

Environmental policy and agriculture: Principle of integration

¹Ruxandra M. Petrescu-Mag, ²Aurel Maxim, ²Dan Vârban, ²Marian Proorocu, ²Antonia Odagiu, ²Tania Mihăiescu

¹Babeş-Bolyai University, Faculty of Environmental Sciences and Engineering, Cluj-Napoca, Romania, European Union; ²University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca, Romania, European Union.

Corresponding author: R.M.Petrescu-Mag, malina.petrescu@ubbcluj.ro

Abstract. The paper focuses on one of the basic principles of EU environmental policy and law: principle of integration of environmental concerns into other areas of policy; thereby, it has been shown how environmental objectives are more and more considered in many areas of policies, with a special focus on CAP. This is a brief overview of new measures of "greening" EU agriculture, especially in the light of four reforming CAP Basic Regulations adopted on December 2013 by the Council of EU Agriculture Ministers. This paper represents a starting point for future research topics dedicated to this principle, widely considered by scientific literature as being vague.

Key Words: environment, agriculture, policy, legislation, principle, integration.

Introduction. The principles and rules of international environmental law are set forth or reflected in thousands of acts adopted at national, regional, global level (Petrescu-Mag et al 2013). It is considered principles are more widely used in international environmental law than in other field of international law. They can indicate the essential characteristics of legal institutions, designate fundamental legal norms, or fill gaps in positive law (Kiss & Shelton 2007). Next to the principle of intergenerational equity, the principle of sustainable use, the principle of equitable use, the principle of integration is considered as being derived from the principle of sustainable development, a "distilled" form of it (Efeakpor 2013; Veinla 2005) or as a key defining feature of sustainable development (Lafferty & Hovden 2003). The integration of environmental concerns into other areas of policy has achieved the status of one of the basic principles of EU environmental policy and law and it has been recognized as one of the cornerstones of modern environmental policy and law (Veinla 2008). The origin of this provision can be found in Principle 13 of the 1972 Declaration of the United Nations Conference on the Human Environment and it reads: "In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population". One of the greatest achievements of the Stockholm Declaration is that it acknowledges the strong relationship between environmental protection and economic development (Jans 2011). Later, this connection was reflected in Principle 4 of the Rio Declaration on Environment and Development, 1992, by proclaiming the following: "In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it". Treaty on the Functioning of the EU (TFEU) contains this principle in article 11, placing it at the very frontispiece of the document.

Material and Method. The paper is based on analysis of public documents, reports of European institutions, scientific literature. There were several steps undertaken in the development of the paper: setting the research topic; specifying the overall objective of the paper; documenting; analysing the role that principle of integration plays in developing new CAP (Common Agriculture Policy) development pathways, trends, conclusions; drafting the work.

Common Agriculture Policy and the principle of environmental integration. As an example of integration, common agricultural policy can be highlighted. Article 39 of Treaty on the Functioning of the EU sets the objectives of the CAP. They shall be:

(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

(b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;

(c) to stabilise markets;

(d) to assure the availability of supplies;

(e) to ensure that supplies reach consumers at reasonable prices.

As can be seen, the general objectives for the CAP are all economic/market-related, and in addition, articles 40-42, aim at ensuring the establishment of a common market. But, in the last decades, the Common Agricultural Policy has been confronted with new challenges regarding food security, environment, social and territorial balance. Agriculture and forestry play a key role in producing public goods, notably environmental such as landscapes, farm land biodiversity, climate stability and greater resilience to natural disasters such as flooding, drought and fire. At the same time, many farming practices have the potential to put pressure on the environment, leading to soil depletion, water shortages and pollution, and loss of wildlife habitats and biodiversity. To be effective in addressing these challenges, the CAP needs to operate within the context of sound economic policies and sustainable public finances contributing to the achievement of the objectives of the EU (European Commission 2010). It may be argued that the objectives named in article 39, alignment 1, point a) and d) are, to some extent, connected to the objectives of environmental protection and conservation (Petrescu-Mag & Oroian 2013). Nevertheless, we go further and we must make reference to article 11 of the TFEU (former art. 6 TEC). This promotes environmental policy as cross-cutting policy of the EU and thus, it emphasizes the need to integrate environmental protection requirements into the definition and implementation of EU sectoral policies: "Environmental protection requirements must be integrated into the definition and implementation of Union's policies and activities, especially for the promotion of sustainable development". The European Court of Justice has ruled, in the case Greece v. Council, that it is a binding obligation and that environment-related requirements must be integrated into the other policies (ground 20): «(...), that interpretation is confirmed by the second sentence of Article 130r(2), pursuant to which "environmental protection requirements shall be a component of the Community' s other policies". That provision, which reflects the principle whereby all Community measures must satisfy the requirements of environmental protection, implies that a Community measure cannot be part of Community action on environmental matters merely because it takes account of those requirements"» (European Court reports 1990). Title XX of TFUE (art. 191) proclaims Union policy on the environment shall contribute to pursuit of the following objectives: preserving, protecting and improving the quality of the environment, protecting human health, prudent and rational utilization of natural resources, promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change. These goals should be considered in shaping and development of the EU policy directions.

Greening Europe's agriculture. Over time, agricultural policies have reflected the importance of the environment in the development of new policy directions. The 1992 CAP reform discouraged intensive production, by reducing surpluses and by including

organic farming programs and afforestation. On January 2000, the European Commission published a policy document "Indicators for integrating environmental issues into the CAP", which identified a set of agri-environmental indicators to serve the following purposes (Commission of the European Communities 2000): to provide information on the state of the environment in agriculture; to understand and monitor the linkages between agricultural practices and their effects on environment; to provide contextual information, particularly concerning the diversity of the EU's agriecosystems; to assess the extent to which agricultural and rural development policies promote environment friendly farming activities and sustainable agriculture; to inform stakeholders on the global assessment process of agricultural sustainability. Significant reforms have been made in recent years, notably in 2003. Nowadays, in 2014, the CAP must be reformed. This new reform is commonly called the CAP after 2013 or CAP 2020 and one of its three major objectives is to develop a sustainable management of natural resources by promoting good environmental farming practices while ensuring the provision of environmental public goods. The CAP has always been adapted to respond to new challenges of its time and now the new major challenge of this policy is its greening (European Commission, 2010; see also Petrescu 2012). The reform proposals suggest the creation of a "green" payment in the first pillar of the CAP to enhance the efforts of farmers to respect the environment and to provide public goods. For the 2014-2020 period, 30% of the budget of pillar it would be spent for the improved use of natural resources. In fact, to benefit from the green payment and also of the basic payment, farmers are required to comply on their eligible hectares three agricultural practices beneficial for the climate and the environment: to maintain existing permanent grassland on their holding; to have an ecological focus area on their agricultural area on at least 7% of their arable land; to have at least three different crops on their arable land when the arable land of the farmer covers more than three hectares. The costs and the benefits of greening parameters for all the EU's 27 Member States are difficult to estimate because a lot of data and information are unavailable (Terrones et al 2012).

On December 2013 the Council of EU Agriculture Ministers adopted the four Basic Regulations for the reformed CAP as well as the Transition Rules for 2014; they cover:

1. Rural Development (Regulation no. 1305/2013);
2. "Horizontal" issues such as funding and controls (Regulation no.1306/2013), laying down the rules on: the financing of expenditure under the Common Agricultural Policy, including expenditure on rural development, the farm advisory system, the management and control systems to be put in place by the Member States, the cross-compliance system, clearance of accounts;
3. Direct Payments for farmers (Regulation no.1307/2013). Regulation no.1307/2013 establishes according to art. 1: (a) common rules on payments granted directly to farmers under the support schemes listed in Annex I ("direct payments"); (b) specific rules concerning: (i) a basic payment for farmers ("the basic payment scheme" and a transitional simplified scheme, "the single area payment scheme"); (ii) a voluntary transitional national aid for farmers; (iii) a voluntary redistributive payment; (iv) a payment for farmers observing agricultural practices beneficial for the climate and the environment; (v) a voluntary payment for farmers in areas with natural constraints; (vi) a payment for young farmers commencing their agricultural activity; (vii) a voluntary coupled support scheme; (viii) a crop-specific payment for cotton; (ix) a voluntary simplified scheme for small farmers; (x) a framework within which Bulgaria, Croatia and Romania may complement direct payments.
4. Market measures (Regulation no.1308/2013). It establishes a common organisation of the markets for agricultural products, which means all the products listed in Annex I to the Treaties with the exception of the fishery and aquaculture products.

According to art. 4 of Regulation no. 1305/2013, within the overall framework of the CAP, support for rural development, including for activities in the food and non-food sector and in forestry, shall contribute to achieving the following objectives: (...) "(b) ensuring the sustainable management of natural resources, and climate action". The achievement of the mentioned objective of rural development, shall be pursued through the following Union priority (art. 5, paragr. 4, 5 of Regulation no. 1305/2013): (4)

restoring, preserving and enhancing ecosystems related to agriculture and forestry, with a focus on the following areas: (a) restoring, preserving and enhancing biodiversity, including in Natura 2000 areas, and in areas facing natural or other specific constraints, and high nature value farming, as well as the state of European landscapes; (b) improving water management, including fertiliser and pesticide management; (c) preventing soil erosion and improving soil management; (5) promoting resource efficiency and supporting the shift towards a low carbon and climate resilient economy in agriculture, food and forestry sectors, with a focus on the following areas: (a) increasing efficiency in water use by agriculture; (b) increasing efficiency in energy use in agriculture and food processing; (c) facilitating the supply and use of renewable sources of energy, of by-products, wastes and residues and of other non-food raw material, for the purposes of the bio-economy; (d) reducing green house gas and ammonia emissions from agriculture; (e) fostering carbon conservation and sequestration in agriculture and forestry.

Therefore, agriculture is influenced by a range of EU environmental policy measures:

- Cross-compliance measures and agri-environmental and rural development regulations. Cross-compliance criteria on agricultural market measures – as a condition of receiving direct payments, farmers must comply with certain requirements, including some related to environmental protection (Petrescu-Mag 2013). Cross-compliance is a linking mechanism between granting support payments under Pillar I and certain payments under rural development measures (Pillar II) and farmers' compliance with mandatory rules of environmental, health and welfare across the farm land for which the payment is required. Cross-compliance includes Good Agricultural and Environmental Condition and Statutory Management Requirements. This concept was developed and discussed in the 70s, but it was finally introduced in the EU after mid-term review of the Common Agricultural Policy in 2003, (Carlier et al 2007). Good agricultural and environmental conditions are a set of standards to be observed on each farmer's land. Agri-environment measures provide payments to farmers in return for the service of carrying out agri-environmental commitments that involve more than the application of usual good farming practice (Helming 2010). The rules on cross-compliance shall consist, according to art. 93, paragr. 1 of Regulation no.1306/2013, of the statutory management requirements under Union law and the standards for good agricultural and environmental condition of land established at national level as listed in Annex II, relating to the following areas: (a) environment, climate change and good agricultural condition of land; (b) public, animal and plant health; (c) animal welfare. Member States shall ensure that all agricultural area, including land which is no longer used for production purposes, is maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum standards for beneficiaries for good agricultural and environmental condition of land on the basis of Annex II, taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures (art. 94 of Regulation no.1306/2013). According to art. 28 of Regulation no. 1305/2013, the inclusion of measures aiming to preserve and promote the necessary changes to agricultural practices that make a positive contribution to the environment and climate shall be compulsory at national and/or regional level;
- The Water Framework Directive, including the Nitrates Directive and Groundwater Directive, Nature conservation legislation, the Birds and Habitats Directives: special references are made in art. 30 of Regulation no. 1305/2013 entitled "Natura 2000 and Water Framework Directive payments".
- Air related Directives (National Emission Ceilings, Air Quality and Integrated Pollution and Prevention Control), climate change policies;
- Soil related policies, including the Soil Thematic Strategy, Sewage Sludge Directive;
- Food safety, plant protection, animal health and animal welfare regulations, with special focus on organic national level.

Final remarks. Leaving aside the fact that principle of integration is not only politically challenging, in terms of difficult trade-offs between environmental and other sector objectives, being also conceptually elastic and vague (Persson 2004), this principle should be interpreted in such a way that environmental policy cannot be viewed in isolation, as a specific policy sector alone, and environmental policy should be horizontal and cover all areas with environmental impact (Veinla 2008). Furthermore, we must recognize its merits of including more demanding environmental requirements throughout the EU Treaties changes. Synthesizing what Andre Nollkaemper (2002) was argued in "Three conceptions of the Integration Principle in International Environmental Law", it appears that the integration principle may play three distinct roles in international and European environmental law: a) it will serve as an objective that underlies and inspires more specific environmental law, b) the integration principle can, as a rule of reference, be used as a vehicle to encourage the Community and other international institutions to comply with relevant norms of international law in their various activities and c) it may come to play as an autonomous normative principle. The role it plays depends upon the energies and activities of interested actors to make the principle effective and practicable (Nollkaemper 2002). So, beyond the nature we have assigned it, the most important is the will to translate this principle into concrete enforceable norms.

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Authors:

Ruxandra Mălina Petrescu-Mag, Babeş-Bolyai University, Faculty of Environmental Sciences and Engineering, 30 Fântânele Street, Cluj-Napoca 400294, Romania, European Union, e-mail: malina.petrescu@ubbcluj.ro

Aurel Maxim, University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca 400372, 3-5 Calea Mănăştur Street, Cluj, Romania, European Union.

Dan Vârban, University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca 400372, 3-5 Calea Mănăştur Street, Cluj, Romania, European Union.

Marian Proorocu, University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca 400372, 3-5 Calea Mănăştur Street, Cluj, Romania, European Union.

Antonia Odagiu, University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca 400372, 3-5 Calea Mănăştur Street, Cluj, Romania, European Union.

Tania Mihăiescu, University of Agricultural Sciences and Veterinary Medicine Cluj-Napoca, Cluj-Napoca 400372, 3-5 Calea Mănăştur Street, Cluj, Romania, European Union.

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