

Comments of the Commission on a Strategic Initiative from the European Ombudsman 2022/2/SI

I. THE EUROPEAN OMBUDSMAN INQUIRY

The European Ombudsman asked the Commission to explain how it is ensuring transparency and appropriate stakeholder engagement in relation to the Common Agricultural Policy (CAP).

The European Ombudsman asked the Commission the following questions:

- 1) In view of the appointment of the next Civil Dialogue Groups (CDGs), how is the Commission planning to follow up on its commitment to guarantee that non-economic interests are adequately represented in the composition of the CDGs)?
- 2) Could the Commission please explain what exchanges it intends to make public in the context of the approval of Member States' plans, and when?
- 3) Does the Commission monitor the accuracy of the information displayed by the Member States in its centralised website and, if so, how? If not, would the Commission be prepared to do so?
- 4) Could the Commission explain how it provides sufficient opportunities for the various groups with an interest in the CAP to express their views with decision makers?

II. THE COMMISSION'S RESPONSE

The Commission recalls its commitment to working in an open and transparent manner and it endeavours to engage stakeholders actively in all areas of policy including the CAP.

a. As regards the Civil Dialogue Groups

The Commission has set up a specific instrument for the consultation of stakeholders on the CAP, the so-called Civil Dialogue Groups, with the following tasks:

- to hold a regular dialogue on all matters relating to the CAP, to bring about an exchange of experience and good practice;
- to assist the Commission and advise on policy;
- to deliver an opinion on specific matters;
- to monitor policy developments.

The groups are composed of at least European-level non-governmental organisations, including representative associations, socio-economic interest groups, civil society organisations and trade unions that are registered in the joint Transparency Register¹.

The present organisation of CDGs is set up by the Commission Decision 2013/767/EU of 16 December 2013. The member organisations were appointed in 2014 for seven years following a call for applications. Their mandate expired in July 2021 and was extended until the end of 2022², due to the fact that the new CAP will apply from 2023 only.

To ensure the continuity of the civil dialogue, a new Commission Decision will be therefore adopted in the course of 2022. It will be followed by an open call for applications. At this occasion, the overall governance of the CDGs will be revised, in particular to consider the need to align them to the outcome of the recent CAP reform and the Commission horizontal rules³ on expert groups. A balanced representation, as regards the composition of the new groups, remains a guiding principle of this review.

Based on the lessons learnt and weaknesses spotted in recent years which relate to the organisational aspects, in addition to a mere extension of the mandate, in September 2021 the Commission services took over the chair role of the CDGs meetings. The new practice of chairing was meant to improve the efficiency of the meeting administration. Chairing by the Commission does not change the role of the CDGs which remain a privileged forum to exchange information and knowledge among organisations and with the Commission's services. The Commission, in its capacity of chair, acts as a facilitator of the consultation process, ensuring that all voices are heard and various opinions can be expressed. It is therefore intended that the Commission chair is maintained in the new set-up as from 2023.

Finally, the newly experienced format of virtual meetings creates new opportunities to involve more experts compared to the past, allowing for a more extended and inclusive participation of stakeholders in the consultation process. At the same time, the language regime should remain as multilingual as possible, within resources available, to enhance even more the inclusiveness and diversity of the civil dialogue.

b. As regards the transparency in the context of the approval of Member States' plans

The Commission has at all levels reminded the Member States' authorities about the legal obligation concerning partnership and the public consultation of partners during the entire process to prepare and implement the CAP Strategic Plans.

¹ [Transparency Register](#)

² Commission Decision (EU) 2021/1112 of 25 June 2021 amending Decision 2013/767/EU as regards the extension of the mandate of the member organisations of the civil dialogue groups dealing with matters covered by the common agricultural policy (OJ L 239/24 of 7 July 2021).

³ [Commission Decision C\(2016\)3301 establishing horizontal rules on the creation and operation of Commission expert groups. COM Decision 2013/767 was adopted under the framework for Commission expert groups of 2010](#)

In line with the requirements of the Regulation (EU) No 2021/2115⁴ on support for the CAP Strategic Plans, **Member States have conducted consultations** in preparing the CAP Strategic Plans. The results of the national consultation process have been addressed in the different observations to the Member States where relevant, in particular in the cases where Annex III⁵ to the CAP Strategic Plans has not been filled-in or has not reflected the consultation in a satisfactory manner.

The **Commission has opted for maximum transparency in the CAP Strategic Plans approval** process starting with adoption and publication of Recommendations⁶ to each Member State, based on which a structural dialog process with Member States was launched. Following the submission of the proposals for CAP Strategic Plans by the Member States, the observations by the Commission to the Member States are published. Unless the Member States object, their comments to the observations will be also published. The process will end with the implementing decisions for the adoption of these Plans later this year.

For the purpose of ensuring timely information, the Commission set up a website, providing relevant information on the CAP Strategic Plans⁷. The Commission invited Member States to publish their Strategic Plans and, once published by the Member States, is making them available on the Europa website. This will facilitate European citizens and stakeholders access to the information on a single portal. The Commission has also published informative material and the observation letters to the Member States, together with the Member States' comments (if the publication was not refused by the Member State), on the same website.

This gives the stakeholders and the public the opportunity to know the key issues and, in line with the partnership principle, to seek a dialogue with the Member State authorities, which are responsible for taking the observations in their revised CAP Strategic Plans into account.

The Commission will continue to inform the stakeholders, the general public and the institutional partners of the progress of the CAP Strategic Plan process. For this purpose, the Commission has organised meetings of Civil Dialogue Groups (on 12 November 2021, 2 March 2022 and 11 April 2022) and plans to continue organising other meetings and sharing informative material. The Commission is exchanging and will continue to do so on this subject with the European Parliament (on 29 November 2021, 2 February 2022, 4 April 2022 and 10 May 2022) and the Council.

The Commission services are receiving a large number of letters and individual assessments and proposals related to Strategic Plans submitted by stakeholders and citizens. The

⁴ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 .

⁵ Art 107 (2), point (c) and Art 115 (3) of Regulation (EU) 2021/2115.

⁶ https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-strategic-plans_en

⁷ [CAP strategic plans | European Commission \(europa.eu\)](https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-strategic-plans_en)

Commission is addressing them in line with its Code of Conduct. This is in addition to requests for access to documents related to the process which the Commission is replying in line with Regulation (EU) 1049/2001.

c. As regards the transparency of the CAP funds

The objective of the transparency of the CAP funds is to inform the public on the use of Union funds under the CAP and to improve the sound financial management of these funds by reinforcing public control of the money used, while protecting the beneficiaries' right to respect their private life and their personal data. Transparency rules were introduced in 2007 providing for the publication of CAP beneficiaries. These rules apply under Regulation (EU) No 1306/2013 on the financing, management and monitoring of the CAP⁸ and have been carried over essentially in the same way under the new Regulation (EU) No 2021/2116⁹.

Member States shall make the details of CAP payments public, with the exception of amounts below a threshold of EUR 1 250 set at EU level (or a lower amount fixed by the Member States, as provided for in Article 112 of Regulation (EU) No 1306/2013), for reasons of protection of personal data.

Under the transparency rules, Member States ensure the annual ex-post publication of the beneficiaries of CAP payments by 31 May each year for the preceding financial year. Information is made available on a single website per Member State and remains available for two years from the date of the initial publication.

Agricultural funds are managed under the so-called “shared management mode”, meaning that payments and data related to them are the responsibility of the Member States¹⁰.

The websites and their content fall under the responsibility of the Member States concerned. The European Commission therefore cannot guarantee the accuracy or completeness of the data or information provided, nor does accept responsibility or liability for any use made thereof.

The European Commission regularly updates the list of CAP measures to be published, including a short description of the scope and content of each measure, and monitors, on an annual basis, the information published on websites by the Member States. In case the 31 May deadline is not respected or the data on fund recipients are not provided in time, the

⁸ See Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy (OJ L 347, 20.12.2013, p.549) and Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p.59).

⁹ See Article 98 et seq. of Regulation (EU) No 2021/2116 of the European Parliament and of the Council of 2 December 2021 on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013 (OJ L 435, 6.12.2021, p. 187).

¹⁰ Links to all Member States' websites, including the UK, are available under: https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/financing-cap/beneficiaries_en

Commission asks the Member States to respect their obligations on transparency and update their data.

At present, the Commission is not aware of any outdated or missing information regarding the information published by the Member States. The Commission monitors the publication of the lists but their accuracy depends entirely on the Member States. In case the Commission is made aware of such outdated or missing information, it would inform the Member State concerned without delay, so that the issue is rectified.

d. As regards how Commission provides sufficient opportunities for the various groups with an interest in the CAP to express their views with decision makers

As stated above, the Commission is committed to working in an open and transparent manner and it endeavours to engage all stakeholders with an interest in the CAP actively. Consultation of stakeholders under the Better Regulation Agenda and the Transparency Portal and by other more informal means of exchanging are key tools for this commitment.

➤ *Public consultations:*

Public consultations are an opportunity for all interested parties to give their views to Commission decision makers, both in the context of policy evaluations and of impact assessments. Please find in the Annex 1 an Excel file listing the public consultations of DG AGRI from 2014 until now.

➤ *Involvement of stakeholders in the CAP reform process*

The Commission, as provided for by the Better Regulation Guidelines, consults extensively in the preparation of every legislative proposal.

The following is an example of such consultation process and summarises how the Commission consulted the CAP reform proposals adopted in 2018. In February 2017, the Commission launched a major public consultation on the future of the CAP. The three-month survey allowed all interested parties and citizens to share their views on the challenges facing the EU's agricultural sector, its rural areas and society as a whole, and how a simpler and more modern CAP could potentially be used to address it. The on-line public consultation collected 322.916 submissions (including large public campaigns) and 1.423 position papers. Together with the public consultation, an "inception impact assessment" outlining challenges, corresponding policy objectives and options was published for feedback. On 7 July 2017, the Commission organised a conference, 'Have your say on the CAP,' which provided an opportunity to take stock of the results of this consultation and series of workshops with experts to address economic, social, environmental and climate-related challenges, as well as issues about food; workshop documents were made available on the site of the conference. The results of the consultation and the field analysis fed into a Communication on the modernisation and simplification of the CAP, published in November 2017, accompanied by background documents on challenges faced by agriculture and rural areas. In addition to the public consultation, targeted exchanges with CDG were organised.

The Commission also kept exchanging with other EU institutions, including the European Parliament, the Council, the European Court of Auditors, the Committee of Regions and the European Economic and Social Committee.

The impact assessment¹¹ supporting the 2018 legislative proposals for the CAP reform displayed detailed outcomes of analysis and consultation (Annex 2 provides a synopsis of the consultation, as well as summaries of exchanges with stakeholders including CDGs and experts¹²).

➤ *Other mechanisms of involvement of stakeholders in the CAP*

Civil Dialogue Group meetings and consultation of stakeholders through public consultation are regular and well established mechanisms for exchange and transparency under CAP policy making. But it does not stop there.

Both for policy making, but specially during policy implementation, **established networks** are also one of the main instruments of exchanges.

Exchange of information, knowledge and good practices with and among stakeholders has been facilitated in the framework of the rural networks, European Network for Rural Development (ENRD) and EIP-AGRI (agricultural European Innovation Partnership). Various events have been organised by networks, which cover a broad range of CAP related topics and involve a wide range of stakeholders. Among other events, the ENRD organised in May 2021 the webinar “Getting the CAP Strategic Plans done: the voice of regions and stakeholders”¹³, which brought together various stakeholders, regions, Member States and European institutions to share views and exchange experiences about the preparations of the CAP Strategic Plans. The event was organised in close cooperation with different Commission services and attracted over 1.500 viewers. Networking events also include thematic groups, open interest-based forum where stakeholders have an opportunity to openly exchange views and share information on specific topics.

The work of both networks is guided by formal governance structures, composed of Assembly, steering group and permanent subgroups on Leader/CLLD and innovation, bringing together the range of rural development stakeholder groups, including Member States’ administration, Leader Local Action groups, advisors and researchers, EU-wide agricultural, environmental and social/rural NGOs and regional/local authorities. At the regular meetings of the governance structures, the Commission has been providing updates on the policy developments and legislative framework and exchanging with the governance members.

¹¹ Commission Staff Working document Impact assessment (SEC(2018)305 final) : [impact assessment](#)

¹² Commission Staff Working document Annexes : [Annex 2](#)

¹³ https://enrd.ec.europa.eu/news-events/events/getting-cap-strategic-plans-done-voice-regions-and-stakeholders_en

Information on networks' activities, including events, their outcomes and highlights reports are available and publicly accessible at the networks' websites¹⁴.

As part of the Commission's information policy on the CAP, the use of digital tools and social media was intensified so as to improve the effectiveness of communication towards stakeholders and citizens¹⁵ and has allowed receiving quick feedback. In the framework of social media exchanges, the Director-General of DG AGRI had a live-streamed meeting with the youth movement 'Withdraw the CAP' (part of 'Fridays for Future') on 29 January 2021 at which they discussed three questions put forward by citizens and use participative IT tools to collect opinions.

Concerning the **informal exchanges between Commissioner Wojciechowski and stakeholders**, it is useful to recall that the Commissioner, his Cabinet and DG AGRI are firstly concerned by the design and implementation of the CAP. While the present reply is focused on contacts between them and stakeholders, this cannot lead to ignore that other Commissioners, Cabinets and Cabinet services may discuss CAP related issues with citizens and stakeholders. The Commission is a collegial body, where different services work together.

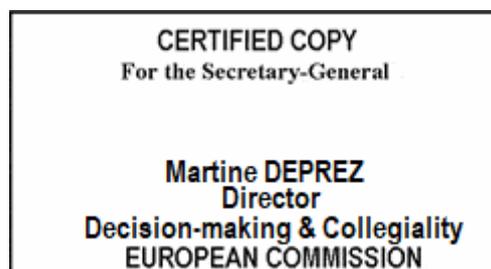
The Commissioner, his Cabinet and DG AGRI do not express preference in accepting invitations for meetings. The fact that most meetings are with organisations and bodies from the agricultural sector is first because agriculture is a huge sector with a long value chain consisting of primary producers, but also of processors, feed and fertilizer producers, marketers, retailers and product associations. It has also to be noted that the agricultural sector needs new guidance and provision of clarifications as for example on new conditionality and eco-schemes. To illustrate this, in 2020-2022, the Cabinet held 261 meetings with various stakeholders with an interest in the CAP.

The tools (or instruments) above shows the Commission's commitment to engage with stakeholders using both, more traditional and institutional means, while adapting to social media tools and new exchange mechanisms.

The Commission continues its commitment towards transparency and the step taken in the approval of the CAP Strategic Plans as explained above is a clear example of such commitment.

For the Commission

Janusz WOJCIECHOWSKI
Member of the Commission



¹⁴ https://enrd.ec.europa.eu/home-page_en; <https://ec.europa.eu/eip/agriculture/en>

¹⁵ Commission Staff Working Document, Evaluation on the information policy on the Common Agricultural Policy, SWD(2021)980.

List of enclosures:

Annex I : Public consultations of DG AGRI since 2014

Annex II : Extract from Annex 2 of the Commission Staff working document on the impact assessment supporting the legislative proposals for CAP post 2020

Annex I : Public consultations of DG AGRI since 2014

Internal reference	Short title	Published date	End date	Feedback count
PLAN/2020/8824	Revision of EU marketing standards for agricultural products	08/06/2021 08:53	31/08/2021 23:59	331
PLAN/2020/8705	Information and promotion measures for agricultural and food products in the internal market and in non-EU countries	31/03/2021 13:17	23/06/2021 23:59	7550
PLAN/2020/8551	EU Forest Strategy	25/01/2021 14:03	19/04/2021 23:59	19117
PLAN/2020/8659	Revision of the EU geographical indications(GI) systems in agricultural products and foodstuffs, wines and spirit drinks	15/01/2021 17:34	09/04/2021 23:59	302
PLAN/2019/5241	EU agricultural policy : Evaluation of its impact on knowledge exchange and advisory activities	10/11/2020 09:38	02/02/2021 23:59	187
PLAN/2020/7609	Evaluation of the Common Agricultural Policy's impact on territorial development of rural areas: socioeconomic aspects	07/09/2020 13:19	30/11/2020 23:59	2326
PLAN/2020/8508	Action plan for the development of EU organic production	04/09/2020 15:10	27/11/2020 23:59	841
PLAN/2020/6815	EU farm policy - Evaluation of its impact on sustainable management of the soil	09/07/2020 09:30	22/10/2020 23:59	183
PLAN/2018/2893	Evaluation of the EU agricultural promotion policy	08/05/2020 09:51	11/09/2020 23:59	144
PLAN/2018/3006	Evaluation of mandatory country of origin labelling for certain meats	09/12/2019 14:59	02/03/2020 23:59	146
PLAN/2018/4906	Evaluation of Geographical Indications and Traditional Specialities Guaranteed protected in the EU	04/11/2019 15:22	03/02/2020 23:59	233
PLAN/2017/925	Evaluation of marketing standards [Regulation (EU) No 1308/2013]	22/07/2019 11:31	14/10/2019 23:59	117
PLAN/2018/4736	Evaluation of State aid instruments	26/04/2019 11:30	19/07/2019 23:59	190
PLAN/2017/1957	Evaluation of the CAP measures applicable to the wine sector	07/03/2019 17:31	07/06/2019 23:59	33

