

Preface

Agricultural law and policy in the United Kingdom has been strongly influenced by the European Union's Common Agricultural Policy (the 'CAP') ever since the United Kingdom joined the, then, European Economic Community in 1973. At European level the CAP also occupies a central position within the European Union. It is a policy that has undergone significant change in recent years. When originally established, in the early 1960s, its principal goals were to encourage increased agricultural productivity and to protect farm incomes. In recent years a number of reform packages have been implemented that have gradually changed the CAP's emphasis from quantity to quality and from produce support to producer support. The most recent reform package was the December 2008 CAP Health Check. The various reform packages have been triggered by a range of issues, both budgetary and trade related. Additionally, increasing awareness of the environmental side-effects associated with intensive agriculture and of the need to provide greater support for farming methods protecting and enhancing the environment have also been important factors. Indeed, as readers will be well aware, environmental issues generally have climbed the political agenda and become much more important to politicians and policy makers. At European level the 1986 Single European Act amended the European Community Treaty to require that environmental protection requirements should be a component of the Community's other policies. Today, following subsequent amendments by the Treaty on European Union and Treaty of Amsterdam, Article 6 of the European Community Treaty provides the firmer instruction that 'environmental protection requirements must be integrated into the definition and implementation of Community policies and activities..., in particular with a view to promoting sustainable development'. Given agriculture's major role in the European countryside it should be no surprise that CAP is now viewed as having a major role in supporting many of the European Union's major environmental policy initiatives. The CAP Health Check, for example, acknowledges its central role in protecting and enhancing biodiversity, managing and protecting water resources and tackling climate change.

In practice CAP resembles a super tanker, which requires a great deal of time and effort to change direction. This book critically examines the directional change that has occurred in response to the European Community Treaty's requirement that environmental protection requirements be implemented into the definition and implementation of the CAP and provides critical analysis of the steps that have been taken. The book commences with two background chapters. Chapter 1 explains the development and operation of the CAP and of its financial mechanisms. In contrast, Chapter 2 analyses the environmental implications of the initial policy goals promoting greater intensification and

increased productivity. This chapter also explores the developing awareness of environmental issues amongst European policy makers. In practice, the CAP has been built upon two, albeit uneven, pillars. The first pillar is principally concerned with production policy. The second pillar initially concentrated upon agricultural structures, encouraging the development of larger, more modern, farms that would be more profitable for their owners. More recently this structural policy has been broadened into a wider measure promoting rural development. The measures adopted to integrate environmental protection issues within each of these pillars are analysed in the subsequent chapters. Chapter 3 examines CAP's agricultural production policies, analysing the influence of measures designed to discourage intensification and the role played by cross compliance and set aside requirements. Chapters 4 to 6 explore the European Union's rural development policy. They examine individual measures and consider their effectiveness in promoting the introduction, or continuation, of agricultural methods protecting or enhancing the countryside. Chapter 4 provides an introduction to the European Union's rural development policy and examines the Less Favoured Areas scheme. Chapter five concentrates upon the European Union's agri-environment scheme, which seeks to promote long term environmental management on farms across the European Union. Chapter 6 explores the contribution made by the Organic Farming scheme. Like all other economic sectors agriculture must also respect the European Union's general environmental laws. With that in mind Chapters 7 and 8 examine specific directives that are particularly relevant to agriculture. Chapter 7 concentrates upon nature conservation, where the 1979 Wild Birds Directive and 1992 Habitats Directive have a central role, whilst Chapter 8 considers a range of other directives that regulate agricultural pollution. Chapter 8 examines the issue of food safety. Article 174 of the European Community Treaty recognises the protection of public health as being a central objective of the Community environmental policy, whilst equally, under Article 152 of that Treaty, this should be a core objective of all Community policies. On the topic of food safety the European Union has adopted an integrated, farm to table, approach, emphasising the important initial role of the farmer. Finally the book concludes in Chapter 10 with the issue of international trade. As the chapter shows, international trade agreements have had a major influence on the manner in which the CAP has been reformed in recent years and are likely to continue to do so in the future. The chapter also explores the role played by environmental considerations within international trade agreements and the measures in place to prevent animals or plants carrying infectious diseases from being imported into the European Union.

The time period covered within the book runs from the creation of the European Economic Community in 1957, to the creation of the European Union in 2004 by the Treaty on European Union. As a result of that Treaty the European Economic Community simply became known as the European Community. As many readers will be aware the Treaty on European Union provided for the continuation of the European Community within the broader structure of the European Union. To avoid causing confusion subsequent chapters will simply use the terms European

Community or the Community. Many readers will also be aware that one of the changes introduced by the Treaty of Amsterdam in 1999 was the renumbering of the articles of the European Community Treaty. It is these new article numbers that have been used throughout this book.

Lastly, I would like to thank friends and colleagues in the Law School for their on-going support during my work upon this book. I would also like to thank Alison Kirk, Nikki Selmes, Norman Gilligan and Sarah Horsley at Ashgate Publishing for all their help. More broadly I would like to thank Kluwer Law International for allowing me to use my article 'Tackling Eutrophication: The Implications of a Precautionary Approach' (published in [2006] 15 *European Environmental Law Review*) as a base from which to develop my discussions on nitrate pollution in Chapter 8. Thanks are also due to the European Commission and to the European Environment Agency for granting me permission to reproduce the tables printed in Chapters 5 and 7. Finally, and most importantly of all, a huge thank you is due to my family for all your support and encouragement throughout this project.

I have endeavoured to state the law as in May 2009, though I have also been able to incorporate some later developments.