

THE EU COMMON AGRICULTURAL POLICY AFTER 2020

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The EU Common Agricultural Policy (CAP) has a long story of implementation, starting as one of the first common policy of the European Communities still in 1962 and continuing to be among the most important Union policy. In its dynamic history, CAP passed through several reforms made with the aim to better meet the current needs and developments of the agricultural sector in the EU. Starting with the sole purpose to provide enough food for the European population, in less than 2 decades CAP had to meeting the challenge of overproduction, then answer the public need for higher quality and safety food. When the society awareness of the importance of protection of environment and climate change mitigation increased, agricultural policy was enriched with additional objectives which can contribute to the newly identified public priorities. With 2020 approaching and the negotiations for the next Multiannual Financial Framework of the EU started, time comes for discussion of the agricultural policy to be implemented after 2020. The European Commission (EC) presented its vision as well as concrete legal proposals. No fundamental changes in the policy instruments are introduced. The novelties are related mainly with the implementation and what the EC called a move from rules and compliance to results and performance. MS have to identify their specific needs and in a comprehensive CAP Strategic plan demonstrate how, by using the whole CAP instrumentarium, can meet their needs and at the same time fulfilling the common policy objectives, set by the EU law.

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JEL Classification: Q 17, Q 18.

Introduction

The Common Agricultural Policy (CAP) is one of the oldest policies of the European Union (EU). Its foundations can be identified in the Treaty of Rome establishing the European Economic Community, signed on 25 March 1957, which sets out the main policy objectives - ensuring sufficient amount of food at affordable prices for EU citizens and ensuring a good standard of living of farmers as it is mentioned in the Article 39 of the Treaty on the Functioning of the European Union (Official Journal of the European Union, 2016). It can be said that the objectives of the CAP initially set by the Treaty of Rome remain valid for the whole more than 50-years of policy's implementation.

In parallel with maintaining its identity and objectives, CAP was gradually adapting its priorities and instruments according to the current needs and development of the agricultural sector in the EU. Over the past 50 years, the CAP has been undergoing a series of reforms. In the first years of implementation (after the World War II), the CAP is geared to boost the local agricultural production through price support and protection from international competition. It relies mainly on market mechanisms such as guaranteed minimum prices, intervention measures, export subsidies and variable duties. In relatively short period the high guaranteed prices in combination with the technological development lead to overproduction and high policy costs. Even at this early year of policy implementation various analysis identified deficiencies, which are continuedly addressed in the future reforms, like greater benefit to large farms at the expense of small ones, trade disturbances with third countries, poor farm structure and insufficient level of technology (Grant, 1997).

The first radical reform of the CAP, the so called MacSharry reform, was made in 1992. The most important novelty was the introduction of direct payments (determined by area, headage of animal or tone) as compensation for reduced guaranteed prices. First step for Rural Development policy introduction was made via measures to remove older farmers from farming, agri-environmental schemes and promotion of land use for other purposes (afforestation, tourism). MacSharry's reform is seen as a real break with the past, as it is for the first time accepted that the price support system is not a successful way to conduct the Union's agricultural policy and proceeds to its gradual replacement with direct support (Nicoll & Salmon, 2001). Internationally, the reform shows EU is ready to work towards reaching an agreement in the GATT negotiations on trade with agricultural products. The main criticism of the reform is the still high cost of the policy, which encourages intensive agricultural production, considered as destructive for the environment technology (Grant, 1997).

Reflecting the public concerns about environmental protection and food safety, as well as trying to make the policy neutral related to farmers' market orientation, the next big reform of the CAP, the 2013 Fischler Reform, introduced decoupled direct payments, linked with fulfilment of a number of requirements aimed at protection of the environment, natural resources, rural landscapes, ensuring food safety, humans, animals and plants health, animal

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welfare (cross-compliance requirements). Modulation was introduced to redirect resources for rural development by reducing direct support to bigger farms (receiving more than € 5,000).

Fischler Reform is considered as the most ambitious in the history of the CAP, which decoupled farmers support from production and link it with publicly acknowledged priorities (public goods) such as environment protection, food safety and animal welfare. This approach has been widened and strengthened in the Post-2013 CAP, which together with the main accent on strengthening the environmental and climate contribution of the CAP (by the so-called Greening), provided for instruments for better targeting of support to active, small and young farmers and vulnerable agricultural sub-sectors and brought better flexibility for Member States to make use of the new instrumentarium.

With 2020 approaching, having the experience of few years of implementation of the Post-2013 CAP and after the Mid-term review of the policy, finalized with the adoption of the Omnibus Regulation, time comes for formulation and wide discussion of the agricultural policy of the Union to be implemented after 2020 (Official Journal of the European Union, 2017).

1. The future of the EU Common Agricultural Policy after 2020

Formulation of a new policy is a long process in the EU which involves not only the Union institutions like the European Commission and European Parliament, but also all 28 Member States. That requires time, efforts and a lot of compromises. Each policy development is directly related to budgeting. Since CAP has always received a significant portion of the EU budget, reviewing and updating the policy in most cases is related to the 7 years cycle of the EU Multiannual Financial Framework.

The discussions for the agricultural policy in the EU after 2020 already started in 2017. The vision for the post-2020 CAP was announced by the EC on 29th of November 2017 by publishing the Communication “The Future of Food and Farming” (European Commission, 2017). In the communication the validity of the Treaty’s objectives of the CAP are confirmed, the stronger orientation of the policy in the last decades on the environment, climate and the wider rural context in which farming operates is underlined and the need for CAP to play an essential role in realizing the Union’s priorities (so called Juncker priorities) is emphasized, especially:

- boosting quality employment, growth and investment;
- harnessing the potential of the Energy Union, the circular economy and the bio-economy while bolstering environmental care and fighting and adapting to climate change;
- bringing research and innovation out of the labs and onto the fields and markets;
- fully connecting farmers and the countryside to the digital economy; and
- contributing to the European Commission’s agenda on migration.

The forthcoming reform has been described by the EU Commissioner for Agriculture and Rural Development Hogan as an evolution rather than a revolution. The motto of the reform is simplification of the policy and result orientation. The reactions to the Communication from EU institutions (European Parliament, European Economic and Social Committee) as well as from the Member States have been mixed – from being a good basis for further discussions, putting the main questions on the table and providing a new path for the policy, to being too vague, not providing answering to all important questions, not containing enough novelties in time when they are needed.

The independent evaluations are also mixed. Although the Communication contains a “revolutionary novelty” like introduction of a single ‘CAP Strategic Plan’ for both pillars, the need to justify direct payments and market measures, the changes in environmental and climate policy and priority to the role of knowledge and innovation supporting sustainable agriculture, finally it is a text that reads nicely, but leaves the reader empty and doubting the seriousness of the European Commission’s intentions (Erjavec & Rac, 2017).

According to other author the Communication sketches out a vision for the direction of travel, but leaves many unanswered questions, particularly with respect to how the new delivery model would work in practice (Matthews, 2018).

The new delivery model gives Member States greater flexibility in the design of CAP instruments, still there are well grounded doubts that the higher level of environmental and climate ambition, which the Communication sets as necessary, will be targeted and then realized by the Member States.

After the Communication, the next logical step by the EC was elaboration of the legal framework. At the beginning of June 2018, the EC presented at the Council of the EU and the Parliament the legal proposals defining the CAP after 2020 (European Commission, 2018).

The two pillars are united under the policy **general objectives** set in the draft regulations. Although put in new words, general policy objectives do not distinguish much from the main strategic aims defined by the EC for the currently applied policy:

- foster a smart and resilient agricultural sector;
 - bolster environmental care and climate action and to contribute to the environmental and climate objectives of the EU;
 - strengthening the socio-economic fabric of rural areas (European Commission, 2010a).
- The achievement of the general objectives shall be pursued through the **9 specific objectives**:
- support viable farm income and resilience across the Union to enhance food security;

- enhance market orientation and increase competitiveness, including greater focus on research, technology and digitalization;
- improve the farmers' position in the value chain;
- contribute to climate change mitigation and adaptation, as well as sustainable energy;
- foster sustainable development and efficient management of natural resources such as water, soil and air;
- contribute to the protection of biodiversity, enhance ecosystem services and preserve habitats and landscapes;
- attract young farmers and facilitate business development in rural areas;
- promote employment, growth, social inclusion and local development in rural areas, including bio-economy and sustainable forestry;
- improve the response of EU agriculture to societal demands on food and health, including safe, nutritious and sustainable food, food waste, as well as animal welfare.

One of the most important novelty is refocusing the policy **from rules and compliance to results and performance**. A new approach is foreseen to be applied by giving greater freedom to Member States to decide how best to meet the common objectives at the same time as responding to the specific needs of their farmers, rural communities and the society as a whole. At EU level, the focus will be on setting common objectives, listing interventions and a set of measures, indicators to assess progress and at the same time keeping the responsibility for protection of the single market and a level playing field for all farmers in the Union.

Member States will be able to adopt the tools to their own specific conditions by elaboration a comprehensive **CAP Strategic Plan** in which, based on an extensive analysis of their needs, will define a strategy how will meet these needs, in line with the overall EU objectives, by using actions under both pillars. The plans will also set the specific country targets for reaching the EU objectives. The progress towards achieving the objectives will be verified by the EC. The CAP Strategic Plan will have to be approved by the Commission.

2. Main instruments in the CAP after 2020

The two pillars structure of the CAP is kept and the main instruments of the policy – direct payments, market measures and rural development are preserved, enriched and strengthened in certain directions. The most important fragment is the need for streamlining all the instruments on national level for achieving the Union objectives and national targets. The element of simplification is expected to be achieve by defining the modality of the implemented instruments on national level, within the EU regulations' framework.

2.1. Direct payments

Direct payments are preserved as a central instrument for income support, important part of the basic safety net for the farmers and significant support for farmers' competitiveness. The new CAP legislation does not foresee major changes in the type of measures and support schemes for direct payments. The stress is put on reinforcement and strengthening of measures introduced within the 2013 reform, which implementation were diluted or non-applied by the Member Stated due to their voluntary character or greater flexibility. The main priorities related to direct payments are better targeting of support, attract young people in farming, enhance environmental and climate mitigation aspects of the policy, continue coupled support for important sectors, which are in difficulties.

The decoupled direct payments, defined in the draft EU regulation as “basic income support for sustainability” will be based on hectare eligible land, which is under agricultural production or in state suitable for grazing or cultivation, without significant preparatory actions. The support will continue to be provided under the Single payments scheme (for the old MS) and Single area payment scheme (in the new MS).

The efforts for better targeting of the support started in the 2013 reform of the CAP are planned to be reinforced by obligatory implementation of reduction of payments and capping, redistribute payment and provision of support strictly to genuine farmers.

The proposal for obligatory reduction of payments is rather ambitious starting with decrease:

- by at least 25% for the tranche between EUR 60 000 and EUR 75 000;
- by at least 50% for the tranche between EUR 75 000 and EUR 90 000;
- by at least 75% for the tranche between EUR 90 000 and EUR 100 000;
- by 100% for the amount exceeding EUR 100 000 (capping).

In order to stimulate labor intensive production, labor costs shall be subtract from the amount of direct payments before application of the reduction.

All MS will be obliged to apply redistributive direct payment – an additional annual decoupled payment per eligible hectare for the first number of hectors to be defined by the MS of all applicants. The purpose is redistribution of support from bigger to smaller or medium-sized farms. Member States shall establish an amount per hectare as well as the maximum number of hectares per farmer for which the redistributive income support shall be paid. This type of support was introduced with the 2013 CAP reform as a voluntary support scheme, which is currently applied only in 8 of the MS.

Additional efforts from the MS are expected with the aim to target the support only to genuine farmers. The definition of genuine farmer must ensure that no support can be granted to those whose agricultural activity forms only an insignificant part of their overall economic activities or those whose principal business activity is not agricultural.

This requirement responds to the currently applied condition for providing direct support to active farmer. The legal framework in force gave certain flexibility for MS in implementation of the active farmer requirement. Due to the difficulties in its implementation, with the mid-term review of the policy in 2017 and the Omnibus regulation the implementation of the active farmer definition was made voluntary.

Attracting young people into the agricultural sector remains one of the main priorities of the CAP post-2020. Several measures are made available for the MS, some mandatory, others voluntary. Member States are obliged to use at least 2% of their national financial ceiling for direct payments to support young farmers – agricultural producer up to 40 years old, who is setting for the first time an agricultural holding. The payment could be either in the form of a top-up payment in addition to their basic income support or through grants up to 100 000 euro as part of Rural Development measures. In addition Rural development funding can be used to improve access to land of young farmers and land transfer by farm partnerships between generations of farmers; farm succession or transition planning services; brokerage for land acquisition; innovative national or regional organisations engaged in promoting and facilitating matching services between young and old farmers. Member States will also be allowed to establish financial instruments supporting working capital for young farmers.

Environmental and climate mitigation aspects of the CAP are marked with highest level of priority. The main objectives are identified on EU level, in compliance with the international commitments undertaken by the EU. Then, in their CAP Strategic Plans, Member States have to identify how they intend to meet the objectives by using funding from both CAP pillars.

To reflect this important priority, the Commission presented the so called “New greening architecture”, which includes a number of instruments under both pillars of the CAP:

a. A new system of enhanced “conditionality”, which will replace the current system of cross-compliance¹ together with the greening requirements². The system will be mandatory for farmers, a prerequisite for all farmers to receive income support and other area and animal based payments. The conditionalities (standards and requirements structured similarly to cross compliance) will consist of Statutory Management Requirements and Standards of good agricultural and environmental conditions. The strengthened element in the new conditionalities is mostly related to environment and climate change mitigation – Water Framework Directive and Sustainable Use of Pesticides Directive implementation, disease notification, protection of wetland and peatland, crop rotation, others.

The new conditionality standards have to be included in the country’s CAP Strategic Plan and approved by the Commission. The flexibilities for the MS will allow better adaptation of the rules to the local conditions which will also make them easier to accept by farmers. The control and the penalties will also be defined by the MS. The practice by now shows that the cross compliance and greening requirements have always provoked the most significant difficulties for farmers. Although streamlined, it could hardly be expected that the substantial number of requirements under the new conditionality will be easily accepted and implemented by farmers. In the future it will depend even more on the national administrations to identify the right requirements, to communicate them properly to farmers and then ensure control system which is effective and can satisfy the requirements and the audit by the EC.

b. A new, so-called “eco-schemes”, funded from the direct payment allocations, which will be mandatory for the Member States to be introduced in the Strategic plan, but voluntary for farmers to participate. These eco-schemes will have to address the CAP environment and climate objectives in ways that complement the other relevant tools available and go beyond what is already requested under the conditionality requirements (for example eco-scheme to fund zero use of fertilisers in order to improve water quality);

c. Member States will have to use at least 30% of their rural development budget to environment and climate measures, so-called “agri-environment-climate commitments” which will again be mandatory for Member States to offer but voluntary for farmers to participate. Rural development budgets can also be used to fund other actions such as knowledge transfer, eco-friendly investments, innovation and co-operation.

Coupled support for certain sectors undergoing difficulties will continue to be applied with the aim to improve sector’s competitiveness, sustainability or quality. These sectors must be considered important for economic, social or environmental reasons. The Commission is proposing to maintain the existing list of potentially eligible sectors³ (those that have been eligible since 2013) and adding non-food crops used for products that have the potential to substitute fossil fuels. Member States can allocate a maximum of 10% of their direct payments to coupled, plus additional 2% for protein crops income. In the 2013 CAP reform the percentage was set at 13% plus 2% for protein crops.

¹ Cross-compliance is a mechanism introduced in 2015 that links financial support received by farmers with compliance with basic standards concerning the environment, food safety, animal and plant health and animal welfare, as well as the requirement of maintaining land in good agricultural and environmental condition.

² Greening is a new instrument introduced within the reform of the CAP in 2013, complementing Cross compliance requirements, which has been considered as non-sufficient contribution of farmers for protection of environment and natural resources. Greening requires all farmers to bring additional ecological benefits for the society by respecting three greening practices - crop diversification, keeping ecological focus area on the agricultural area and maintaining permanent grassland.

³ Cereals, oilseeds, protein crops, grain legumes, flax, hemp, rice, nuts, starch potato, milk and milk products, seeds, sheepmeat and goatmeat, beef and veal, olive oil, silkworms, dried fodder, hops, sugar beet, cane and chicory, fruit and vegetables, short rotation coppice

Although relatively small part of the direct payments ceiling could be provided for coupled support (due to the WTO commitments of the EU), the instrument is considered as very important in the majority of the MS, which is evident by the fact that it is applied by 27 out of 28 MS (only Germany is not applying coupled payments). The most popular sectors to be supported are beef and veal, milk, sheep and goats, fruits and vegetable sectors, protein crops, sugar beet. The diversity of schemes is immense. The new element is the need MS to incorporate coupled support measures in their CAP Strategic Plan and link them with the CAP objectives and based them on the identified national needs.

2.2. Rural Development

Rural Development policy will keep its importance and scope of interventions after 2020 with greater focus on knowledge and innovations. With the proposal by the EC for including the direct payments schemes and the rural development measures in a single CAP strategic plan, better planning, synergy and coordination between the interventions under the two pillars is sought. In a way the approach of rural development programming will be spread to the instruments under both pillars of the CAP. The essential question in this exercise is attaining simplification in the programming and reporting process, which is expected to be achieved via the new approach – setting the broad objectives at EU level and more flexibility for Member States to tailor their actions to their specific needs.

Due to the decrease of financing of the CAP, especially for the rural development part, the co-financing rate for Member States is increased which will allow them to maintain the ambition in the level of investment in rural areas. Less developed regions will continue to benefit from higher co-financing rates, which will also apply to certain interventions such as LEADER and the payments for management commitments. The future rural development funding is planned to be targeted at where it can bring real added value – the development of the local, rural and agricultural economy, leaving other EU funds (structural and cohesion) to focus on large infrastructure projects, including broadband.

For the sake of simplification and increased flexibilities, the current about 70 rural development measures and sub-measures are replaced by eight types for interventions:

- (a) environmental, climate and other management commitments;
- (b) natural or other area-specific constraints;
- (c) Area-specific disadvantages resulting from certain mandatory requirements;
- (d) investments;
- (e) installation of young farmers and rural business start-up;
- (f) risk management tools;
- (g) cooperation;
- (h) knowledge exchange and information.

An important part of the rural development measures obligatory for the MS to implement is risk management tools aimed to help farmers to manage production- and income-related risks which are outside their control. This type of support, which will be in the form of financial contributions to premiums for insurance schemes and mutual funds, encompassing both production and income risks, will be mandatory for all Member States. Support for different actions such as investments and training to help farmers prevent risks or to deal with their consequences will also be mandatory under rural development. On EU-level a platform on risk management, in the form of a single multi-stakeholder hub, will be set up to help all the actors involved, from farmers and public authorities to research institutes and the private sector, share knowledge and exchange experience and best practice. It will also be possible to use financial instruments to facilitate access to working capital, for example to help farmers overcome a temporary shortage of liquidity caused by an unexpected crisis.

2.3. Farm advisory services

Significant element of the future CAP is the obligation for the Member States to make available to farmers a strengthened system of farm advisory services as a tool for improving the sustainable management and overall performance of agricultural holdings and rural businesses and facilitating delivery of up to date technological and scientific information developed by research and innovation. These farm advisory services should help farmers and other beneficiaries of CAP support to become more aware of the relationship between farm management and land management on the one hand, and certain standards, requirements and information, including environmental and climate ones, on the other hand. On national level, the CAP Strategic Plan should show how advisory services, research and rural networks will work together.

According to the draft regulation farm advisory services shall cover at least the following:

- all requirements, conditions and management commitments applying to farmers and other beneficiaries set in the CAP Strategic Plan, including requirements and standards under conditionality and conditions for support schemes as well as information on financial instruments and business plans established under the CAP Strategic Plan;
- the requirements as defined by Member States related to protection of water, biodiversity and landscape, climate change mitigation, usage of plant protection products;
- farm practices preventing the development of antimicrobial resistance¹;

¹ *The practices defined in the "A European One Health Action Plan against Antimicrobial Resistance (AMR)" (COM(2017) 339 final).*

- risk management;
- innovation support and development of digital technologies in agriculture and rural areas.

Farm advisory services should be strengthened within the Agricultural Knowledge and Innovation Systems (AKIS)¹. Member States should integrate advisors within the AKIS, in order to be able to deliver to farmers up-to-date technological and scientific information developed by research and innovation.

Conclusion

The CAP as proposed by the EC reflects what have been defined by Commissioner Hogan as evolution – no significant changes in the instruments to be implemented but enhancing the requirements and strengthening their implementation. The main novelty is the approach in the implementation, defined as moving from compliance to result orientation and the requirement all MS to have their Strategic plan identifying the national needs and combining all available CAP instruments for meeting the needs. Still, to keep the policy as a common one, to address the well based doubts for “nationalization” of the policy and having in mind that the majority of the financing is coming from the EU budget, the general objectives which need to be pursued by all MS are set on the EU level.

With this approach the EC is providing great (actively asked by the MS) flexibility for the countries in shaping their national agricultural policy. This goes with the responsibility for ensuring effective implementation and reaching the set targets and the defined results. Otherwise, the EU financing could be reduced and the projected development could be further jeopardized.

The greater flexibility frees the EC from the need to define detail requirements related to all policy measures, including controls and sanctions and thus being held directly responsible (in some cases blamed) for defining requirements which are not relevant for the concrete country or region. On the other hand, much greater capacity of the national administrations will be necessary, to be able to replace some of the functions of the EC, elaborate effective national rules and ensure the necessary level of control. This could be a big challenge, especially for newer MS and countries with traditionally not very strong administration.

For the EC stays the important responsibility to ensure level playing field for all farmers in the EU and to protect the internal market, which will not be an easy job having in mind the diversity in implementation which could be expected and the ambition of the MS in protecting the interest of their farmers, in some cases neglecting the common EU rules.

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¹ The concept of Agriculture Knowledge and Innovation Systems (AKIS) is used to describe how people and organisations join together to promote mutual learning, to generate, share, and use agriculture related knowledge and information. AKIS can include farming practice, businesses, authorities, research, etc. and can vary a lot, depending on the country or sector. More information can be found on https://ec.europa.eu/eip/agriculture/sites/agri-eip/files/eip-agri_brochure_knowledge_systems_2018_en_web.pdf

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