

The Fund for European Aid to the Most Deprived: The contested and contentious politics of European food aid policy

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Abstract

This working paper deals with a recent EU social initiative - the Fund for European Aid to the Most Deprived (FEAD). that from the perspective of RESCEU, 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 focusing on this program, which targets the lower tier of pan-European solidarity, this 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 process that led to the adoption of the FEAD highlights 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 one hand, it represents an unlikely case of supranational activism in the social sphere in an expansionary direction, which occurred in a scenario of overall de-conciliation and negative econocratic integration (cf. Ferrera, 2014). On the other hand, it affected policy field – the fight against poverty and social exclusion – which is particularly unlikely to be Europeanized because it is typically characterized by a strong defence of national sovereignty. Not surprisingly, findings suggest that adopting the FEAD was a contested and contentious decision that fostered the emergence of severe tension. However, the proposal’s institutional and political sponsorship proved to be strong enough to pass and strengthen the Commission’s initiative in 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 and range from pursuing a properly functioning single market and monetary union to normative views that are related to market-correcting imperatives². Recently, the protective side of the European integration project has been addressed for its key political function as a threshold

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

of pan-European organized solidarity started to be conceived a sine qua non condition for sustaining EU political stability, especially in hard times³. In the post-2008 scenario, the economic crisis exacerbated multiple lines of conflict within the EU political system. This conflict grew 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 from 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: first is the divide between economic and social objectives at the EU level; second is the tension between national social sovereignty/discretion and EU law/conditionality; third is the intra-EU "system competition" between high-wage/high welfare Member States (West) and low-wage/low welfare Member States (East); and fourth is the opposition of core (North) and peripheral (South) Member States on the issues of fiscal discipline and cross-national transfers (cf. Ferrera, 2014). These tensions, if not kept within limits, may endanger the stability and future viability of the process of European integration. However, based on Weberian insight, 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.

Situated within this broad analytical and theoretical framework, this working paper addresses 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, which targets the lower tier of pan-European solidarity, this paper has two primary 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. This was not a large transformation in response to a big shock but was an incremental change that had highly transformative results (Streck 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 one hand, it is an unlikely case of expansive supranational activism in the social sphere that occurred in a scenario of overall de-conciliation and negative economic integration (cf. Ferrera, 2014). On the other, in contrast, it affected a policy field - the fight against poverty and social exclusion - which is particularly unlikely to be Europeanized because it is usually characterized by a strong defence 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: a case in which it is not likely that expansion is present.

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 from the literature on institutional change we address the historical roots of institutional transformation, which highlights three distinct phases in the sequence of change. Section 4 outlines preliminary interpretative insights about the causal mechanisms that made it possible to adopt the new programme against the dead end emerged in the previous phase⁴. Section 5 provides a discussion and conclusion.

³ 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).

⁴ This study relies on qualitative analyses that included a secondary literature review, a documentary analysis and conducting several semi-structured interviews with key informants at the supranational level.

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

After almost two years of intensive intergovernmental and inter-institutional negotiations, the Fund of European aid to the most deprived was approved in March of 2014. Although a programme of aid to the most deprived persons in the European Union is not new in Europe, the FEAD has marked significant discontinuity with its institutional forerunner, the Food Distribution Programme for the Most Deprived Persons of the Community (MDP), Primarily known as *PEAD* (in French, *Programme européen de distribution de denrées alimentaires aux personnes les plus démunies de la Communauté*), it was developed by Jacques Delors in 1987, when the Council adopted rules for releasing public intervention stocks of agricultural products to Member States who sought to use them as food aid for the most deprived persons in the Community.

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

TABLE 1. THE PEAD AND FEAD COMPARED

	Food Distribution Programme for the Most Deprived Persons of the Community - MDP (Regulation of the Council 1987/3730)	Fund of European Aid to the Most Deprived - FEAD (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 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	- Eu Level: Led By Dg- Agri, - National Level: Agricultural Ministries - Partner organizations: Third Sector Organizations, which are charged with the actual distribution of food aid	- Eu Level: Led By Dg Empl - National Level: (typically) Welfare Ministries - Partner organizations: Public Bodies / Third Sector Organizations, which are charged with the actual distribution of aid and social inclusion measures
Budget Level and co-financing	- 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 the CAP. - No national co-financing requested	- 3.8 Billion from the EU Budget for 2014-2020 (about 500 euro per year), - 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)
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The key distinction to be highlighted is the overall reframe of its scope and aims, which seek to overcome food-aid to embrace the fight against poverty through providing material assistance (food and non-food items) that are complemented with social inclusion measures. This change occurred in combination with a shift in competence, as the programme abandoned the EU Common Agriculture Policy (CAP) to move towards EU Social Policy, which is clearly demonstrated in the initiative’s new legal base (cf. Tab. 1). The programme’s “social cohesion turn” was substantiated by the Commission by referring to the overall EU goal of reducing poverty within the framework that was outlined in the EU2020 strategy. Abandoning the passive nature of the MDP, the FEAD was described by the Commission as a novel instrument in the European institutional toolkit for *breaking the vicious cycle of poverty and deprivation* (cf. Box 1).

BOX 1. “THE FUND OF EUROPEAN AID TO THE MOST DEPRIVED. BREAKING THE VICIOUS CYCLE 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)

As such, the new programme expanded the types of assistance that could be provided, which ranges from several non-financial types of material assistance, such as food packages, hygiene items and school supplies, and social inclusion measures, such as information about social and health services and psychological support (cf. Tab. 2).

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

MDP / PEAD	FEAD
Food aid, in the form of: - food packages - meals - collecting and distributing donated food	a) Food aid and material assistance, in the form of: - food packages - meals - collecting and distributing donated food - basic hygiene items - clothing - sleeping bags - school supplies ... b) Social inclusion measures in the form of: - Information about available social services, rights and obligations

	<ul style="list-style-type: none"> - Information about temporary shelter - Financial literacy and debt mediation - Information about maintaining a balanced diet - Access to health and education services - Psychological support - Socialization and networking activities ...
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Source: elaboration from European Commission (2015)

Other important novelties concern the management and the governance of the program. On one hand, participation in the programme is now mandatory. Further, planning was formalized through developing and articulating a multi-level and multi-actor governance model, which presupposes several steps and includes the involvement of national and supranational stakeholders, as outlined in Table 3. Specifically, member states must adopt their National Operation programmes (OP) that illustrate the domestic strategy within six months of the entry into force of the Regulation, covering seven years (2014-2020). OPs are intended as planning documents providing the instructions for implementing the Fund. Member states had the option to choose between two OPs: OP I - focussing on food and basic material assistance with accompanying social inclusion measures; and OP II - focussing solely on social inclusion activities. Member states could opt for one or both of these options.

In addition, monitoring and assessing implementation is more sophisticated with yearly reports and reviews (cf. Tab. 3). Member states are required to issue an implementation report each year that includes a summary of comments from national stakeholders. Because the European Commission has a directive role, it must prepare comparative reports on the national implementation that will be presented (yearly) to the European Parliament and the Council; the Commission must also chair annual *review meetings* to review progress with member states and managing authorities, involving relevant stakeholders. Further, the Commission is required to consult with the partner organizations at the Union level at least one time per year and report their impressions 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

The 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"> - 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 <p>and / or</p> <ul style="list-style-type: none"> - 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; <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"> - 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; - the designation of a national public authority or body as managing authority. <p><u>Within three months</u> of the date of submission, the Commission assesses:</p> <ul style="list-style-type: none"> - the consistency of each operational programme with the Regulation and the objectives of the Fund, and - the absence of overlap with any operational programme financed by the ESF in the Member State. <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 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</p>
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	programme
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 that was implemented in the previous financial year. Member States shall consult with 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 about the implementation of the operational programme. The member state will inform the Commission of corrective measures within three months.</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, accounting for 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 breaches in confidentiality related to audit matters. The Member State shall ensure that appropriate follow-up is given to the Commission's comments after the review meeting and will refer to that follow-up in the implementation report for the following financial year or, when 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 time.</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, after this consultation, shall report back to the European Parliament and to the Council in due time.</p> <p><u>Mid-term review</u> - The Commission shall present a mid-term evaluation of the Fund to the European Parliament and the Council by 31 December 2018.</p>
Stakeholder involvement and mutual learning	<p>Relevant stakeholders as well as, where appropriate, the competent regional, local and other public authorities shall be involved in preparing the operational programme.</p> <p>Stakeholders must be consulted by member states about the implementation reports, and a summary of the comments of those stakeholders shall be annexed to the report.</p> <p>The Commission shall consult, at least once a year, the partner organizations at the Union level on the implementation support from the Fund and, after this consultation, will report to the European Parliament and the Council in due time.</p> <p>The Commission is expected to facilitate, including with a website, exchanges in experience, capacity building and networking, as well as disseminating outcomes in the area of non-financial assistance to the most deprived persons. To this end, a "Fead platform" will be developed to foster the exchange of information and best practices between partner organizations and to foster synergy across Europe. Further, the Fead Platform will hold an annual meeting to foster networking 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.

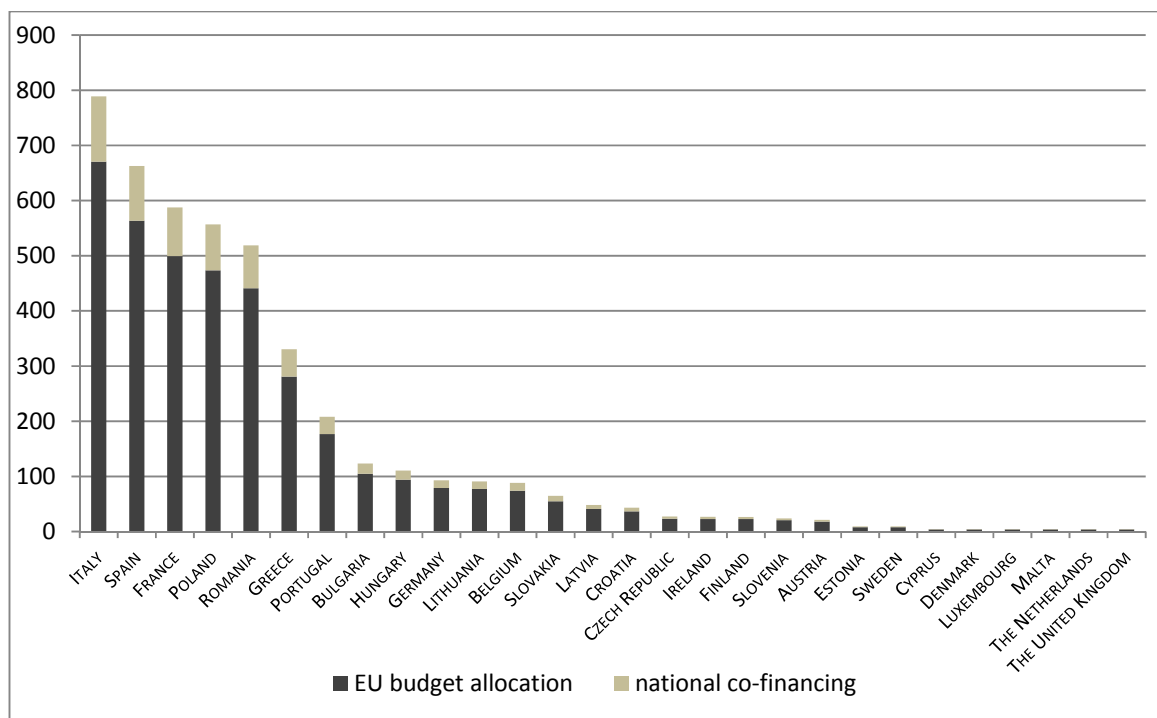
Parallel to this account of discontinuities, important elements of institutional continuity cannot be overlooked. First, the cluster of potential beneficiaries for the measures are similar to those who were eligible for the previous initiative; and second, despite the broader scope of the program, food assistance is expected to continue to be the most important type of assistance to the most deprived. Third, and most notably, the key role of civil society organizations in this programme, including food-banks and charities in charge of the actual distribution of assistance, was maintained, while stakeholder 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 compared to the funding that was devoted to MDP: the FEAD's total budget is approximately 4.5 billion euros for the time period of 2014- 2020. The bulk of it – 3.8 billion euros – is from the EU budget, while member

states are required to top this up to 674 million as national co-financing . As such, the overall budget is approximately 641 million euros per year, an amount that is higher than the highest annual budget that was allocated to the MDP (500 million euros from 2009 to 2013) and considerably higher than the initial Commission proposal of 2.5 billion euros. Furthermore, the very low national co-financing rate (at least 15% of the eligible public expenditures, which can be reduced up to 0% for member states that have temporary budgetary difficulties), combined with providing a pre-financing mechanism that is set at 11% of the Fund's overall contribution to the operational programme that the Commission will pay when the OP is adopted, contribute to a FEAD “exceptionalism” within the framework of ESIF funds⁵.

The distribution of resources among member states is based on Eurostat figures that reflect the proportion of the population who suffer from severe material deprivation and live in households with very low work intensity. However, the allocation also account for 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 to allow them to develop an operational programme that has a *meaningful level of resources*. Figure 1 shows the resource allocation and highlights the gaps across the member states. Italy, Spain, France, Poland and Romania retained the highest amounts, with budgets that ranged from 500 to almost 800 million euros, while Cyprus, Denmark, Luxembourg, Malta, the Netherlands and the UK are on the other end of the distribution and have budgets lower than 5 million euros. The overall assessment changes when considering relative values. Per-capita spending ranges from approximately 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)



Source: European Commission (2015).

The previous analysis highlighted the distinctive features of this novel initiative within the European social space and pointed at the degree of institutional discontinuity with the PEAD/MDP. The aim of this institutional reconstruction was to show that the shift from the MDP to the FEAD represented a major

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

institutional and historical transformation, as the new program's scope and aims substantially differ from the previous programme. As acknowledged above, however, also elements of continuity between the two programs must not be downscaled. The next section addresses these issues building on the rich strand of literature that flourished in the last decade dealing with processes of gradual yet transformative institutional change.

3. TRACING THE SEQUENCE OF CHANGE FROM A HISTORICAL PERSPECTIVE. EVOLUTIONARY, REVOLUTIONARY, INCREMENTAL, TRANSFORMATIVE: WHAT TYPE OF INSTITUTIONAL CHANGE?

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), as well as its logic (cumulative vs. adaptive), scope and temporality are key issues to connote the developments occurred and represent a necessary pre-condition for addressing interpretative goals. Adopting Streeck and Thelen's (2005) perspective, at first glance, a comparison between the 1987 Regulation that started the MDP and the 2014 Regulation that inaugurated the FEAD would indicate an act of abrupt institutional displacement due to the extent of the institutional discontinuity of the FEAD. However, an in depth reconstruction of the process that eventually led to the approval of the 2014 Regulation highlights a long sequence of incremental institutional change that occurred over two decades and gradually changed the very nature of the 1987 program, ending with highly transformative results. In the debate on incremental and transformative change, we claim that with regard to the case-study at stake they can be conceptualized as linked together, with one as the endogenous source for the other.

In the following sections, we substantiate this argument and trace the sequence of institutional change, while highlighting three primary phases/junctures: the institutional emergence in 1987; a second phase of gradual uncontested institutional expansion (1995-2008); a third phase in which the EU food aid policy became politically divisive and contentious and resulted in institutional displacement (2008-2014).

3.1 Institutional emergence in 1987: "le coup d'État"

Jacques Delors described adopting the Food aid programme for the most deprived in 1987 as a coup d'état by the Commission. During the exceptionally cold winter in 1986/1987, the Community supplied food stocks to charitable organizations to distribute to the most deprived persons in the Community. In the Eighties, agricultural surpluses that resulted from the CAP being oriented to the supply side were plentiful and pictures of milk powder and other stocks that were destroyed led to dissent by well-known French and Belgian activists who provided assistance to the poor. These activists were from two countries in which there was an existing network of NGOs that provided food aid to poor people - notably "Les Restos du Coeur" -, which began 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 autrè chise que Delors!" (Delors, 2011).

Delors emphasized the influence on his decision of the appeals from several members of the charitable world, Soer Emmanuelle and Coluche (the founder of the "Restos du Coeur"), who were renowned

activists in France and Belgium that assisted the most vulnerable people⁶. Delors recalled: «Il y avait des excédents agricoles. J'avais reçu des appels de Sœur 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 supplying food from intervention stocks to charities to distribute to the most deprived persons in the Community, was based on Articles 39 and 43 from the EEC Treaty and was strictly tied to the objective of stabilizing agricultural markets. However, the program's social goal was clearly stated in the preamble, that recognized "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." Therefore, the fund was expected to be run on a temporary basis, until the agricultural surpluses expiration. The use of the fund was voluntary for the member states, who had to submit a yearly request to the Commission, which was in charge of the annual implementation plan. The distribution of goods was then assigned to NGOs and charitable organizations that acted as key partners to the member states in the running of the programme. In this system, the network of food-banks had an important role, specifically for stocking and distributing food products to the end-of-chain NGOs who worked at the field level with final beneficiaries.

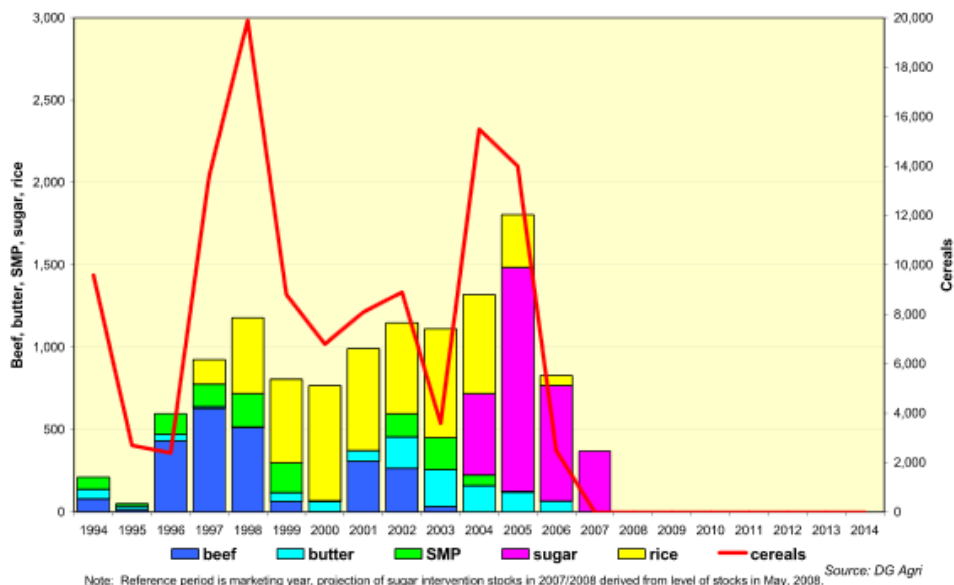
3.2 A slow moving process of uncontested functional expansion: 1995-2008

The first programme reform occurred a few years after its adoption. Because the fluctuations and unpredictability of the intervention stocks made it difficult to plan for food aid, Regulation No. 3730/87 was amended by Council Regulation No. 2535/95 to allow purchases in the food product market. 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 needed to adopt and implement the annual plan that was created by the Commission for distributing food aid under Regulation No. 3730/87- had far-reaching and almost unexpected consequences in the following years, which led to a gradual functional expansion of the programme. Due to reductions in intervention stocks and their limited product variety, market purchases, rather than residual and temporary solutions, became the main supply source for the programme and changed the very nature of the programme. In the implementation plan for 2008, the share of products that were purchased in the open market to ensure that the programme functioned was 90% of the total.

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

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 programme 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 given the addition of 12 new Member States. An additional budget increase was allocated for the 2008 annual plan to partially compensate for increasing food prices⁷.

Although participation in the programme was voluntary for member states, a growing number of countries took part in the initiative. In 2008, there were 19 participating states. Germany, the Netherlands, the UK and Denmark had initially participated but then left: Germany in 1989, the Netherlands in 1995, the UK in 1998 and Denmark in 2004. Sweden and Austria never participated in the programme. Except for Cyprus and Slovakia, the new member states all joined the initiative between 2004 and 2008. (Caraher, 2015). Take-up had been at a very high level, as more than 95% of the budget that was provided by the EU was successfully spent by the participating Member States.

In terms of products, in 2010 the MDP provided approximately 328,000 tonnes of food that was distributed to beneficiaries through a network of 25,900 partner associations in the EU, and more than 18 million people in 20 Member States obtained food aid from the Most Deprived Programme. Concurrently, one of the key actors in the system, the European Federation of Food-banks (FEBA), had significantly grown. From its naissance in 1986 with only two members (France and Belgium), it expanded by creating Food-bank agencies in Spain, Italy and Ireland (between 1988 and 1992), and then Portugal, Poland, Greece and Luxembourg (between 1994 and 2001). Since 2004, several ECEC joined the federation, including Hungary, the Czech Republic, Slovakia, Lithuania, as well as the UK (2008) and the Netherlands (2004)⁷. In 2010, FEBA included 240 agencies that operated in 18 European countries and more than half of the food-stocks that were distributed by FEBA came from the MDP.

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

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

From a political science perspective, the third phase – which unfolded between 2008 and 2014 - is the most interesting, as the politics of food aid became divisive and politically contentious. Recalling the RESCEU framework, three of the four main cleavages are clearly recognizable in this phase and emerged to be relevant to structure political conflict on food aid policy. Specifically, there was a vertical divide between expanding supranational competence and defending national social sovereignty. There was a horizontal divide that reflected Left-Right conflict about the EU's socio-economic mission; and there was a 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 discussed above, in the mid-1990s there was a sharp decrease in intervention stocks, and due to their erratic trends, the MDP was modified to complement agricultural surpluses with market purchases. The Commission and the Council did not intend that this effort would be a long-term solution but an option that could be used when there were not enough supplies of certain products, as happened for beef and rice. The Commission clarified that "the basis of the programme remained intervention, until the stocks have been run down to a normal level" (European Commission, 2015a). This occurred very quickly, as the Commission predicted, because the CAP reforms led to far less intervention stocks (cf. Fig. 2); therefore, market purchases were the only available option for continuing the programme⁸.

In recognition of the changing context and after a declaration from the European Parliament in 2006 that called for a novel legal framework for the MDP, the Commission prepared a regulation proposal in 2008 (COM (2008) 563 final). Under the DG-AGRI's leadership, the Regulation sought to make the existing programme independent from the availability of intervention stocks enabling market purchases on a permanent basis (Chambon, 2011), since even though the intervention stocks were the primary source, they most likely would not have continued to exist. The proposal (cf. Table 4) overcame the "temporary unavailability" clause and made market purchases the rule rather than the exception, as was already de facto.

Since the beginning, the fortunes of the proposal were not encouraging. After the consultation procedure, the act was deadlocked in the Council by a blocking minority (cf. Table 5). The member states in the Council soon revealed divided and there was increased contention about decisions for the future of the programme. On one side, several national delegations (BE, BG, EL, ES, FR, IT, LT, LU, PL, PT, RO, SI, SK) were clearly in favour of continuing the programme and supported the Commission's proposal. In contrast, a smaller group of countries (CZ, DE, DK, NL, SE and UK) rejected the very principle of the initiative. They believed that the initiative was outside of the scope of the Common Agricultural Policy (CAP) and that the subsidiarity criterion was not met because social programmes that were not related to the CAP should be addressed at the national level. In between, some member states (AT, EE, FI, LU and LV) welcomed the idea of helping the most deprived but doubted the legal basis of the

⁸ Since the early 2000s, the common agricultural policy has been substantially reframed, with a shift in emphasis from a primary objective of increasing productivity and supporting the supply side, to a goal of guaranteeing the long-term sustainability of agricultural markets. Intervention stocks, as a result, lost their function as regulatory tools and were limited and only used for a select number of products (European Commission, 2008).

initiative, as well as the principle of subsidiarity⁹. A few years later in a debate in the House of Lords, Mr. Hoban explicitly recalled: “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 believe that the measures to assist the neediest members of society, as articulated 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 located 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 supply sources	Food would be sourced either from intervention stocks or from the market. The latter would no longer be limited to situations in which the intervention stocks were temporary unavailable. However, the use of suitable intervention stocks would be prioritized when they were available.
A broader variety of distributed foods and clearer priorities	To improve the nutritional balance of the food that the initiative provided, the choice of distributed foods would no longer be limited to those in the intervention. Food products would be chosen by Member State authorities in the frame of the national food distribution programmes with objectives and priorities for food distribution to the most deprived that would address nutritional concerns.
Long-term perspective	Food distribution activities require long-term planning and careful preparation by the national authorities and charities. To enhance its efficiency, the Union food distribution initiative 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, there was a proposed ceiling for the Union’s financial contribution.
Introducing co-financing	Introducing co-financing would underpin the cohesive dimension of the initiative, ensure proper planning and reinforce synergy. To facilitate a smooth introduction and continued high take-up of the available Community funding, Community co-financing rates would be 75% and 85% in Cohesion Member States for the 2010/12 plan. Subsequently, for the 2013/15 plan, Community co-financing rates would be 50% and 75%.
Reinforcing monitoring and reporting	Reporting obligations at several levels would be strengthened and include a report from the Commission to the European Parliament and the Council.

Source: European Commission (2008).

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

Table 5. A synopsis of the contentious and contested EU food aid policy (2006-2012)

Date	Act	Main elements	Council Position	European Parliament position
April 2006	Declaration by the European Parliament. Declaration on 4 April 2006, with 391 signatories.	The EP called on the Commission and the Council to make the European food aid programme permanent.	/	/
May-June 2008	Communication from the Commission on "Tackling the challenge of rising food prices – Direction for EU Action"; and a speech before the EP of President Barroso on the 18th of June 2008	The Commission lauded the MDP initiative and President Barroso said that the Commission foresaw a two thirds increase in the budget for this initiative.	/	/
September 2008	Commission Proposal for a Regulation of the Council COM(2008) 563 final Legal base: Common Agricultural Policy Consultation procedure	Continuing the MDP programme and allowing market purchases on a permanent basis. Introducing national co-financing (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 initiative. 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 eliminating co-financing.
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	Continuing the MDP programme and allowing market purchases on a permanent basis. Lower co-financing rates than in the previous proposal (25% and 10% for cohesion countries that were against 50% and 25% in the original 2008 proposal) and a €500 million ceiling on the EU annual financial contribution	Blocking minority: Austria, Czech Republic, Germany, Denmark, Netherlands, Sweden, the UK.	Several amendments by the EP were integrated into the new amended proposal. National co-financing was maintained but rates were reduced.
April 2011		<i>An ECJ decision declared illegal market purchases under the MDP programme (action was initiated in 2008 by Germany and was supported by Sweden, against the Commission was supported by Italy, Spain, France and Poland, who sought to annul the Commission's annual plan for 2009 to allow 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);	Continuation of the MDP programme and allowing market purchases on a permanent basis. National co-financing eliminated.	The Act was blocked in the Council. (no information about the blocking minority, with limited access to documents).	

Date	Act	Main elements	Council Position	European Parliament position
November 2011	<p>A compromise proposal prepared by the Polish Presidency with the text of the draft Regulation (COM (2011) 634 final)</p> <p>Legal base: common agricultural policy (art. 42 and 43 - CAP)</p>	<p>Continuing the MDP initiative for 2012 and 2013, and allowing market purchases.</p> <p>A budget of 500 mln euro per year, with no national co-financing.</p> <p>Commitment to a definitive expiration of the programme by 31 December 2013.</p>	<p>Political agreement was attained under the Polish presidency at the end of 2011 and was 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 initiative by France and Germany, and 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>Continuing the MDP initiative and allowing market purchases on a permanent basis.</p> <p>The budget was reduced to 2.5 billion euros for seven years.</p> <p>National co-financing required.</p>	<p>Activating informal trilogues.</p> <p>The Act was approved at first reading, with amendments.</p> <p>The Danish and United Kingdom delegations voted against.</p>	<p>Activated informal trilogues. The Act was passed at first reading with amendments.</p>

Given the resistance that emerged in the Council and the new legal framework offered by the entry into force of the Lisbon Treaty, in September 2010, the Commission submitted an amended proposal to the Council and the European Parliament (COM(2010) 486 final), which aligned the proposal to the Lisbon Treaty and introduced two substantive changes: a lower EU co-financing rate (25% and 10% for cohesion countries, compared to 50% and 25% in the original 2008 proposal) and a €500 million annual ceiling for the EU financial contribution. Interestingly, the European Parliament acquired, as a result of the new Treaty, a co-decision-making role in the field of agricultural policy, which increased its formal influence and voice potential in the MDP reform process¹⁰. However, there was again a blocking minority against the amended proposal in Council, which consisted of seven member states (cf. Tab. 5).

Parallel to the Commission's attempts to reach an agreement on the new proposal to continue the programme, in April 2011, an ECJ decision foresaw the programme's expiration. 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 to seek partial annulment of the Commission Regulation for implementing the programme in 2009. On 13 April 2011, the ruling annulled the Commission's provisions in the annual plan that allowed market purchases, which accounted for almost 90% of the resources that were allocated to the programme (cf. Box 2). Because the ruling found that the 2009 arrangement to provide food that was purchased on the open market was illegal, the 2012 plan was adopted with a significantly reduced budget. Obligated to comply with the Court's ruling, in June 2011, the Commission adopted a new Regulation to implement the programme that reduced the 2012 programme's budget by €360 million - from €480 to €113.5 million. The initiative should be exclusively based on existing intervention stock (slightly more than 162,000 tonnes of cereals and less than 54,000 tonnes of skimmed milk powder), with Member States receiving less than a quarter of what they had obtained in earlier years. Furthermore, given the market prospects, the budget for 2013 was expected to be cut to zero (Chambon, 2011). Therefore, the programme was expected to expire by that date.

BOX 2 SUMMARY OF THE 2011 ECJ RULING

T-576/08 Germany v Commission, judgement 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)

¹⁰ With the Treaty of Lisbon, CAP fell 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

Given the adverse scenario for continuing the MDP, in September, the Commission drafted a new amended proposal (COM (2011) 634 final) that added a second legal base (art. 175(3) – social cohesion) to the existing agricultural legal base (art. 42 and 43, CAP) and proposed that funding would exclusively be maintained 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 that opposed the amended proposal, for the same reasons that were indicated in former years. Member states in the Council proved to be divided on the MDP issue, and political agreement appeared to be very unlikely. At the end of the year, there was a key moment for overcoming the impasse during the meetings that were held between October and November 2011, from the efforts advanced by the Polish rotating Presidency that was led by Tusk. In approximately one month, the Presidency, which was explicitly in favour of the proposal, negotiated a political compromise that guaranteed the continuation of the programme for 2012 and 2013. The statements from Commissioner Ciolos reflected the additional effort that the Commission exerted in the agreement (Box 3).

BOX 3 STATEMENTS BY COMMISSIONER CIOLOS BEFORE AND AFTER THE POLITICAL AGREEMENT IN THE COUNCIL FOR CONTINUING THE PROGRAMME IN 2012 AND 2013

A statement from Commissioner Ciolos on the Aid for the Needy scheme after 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 programme. 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 after 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 that the outgoing Polish presidency prepared, 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, while the Czech delegation abstained and Germany voted in favour of the proposal. The agreement on continuing the programme for 2012 and 2013 was a tricky political compromise because the programme had an explicit expiration date, which was stated in the joint declaration from two core countries who held opposite positions 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)

Therefore, the Regulation allowed charity organizations that operated in the Member States and used the current food distribution scheme to have sufficient time to adapt to the new situation and the definite phasing-out of the MDP by the end of 2013. As such, the new Regulation increased the scope of products that could be distributed and market purchases were a regular source of supply that complemented intervention stocks. There was also a preference for products of EU origin and it was fully financed by the EU budget, excluding the requirement for national co-financing. As in the past, actions that were eligible for financing included the costs of transportation, storage and administrative costs that were directly related to implementing the initiative. Further, the Council removed the additional legal basis that the Commission proposed for social cohesion (Article 175(3) of the TFEU) and solely maintained the CAP legal base.

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

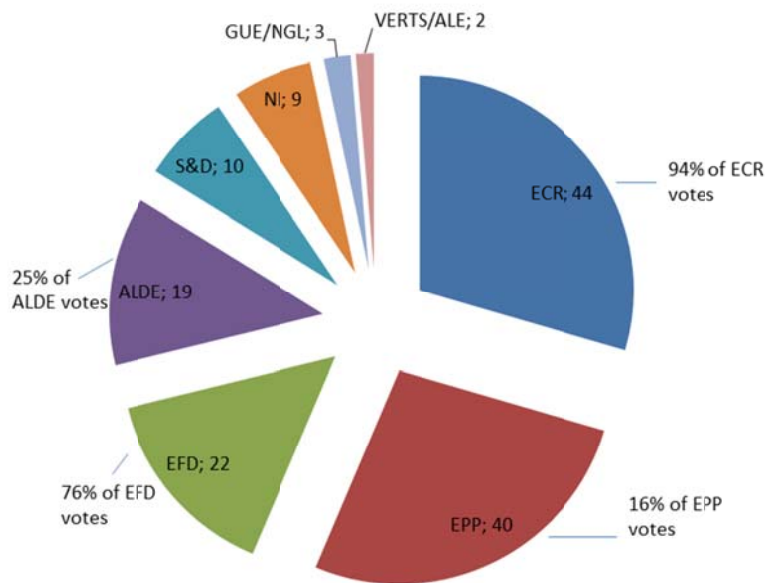
In fact, a few months later, in October 2012, despite the opposition that was expressed in the Council of Ministers, the ECJ Ruling, for its commitment to phase-out the program, the Commission presented a new Regulation proposal. The proposal, which was led by DG-EMPL and Commissioner Lazlo Andor, abandoned the CAP, and social cohesion was the sole legal basis with a newly proposed name 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*, speed up by the activation of informal trilogues.

The EP confirmed the support that had been provided to the programme in previous years, and in mid-2013, a broad majority endorsed the proposal and supported initiating 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 were primarily from the European People’s Party (EPP), European Conservatives and Reformists (ECR), the Alliance of Liberals and Democrats for Europe (ALDE), the Europe of Freedom and Democracy (EFD), and MEPs from countries that opposed continuing the MDP.

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



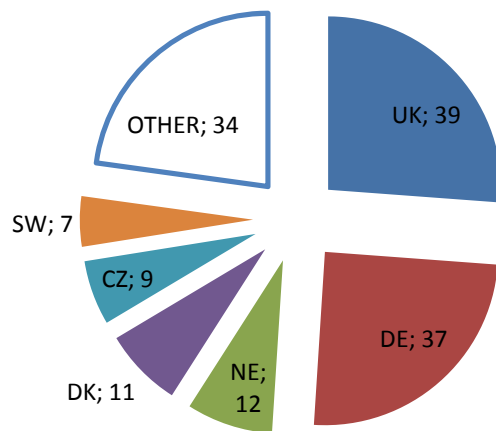
Source: Author's elaboration on EP data. Voting occurred on the 12th of June 2013, on the EP's decision to enter informal trilogues.

As illustrated in Figure 3, 84% of the votes against the proposal were from the four right-wing political groups - ECR, EPP, EFD and ALDE (a quota of 91% for the vote on the amendment that increased the fund's budget from 2.5 to 3.5 billion euros). However, only two groups explicitly expressed a clear position against the measure, the ECR and EFD, which sought to defend national social sovereignty in the field of poverty. On behalf of the ECR group, Mr. Milan Cabrnoc (CZH), in the debate before the vote, grounded the group's position as: "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 the creation of new jobs, liberalize labour relations, reform tax policies in individual countries and encourage competition between countries." (author's translation). Similarly, Cludio Morganti (ITA) from the EFD group asked for a re-nationalization of those types of programmes.

In terms of internal cohesion, the ECR group is the one which showed better coherency, as 94% of the votes were aligned with the group's position. In the other political groups, there was a lower degree of internal cohesion, which confirmed the impact of competing pressures on the MEPs from their EP party groups and national governments (cf. Costello and Thomson, 2016). For the EFD, 76% of votes were aligned with the group's position. The EPP was so internally divided that it could not find a common position on the issue (Interview 2). Almost 80% of German EPP deputies voted against the measure, while 100% of Italian and Polish EPP deputies voted in favour. Similarly, on the other side of the political camp, the S&D group, which largely supported the measure with approximately 94% of votes in favour had ten deputies who voted against it from Sweden, Denmark and the Netherlands.

As such, Figure 4 shows that, excluding political affiliation, the largest share of votes against the programme were from the countries that opposed the measure and were led by the UK and Germany, accounting for 77% of votes against the Regulation. However, when considering the votes in relative terms, Denmark was the leading country within the "against-camp," with 85% of Danish deputies voting against (54% of British, 48% of Dutch; 41% of Czech, 39% of Swedish, and 37% of German deputies).

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



Source: Author's elaboration on EP data. Voting occurred on the 12th of June 2013, on the EP opinion to enter informal trilogues.

Also in the Council, but just at the very end of the informal trilogue phase in late 2013, a qualified majority was obtained with a large majority, as only two of the member states that were originally against continuing the MDP, the UK and Denmark, maintained their position and voted against the FEAD. Still in June 2013, despite the progress that was achieved under the Irish Presidency that explicitly supported the program, six members states expressed substantive reservations on the proposal – 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 an Early Warning System to block the proposal through their national parliaments by providing reasoned opinions and questioning the respect of the subsidiarity principle. These efforts were not sufficient for obtaining the minimum threshold that would have led to a revision of the proposal by the Commission.

At the end of the Irish term, an agreement seemed still far away. The Presidency highlighted that, “securing agreement on the proposal will only be possible based on a voluntary approach that provides member states with flexibility for allocating resources from their structural funds”¹¹. Therefore, the Presidency suggested a series of compromises, including voluntary participation in the programme on behalf of the MS; an opt out/in option at the programme review stage; and the potential for negotiating the desired amount of funding with the Commission, which, combined with a minimum threshold, would have prevented disproportionately high funding.

Despite this, as illustrated in section 2, the Regulation maintained its compulsory nature and did not introduce an optional clause. Yet, during the legislative phase, two key elements were added. First, which originated from the European Parliament, was related to the 3.5 billion euro (from 2.5) increase in the EU budget. Second, the scope of the programme was broadened to include social inclusion measures and services, which was supported by the Council. Because there was a provision for greater flexibility in using resources (cf. Tab. 3), which was absent in the original Commission proposal, Member States could decide to either 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 that was obtained 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 was soon after confirmed by the Council, with a legislative *iter*, that (despite all) was comparatively short. The Regulation was published

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

in March 2014 but had a retroactivity clause to guarantee uninterrupted assistance to the most deprived persons during the winter of 2013-14, which allowed for expenditures after 1 December 2013.

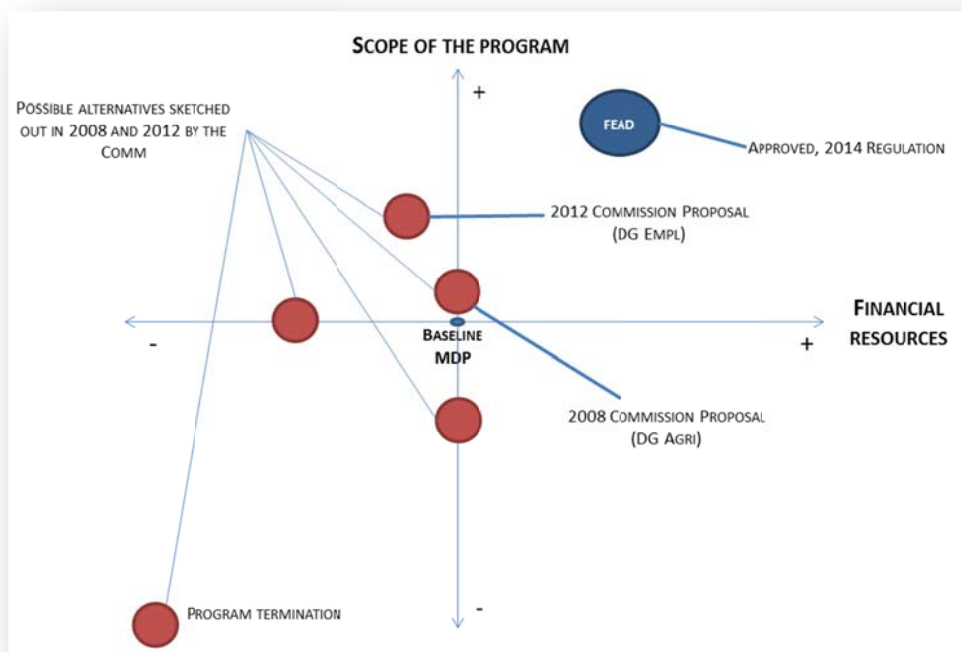
In sum, analytically, the full sequence of institutional transformation occurred in three key phases: the institutional emergence in 1987; a second phase of gradual uncontested institutional expansion (1995-2008); and a third phase in which the EU food aid policy became politically divisive and contentious and resulted in 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 primary goal of this study was to present and explain a case of supranational institutional expansion in the social sphere that occurred in an overall adverse context. More precisely the key question that the study addressed was related to the approval of a proposal that significantly expanded - as documented in section 2 - the scope and financial resources of the former programme.

The interpretative puzzle is graphically outlined in Figure 5 in the form of a tentative map based on the policy options that were at stake during the 2008-2014 time period compared to the final decision The Regulation that was adopted in 2014 was more advanced in financial resources and scope compared to its institutional forerunner (the baseline in Fig. 5).

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



Building on the RESCEU project's theoretical framework, 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, in its relation with the intellectual sphere (cf. Ferrera, 2014). Echoing Van Middelaar (2014). The first assumption is that continuing 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 the member states, where the former, especially the Commission, was interested in continuing the programme for legitimating and credit claiming purposes. This aim overtly contrasted with the goals of several (core) member states, who were willing to defend their social sovereignty against EU intrusion in anti-poverty policies.

In this highly adverse context, we claim that the clash was overcome in a favourable direction for the food aid programme based on two combined elements:

1. The interest of the Commission in maintaining the scheme and its creative agency playing the «legal basis game» (cf. Jupille, 2006);
2. From a bottom up perspective, the mobilization and engagement of a broad network of civil society organizations (among which the European federation of Food Banks – FEBA, which has members in 23 countries, and 240 agencies in addition to a large number of partner organizations) with vested interests in continuing the MDP scheme (or a functional equivalent) due to the legacy generated in the two previous decades¹². In line with the literature dealing with the influence of interest organizations in the EU political system (cf. Mazey & Richardson, 2001; Bayers and Kerremans, 2012), those actors have acted at multiple (and multilevel) venues (as explicitly recommended by the Commission) to weaken opposition from some member states and parties to the scheme, thus making it possible to adopt a new fund.

To date, the empirical reconstruction, through document analysis and three semi-structured interviews with key informants¹³, allowed on the one hand to document the creative and strategic agency of the Commission (specifically 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 cooperation with some stakeholders, was to pass a scheme that was necessarily different but not too dissimilar to the previous initiative. This would maintain the institutional legacy that had matured during the two previous decades, was highly effective (Interviews 1 and 2), and had a direct relationship with civil society organizations that were involved in running the program¹⁴.

On the other hand, 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) on national governments and the broader public. Further, it is interesting to note that this mobilization was a strategy that the Commission explicitly pursued to strengthen its position¹⁵.

¹² For example, in 2008, more than half of the food that was distributed by FEBA was granted through the MDP.

¹³ The list is provided at the end of the paper.

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

¹⁵ As stated by President Barroso after the meeting to present the new proposal to the European Federation of Food Banks: “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

5. CONCLUDING REMARKS

The study sought to contribute to empirical knowledge about the social dimension of the EU and its components, through focussing on a novel program, the FEAD. Designed to contrast severe deprivation, the programme seeks to strengthen the EU's protective actions by providing more substance to the lower tier of pan-European solidarity.

Not surprisingly, the findings suggest that adopting the FEAD was a contested and contentious decision that fostered the emergence of led severe tension. However, the institutional and political sponsorship for the proposal was strong enough to pass and strengthen the Commission's initiative, in its scope and financial budget, during the legislative process. The in depth analysis of the policy process - from drafting the proposal to approving the final regulation – allowed us to empirically trace and unveil the political struggles and political tensions arising around the making of «Social Europe». This study captured three of the four conflicts that the RESCEU project identified and characterized the current EU politics, such as the classic horizontal divide between *market-making* and *market-correcting* positions; and the two vertical divides, which are referred to as the core-periphery division and the defence of *national social sovereignty vs. European coordination/intrusion*.

From an interpretative standpoint, this study highlighted a specific reconciliatory pathway at the EU level, which was led by a process of gradual but transformative institutional change. The study showed that institutional transformation occurs in a path-dependent process in which endogenous institutional logics - as predicted by neo-institutionalism (cf. Pierson 1994, 2000) - proved to be highly resilient. The role of the Commission, in response to the activation of a political demand from the bottom, was also central to maintaining 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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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).

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