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**THE NEW COMMON AGRICULTURAL POLICY OF THE  
EUROPEAN UNION AS A TARGET GUIDELINE OF UKRAINIAN LAND  
LEGISLATION TRANSFORMATION**

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*The need for adaptation and improvement of the existing legislation, especially land and agrarian and environmental policy of Ukraine with the legislative norms of the European Union (EU) is determined. The results of previous studies related to the problem of formation and implementation of measures of the Common Agricultural Policy of the EU (CAP) are summarized. It has been researched that at the beginning of the XXI century the priority task of CAP was to provide farmers with an acceptable standard of living, and consumers - quality food products at fair prices.*

*The main goals of the new Common Agricultural Policy, which encompass social, environmental and economic aspects of land use, are considered. It is emphasized that the objectives represent updated or revised proposals submitted by EU member states following comments made by the European Commission on the original proposals in early 2022. Priorities such as: measures to reduce the impact on climate change, effective management of natural resources, conservation of landscapes and biodiversity, highlighted in key comments and proposals, are disclosed and analyzed in more detail. It is marked that not less important is the question of land registration in the EU, which also causes the necessity of land cadaster keeping adaptation in Ukraine.*

**Keywords:** *agrarian sphere, land protection, organic farming, EU directives and regulations, biodiversity, direct action instruments.*

**Problem Statement.** One of the most important areas of activity of Ukraine is agriculture (according to the State Statistics Service gross domestic product (GDP) as of 2021 is 5459.6 billion UAH, of which 37.7% is agriculture [1]). According to a preliminary estimate of the State Statistics Service, "the rate of decline in real GDP of Ukraine in the III quarter of 2022 slowed to 30.8% y/y. Although a certain consolidation of economic activity in this period was expected (among other things - due to the partial recovery of agricultural exports), the released estimate exceeded expectations" [2].

Therefore, we can confidently state that this is an industry that is subject to significant changes and risks due to unpredictable natural factors affecting production. In addition, it is subject to significant price fluctuations due to changes in the domestic and world markets. Since today, due to the military aggression of the Russian Federation against Ukraine, the negative impact of hostilities on the state of land, inaccessibility to sowing and harvesting due to the occupation and mining of land, the blockade of the Black Sea, which has seriously complicated the export of agricultural products, the need for a new system of management in the agricultural sector arises. That is why it is important to have clearly defined goals with effective mechanisms for their implementation. The EU has such experience in creating a course, namely the Joint Agrarian Policy.

Since 1957, the SAP was aimed at increasing agricultural production and exports. However, at the beginning of the 21st century the priority was to provide farmers with an acceptable standard of living, and consumers with quality food products at fair prices. This is achieved by organizing a common market for agricultural products and applying the principles of uniform prices, financial solidarity, and the advantages of the EU Community. The objectives of the SAP are constantly being transformed according to economic needs and environmental changes.

It is believed that agriculture and agrarian policy in the EU and Ukraine will play an important role in any attempt to promote European integration of Ukraine. The central and sometimes grueling role played by agriculture in the current

negotiations between the EU and potential new members in Central and Eastern Europe is a harbinger of what can be expected in similar negotiations with Ukraine [3].

Therefore, in order to combine the market and state mechanisms of coordination of processes in the agricultural sector and to join the EU, to consider the EU market as a potential market for products, including and above all with added value, Ukraine should use the experience of the OAP and carry out large-scale transformations of land legislation, as well as agricultural and environmental (environmental) policy.

**Analysis of recent scientific research and publications.** The problems of formation and implementation of the EU OAP measures have been studied by such scientists as N. Petrenko, N. Varshavskaya, T. Zinchuk, O. Vinskaya, S. von Kramon-Taubadel, L. Strive, E. Levkovsky and others.

In particular, N. Varshavskaya studied features of the Common Agrarian Policy of the European Union, its origin and development. She studied the basic principles, stages of formation and implementation of the EU SAP, as well as its modern transformations in the context of changes in the EU priorities. The researcher identified "key reference points for the agricultural policy of Ukraine, which in the future will provide new incentives for the development of agriculture in Ukraine, increasing its competitiveness and improving the quality of life of the rural population". [4].

O. Vinskaya comprehensively studied the systems of regulation of the agricultural sector in the EU, the main factors and directions of transformation of support for agricultural grouping, and justified the conditions of harmonization of agricultural models of Ukraine and the EU [5].

H. Petrenko has analyzed the main periods of formation and development of SAP EU, considered the main provisions, goals and scenarios of reforms in the agricultural sector for the period from creation to 2020. Determined how the priorities in the set objectives changed for the effective development of their implementation [6].

T. Zinchuk systematized a set of problems of global scale and their impact on the state of agriculture, as well as identified the main measures used in the SAP to reduce global challenges and reduce the processes of disintegration in the EU. The researcher identified a theoretical and practical set of features of strategic development of SAP, "justified modern basic principles of the new SAP EU: environmental friendliness, food security and sustainability of development, efficiency and competitiveness, the unity of target and value-based rationality of behavior of participants (integrating countries) taking into account the existing natural, biological and socio-economic conditions of agricultural development". [7].

E. Levkovsky's study identifies both positive and negative features of agricultural export activities aimed at the EU agribusiness market. The environmental measures of agricultural enterprises, including leading agricultural holdings, which are the main subjects of foreign economic activity, are analyzed in detail. Also, the researcher reveals the content of the Association Agreement between Ukraine and the EU, relating to common trade policy and strategic issues of fair and open trade, which correspond to the Sustainable Development Goals [8].

**The purpose of the study** is to analyze the content, objectives and mechanisms of implementation of the Common Agricultural Policy as part of the economic policy of the European Union to develop proposals for the formation and improvement of the relevant Ukrainian legislation.

**Materials and methods of scientific research.** The information base of the study consisted of state planning documents concerning agriculture and agrarian policy, developed and approved by the institutional mechanism of the modern EU (first of all, the European Parliament, the Council of the European Union, the European Commission), publications of research results of domestic and foreign scientists. In order to achieve the goal a number of general scientific and special methods of research at empirical and theoretical levels were used, in particular, systemic (structural and functional analysis), abstraction, analysis and synthesis,

deduction and induction. The use of these methods made it possible to substantiate the paradigm of economically and ecologically efficient land use in the context of the EU SAP, to determine the content and tasks of institutional transformations in agriculture and agrarian policy.

**Research results and discussion.** Ukraine is facing one of the main problems - a long and incomplete process of economic reforms, including land reform, which began in 1991 and consists in the restructuring of the centralized and planned national economy to a more de jure and de facto decentralized, focused on a competitive market environment, in accordance with the concept of sustainable development. At the same time, the main problem was the lack of an effective mechanism to ensure and support the balanced use of primarily agricultural land, which became a significant obstacle in the development of rural areas [9]. After all, the basis of the economy of rural areas is the agricultural sector. Therefore, it is extremely important to use the best practices of foreign countries that have already faced this problem and found ways to solve it. An example for Ukraine should be SAP, which is almost the most important area of EU activity.

Activities in the EU are regulated by a large number of laws and directives, the norms of which ensure sustainable land use directly or indirectly. In general, the EU legislation defines the rules and standards to which EU member states must adhere on land use and food safety through the implementation of direct-action instruments at the national level. It also regulates soil protection, environmental, economic and social standards in agriculture. In particular, we note the laws to limit the use of pesticides and fertilizers, as well as the protection of water resources and biodiversity [10].

As already noted, the OAP is constantly being transformed and modernized to meet the requirements and challenges of the times. The European Commission, as the EU institution with the right of legislative initiative, presented its proposal for SAP reform in 2018, introducing a new way of working to modernize and simplify EU agriculture policy. After long negotiations between the EU Council, the

European Parliament and the European Commission, a general agreement was reached, and the new SAP was formally adopted on December 2, 2021. During the period 2023-2027, the SAP will focus on 10 main objectives, which will cover social, environmental and economic aspects. These goals will be the basis for the development of strategic SAP plans in the EU member states (Fig. 1).



Figure 1 - Objectives of the new Common Agricultural Policy of the EU [11].

Thus, the objectives of the SAP include:

- ensuring a fair income for farmers;
- improving the competitiveness of agriculture;
- improving the position of farmers in the food chain;
- measures to reduce the impact on climate change;
- effective management of natural resources;
- conservation of landscapes and biodiversity;
- supporting the renewal of generations of rural residents;
- development of active and attractive rural areas;
- ensuring food quality and consumer health protection;
- promoting knowledge and innovation in agriculture.

The new SAP approach, based on efficiency and results, is more flexible and responsive to local conditions and needs, while enhancing the EU's ambitions for sustainability. The European Commission has produced a series of reports arguing the relevance of each of these ten objectives. These reports provide basic facts about each goal, as well as its importance in the political context. In order to achieve the goal of our study, let us consider the individual objectives of the new EU OAP, which can and should also be implemented in the land legislation and agricultural policy of Ukraine to accelerate the process of European integration.

Measures to reduce the impact on climate change. EU agriculture plays a key role in the implementation of the Paris Agreement commitments and EU strategies on sustainable development and the bioeconomy, increasing ambitions for greenhouse gas emissions.

Main goal: to reduce and adapt to the effects of climate change, including by promoting sustainable energy, reducing greenhouse gas emissions and enhancing carbon sequestration.

Key provisions:

- EU agriculture, including land use and changes in land use of pasture and arable land, accounted for 12% of all EU greenhouse gas emissions in 2016;

- EU agriculture is more vulnerable to climate change than most other sectors of the economy. The extent of the industry's vulnerability depends not only on climate impacts themselves, but also on the vulnerability of human and natural systems;

- potential contributions of changes in farming practices to reducing greenhouse gas emissions include the use of mitigation technologies, carbon sequestration through better soil management, biomass production, reducing the intensity of fossil fuel use in agricultural production, and reducing agricultural losses and waste;

- EU agriculture plays a key role in implementing the commitments of the Paris Agreement and the EU strategies on sustainable development and the bioeconomy by strengthening the EU ambitions on greenhouse gas emissions,

given the potential risks and stagnating agricultural emissions since 2010, while ensuring EU food security;

- taking advantage of synergies with soil management techniques to absorb and store carbon and monitor carbon leakage [12].

#### *Fertilizer use*

Fertilizer use is one of the main sources of greenhouse gas emissions, other than CO<sub>2</sub>, in agriculture, so reducing their emissions from fertilizers should be a policy priority.

With the application of precision farming, a perfect match can be achieved between fertilizer application and crop needs in space and time. By using plant phenology, mineral inputs and outputs, it is possible to provide the crop with the exact amount of fertilizer at the right time. This reduces the number of fertilizers uses and prevents leaching and runoff of unabsorbed minerals.

Nitrogen-fixing plants incorporated into a crop rotation or production system (grass mixtures) are a biological substitute for nitrogen fertilizers by using atmospheric nitrogen (N<sub>2</sub>) and making it available to the plant. Associated environmental benefits include reduced nitrate leaching, increased food sources for pollinators, greater structural diversity of farmland, and improved soil fertility [12].

**Effective management of natural resources.** The amount of carbon stored in agricultural land is the equivalent of 51 billion tons of CO<sub>2</sub>, which exceeds the annual greenhouse gas emissions of EU member countries [13].

Main goal: to promote sustainable development and effective management of natural resources such as water, soil and air, in particular by reducing dependence on chemicals.

#### Key Points:

- soil is one of the most important natural resources that supplies essential nutrients, water, oxygen and supports plants. Soil provides many other important services in terrestrial ecosystems;

- although soil health (quality condition) is not an equal issue for EU member states, maintaining and restoring soil productivity potential is a major political

concern. Soil absorbs/assimilates the effects of anthropogenic presence (activities), both through direct activities (intensive cultivation, irrigation, compaction, pollution) and by reducing its capacity to respond to natural factors such as water erosion. This is why the contribution of policy to the protection of soils is becoming increasingly relevant, based on a series of mandatory and voluntary measures in the new SAP.

— besides the use of integrated sustainable practices such as agroecology, new technologies can help in this process, in particular precision farming. This allows to improve both economic and environmental performance, using best practices and a high level of knowledge [13].

**Conservation of landscapes and biodiversity.** The presence of biodiversity is important for the success of agricultural activities, as it depends on various species of plants, animals, insects and microorganisms, which in turn help to ensure crop yields, pest control and maintenance of soil fertility.

Main goal: to help stop and prevent the loss of biodiversity, improve ecosystem services, and preserve habitats and landscapes.

Key Provisions:

— EU farmland biodiversity is reported to be declining;

— various factors affect the biodiversity of agricultural land, among which we can highlight the presence (and diversity) of habitats covering such elements and landscape features as hedgerows, field edges, dry stone walls, individual trees, etc. To date, significant losses of such elements of the rural landscape have been recorded and documented;

— among a number of future steps needed to conserve farmland biodiversity, increasing the density of rural landscape elements with (appropriate) farmer management has an important role to play;

— in order to realize the SAP objective of landscape and biodiversity conservation, policy measures need to be improved in terms of the links between SAP and EU environmental legislation, overall planning of member states regarding the use of SAP funding, obligations for individual SAP beneficiaries,

etc. The improvement of biodiversity and landscape databases will also be an extremely important activity of the SAP [14].

So, EU member states will implement the new SAP by adopting a strategic plan at the national level. Each plan should combine a wide range of targeted interventions to address specific problems and needs of the country and should provide tangible results of the goals at the EU level.

**Conclusions and suggestions.** The analysis of the content, objectives and implementation mechanisms of the EU SAP shows that Ukraine must transform national agricultural policy, its institutional support in order to comply with European norms, which are gaining weight in the context of the desire to join the European community. SAP is constantly adapting to internal and external factors, such as increased competition, environmental protection, food safety and food security. Also extremely important in the context of the improvement of the land legislation of Ukraine is the financial support of organic farming SAP, which in the future under the new policy will be provided through commitments to rural development. At the same time, additional funding for development will be available through eco-schemes. SAP support includes technical assistance and exchange of best practices and innovations in organics. It is expected to strengthen the role and influence of advisory services for farms, in particular, as in the format of agricultural knowledge and innovation systems, exchange of relevant knowledge.

Scientists of the Land Management Institute of National Academy of Agrarian Sciences of Ukraine proposed the "Concept of land use and protection in the development of digital economy and society, which can become one of the stages of the transformation of the land legislation of Ukraine. The prospect of further developments is the detailing and specification of the activities of the state target program of land use and protection and plans for their implementation". [15].

Consequently, it is advisable for Ukraine to study the experience of EU member countries in the implementation of the OAP, primarily in the regulation of

land use, as well as the formation and implementation of agricultural and environmental policies, taking into account the priorities and objectives of the new EU OAP for 2023-2027. No less important is the issue of land records in the EU, which also necessitates the adaptation of land cadastre maintenance in Ukraine.

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## **НОВА СПІЛЬНА АГРАРНА ПОЛІТИКА ЄВРОПЕЙСЬКОГО СОЮЗУ ЯК ЦІЛЬОВИЙ ОРІЄНТИР ТРАНСФОРМАЦІЇ ЗЕМЕЛЬНОГО ЗАКОНОДАВСТВА УКРАЇНИ**

*Визначено потребу в адаптації та удосконаленні існуючого законодавства, насамперед, земельного, а також аграрної та екологічної політики України із законодавчими нормами Європейського Союзу (ЄС). Узагальнено результати попередніх досліджень, що пов'язані із проблеми становлення та впровадження заходів Спільної аграрної політики ЄС (САП). Досліджено, що на початку XXI століття пріоритетним завданням САП стало забезпечення фермерам прийняттого рівня життя, а споживачам - якісних харчових продуктів за справедливими цінами.*

*Розглянуто основні цілі нової Спільної аграрної політики, які охоплюють соціальні, екологічні та економічні аспекти землекористування. Підкреслено, що цілі являють собою оновлені або переглянуті пропозиції, подані країнами-членами ЄС після зауважень, зроблених Європейською Комісією щодо початкових пропозицій, на початку 2022 року. Більш детально розкрито та проаналізовано такі пріоритети, як: заходи задля зменшення впливу на зміну клімату, ефективне управління природними ресурсами, збереження ландшафтів і біорізноманіття, що підкреслені в ключових зауваженнях і пропозиціях. Наголошено, що не менш важливим є питання обліку земель в ЄС, що також обумовлює потребу в адаптації ведення земельного кадастру в Україні.*

**Ключові слова:** *аграрна сфера, охорона земель, органічне землеробство, директиви і регламенти ЄС, біорізноманіття, інструменти прямої дії.*

