

Ursula von der Leyen  
President of the European Commission  
200, Rue de la loi  
1000, Bruxelles

25 March 2024

**Re: NGOs request the withdrawal of the Commission's proposal to revise the CAP and call for the maintenance of a democratic process in EU policy-making**

Dear President von der Leyen,

Cc: Executive Vice-President Maroš Šefčovič, Commissioners Janusz Wojciechowski, Virginijus Sinkevičius, Stella Kyriakides, and Wopke Hoekstra

We, the undersigned organisations, are extremely concerned about your decision to present a legislative proposal amending two Common Agricultural Policy (CAP) regulations<sup>1</sup>, following a process that completely disregards established democratic principles of EU decision-making.

**We call on you to withdraw the CAP legislative proposal and to abide by Union law and your own Better Regulations Guidelines to guarantee that any future initiatives on EU agriculture respect the well-established safeguards for a high level of transparency, public participation and evidence-based decision-making. This is to ensure that all decisions likely to affect farmers, the environment and human health are taken in full consideration of the interests of society as a whole.**

**With this legislative proposal, the European Commission has given in to the fake narrative that opposes the environment to agriculture, when evidence shows that they depend on each other. The measures proposed will only undermine the very jobs that the CAP is meant to support in the long-term.**

On Thursday 22 February, ahead of the Agrifish Council meeting of 26 February, the Commission announced in its [Press Corner](#) that it “*sent a paper to the Belgian Presidency outlining first possible actions to help reduce the administrative burden weighing on farmers’ shoulders*”. We deeply regret that the Commission chose not to act transparently and failed to involve the public in the process that led to the presentation of the legislative proposal. The Commission only provided succinct information on its website rather than publishing the document prepared for discussion in the Council, in disregard of Union law<sup>2</sup> and basic principles of Better Regulation Guidelines.<sup>3</sup>

We are dismayed that you decided to present such a legislative proposal, less than three weeks after the publication of the non-paper and the discussion in the Agrifish Council, without prior impact assessment nor meaningful stakeholder consultations. The proposal indicates that an “*ad-hoc consultation process that lasted one week*” took place only with “*four main EU-level farming organisations*”, while it appears that the majority of these organisations did not ask to reduce the environmental ambition of the CAP.<sup>4</sup> Even though the legislative proposal significantly impacts multiple areas, notably environmental and health protection, there was no communication to the public of the ongoing legislative process. The Commission entirely

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<sup>1</sup> Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2021/2115 and (EU) 2021/2116 as regards good agricultural and environmental condition standards, schemes for climate, environment and animal welfare, amendments to CAP Strategic Plans, review of CAP Strategic Plans and exemptions from controls and penalties, COM(2024) 139 final.

<sup>2</sup> See in particular Articles 1(2), 10(3) and 11(3) TEU.

<sup>3</sup> Better Regulation Guidelines, Chapter 1, Section 1.

<sup>4</sup> [https://twitter.com/Perrin\\_Cam/status/1768675621868122307](https://twitter.com/Perrin_Cam/status/1768675621868122307).

failed to consult any other stakeholders outside of a few farming unions, including the undersigning organisations. This is at odds with the approach taken during the negotiations that led to the adoption of previous CAP regulations when a broad range of stakeholders was asked to contribute to a public consultation, with the view to provide supporting evidence for an impact assessment. It is also worrying that, only after the finalisation of the proposal, the Commission opened a [survey on simplification](#) targeted at farmers. In addition, no further plans for a wider civil society consultation were announced.

Conducting a selective “ad-hoc consultation process” is in breach of Union law<sup>5</sup> and the Better Regulations Guidelines, which require taking an inclusive pluralistic approach to stakeholder consultation, ensuring adequate awareness-raising and publicity of consultation processes, and giving sufficient time to allow participation to be meaningful.<sup>6</sup> Moreover, it lacks coherence with the recent setting up of a [Strategic Dialogue](#) supposed to serve as “*a new forum to shape a shared vision for the future of EU’s farming and food system*”, which involves many stakeholders, including several of the undersigning organisations, as the legislative proposal is far from reflecting a common position within this group of stakeholders. It is also at odds with the objective to depolarise the debate on agriculture and the environment.

The Commission explains that it did not conduct an impact assessment because of “*the political urgency (...) which aims to respond to a crisis situation in EU agriculture*”.<sup>7</sup> However, it fails to provide evidence of the need to remove basic environmental conditions in the CAP in order to address such an urgency. The Commission also fails to justify the need to resort to an institutional emergency procedure. The Commission’s reasoning does not justify the complete deviation from democratic law-making principles of Better Regulation Guidelines and falls short of explaining how reverting to a more voluntary approach will meet the need to guarantee better livelihoods for farmers or to achieve the specific objectives of the CAP. It also completely disregards the potentially major impacts that the proposed measures will have on the environment and ignores the most recent scientific evidence<sup>8</sup> showing that the transition of farming towards sustainability should be seen as a priority for EU efforts on tackling climate change. The Commission also breached its obligation under the EU Climate Law to assess the consistency of the legislative proposal with the EU’s climate-neutrality objective and 2030 target.<sup>9</sup> Furthermore, it fails to demonstrate how the proposed CAP revision ensures policy coherence<sup>10</sup> and stability in line with the EU Green Deal and key Union environmental laws.

The legislative proposal does not constitute a simplification of environmental requirements, it is a backtracking. The intensification of agricultural practices such as the increase of inputs and the reduction of natural habitats is the first cause of biodiversity loss.<sup>11</sup> Removing the CAP requirements supposed to tackle the causes of such decline would only further aggravate the situation, and disregards the fact that farming and biodiversity rely on each other. It will also put the EU off track from its commitment to dedicate 40% of direct payments to biodiversity objectives, as the achievement of this target is “*subject to conditionality*”.<sup>12</sup>

The prospect of the upcoming EU elections cannot justify such substantial derogations from the rule of law and democratic principles. At this hour of climate and environmental emergency

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<sup>5</sup> See in particular Article 1(2) and Article 11(3) TEU.

<sup>6</sup> Better Regulation Guidelines, Chapter 2, Section 3.

<sup>7</sup> COM(2024) 139 final, *supra*.

<sup>8</sup> EEA (2024), [Report on the European Climate Risk Assessment](#); European Scientific Advisory Board on Climate Change (2024), [Assessment report](#).

<sup>9</sup> See Article 6(4), Regulation (EU) 2021/1119.

<sup>10</sup> In breach of Article 7 TFEU requiring the Union to ensure consistency between its policies and activities.

<sup>11</sup> Rigal et al. (2023), [Farmland practices are driving bird population decline across Europe](#).

<sup>12</sup> [Biodiversity tracking methodology for each programme 2021-2027](#).

and socio-economic difficulties faced by many farmers, the EU cannot decide in a matter of weeks that about a third of the EU's budget will be spent without meaningful conditions attached and outside of citizens' scrutiny. By prioritising electoral considerations, the Commission broke with years of progress made on the EU Green Deal and the exercise of citizens' democratic rights. The process by which the proposal amending two CAP regulations was prepared amounts to maladministration. In light of this and the grave effects that the measures proposed are likely to have on the Union's capacity to transition to resilient farming, **we call on you to withdraw the legislative proposal and guarantee that any future initiatives on EU agriculture respect the democratic rights of citizens.**

Sincerely yours,

