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The Fund for European Aid to the Most Deprived:  
a contested and contentious (but successful) reconciliation pathway

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## **Abstract**

The working paper deals with a recent EU social initiative - the Fund for European Aid to the Most Deprived (FEAD) - that from the RESCEU perspective, despite its narrow scope, can be understood as a puzzling case of “reconciliation” at the EU level. Launched in 2014 to contrast severe material deprivation, the FEAD was meant to represent in symbolic terms a way to both increase the visibility of EU action in the social field and to stem the harshest social consequences of the economic downturn. By focussing on this program, targeted to the lower tier of pan-European solidarity, the paper has two main goals. First, from a descriptive standpoint, it aims at providing an overview of the main institutional features of this novel component of the European social sphere. Interestingly the empirical reconstruction of the long process that brought about the adoption of the FEAD shed light on a peculiar historical pathway that took the form of a slow moving process of transformative yet gradual institutional change: not a big transformation in response to big shock, rather an incremental change with highly transformative results (Streeck and Thelen, 2005). Second, from an interpretative standpoint, the paper advances some preliminary hypotheses on the political and institutional dynamics behind the adoption of the new scheme, that appears puzzling on two fronts. On the one side, it represents an unlikely case of supranational activism in the social sphere in an expansionary direction, that occurred within a scenario of overall de-conciliation and econocratic negative integration (cf. Ferrera, 2014). On the other side, it affected a policy field – the fight against poverty and social exclusion – which is particularly unlikely to be Europeanized, since it is typically characterized by a strong defense of national sovereignty. Not surprisingly, findings suggest that the adoption of the FEAD resulted to be a contested and contentious decision, that fostered the emergence of harsh tensions. Despite this, the institutional and political sponsorship of the proposal proved to be strong enough to have the Commission’s initiative not only passed but even strengthened, in terms of scope and financial budget, during the legislative process.

## **1. INTRODUCTION**

During the last two decades, the desirability as well as the need for a stronger European social dimension have been the object of a rich academic debate and scholarly work. The justifications for this claim have varied over time, ranging from the pursue of a properly functioning single market and monetary union

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to more normatively oriented views linked to market-correcting imperatives<sup>2</sup>. More recently, the strengthening of the protective side of the European integration project has been addressed for its key political function, being a threshold of pan-European organized solidarity understood as a sine qua non condition to sustain EU political stability, especially in hard times<sup>3</sup>. In the post-2008 scenario, the economic crisis has in fact contributed to exacerbate multiple lines of conflict within the EU political system arising from the unresolved clash between Economic and Social Europe, that interacting and partly overlapping are generating political turbulences and furtherly undermining citizens' consent towards the EU. Drawing on the RESCEU project, the major lines of conflict that turned to be particularly salient and able to challenge the very stability / continuity of the Union as a political system are four: the first regards the divide between economic and social objectives at the EU level; the second concerns the tension between national social sovereignty/discretion and EU law/conditionality; the third addresses intra-EU "system competition" between high-wage/high welfare Member States (West) and low-wage/low welfare Member States (East); and finally the fourth opposes core (North) and peripheral (South) Member States around the issue of fiscal discipline and cross-national transfers (cf. Ferrera, 2014). Those tensions, if not kept within limits, may endanger the stability and the future viability of the process of European integration; yet, drawing on Weberian insights, the positive function that conflict can play must not be neglected. Confrontation can in fact be key to spin off new "conciliated" solutions, thus possibly contributing to EU building, also along pathways that potentially can be favorable to more socially oriented goals.

Situating within this broad analytical and theoretical framework, the working paper deals with a recent EU social initiative - the Fund for European Aid to the Most Deprived (FEAD) - that from the RESCEU perspective, despite its narrow scope, can be understood as a puzzling case of "reconciliation" at the EU level. Launched in 2014 to contrast severe material deprivation, the FEAD was meant to represent in symbolic terms a way to both increase the visibility of EU action in the social field and to stem the harshest social consequences of the economic downturn. By focussing on this program, targeted to the lower tier of pan-European solidarity, the paper has two main goals. First, from a descriptive standpoint, it aims at providing an overview of the main institutional features of this novel component of the European social sphere. Interestingly the empirical reconstruction of the long process that brought about the adoption of the FEAD shed light on a peculiar historical pathway that took the form of a slow moving process of transformative yet gradual institutional change: not a big transformation in response to big shock, rather an incremental change with highly transformative results (Streeck and Thelen, 2005).

Second, from an interpretative standpoint, the paper advances some preliminary interpretative hypotheses on the political and institutional dynamics behind the adoption of the new scheme, that appears puzzling on two fronts. On the one side, it represents an unlikely case of supranational activism in the social sphere in an expansionary direction, that occurred within a scenario of overall de-conciliation and econocratic negative integration (cf. Ferrera, 2014). On the other side, it affected a policy field – the fight against poverty and social exclusion – which is particularly unlikely to be Europeanized, since it is typically characterized by a strong defense of national sovereignty. In other words, the case is interesting because it can be understood as a prototypical example of the least likely case study for EU building: an hard case where it is unlikely that expansion is expected to be present.

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<sup>2</sup> See, among others Ferrera (2005), Ferrera and Sacchi (2009); Vandenbroucke, Hemerijck and Palier (2011); Fernandes and Maslauskaitė (2013); Schellinger (2015); Vandenbroucke (2015).

<sup>3</sup> Ferrera argues that organized solidarity is a "key political good for a stable and effective functioning of both the market and democracy and for mediating their inevitable tensions" (Ferrera, 2016, p.1).

In what follows we substantiate our argument by first outlining the main institutional features of the FEAD, pointing at the elements of discontinuity as well as continuity with the previous initiative of food aid (section 2). In section 3, drawing on recent insights from the strand of literature on institutional change, we deal with the historical roots of institutional transformation, shedding light on three distinctive phases within the sequence of change. Section 4 outlines some preliminary interpretative insights about the causal mechanisms that made the adoption of the new program possible, against the dead end emerged in the previous phase<sup>4</sup>. Section 5 wraps-up and concludes.

## 2. FROM FOOD AID TO SOCIAL INCLUSION: THE NEW FUND FOR EUROPEAN AID TO THE MOST DEPRIVED

Following nearly two years of intensive intergovernmental and inter-institutional negotiations, the Fund of European aid to the most deprived was eventually approved in March 2014. Even though a program of aid to the most deprived persons in the European Union cannot be seen as a novelty within the European scenario, as anticipated in the introduction to this article, the FEAD has marked significant discontinuity with its institutional forerunner, the Food Distribution Programme for the Most Deprived Persons of the Community (MDP), mainly known as *PEAD* (in French, *Programme européen de distribution de denrées alimentaires aux personnes les plus démunies de la Communauté*). The PEAD was in fact inaugurated by Jacques Delors in 1987, when the Council adopted the rules for releasing public intervention stocks of agricultural products to Member States wishing to use them as food aid for the most deprived persons of the Community.

Despite the similarity of acronyms (PEAD/MDP vs. FEAD), Table 1 highlights the main differences between the two programs, providing an account of the extent of institutional change.

TABLE 1. PEAD AND FEAD COMPARED

	<b>Food Distribution Programme for the Most Deprived Persons of the Community - MDP</b> (Regulation of the Council 1987/3730)	<b>Fund of European Aid to the Most Deprived - FEAD</b> (Regulation of the European Parliament and the Council of the European Union 2014/223)
Policy Area of Competence and Legal Bases	Eu Common Agriculture Policy (Cap) Art. 43 EEC Treaty (Now Art. 43 TFEU, revised), Common Agricultural Policy (In order to stabilize markets, Art. 39(1.C) EEC Treaty)	Eu Social Policy Art. 174 (1) TFEU, Social cohesion In order to promote its overall harmonious development, the union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. Art. 175 (3) TFEU, Social cohesion “if specific actions prove necessary outside the funds and without prejudice to the measures decided upon within the framework of the other union policies, such actions may be adopted by the European Parliament and the Council acting in accordance with the ordinary

<sup>4</sup> The study relies on qualitative analysis, including secondary literature review, documentary analysis as well as the conduction of a number of semi-structured interviews with key informants at the supranational level.

		legislative procedure and after consulting the Economic and social committee and the Committee of the regions.”
Scope of the scheme	Reducing food deprivation / famine, through the distribution of food aid to the most deprived	Reducing severe poverty through the distribution of material assistance (food and basic goods) to be complemented by accompanying social inclusion measures (guidance, support, etc.)
Governance model	Member states participation on voluntary basis, based on member states request to the Commission	Mandatory participation of member states, through dedicated national operational programs for the period 2014-2020, to be set by involving national stakeholders/partner organizations
Main actors involved in the implementation of the scheme	<ul style="list-style-type: none"> <li>- Eu Level: Led By Dg- Agri,</li> <li>- National Level: Agricultural Ministries</li> <li>- Partner organizations: Third Sector Organizations, which are charged with the actual distribution of food aid</li> </ul>	<ul style="list-style-type: none"> <li>- Eu Level: Led By Dg Empl</li> <li>- National Level: (typically) Welfare Ministries</li> <li>- Partner organizations: Public Bodies / Third Sector Organizations, which are charged with the actual distribution of aid and social inclusion measures</li> </ul>
Budget Level and co-financing	<ul style="list-style-type: none"> <li>- annual budget proposed by the European Commission (on average about 350 million per year, increased to about 500 million in the period 2009-2013), within theCAP.</li> <li>- No national co-financing requested</li> </ul>	<ul style="list-style-type: none"> <li>- 3.8 Billion from the EU Budget for 2014-2020 (about 500 euro per year),</li> <li>- Mandatory national co-financing, of at least 15% (no national co-financing for member states with temporary budgetary difficulties, i.e. receiving macro-financial assistance)</li> </ul>

The key distinction to be stressed with regard to the new fund has to do with the overall reframing of its scope and aims, that overcome food-aid to embrace the fight against poverty, through the provision of material assistance (food and non-food items), to be complemented by accompanying social inclusion measures. This change occurred in combination with a key competence shift, as the program abandoned the title of EU Common Agriculture Policy (CAP) to move towards EU Social Policy, as clearly testified by the new legal bases of the scheme (cf. Tab. 1). The “social cohesion turn” of the program was substantiated by the Commission by making reference to the overall EU goal of reducing poverty within the framework offered by the EU2020 strategy. Abandoning the primarily passive nature of the MDP, the FEAD was in fact described by the Commission as a novel instrument, within the European institutional toolkit, to *break the vicious circle of poverty and deprivation* (cf. Box 1).

**BOX 1. “THE FUND OF EUROPEAN AID TO THE MOST DEPRIVED. BREAKING THE VICIOUS CIRCLE OF POVERTY AND DEPRIVATION”**

*“Europe wants to reduce poverty. The Fund for European Aid to the Most Deprived (FEAD) is one way of accomplishing this goal. It was launched in March 2014 with the main aim of breaking the vicious circle of poverty and deprivation. It does so by providing non-financial assistance to some of the most vulnerable persons in the EU.*

[...]

*The FEAD aims to contribute to alleviating the worst forms of poverty in the EU. In this way the Fund will play a part in reaching the EU 2020 target of reducing the number of people in poverty or at risk of poverty*

by at least 20 million. By helping groups in society that are struggling the most, the Fund also pursues the broader goal of strengthening social cohesion.

[...]

*The Fund offers assistance to individuals, families, households or groups of people in the EU Member States. The assistance may take the form of food, clothing and other essentials, accompanied by advice, counselling or other help to re-integrate into society. The FEAD may also finance stand-alone social inclusion activities for the most deprived persons, which are designed to strengthen people’s skills and capacities so that they can overcome difficulties or discrimination they face in everyday life.”*

Source: excerpt from European Commission (2015, pp. 4-6)

To this end, operatively, under the new program, the variety of assistance that can be provided was widely expanded, ranging from several kinds of non-financial material assistance, such as food packages but also hygiene items and school supplies, to social inclusion accompanying measures, including for example information about social and health services and psychological support (cf. Tab. 2).

**TABLE 2. TYPES OF ASSISTANCE THAT MIGHT BE PROVIDED THROUGH THE FEAD AND MDP / PEAD**

MDP / PEAD	FEAD
Food aid, in the form of: - food packages - meals - collection and distribution of donated food	a) Food aid and material assistance, in the form of: - food packages - meals - collection and distribution of donated food - basic hygiene items - clothing - sleeping bags - school supplies ... b) Accompanying social inclusion measures in the form of: - Information about available social services, rights and obligations - Information about temporary shelter - Financial literacy and debt mediation - Information about maintaining a balanced diet - Access to health and education services - Psychological support - Socialisation and networking activities ...

Source: elaboration from European Commission (2015)

Other important novelties concern the management and the governance of the program. On the one side, the participation to the program was made mandatory. On the other side, the planning of the scheme was further formalized through the envisioning of an articulated multi-level and multi-actor governance model, which presupposes several steps and the involvement of national and supranational stakeholders, outlined in Table 3. More in depth, the key documents with regard to the implementation of the FEAD are represented by the national Operational Programs (OP) that shall be adopted by member states within six months of the entry into force of the Regulation, covering seven years (2014-2020). OPs are intended as planning documents, and have to provide all the details concerning the

implementation of the Fund. More in depth, member states had the possibility to choose between two kind of OPs: OP I - addressed to food and basic material assistance with accompanying social inclusion measures; and OP II - addressed to social inclusion activities that fall beyond labour market's active inclusion measures. Member states could opt for one of them or for both.

Also, the monitoring and assessment of the implementation was made more sophisticated, now including a number of yearly reports and reviews (cf. Tab. 3). Member states are in fact required to issue, each year, an implementation report, complemented by a summary of the comments made by relevant national stakeholders. With reference to the steering role played by the European Commission, in addition to actions during the OPs adoption phase, it is expected to prepare comparative reports on the national implementation reports to be presented (yearly) to the European Parliament and to the Council; and to chair the annual *review meeting* to review the progress made with member states and managing authorities, involving relevant stakeholders. Additionally, the Commission is required to consult, at least once a year, the organisations which represent the partner organisations at the Union level and, following such consultation, report back to the European Parliament and to the Council. Finally, a mid-term evaluation of the Fund is expected to be issued by the Commission by 31 December 2018.

**TABLE 3. THE IMPLEMENTATION AND MANAGEMENT OF THE FEAD: KEY FEATURES OF THE MULTILEVEL MULTI-STAKEHOLDER GOVERNANCE MODEL**

Adoption of Operational programmes	<p><u>Within 6 months</u> of the entry into force of the Regulation, each member shall submit:</p> <ul style="list-style-type: none"> <li>- an OP I - "food and/or basic material assistance operational programme", supporting the distribution of food and/or basic material assistance to the most deprived persons, combined where applicable with accompanying measures, aimed at alleviating the social exclusion of most deprived persons</li> </ul> <p>and / or</p> <ul style="list-style-type: none"> <li>- an OP II – "social inclusion of the most deprived persons operational programme", supporting the activities outside active labour market measures, consisting in non-financial, non- material assistance, aimed at the social inclusion of the most deprived persons;</li> </ul> <p>Relevant stakeholders as well as, where appropriate, the competent regional, local and other public authorities shall be involved in the preparation of the operational programme.</p> <p>OPs shall include:</p> <ul style="list-style-type: none"> <li>- the criteria used for the selection of partner organizations (public and/or private) that will manage the delivery of aid / assistance to the most deprived;</li> <li>- the designation of a national public authority or body as managing authority.</li> </ul> <p><u>Within three months</u> of the date of submission, the Commission assesses:</p> <ul style="list-style-type: none"> <li>- the consistency of each operational programme with the Regulation and the objectives of the Fund, and</li> <li>- the absence of overlap with any operational programme financed by the ESF in the Member State.</li> </ul> <p>and may make observations . The Member State shall provide to the Commission all necessary additional information and, where appropriate, revise the proposed operational programme.</p> <p><u>No later than six months after its submission</u> by the Member State, provided that any observations made by the Commission have been adequately taken into account, the Commission approves each operational programme</p>
Monitoring and evaluation	<p><u>Implementation report</u> - Member states shall submit to the Commission, by 30 June of each year, an annual implementation report for the operational programme implemented in the previous financial year. Member States shall consult the relevant stakeholders on the implementation reports, and a summary of the comments of those relevant stakeholders shall be annexed to the report. The Commission may address observations to a Member State concerning the implementation of the operational programme. The member state shall within three months inform the Commission of the corrective measures taken.</p>

	<p><u>Review meetings</u> - The Commission and the Member States shall meet every year from 2014 to 2023, unless otherwise agreed, to review the progress made in implementing the operational programme, taking account of the annual implementation report and the Commission's observations. The relevant stakeholders shall be invited to participate in review meetings of OP I except for the parts of that meeting when their participation would lead to conflicts of interest or breach of confidentiality related to audit matters. The Member State shall ensure that appropriate follow-up is given to any comments of the Commission following the review meeting and shall refer to that follow-up in the implementation report of the following financial year or, as appropriate, years</p> <p><u>European Parliament and Council involvement</u> - The Commission shall present a summary of the annual OP I implementation reports and the final implementation reports to the European Parliament and to the Council in due course.</p> <p><u>Stakeholders' review</u> - The Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level on the implementation of support from the Fund and, following such consultation, shall report back to the European Parliament and to the Council in due course.</p> <p><u>Mid-term review</u> - The Commission shall present a mid-term evaluation of the Fund to the European Parliament and to the Council by 31 December 2018.</p>
Stakeholders involvement and mutual learning	<p>Relevant stakeholders as well as, where appropriate, the competent regional, local and other public authorities shall be involved in the preparation of the operational programme.</p> <p>Stakeholders have to be consulted by member states on the implementation reports, and a summary of the comments of those relevant stakeholders shall be annexed to the report.</p> <p>Relevant stakeholders shall be invited to participate in review meetings except for the parts of that meeting when their participation would lead to conflicts of interest or breach of confidentiality related to audit matters.</p> <p>The Commission shall consult, at least once a year, the organisations which represent the partner organisations at Union level on the implementation of support from the Fund and, following such consultation, shall report back to the European Parliament and to the Council in due course.</p> <p>The Commission is expected to facilitate, including by means of a website, the exchange of experience, capacity building and networking, as well as dissemination of relevant outcomes in the area of non-financial assistance to the most deprived persons. To this end, a "Fead platform" will be put in place, meant to foster the exchange of information and best practices between partner organisations and as a way to develop synergies within Europe. Further, the Fead Platform will held an annual meeting to fosternetworking among FEAD implementing partners, national Managing Authorities and other EU and national level stakeholders.</p>

Source: Author's elaboration on Regulation no. 223/2014 of the European Parliament and the Council.

Parallel to this account of discontinuities, important elements of institutional continuity cannot be downplayed. First, the cluster of potential beneficiaries of the measures was largely the same as before; and second, despite the wider scope of the program, food assistance was expected to continue to be the most important means of assistance to the most deprived. Third, and most notably, the key role played within this program by civil society organizations, including food-banks and charities in charge of the actual distribution of assistance, was maintained, while stakeholders involvement at the national and supranational level in the governance of the scheme was explicitly strengthened and formalized (cf. Tab. 3).

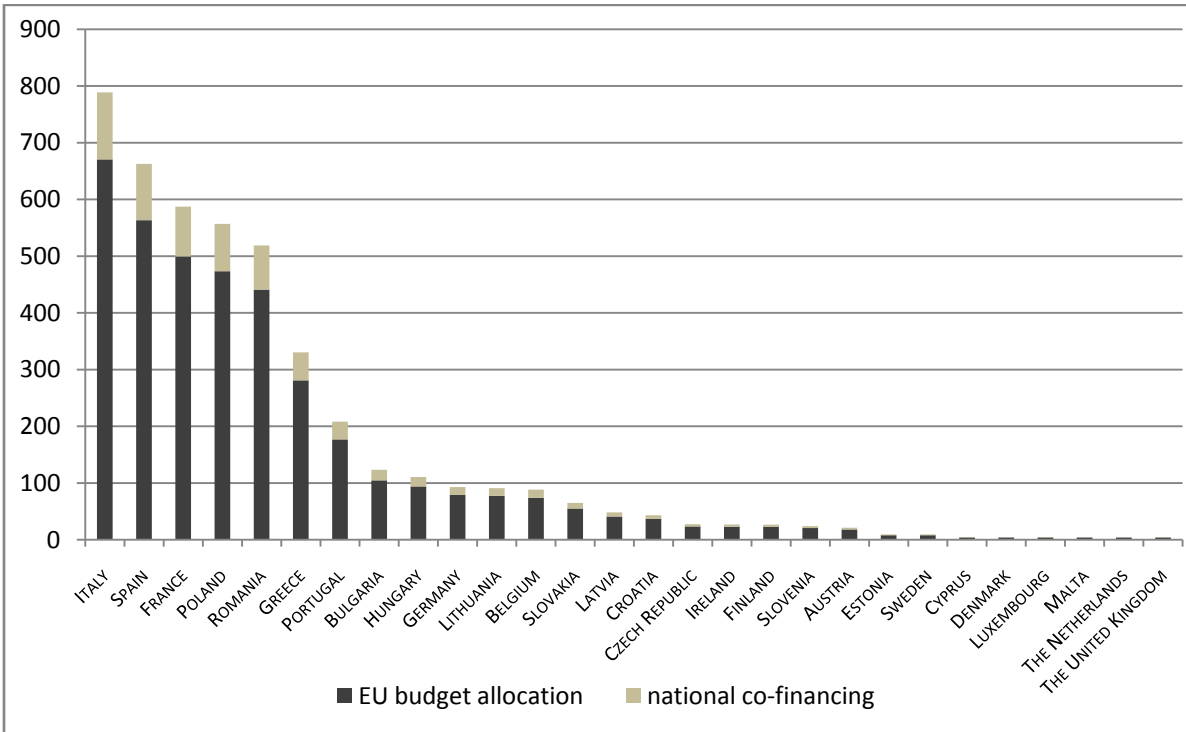


Turning to financial issues, it's worth notice that overall the total budget was increased if compared to the funding devoted to MDP: the FEAD's total budget is approximately 4.5 billion euros for the period 2014- 2020. The bulk of it – 3.8 billion euros – comes from the EU budget, while member states are required to top this up to 674 million as national co-financing share. This means overall about 641 million euros per year, a higher sum than the highest annual budget allocated to the MDP (500 million euros from 2009 to 2013) and considerably higher with respect to the initial proposal made by the Commission of 2.5 billion euros. Further, the very low national co-financing rate (at least 15% of the eligible public expenditure, to be reduced up to 0% for member states with temporary budgetary difficulties), together with the provision of a pre-financing mechanism, set at 11% of the Fund's overall contribution to the operational programme to be paid by the Commission at the time of the adoption of the OP, contribute to a sort of FEAD “exceptionalism” within the framework of ESIF funds<sup>5</sup>.

The distribution of resources among member state is based on Eurostat figures about the population suffering from severe material deprivation and the population living in households with very low work intensity. The allocation however also takes into account the different ways of assisting the most deprived persons in the Member States, with a lower ceiling set at 3.5 million euros for each member state in order to give them the chance to set an operational programme with a *meaningful level of resource*. Figure 1 shows the allocation of resources among member states, highlighting the wide gaps among them. Italy, Spain, France, Poland and Romania retained the highest amounts, with budgets ranging from 500 up to nearly 800 million euros, whereas Cyprus, Denmark, Luxembourg, Malta, the Netherlands and the UK are at the other side of the distribution, with budgets lower than 5 million euros. The overall assessment partly changes when considering relative values. Per-capita spending ranges from about 30 euros in Greece and Lithuania, to less than 1 euro in Sweden, Denmark, and the UK.

**FIGURE 1.** FEAD 2014-2020 BUDGET ALLOCATION AMONG MEMBER STATES (EU BUDGET AND NATIONAL CO-FINANCING) (MILLION EUROS)

<sup>5</sup> Usually, no pre-financing applies to Esif funds, and national co-financing is set at a much higher rate.



Source: European Commission (2015).

The analysis provided in the previous pages allowed to highlight the main distinctive features of this novel token of the European social space and to point at the degree of institutional discontinuity with the PEAD/MDP. The aim of this institutional reconstruction was to show how, put in historical context the passage from the MDP to the FEAD represented a major institutional transformation, being the new program for scope and aims substantially different from the previous one. As acknowledged above, however, also the elements of continuity between the two programs must not be downsized. Therefore, from an analytical standpoint, what kind of institutional change came with the shift from the PEAD/MDP to the FEAD? The next section deals with this issue by building on the rich strand of literature that flourished in the last decade to address processes of gradual yet transformative institutional change.

### 3. TRACING THE SEQUENCE OF CHANGE IN HISTORICAL PERSPECTIVE. EVOLUTIONARY, REVOLUTIONARY, INCREMENTAL, TRANSFORMATIVE: WHAT KIND OF INSTITUTIONAL CHANGE?

The issue of institutional change has been at the centre of a rich scholarly debate in the last decades (cf. Capano, 2009; Streeck and Thelen, 2005; Mahoney and Thelen, 2010). Dimensions such as the nature of change (incremental vs. radical), its logic (cumulative vs. adaptive), scope and temporality are key issues to connote the developments occurred and represent a necessary pre-condition to address interpretative goals. Adopting the lens provided by Streeck and Thelen (2005), at first sight a comparison

between the 1987 Regulation, starting the MDP, and the 2014 Regulation inaugurating the FEAD would support the idea of an act of abrupt institutional displacement due to the extent of institutional discontinuity produced by the FEAD. However, the in depth reconstruction of the process that brought eventually to the approval of the 2014 Regulation allowed to shed light on a long sequence of incremental institutional change that revolved around about two decades and gradually changed the very nature of the 1987 program, ending up with highly transformative results. Within the debate about incremental and transformative change, our claim is that with regard to the case-study at stake they can be conceptualized as linked together, one being the endogenous source of the other.

In what follows we substantiate the argument by tracing the sequence of institutional change and shedding light on three key phases/junctures: institutional emergence in 1987; a second long phase of gradual uncontested institutional expansion (1995-2008); a third phase when EU food aid policy became politically divisive and contentious, ended up with an act of institutional displacement (2008-2014).

### **3.1 Institutional emergence in 1987: “le coup d’État”**

Jacques Delors described the adoption of the Food aid program for the most deprived in 1987 as a sort of coup d’état by the Commission, when in the wake of the exceptionally cold winter of 1986/1987 the Community supplied food stocks to charitable organizations for distribution to the most deprived persons in the Community. In the Eighties, agricultural surpluses, due to the nature of the CAP mainly oriented to the supply side, were particularly plentiful and images of milk powder and other stocks destroyed provided the occasion of an expression of dissent by well-known French and Belgian activists in the field of assistance to the poor, coming from two countries in which the popular network of NGOs providing food aid to poor people (notably “Les Restos du Coeur”) launched in 1985 were already rooted.

*“J’en viens au PEAD, dont, on pourrait presque dire qu’il a été institué par un coup d’Etat. En 1987, les excédents agricoles étaient considérables. J’ai donc fait prendre par la Commission, qui a le pouvoir de gérer des excédents, la décision de les donner aux Restos du Coeur et aux associations oeuvrant dans le même sens. On ne l’a pas porté à mon crédit, mais je le comprends fort bien: Coluche, s’est tout de même autrichisé que Delors!” (Delors, 2011).*

Delors himself stressed the influence on his decision of the appeals made by some members of the charitable world, Soer Emmanuelle and Coluche (the founder of the “Restos du Coeur”), renowned activists in France and Belgium in the assistance to the most vulnerable people<sup>6</sup>. As it will be recalled later on by Delors himself: «Il y avait des excédents agricoles. J’avais reçu des appels de Soeur Emmanuelle et de Coluche. Plutôt que de laisser ces excédents ou de les vendre au rabais, j’ai proposé ce programme car c’était une compétence de la Commission, en prenant la précaution de le faire ratifier par le Conseil des ministres.» (quoted in Chambon, 2011, p. 1)

The Regulation of the Council n. 3730/87, laying down the general rules for the supply of food from intervention stocks to charities for the distribution to the most deprived persons in the Community, was based on Article 39 and 43 of the EEC Treaty, and strictly tied to the objective of stabilizing agricultural

<sup>6</sup> Particularly well-known is the heartfelt appeal of Soer Emmanuelle directed at Jacques Delors «*Ecoute, Jacques, je suis très fâchée. Mes enfants meurent, et toi, tu gardes le lait!*», quoted in Chambon (2011).

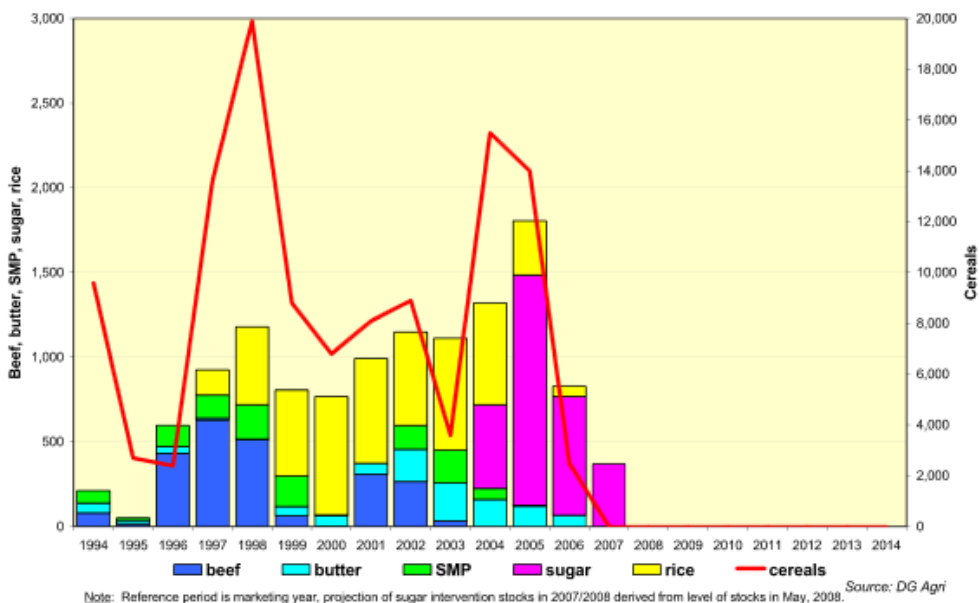
markets. The social goal of the program was however clearly stated in the preamble, recognizing that “whereas the Community has through its intervention stocks of various agricultural products the potential means to make a significant contribution towards the well-being of its most deprived citizens [...] the Community had an interest, in line with the objectives of the common agricultural policy, to exploit this potential on a durable basis until the stocks have been run down to a normal level by introducing appropriate measures”. The fund was therefore expected to be run on a temporary basis, till the natural and projected expiry of agricultural surpluses. The use of the fund was voluntary on the side of member states that had to submit a request on a yearly basis to the Commission that was then in charge to adopt the annual implementation plan of the scheme. The distribution of goods was then assigned to NGOs and charitable organizations, that acted as key partners of member states in the running of the program. Within this system an important role has been played by the network of food-banks, particularly relevant for stocking and distributing food products to end-of-chain NGOs working at the field level with final beneficiaries.

### ***3.2 A slow moving process of uncontested functional expansion: 1995-2008***

The first reform of the program took place a few years later after its adoption. In the face of fluctuations and unpredictability of intervention stocks that made it difficult to plan food aid, Regulation No. 3730/87 was amended by Regulation No. 2535/95 of the Council to enable the purchase on the market of food products. As reconstructed by the DG-Agri “in the mid-1990s, as beef intervention stocks fell, in order to ensure continuity and a stable supply to the charities, the programme was modified to make it possible to supplement intervention stocks with market purchases. However, this modification was not intended as a long-term, structural characteristic of the programme, but only as a solution that could be called upon when there were insufficient supplies of certain intervention stocks. The basis of the programme remained intervention, “until the stocks have been run down to a normal level” (European Commission, 2008a, p. 8)

This option - although conditioned to the “temporary unavailability of a product in intervention stocks” and “in cases where intra-Community transfers would be necessary for the implementation of the plan”, to the extent necessary to permit the adoption and implementation of the annual plan drawn up by the Commission for the distribution of food aid under Regulation No. 3730/87- had far-reaching and almost unexpected consequences in the following years giving rise to gradual functional expansion of the program. Due to the reduction in intervention stocks and their limited variety in terms of products, market purchases, rather than residual and temporary solution, soon became the main source of supply for the program, changing the very nature of the program. In the implementation plan for 2008, the share of products purchased on the open market to ensure the functioning of the program reached the 90% of the total.

**FIGURE 2. THE ERRATIC AVAILABILITY OF INTERVENTION STOCKS, DATA AND ESTIMATES (1994-2014) (TONS)**



Source: European Commission (2008, p. 14)

In the meantime also the functional and economic importance of the program had grown. Overall the budget increased from slightly less than € 100 million in 1987 to more than €305 million in 2008. Additional amounts were allocated to the programme in 1994 to respond to the Albanian refugee crisis and in 2004 and 2007 in view of the enlargement to 12 new Member States. A further budget increase was granted for the 2008 annual plan, in order to partly compensate for increasing food price inflation.

Even though the participation in the programme was voluntary on behalf of member states, a growing number of countries took part in the scheme. In 2008 they were 19. Germany, the Netherlands, the UK and Denmark initially had partaken, but then left: Germany in 1989, the Netherlands in 1995, the UK in 1998 and Denmark in 2004. Sweden and Austria never participated. Except Cyprus and Slovakia the new member states all joined the scheme between 2004 and 2008. (Caraher, 2015). Take-up had been at a very high level, with over 95% of the budget provided by the EU being successfully spent by the participating Member States.

In terms of products, in 2010 the MDP provided about 328.000 tons of food, that were distributed to beneficiaries, through a net of about 25.900 partner associations in the EU, with more than 18 million people in 20 Member States getting food aid from the Most Deprived Programme. Parallel to this, one of the key actors of the system, the European Federation of Food-banks (FEBA) had significantly grown (cf. Table x). From its naissance in 1986 with only two members (France and Belgium), it expanded through the creation of Food-banks agencies in Spain, Italy and Ireland (between 1988 and 1992), followed later on by Portugal, Poland, Greece and Luxembourg (between 1994 and 2001). Since 2004 several ECEC joined the federation, including Hungary, the Czech Republic, Slovakia, Lithuania, but also the UK (2008) and the Netherlands (2004) entered the federation<sup>7</sup>. In 2010, FEBA included 240 agencies

<sup>7</sup>Germany signed an agreement as external partner in 2007, through an existing national NGO, *Die Tafeln*.

operating in 18 European countries and more than half of the food stocks distributed by FEBA came from the MDP.

### **3.3 2008-2014: the contentious politics of EU food aid**

From a political science perspective, the third phase - unfolding between 2008 and 2014 - is the most interesting one, as the politics of food aid started to be divisive and politically contentious. Building on the RESCEU framework, three of the four main cleavages are clearly recognizable in this phase and emerged to be relevant to structure the political conflict on food aid policy, namely: the vertical one, that is to say the divide between the expansion of supranational competence versus the defense of national social sovereignty on the basis of subsidiarity; the classical horizontal one, that is to say the Left-Right divide about the socio-economic mission of the EU; and the core-periphery cleavage, opposing the core North to the peripheral South. Departing from this, the next pages offer an in depth reconstruction of the politics of food aid policy at the EU level, by providing evidence of the degree of conflictuality (and contentiousness) it brought about.

#### *The MDP towards a dead end?*

As mentioned, in the mid-1990s due to a sharp reduction in intervention stocks and to their erratic trends, the MDP was modified to make it possible to complement agricultural surpluses with market purchases. In the understanding of the Commission and of the Council, this option was not intended as a long term solution but one that could be called upon when there were insufficient supplies of certain products, as in the case of beef and rice flows. As clarified by the Commission "the basis of the programme remained intervention, until the stocks have been run down to a normal level" (European Commission, 2015a). This occurred quite soon since, as foresaw by the Commission, the reforms of the CAP quickly led to far lower intervention stocks (cf. Fig. 2), therefore making market purchases the only available option for the continuation of the programme<sup>8</sup>.

Recognizing the emergence of a novel context, and following a declaration by the European Parliament in 2006 calling for a novel legal framework for the MDP, in 2008 the Commission prepared a regulation proposal (COM (2008) 563 final). Under the led of DG-AGRI, the Regulation was intended to make the existing program independent from the availability of intervention stocks, enabling market purchases on a permanent basis (Chambon, 2011). Although the first source would have been represented by intervention stocks - but it was recognized that it was unlikely that they would have continued to exist-

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<sup>8</sup>Since the early-2000s, the common agricultural policy has been substantially reframed, with a decisive switch of emphasis from the primary objective of increasing productivity and supporting the supply side, to the goal of guarantying the long-term sustainability of agricultural markets. Intervention stocks, as a result, lost their function as ordinary regulatory tools, turning to be very limited and used just for a selected number of products (European Commission, 2008).

the proposal (cf. Table 4) allowed to overcome the “temporary unavailability” clause, and to make market purchases the rule rather than the exception, as already de-facto being the case.

Since the very beginning, the fortunes of the proposal were not encouraging: the act, under the consultation procedure, was in fact soon deadlocked in the Council by a blocking minority (cf. Table 5). The position of member states in the Council soon revealed divided and the decision about the future of the program started to be contentious. To the one side, several national delegations (BE, BG, EL, ES, FR, IT, LT, LU, PL, PT, RO, SI, SK) were clearly in favour of the continuation of the program and supported the Commission’s proposal; whereas on the other side, a smaller group of countries (CZ, DE, DK, NL, SE and UK) rejected the very principle of the scheme, since they considered it outside the remit of the Common Agricultural Policy (CAP) and found that the subsidiarity criterion was not met, as social programmes of the kind, lacking a link with the CAP, were better addressed at the national level. In between, some member states (AT, EE, FI, LU and LV), while welcoming the idea of helping the most deprived, expressed doubts on the legal basis of the scheme, as well as on the respect of the principle of subsidiarity<sup>9</sup>. Further on this, as explicitly recalled by Mr. Hoban in a debate at the House of Lords a few years later: “We are unconvinced of the merits or appropriateness of the proposal. The principle of subsidiarity, which is enshrined in article 5 of the treaty on European Union, states that the EU should act collectively only when “the objectives of the proposed action cannot be sufficiently achieved by the Member States” on their own, but can “be better achieved” by action on the part of the Union. We consider that the measures to assist the neediest members of society, as set out in the proposal, can be better and more effectively delivered by individual member states through their own social programmes, not at an EU level. Member states and their regional and local authorities are best placed to identify and meet the needs of deprived people in their countries and communities in ways that are administratively simple and efficient.” (Mr. Hoban, UK Minister for work and pension, transcript, House of Lords, Dec. 2012).

**TABLE 4. MAIN ELEMENTS OF THE 2008 COMMISSION PROPOSAL**

Two sources of supply	Food would be sourced either from intervention stocks or from the market. The latter would no longer be limited to situations of temporary unavailability of intervention stocks. However, priority would be given to the use of suitable intervention stocks where these are available.
Wider variety of foods to be distributed and clearer priorities	In order to improve the nutritional balance of the food provided through the scheme, the choice of distributed foods would no longer be limited to those for which intervention applies. Food products would be chosen by Member State authorities in the frame of national food distribution programmes setting out objectives and priorities for food distribution to the most deprived and that would include nutritional concerns.
Long-term perspective	Food distribution activities require long-term planning and careful preparation by the national authorities and charities. In order to enhance its efficiency, the Union food distribution scheme would be established for three years. The amounts of aid for the second and third years would only be indicative and would have to be subsequently confirmed. Furthermore, a ceiling for the financial contribution of the Union is proposed.
Introducing co-financing	The introduction of co-financing would underpin the cohesive dimension of the scheme, ensure proper planning and reinforce synergies. To help make for a smooth introduction and a continued high take-up of the Community funding made available, Community co-financing rates would be 75% and 85% in Cohesion Member States for the 2010/12 plan.

<sup>9</sup> Cf. Interinstitutional file 2008/183, 14190/1/08 REV 1.

	Subsequently, as of the 2013/15 plan, the Community co-financing rates would be, respectively 50% and 75%.
Reinforcing monitoring and reporting	Reporting obligations at various levels would be strengthened and include a report from the Commission to the European Parliament and the Council.

Source: European Commission (2008).



Table 5. Contentious and contested EU food aid policy:a synopsis(2006-2012)

Date	Act	Main elements	Council Position	European Parliament position
April 2006	Declaration by the European Parliament. Declaration of 4 April 2006, with 391 signatories.	The EP called on the Commission and the Council to put the European food aid programme on a permanent footing	/	/
May-June 2008	Communication by the Commission on "Tackling the challenge of rising food prices – Direction for EU Action";and speech before the EP of President Barroso on the18th of June 2008	The Commission lauded the MDP initiative and President Barroso said that the Commission foresaw an increase in budget for this initiative by two thirds.	/	/
September 2008	Commission Proposal of a Regulation of the Council COM(2008) 563 final Legal base: Common Agricultural Policy Consultation procedure	Continuation of the MDP program, enabling market purchases on a permanent basis. Introduction of national co-financement (50% and 25% for cohesion countries)	Blocking minority:Czech Republic, Denmark, Germany, Netherlands, Sweden, United Kingdom	(opinion) EP in favour of the continuation of the scheme. On 26 March 2009 the European Parliament approved its legislative resolution with 425 votes in favour, 71 against and 62 abstentions. 20 amendments were proposed including the elimination of co-financement
September 2010	Amended Proposal of Regulation of the Council and the European Parliament COM(2010) 486 final Legal base: Common Agricultural Policy (art. 42 and 43, CAP) Co-decision procedure	Continuation of the MDP program, enabling market purchases on a permanent basis. Lower co-financing rate with respect to the previous proposal (25% and 10% for cohesion countries, against 50% and 25% in the original 2008 proposal) and a €500 million ceiling for the EU annual financial contribution	Blocking minority: Austria, Czech Republic, Germany,Denmark, Netherlands, Sweden, UK.	Several amendments by the EP were integrated in the new amended proposal. National co-financement was maintained but rates were reduced.
April 2011	<i>ECJ decision declaring illegal market purchases under the MDP program (action initiated in 2008 by Germany, supported by Sweden, against the Commission, supported by Italy, Spain, France and Poland, seeking the annulment of the Commission annual plan for 2009 allowing market purchases).</i>			
September 2011	Amended proposal of Regulation of the Council and the European Parliament (COM (2011) 634 final), Legal base: social cohesion (art. 175(3) – social cohesion); and common agricultural policy (art. 42 and 43 - CAP); Co-decision procedure	Continuation of the MDP program, enabling market purchases on a permanent basis. National co-financing eliminated.	Act blocked in the Council. (no info about blocking minority, access to documents limited )	

Date	Act	Main elements	Council Position	European Parliament position
November 2011	<p>Compromise proposal prepared by the Polish Presidency on the text of the draft Regulation (COM (2011) 634 final)</p> <p>Legal base: common agricultural policy (art. 42 and 43 - CAP)</p>	<p>Continuation of the MDP scheme for 2012 and 2013, enabling market purchases.</p> <p>Budget of 500 mln euro per year, no national co-financing required.</p> <p>Commitment to a definitive expiry of the program by 31 December 2013.</p>	<p>Political agreement reached under the Polish presidency at the end of 2011 and formally passed on February 2012 under the Danish presidency.</p> <p>The Swedish, Danish and United Kingdom delegations voted against. Czech Republic abstained.</p> <p>Joint declaration against a future continuation of the scheme by France and Germany, plus declarations of the Czech Republic, and Sweden.</p> <p>Joint declaration in favour of the future continuation of the MDP by Belgium, Bulgaria, Greece, Spain, Hungary, Italy, Lithuania, Luxembourg, Latvia, Malta, Portugal, Romania, and Slovenia.</p>	
October 2012	<p>Commission proposal of Regulation (COM (2012) 617 final)</p> <p>Legal base: social cohesion (art. 175(3) – social cohesion)</p> <p>Co-decision procedure</p>	<p>Continuation of the MDP scheme, enabling market purchases on a permanent basis.</p> <p>Budget reduced to 2.5 billion euros for seven years.</p> <p>National co-financing required.</p>	<p>Activation of informal trilogues.</p> <p>Act approved at first reading, with amendments.</p> <p>The Danish and United Kingdom delegations voted against.</p>	<p>Activation of informal trilogues.</p> <p>Act passed at first reading with amendments.</p>

Due to the tough resistance emerged in the Council and the entry in to force of the Lisbon Treaty, in September 2010 the Commission submitted an amended proposal to the Council and to the European Parliament (COM(2010) 486 final), aligning the proposal to the Lisbon treaty and introducing two substantive changes, namely a lower EU co-financing rate (25% and 10% for cohesion countries, against 50% and 25% in the original 2008 proposal) and a €500 million ceiling for the EU annual financial contribution. Interesting to note that the European Parliament acquired, thanks to the new treaty, a co-decision role in the field of agricultural policy increasing therefore its formal influence and (voice potential) also within the MDP reform process<sup>10</sup>. Again, however, a blocking minority against the amended proposal emerged in Council, made of seven member states (cf. Tab. 5).

Parallel to the attempts of the Commission to reach an agreement on the new proposal for the continuation of the program, in April 2011 came a ECJ decision intended to determine the expiry of the program. On 23 December 2008, Germany, supported by Sweden, had brought an action against the Commission (supported by Italy, Spain, France and Poland) before the Court seeking the partial annulment of the Commission Regulation on implementing the programme in 2009. On 13 April 2011, the ruling annulled those provisions of the Commission annual plan allowing market purchases, that accounted for nearly 90% of the resources allocated to the programme (cf. Box 2). Since the ruling deemed that the arrangements in 2009 to provide food bought on the open market were illegal, the 2012 plan had to be adopted with a much reduced budget. Obligated to implement the Court ruling, in June 2011 the Commission adopted a new Regulation on implementing the programme that provided for a cut of over €360 million for the 2012 programme - from €480 million to €113.5 million. The scheme should in fact be based exclusively on existing intervention stocks (just over 162 000 tons of cereals and less than 54 000 tons of skimmed milk powder), with Member States getting less than a quarter of what they received in earlier years. Furthermore, given the market prospects, the budget for 2013 was expected to be cut to zero (Chambon, 2011), and therefore, the program was expected to expire by that date.

**BOX 2 SUMMARY OF THE 2011 RULING OF THE ECJ**

T-576/08 Germany v Commission, judgment of 13 April 2011

The Republic of Germany has brought an action for annulment of Commission Regulation (EC) No 983/2008 adopting the annual plan for 2009 under the programme for the supply of food to the most deprived persons in the Union, which is financed by the EAGF. This Regulation was adopted on the basis of Article 27 of Regulation (EC) No 1234/2007 ("Single CMO Regulation") which provides, in substance, that the plan is drawn up with recourse to products which are in intervention stocks, but that the Commission may also provide for the purchase of products on the market where they are "temporarily unavailable in [...] intervention stocks during implementation of the annual plan". According to Germany, the Regulation challenged was adopted in breach of this provision in so far as for 2009 (as had already been the case for 2008), in the absence of a sufficient quantity of products in the intervention stocks, the plan was to consist to a very large extent of products purchased on the market. According to the applicant, in such a case the products concerned cannot be considered as being only "temporarily unavailable" within the meaning of Article 27 of the Single CMO Regulation.

Consequently, the Regulation no longer has any link with the CAP but comes more under social policy and cannot therefore be adopted on the basis of Article 27 of the Single CMO Regulation. The General Court points out that in the challenged Regulation, the Commission adopted the annual plan for 2009, under which approximately 89.98% of its total (amounting to EUR 496 million) was intended for the purchase of products on the market. As a result, the principal objective of this annual plan was not the disposal of the intervention stocks, but covering the needs declared by the Member States participating in it.

Under these circumstances, the Court considers that the plan in question does not conform to Article 27 of the Single CMO Regulation and annuls in part the Commission Regulation in so far as it provides for an additional food purchasing mechanism. Nevertheless, the Court specifies that this annulment does not affect the validity of the allocations already made.

Source: excerpt from European Commission(2011) ([http://ec.europa.eu/dgs/legal\\_service/arrets/08t576\\_en.pdf](http://ec.europa.eu/dgs/legal_service/arrets/08t576_en.pdf))

<sup>10</sup>With the Treaty of Lisbon CAP felt under the 'ordinary legislative procedure', in place of the consultation procedure, thus increasing the relevance of the European Parliament in the agricultural policy sphere.

### *A tricky political compromise in the Council*

In such an adverse scenario for the continuation of the MDP, the Commission drafted in September a new amended proposal (COM (2011) 634 final), adding a second legal base (art. 175(3) – social cohesion) to go with the existing agricultural legal base (art. 42 and 43, CAP), and proposed to maintain funding exclusively from the EU budget, annulling the initial proposal of national co-financing.

*“The European Commission has today put forward a second amended proposal to provide an impetus for a political agreement and to allow the successful food distribution scheme to continue in 2012 and 2013, as well as in the future. The amendments proposed today will add a second legal base, namely social cohesion, reflecting the scheme's important social dimension. A further change is to remove the proposed provision for co-financing the scheme in future. Earlier proposals to avoid this problem were tabled by the Commission in 2008 and 2010 have been backed by the European Parliament and a number of Member States, but the dossier remains blocked in the Council”*(European Commission, Press Statement, Brussels, 03 October 2011)

Again, however, a minority block in the Agriculture Council opposed the amended proposal, raising the same reasons pointed out in former years. Member states within the Council proved to be very divided on the MDP issue and a political accord seemed very unlikely. A key moment for overcoming the impasse came at the end of the year, at the meetings held between October and November 2011, thanks to the effort put by the Polish rotating Presidency, led by Tusk. In about a month, the Presidency, explicitly in favor of the proposal, managed to negotiate a political compromise that allowed to guarantee at least the continuation of the program for 2012 and 2013. The statements by the Commissioner Ciolos are very telling about the effort put in this agreement by the Commission too (Box 3).

**BOX 3 STATEMENTS BY COMMISSIONER CIOLOS BEFORE AND AFTER THE POLITICAL AGREEMENT IN THE COUNCIL ON THE CONTINUATION OF THE PROGRAM IN 2012 AND 2013**

Statement by Commissioner Ciolos on the Aid for the Needy scheme following the Council of Ministers of Agriculture on 20 October 2011

"I am once again appalled that the Council has not been able today to lift the blockade on our programme for food aid for the poor in 2012 and 2013. In recent days and weeks, the European Commission has taken its responsibilities and shown enormous flexibility in order to make an agreement possible. We have reached the stage where all the technical or legal arguments put forward by certain member states to oppose the scheme are obsolete. **I want to make clear to the beneficiaries of this food programme and to the food banks that the European Commission remains committed to maintaining this program. There is still time to act.** There is still time for those Member States who are blocking the decision to reconsider their position. "

Commissioner Ciolos' Statement on the Aid for the needy scheme following the Agriculture Council on the 14 of November 2011

"I am extremely happy that Member States have resolved the problems that were blocking the Aid for the Needy scheme in 2012 and 2013. I have now asked my services to make the necessary changes in order to ensure the continuation of the scheme this winter. **As we have shown in recent weeks, the European Commission wants to remain a committed partner for the charities involved in the scheme.**"

Building on the compromise text prepared by the outgoing Polish presidency, on 23 January 2012, under the new Danish presidency, the Council adopted its first-reading position on the Regulation. Again, the Swedish, Danish and United Kingdom delegations voted against, whereas the Czech delegation abstained and Germany voted in favor of the proposal. The agreement on the continuation of the program for 2012 and 2013 can however be understood as a tricky political compromise, based on the

commitment to a definitive expiry date of the program, as explicitly stated in the joint declaration released by two core countries sitting on two opposed fronts on the MDP issue, France and Germany:

*“Recognizing the importance of the work of charity organizations in Member States using the current program, France and Germany agree to continue the program for a transition period ending definitely on 31 December 2013 in order to allow these organizations to take into account this new situation. In this context, France and Germany welcome the ongoing exchange of views between their charity organizations. However, given the discussion in the Council, France and Germany consider that the conditions are not met for a proposal of a new program for a period post 2013 to be presented by the Commission and adopted by the Council. This is why both countries can’t agree with legal and financial proposals by the Commission of such a program in the future.” (Declaration attached to the Council decision)*

The Regulation was therefore meant to provide charity organizations, operating in the Member States and using the current food distribution scheme, with sufficient time to adapt to the new situation and the definitive phasing-out of the MDP by the end of 2013. In doing so, the new Regulation enlarged the scope of products that could be distributed and market purchases were made a regular source of supply for the scheme to complement intervention stocks. It was also accorded a preference to products of EU origin and was fully financed by the EU budget, excluding the requirement of national co-financement. As in the past, actions eligible for financing included also costs of transport, storage and administrative costs directly linked with the implementation of the scheme. Further, the Council removed the additional legal basis proposed by the Commission on social cohesion (Article 175(3) of the TFEU) maintaining solely the CAP legal base.

Having achieved at least a half victory (or having avoided at least a full defeat), the Commission took note of the opinion of a significant group of member states not to pursue the program beyond 2013 and committed to *take account of this strong opposition to any legal and financial proposal of such a program in the future, but without prejudice to its right of initiative under the Treaty.*

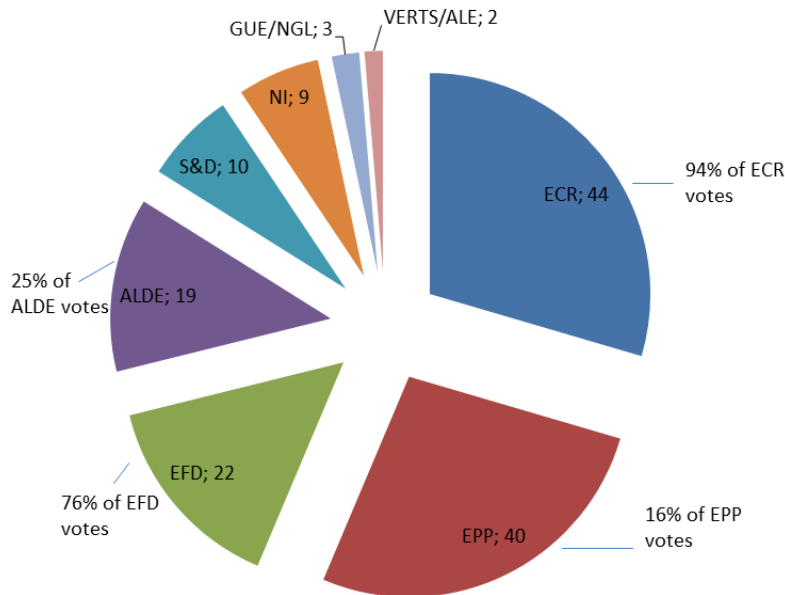
In fact, a few months later, in October 2012, despite the opposition expressed in the Council of Ministers, despite the ECJ Ruling, and despite its commitment about the phasing out of the program, the Commission presented a new Regulation proposal, dressing fairly new clothes. The proposal, under the led of DG-EMPL and Commissioner Lazlo Andor, abandoned the CAP, with social cohesion as the sole legal base and proposed a new name for the fund, namely the *Fund for European aid to the most deprived*.

### *Inaugurating a new path: the FEAD*

This novel Regulation proposal, widely amended during the legislative process, both by the European Parliament and the Council, was unexpectedly eventually passed in March 2014, with a rather quick *iter*, speeded up by the activation of informal trilogues.

In the EP, confirming the support provided to the program in the previous years, a wide majority endorsed in mid-2013 the proposal and supported the start of informal trilogues with the Council with a view to a possible first-reading-agreement (513 votes in favour, 149 against and 27 abstained). A clear left/right divide and a territorial one anyway emerged. Votes against the Regulation came mainly from the European People’s Party (EPP), European Conservatives and Reformists (ECR), the Alliance of Liberals and Democrats for Europe (ALDE), and the Europe of Freedom and Democracy (EFD), and from MEPs coming from countries that opposed the continuation of the MDP.

FIGURE 3. VOTES AGAINST THE FEAD REGULATION IN THE EP, BY POLITICAL GROUP



Source: Author’s elaboration on EP data. Votation held on the 12<sup>th</sup> of June 2013, EP opinion to enter informal trilogues.

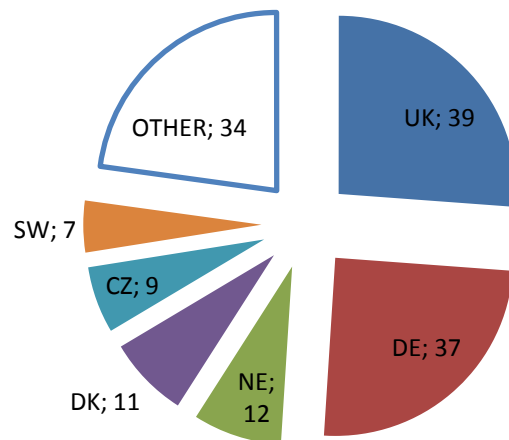
As illustrated in Figure 3, overall 84% of votes against the proposal came from the four right-wing political groups - ECR, EPP, EFD and ALDE (a quota that reached 91% considering the vote on the amendment that increased the budget of the fund from 2,5 to 3,5 billion). However, just two groups explicitly expressed a clear-cut position against the measure, the ECR and EFD, to defend national social sovereignty in the field of poverty. On behalf of the ECR group, Mr. Milan Cabrnoch (CZH), in the debate before the vote, grounded the position of the group as follows: “I do not support the proposal [...] I firmly believe that individual member states can adopt beneficial solutions for the poor in their countries. How to support the poor and how to support the fight against poverty? There are many better ways: support education, support for the creation of new jobs, liberalization of labor relations, reform tax policies in individual countries and encouraging competition between countries.” (author’s translation). In the same vein, Cludio Morganti (ITA) on behalf of the EFD group asked for a re-nationalization of those kind of programs.

In terms of internal cohesion, the ECR group is the one which showed better coherency, since the votes in line with the group position reached 94%. As for the other political groups, the degree of internal cohesion was much lower, confirming the impact of competing pressures to which MEPs are subject from their EP party groups and national governments (cf. Costello and Thomson, 2016). For the EFD the quota of votes in line with the position of the group made 76%. The EPP was so internally divided that it was not possible to find a common position on the issue (Interview 2). If almost 80% of German EPP deputies voted against the measure, 100% of Italian and Polish EPP deputies voted in favour of it. In the same vein, but on the other side of the political camp, within the S&D group - which largely supported the measure, with about 94% of votes in favour, the ten deputies that voted against were all from Sweden, Denmark and the Netherlands.

Building on this, Figure 4 shows that, not considering political affiliation, the largest share of votes against the program came from those countries that opposed the measure, led by the UK and Germany, and

accounting for 77% of votes against the Regulation. However, when considering votes in relative terms, Denmark was the leading country within the “against-camp” with 85% of Danish deputies voting against (54% of British deputies, 48% of Dutch deputies; 41% of Czech deputies, 39% of Swedish deputies, and 37% of German deputies).

FIGURE 4. VOTES AGAINST THE FEAD REGULATION IN THE EP, BY COUNTRY



Source: Author’s elaboration on EP data. Votation held on the 12<sup>th</sup> of June 2013, EP opinion to enter informal trilogues.

Also in the Council, but just at the very end of the informal trilogues phase, in late 2013, qualified majority was reached with a large majority, as only two of the member states originally against the continuation of the MDP, the UK and Denmark, maintained their position and voted against the FEAD. Still in June 2013, despite the progress achieved under the Irish Presidency, explicitly supporting the program, there were substantive reservations on the proposal expressed by six member states – Czech Republic, Germany, Denmark, the Netherland, Sweden, and the UK. Five of these countries (UK, DK, SW, CZ and DE) had also tried to activate the Early Warning System to block the proposal through their national parliaments, by providing reasoned opinions, questioning the respect of the subsidiarity principle, but were not enough to reach the minimum threshold that would have implied the revision of the proposal by the Commission.

At the end of the Irish term the agreement seemed still far away. The Presidency highlighted that “securing agreement on the proposal would only be possible if based on a voluntary approach, providing member states with flexibility with respect to the allocation of resources from their structural funds”<sup>11</sup>. The Presidency therefore suggested a series of compromise elements, including the voluntary participation to the program on behalf of MS; the provision of an opting out/in option at the program review stage; and the possibility to negotiate with the Commission the desired level of funding, that together with a minimum threshold would have avoided disproportionately high funding.

Despite this, as illustrated in Section 2, the Regulation maintained its compulsory nature and no opting out/in clause was introduced. During the legislative phase, however two key elements were added. The first, which originated from the European Parliament, concerned the fact that EU budget was increased to 3.5 billion euros (from 2.5). The second novelty, that was backed by the Council, regarded the scope of the program, that was broadened to include social inclusion measures and services. Member states,

<sup>11</sup> Debate in the Council, 20 June 2013, 2012/0295(COD).

thanks to the provision of greater flexibility in the use of resources (cf. Tab. 3), absent in the original Commission proposal, were then able to decide either to provide basic material assistance with accompanying measures, or to finance stand-alone social inclusion activities to strengthen people's skills and capabilities.

As a result of a compromise between the Parliament and the Council reached during the informal trilogues, the Regulation was eventually adopted at first reading in February 2014 by the European Parliament (592 votes to 61 with 31 abstentions), and soon after confirmed by the Council, with a legislative *iter*, that (despite all) resulted comparatively short. The Regulation was published in March 2014, but in order to guarantee uninterrupted assistance to the most deprived persons during the winter of 2013-14, it was provided a retroactivity clause, making expenditure possible from 1 December 2013.

To wrap up, analytically, the full sequence of institutional transformation sees three key phases: institutional emergence in 1987; a second long phase of gradual uncontested institutional expansion (1995-2008); a third phase when EU food aid policy became politically divisive and contentious, ended up with an act of institutional displacement (2008-2014). Our claim is that it is precisely the gradual yet transformative institutional change occurred within the 1995-2008 period that provided the institutional and political grounds for the institutional evolution occurred later on. More precisely, the key argument is that the act of institutional displacement occurred in the last phase can be understood as a sort of "necessary condition" to ensure some elements of continuity of the MDP program despite the dead end that had manifested in 2008-2012. Building on this, section 4 will frame the interpretative puzzle and sketch some preliminary interpretative hypotheses about the causal mechanisms at play.

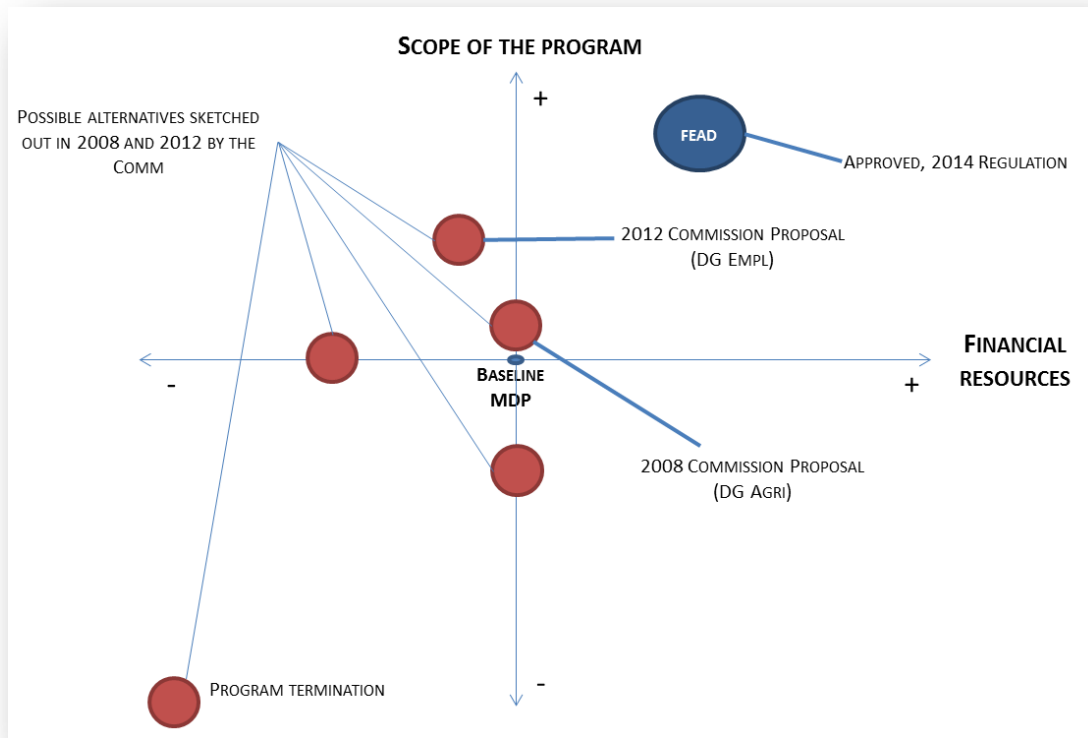
#### **4. FROM THE MDP TO THE FEAD: INTERPRETATIVE INSIGHTS**

The main aim of this study was to present and explain a case of supranational institutional expansion in the social sphere occurred in an overall adverse context. More precisely the key question addressed by the study concerned the approval of the new proposal that significantly expanded - as documented in Section 2 - the scope and the financial resources of the former program?

The interpretative puzzle is graphically outlined in Figure 5, which offers a tentative map, based on documentary analysis, of the policy options that were at stake in the period 2008-2014, compared to the final decision. As pointed out, the Regulation adopted in 2014 was more advanced in terms of both financial resources and scope of the program when compared to its institutional forerunner (the baseline in Fig. 5).

**FIGURE 5. TENTATIVE MAP OF THE ALTERNATIVES AT STAKE BETWEEN 2008 AND 2014**





Building on the theoretical framework of the RESCEU project, we claim that the key sphere that needs to be investigated is the political one, conceptualized in its broad meaning combining puzzling, powering *and valuing* dynamics, and therefore in its conjunction with the intellectual one (cf. Ferrera, 2014). Echoing Van Middelaar (2014), the first assumption is that the continuation of the MDP gave rise, since 2008, to a clash between the inner sphere – that of the Commission and the European Parliament – and the intermediate sphere – that of member states; where the former, especially the Commission, was interested in the continuation of the program for legitimating and credit claiming purposes, an aim that overtly contrasted with that of some (core) member states willing to defend their social sovereignty against EU intrusion in the field of anti-poverty policies.

In this highly adverse context, we claim that the clash was overcome in a direction that was favorable to the destiny of the food aid program, thanks to two elements that acted in conjunction:

1. the interest of the Commission in the maintenance of the scheme and its creative agency, also playing the «legal basis game» (cf. Jupille, 2006);
2. the mobilization and engagement, in a bottom up perspective, of a wide network of civil society organizations (among which the European federation of Food Banks – FEBA, which counted members in 23 countries, about 240 agencies plus a wide number of partner organizations), with vested interests in the continuation of the MDP scheme (or a functional equivalent) due to the legacy generated in the two previous decades<sup>12</sup>. Building on the literature on the influence of interest organizations in the EU political system, (cf. Mazey & Richardson, 2001; Bayers and Kerremans, 2012), those actors are expected to have acted at multiple (and multilevel) venues (as explicitly recommended by the Commission) to weaken the opposition to the scheme manifested by some member states and parties and thus contributing to make the adoption of the new fund possible.

<sup>12</sup> For instance, in 2008, more than half of the food distributed by FEBA was granted through the MDP.

To date, the empirical reconstruction, through documentary analysis and three semi-structured interviews with key informants<sup>13</sup>, allowed on the one side to document the creative and strategic agency of the Commission (involving especially President Barroso and two Commissioners, Ciolos and Andor) that sustained a *bounded change* by cultivating “change from within the context of existing opportunities and constraints, working around elements that they cannot change, while attempting to harness and utilize others in novel ways” (Streek and Thelen, 2005, p. 19). In other words, the main goal of the Commission, in close cooperation with some stakeholders, was to pass a scheme that was necessarily different but not too unlike from the previous one, in order to maintain as far as possible the institutional legacy matured during the two previous decades, understood as highly effective (Interviews 1 and 2), and the direct relationship with Civil society organizations involved in running the program<sup>14</sup>.

On the other side, it was possible to confirm the engagement and mobilization of key national and transnational stakeholders at multiple venues to support the proposal, through pressure at the supranational level (Council and EP committees), and on national governments and the wider public. Further, it is interesting to note that this mobilization was a strategy explicitly pursued by the Commission that called them to action in order to strengthen its position<sup>15</sup>.

## 5. CONCLUDING REMARKS

The study aimed at contributing to the empirical knowledge about the social dimension of the EU and its components, by focusing on a novel program, the FEAD. Targeted to contrast severe deprivation, the program is meant to strengthen the protective side of the EU by giving more substance to the lower tier of pan-European solidarity.

Not surprisingly, findings suggest that the adoption of the FEAD resulted to be a contested and contentious decision, that fostered the emergence of harsh tensions. Despite this, the institutional and political sponsorship of the proposal proved to be strong enough to have the Commission’s initiative not only passed but even strengthened, in terms of scope and financial budget, during the legislative process. The in depth analysis of the policy process - from the drafting of the proposal to the approval of the final regulation – allowed to empirically trace and unveil the possible political struggles and political tensions arising around the making of «Social Europe». The study captured the activation of three of the four clashes identified by the RESCEU project and characterizing today’s EU politics, namely the classical horizontal one between *market-making* and *market-correcting* positions; and two vertical divides, referred to the core-periphery division and the defence of *national social sovereignty vs European coordination/intrusion*.

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<sup>13</sup> The list is provided at the end of the paper.

<sup>14</sup> As stated on the FEBA webpage and confirmed by Interviews (1 and 2) “FEBA, in close cooperation with its members and with other civil-society networks, has been heavily involved in the development of the new program participating in the EU-wide consultation process related to its scope, magnitude, regulation and transition mechanisms from the previous PEAD.”

<sup>15</sup> As stated by President Barroso following the meeting with the European Federation of Food Banks to present the new proposal: “I am glad that the European Federation of Food Banks and other five charitable organizations support the proposal made by the European Commission to set up a Fund for European Aid to the Most Deprived [...] At European level we need new mechanisms of solidarity and appropriate resources to help the less fortunate and the poor, who often live in a situation of social emergency. This is the goal we want to reach thanks to the new Fund. The proposal demonstrates the solidarity of the UE with the most deprived, the most affected by the economic and social crisis.[...] Now the Member States and the European Parliament should adopt this proposal rapidly and the allocated budget so that the needy may benefit from this aid as soon as possible. So, I rely on the European Federation of Food Banks and other charitable organizations for the support to this proposal at the level of Member States and the Parliament”. (Press Statement, President Barroso, Bruxelles, 14 November 2012).

From an interpretative standpoint, the study proved to be interesting also on a second front since it allowed to outline a peculiar reconciliation pathway at the EU level, led by a process gradual but transformative institutional change. The study showed that within the framework of a path dependent process of institutional transformation in which endogenous institutional logics - as foreseen by neo-institutionalism (cf. Pierson 1994, 2000) - proved to be highly resilient, the role played by the Commission, in response to the activation of a political demand from the bottom, was also key for the maintenance of the MDP and the subsequent approval of the FEAD.

## INTERVIEW LIST

Interview 1- April 2016, European Commission, Dg Employment, social affairs and inclusion

Interview 2 - April 2016, CSO – Representative

Interview 3 – May 2016, European Parliament – Representative

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