



ACCADEMIA DEI GEORGOFILI
Sezione Centro-Ovest



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*Quale sostenibilità in agricoltura?
Innovazioni normative tra criticità e opportunità*

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ABSTRACT

Sustainability in agri-food law - a view from Germany

For a long time, there has been a disconnect between the evolution of the EU agri-food sector and global sustainability efforts with only a partial overlap of the objectives set by the EU's Common Agricultural Policy (CAP) and those pursued by the UN's sustainable development goals (SDGs) that emerged from the Agenda 21 established as a result of the Rio Declaration of 1992. While the CAP goals specified in Art. 39 TFEU (increasing agricultural productivity, ensuring a fair standard of living for farmers as well as availability of supplies at reasonable prices for consumers while maintaining stable markets) may contribute to the eradication of poverty and hunger, it can be at odds with the objectives of environmental sustainability and conservation. And even an increase in agricultural production can be detrimental to sustainable development if surplus products are offloaded at subsidised prices in developing countries, destroying local markets.

At the same time, a similar disconnect existed between environmental protection, including the prevention or mitigation of climate change, and the protection of human rights, like the right to food and water. Measures like the eviction of local communities from land for hydropower plants, the loss of arable land available for food production and an increase of food prices due to reforestation or the planting of biofuel crops as well as a loss of biodiversity and local farming structures due to industrial or biotech-based farming can severely impact on the human rights status of the affected communities. It was only in the Preamble of the 2015 Paris Agreement that it was acknowledged by the Parties that human rights obligations must also be respected in cases where action is taken to address climate change.

The European Commission's Green Deal of 2019 for the first time took a comprehensive view on sustainability that cut through all areas of society. The Green Deal thus had the potential to reconcile the sometimes conflicting aims in agricultural and food production. It recognized that the current unsustainable use of the EU's natural resources was a major driver of the climate and biodiversity crises. The EU Court of Auditors concluded in a Special Report from 2021 that the current allocation of CAP subsidies favours animal-based foods, which directly or indirectly receive 82% of the EU's agricultural subsidies and at the same time are linked to 84% of the overall greenhouse gas emissions in European food production.

Irrespective of that analysis, little progress has been made during the last Commission's term of office. The complexity of the task did not allow for simple solutions that could have been implemented within a few years' time. Give that the sustainable transformation of the agri-food sector is a long term project, it is crucial to create a predictable and stable regulatory environment for all actors. It seems though, that the new Commission has backtracked in some areas and shifted its focus back to food sovereignty, competitiveness of the sector and securing producer's incomes. While these are undoubtedly important preconditions for future-proofing the agri-food system, it should not be forgotten, that addressing the challenges of climate change will remain the main task at hand. This



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needs to be reflected stronger in the European Commission's work programme and the legislative agenda than it is currently the case.