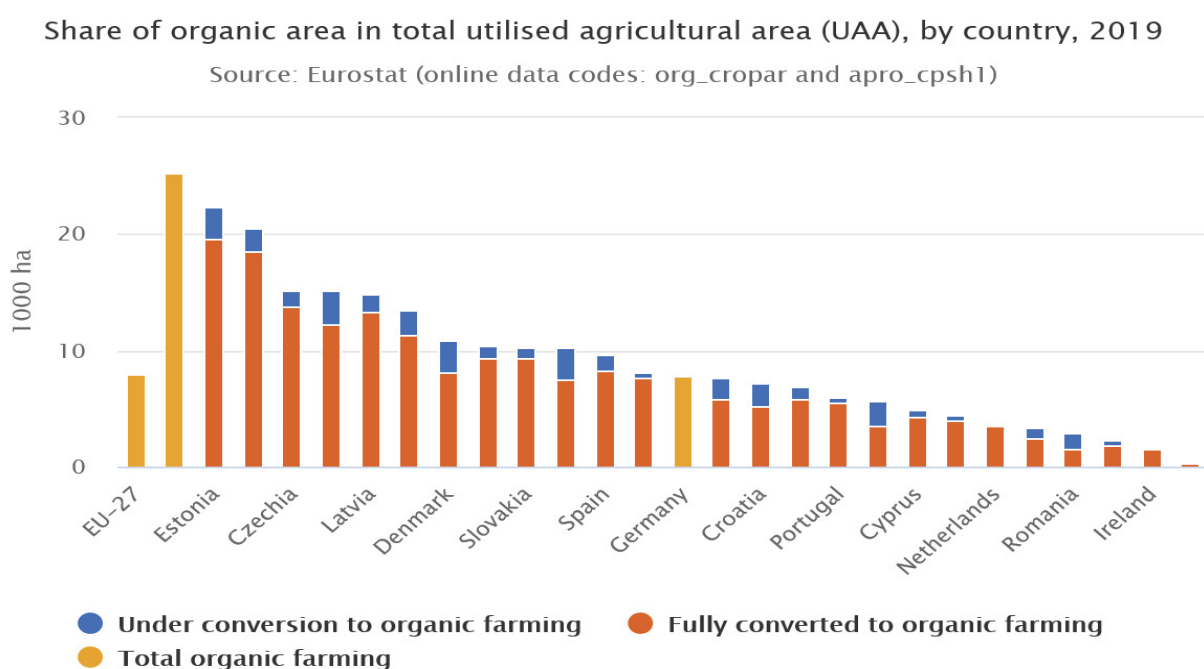


Figure X Share of organic area in total utilised agricultural area, 2019.

Source: Eurostat, 2021.

### 3. Scientific papers published by the members of the Association

- I. Agricultural land market regulations in the EU Member States : Final report on Data and information on agricultural land market regulations across EU MS / Liesbet Vranken ...

## ASSOCIATION OF AGRARIAN AND ENVIRONMENTAL LAWYERS

- [et al.]. -- Luxembourg Publications Office of the European Union 2021. -- 118 s. -- Under the AgEconEurope II Framework Contract 935680-2018-A08-NL.
- II. Založenie farmy - manuál / Anna Bandlerová ... [et al.] ; recenzenti Ondrej Beňuš, Eleonóra Marišová. -- 1. vyd. -- Nitra : 2021 Vydavateľstvo SPU v Nitre. -- 59 s. : obr., tab. -- 611792-EPP-1-2019-1-SK-EPPJMO-SUPPA (Efektívnosť implementácie spoločnej poľnohospodárskej politiky na Slovensku, Jean Monnet). -- ISBN : 978-80-552-2337-7 (brož.).
- III. Land concentration and Land Grabbing Processes - evidence from Slovakia [elektronický zdroj] / Lucia Pašová, Anna Bandlerová, Zina Machničová. -- ilustr. -- Popis urobený 23.8.2021. -- Vydané v rámci projektu VEGA 1/0220/1.In: Land. -- ISSN 2073-445X online. -- Vol. 10, no. 8 (2021), art. no. 873 [16] s. -- 10.3390/land10080873.
- IV. Risk factors affecting animal and human health / Anna Bandlerová ... [et al.] ; reviewers Ivan Takáč, Robert Stawarz. -- 1. vyd. -- Nitra : Slovenská poľnohospodárska univerzita, 2021. -- 55 s. : ilustr., tab. -- Vydané v rámci projektu Jean Monnet Activities no. 621119-EPP-1-2020-1-SK-EPPJMO-PROJECT. -- ISBN : 978-80-552-2382-7.
- V. Negative phenomenon of the land grabbing? Assumptions, causes and possible impacts of its existence, literature review [elektronický zdroj] / Zina Machničová, Lucia Pašová. -- Popis urobený 13.7.2021. -- Abstrakt článku vyšiel v zborníku abstraktov z tejto konferencie s ISBN 978-80-552-2341-4, na str. 18.In: EU Intellectual Property (Innovations and Intellectual Property in various fields of human life). -- 1st ed.. -- 1 CD-ROM (159 s.). -- 978-80-552-2339-1 EU Intellectual Property. -- Nitra : Slovak University of Agriculture, 2021. -- S. 129-140.
- VI. Quality soil and healthy food in the Jean Monnet project [elektronický zdroj] = Kvalita pôdy a zdravé potraviny v projektoch Jean Monnet / Zuzana Bohátová, Lucia Pašová, Norbert Floriš. -- ilustr. -- Popis urobený 12.8.2021.In: EU agrarian Law. -- ISSN 1339-9276. -- Vol. 10, iss. 1 (2021), s. 17-19. -- 10.2478/eual-2021-0003.
- VII. Land concentration and Land Grabbing Processes - evidence from Slovakia [elektronický zdroj] / Lucia Pašová, Anna Bandlerová, Zina Machničová. -- ilustr. -- Popis urobený 23.8.2021. -- Vydané v rámci projektu VEGA 1/0220/1.In: Land. -- ISSN 2073-445X online. -- Vol. 10, no. 8 (2021), art. no. 873 [16] s. -- 10.3390/land10080873.
- VIII. Ako napísať a implementovať úspešný projekt v rámci výziev Spoločnej poľnohospodárskej politiky - manuál / Ivan Takáč, Lucia Pašová ; recenzenti Anna Bandlerová, Loreta Schwarczová. -- 1. vyd. -- Nitra : 2021 Vydavateľstvo SPU v Nitre. -- 133 s. : obr., tab. -- 611792-EPP-1-2019-1-SK-EPPJMO-SUPPA (Efektívnosť implementácie spoločnej poľnohospodárskej politiky na Slovensku, Jean Monnet). -- ISBN : 978-80-552-2357-5 (brož.).
- IX. The development of economic and social indicators in V4 countries / Pavol Schwarcz, Marián Kováčik, Maroš Valach. -- ilustr., tab. -- 11-GASPU-2018.In: Acta Polytechnica Hungarica. -- ISSN 1785-8860. -- Vol. 18, no. 2 (2021), s. 47-68. -- 10.12700/APH.18.2.2021.2.3. -- . --.