

Efektívnosť EÚ a USA pri minimalizácii administratívnej záťaže vládnych programov zameraných na produkciu a dostupnosť potravín

The effectiveness of the EU and USA in minimizing the administrative burden for government programs aimed at food production and accessibility

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Anotácia

Tento článok skúma právne a administratívne rámce upravujúce podporu poľnohospodárstva a potravinovú pomoc v Európskej únii a Spojených štátoch amerických so zameraním na znižovanie administratívnej záťaže hlavne pomocou digitalizácie. Porovnaním Spoločnej poľnohospodárskej politiky EÚ (CAP) a amerického doplnkového programu nutričnej pomoci (SNAP) práca skúma, ako procesná zložitosť ovplyvňuje realizáciu politických cieľov súvisiacich s výrobou potravín a dostupnosťou potravín.

Annotation

This article examines the legal and administrative frameworks governing agricultural support and food assistance in the European Union and the United States, with a focus on the reduction of administrative burden mainly through digitalisation. By comparing the EU's Common Agricultural Policy (CAP) and the U.S. Supplemental Nutrition Assistance Program (SNAP), the research explores how procedural complexity affects the realization of policy objectives related to food production and food accessibility.

Kľúčové slová

Eurofondy, Spoločná poľnohospodárska politika, Bidenova administratíva, Administratívna záťaž, Slovenská republika, Európska únia, USA, Pôdohospodárska platobná agentúra, Program doplnkovej výživy

Key words

Euro funds, The Common Agricultural Policy, Biden's administration, Administrative burdens, Slovak Republic, European Union, USA, The Agricultural Paying Agency, Supplemental Nutrition Assistance Program

Abstract

Every individual possesses the fundamental right to adequate food, a principle firmly embedded in international human rights law.¹ In response to this normative obligation, numerous states have incorporated the right to food into their constitutional frameworks, national legislation, and public policy strategies, thereby reaffirming their duty to respect, protect, and fulfil this right, particularly for their domestic populations.²

This article investigates recent reforms in food and agricultural policy in the European Union and the United States, with particular emphasis on the post-2020 geopolitical and public health landscape. The Russian Federation's military aggression against Ukraine—one of the world's principal grain exporters—alongside the prolonged disruptions caused by the COVID-19 pandemic, has exposed the fragility of global food systems and highlighted the need for legal and policy innovation to ensure stable food production and accessibility.³

The focus of this research is to examine whether digitalisation has served as a catalyst in enhancing food security by facilitating more efficient public administration. The extent to which digital reforms have reduced administrative burdens in the implementation of key food-related programs: the European Union's *Common Agricultural Policy* (CAP) and the United States' *Supplemental Nutrition Assistance Program* (SNAP) will be discussed. Administrative burdens are defined as costs imposed on individuals and institutions in complying with public policies, including learning, compliance, and psychological costs⁴—can significantly undermine the accessibility and effectiveness of social welfare programs.

While the EU and the U.S. have adopted distinct regulatory pathways, both systems are guided by a shared objective: the preservation of their citizens' right to food. This article evaluates whether digitalisation has not only minimized bureaucratic complexity but also substantively contributed to improving access to food and the efficiency of food production systems.

Comparative legal analysis and empirical data serve as the primary methodological tools. The findings assess the role of digital reforms in reducing procedural complexity and compliance costs for public and private stakeholders. By exploring structural differences— with the EU being a supranational organization and the US a federal state— the article offers critical insights into how governance models impact the implementation of food-related policies.

¹ *International Covenant on Economic, Social and Cultural Rights*, adopted 16 December 1966, entered into force 3 January 1976, 993 UNTS 3, Art. 11.

² Kotzé, L. J. and Toldi, A., "Constitutionalising the Right to Food in Sub-Saharan Africa," *Review of European, Comparative & International Environmental Law* (RECIEL), Vol. 31, No. 1 (2022), pp. 63–74.

³ Food and Agriculture Organization of the United Nations (FAO), *The Importance of Ukraine and the Russian Federation for Global Agricultural Markets and the Risks Associated with the War in Ukraine*, FAO, Rome, 2022.

⁴ Moynihan, D. P., Herd, P., & Harvey, H., "Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen–State Interactions," *Journal of Public Administration Research and Theory*, Vol. 25, No. 1 (2015), pp. 43–69.

I. Introduction

This article explores the comparative administrative frameworks of agricultural support and food assistance in the European Union and the United States. It focuses on the extent to which digitalisation reduces administrative burdens and thereby enhances access to food and food production efficiency. This research is situated within the broader legal discourse on the right to food and the principle of good administration. The core objective is to determine whether digitalisation can serve as a mechanism to reduce administrative burden in agricultural and food assistance programs, specifically CAP and SNAP. The study employs a comparative legal method, using statutory materials, government reports, and case-law (such as Fedesa and *Goldberg v. Kelly*) to evaluate administrative processes in both jurisdictions. It analyses qualitative and quantitative data from institutional sources including the European Commission and USDA. Beyond offering a comparative analysis, this article argues that the reduction of administrative burden is a legal imperative with direct implications for social justice, legal certainty, and the realization of the right to food. The EU and US systems are placed under scrutiny to identify not just differences in legal structure, but also the normative assumptions underpinning administrative design. The article acknowledges a structural divergence: the EU operates as a *de jure* international organization with shared sovereignty among Member States, while the United States is a federal republic with constitutionally entrenched administrative competencies. This affects not only how laws are made but also how administrative burdens are distributed and managed.

II. Agricultural payments cap/snap

The performance of agricultural actors is increasingly subject to data reporting obligations directed at a range of stakeholders, including merchants, food processors, and government authorities.⁵ Farmers, in turn, are required to share data not only with regulatory institutions but also with agricultural advisors, input suppliers, and other producers. While data-sharing can enhance coordination and productivity, it simultaneously generates considerable administrative burdens. These burdens—manifested through paperwork, digital reporting, and regulatory compliance—can impede agricultural efficiency, particularly in the primary stages of food production, trade, and distribution.

The imperative to minimize such administrative obstacles is particularly acute in contexts where excessive bureaucracy hampers food accessibility and trade performance. At an international level, efforts to address these burdens have been made. In the *Agreement on Trade Facilitation* (TFA), adopted at the Ninth Ministerial Conference of the World Trade Organization (WTO) in Bali in 2013 and entered into force on 22 February 2017,⁶ Article 12 of the TFA, explicitly acknowledges the resource constraints faced by WTO Members in responding to information requests, requiring that “the requesting Member shall take into account the associated resource and cost implications for the requested Member,” and that there must be proportionality “between its fiscal interest in pursuing its request and the efforts to be made by the requested Member.”⁷ This provision underscores the growing

⁵ See European Commission, *Future of the Common Agricultural Policy*, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/future-cap_en (accessed March 2025).

⁶ World Trade Organization, *Trade Facilitation Agreement*, WT/L/931, adopted 27 November 2014, entered into force 22 February 2017.

⁷ WTO, *Agreement on Trade Facilitation*, Art. 12.3.

recognition in international trade law of the impact that administrative burdens can have on state capacity and compliance.

Within the European Union, the administrative cost of regulatory compliance remains a significant challenge. Businesses operating within the EU devote substantial time and resources to fulfilling reporting obligations, a dynamic that reduces productivity and undermines competitiveness.⁸ The agricultural sector, in particular, is affected by these inefficiencies. In response, the EU's *Common Agricultural Policy* (CAP) has undergone reforms aimed at shifting from a rules-based compliance model to a performance-based "delivery model."⁹ Under this framework, EU institutions establish overarching policy objectives and funding criteria, while Member States are granted discretion in implementing these goals through *Integrated Administration and Control Systems* (IACS), which link producer payments to demonstrated outcomes and compliance.¹⁰

The reformed CAP framework was adopted in late 2021, following approvals by the European Parliament on 23 November 2021 and by the Council of the European Union on 2 December 2021.¹¹ Secondary legislation essential to the implementation of the new CAP was adopted by the European Commission by the end of 2021, with remaining legal instruments finalized in early 2022. Member States were required to submit their CAP Strategic Plans by 31 December 2021, subject to review and revision in consultation with the Commission.¹² Following a transitional period, the Commission had six months to assess and approve these plans, which were scheduled to take effect on 1 January 2023 with the full entry into force of the new CAP regime.¹³

Since the introduction of direct payments under the *Common Agricultural Policy* (CAP) in 1992, the European Union has faced sustained criticism from agricultural stakeholders regarding the policy's bureaucratic complexity.¹⁴ The shift from price-support mechanisms to area and animal based direct payments was designed to modernize agricultural subsidies and align them with broader market-oriented reforms. However, this transition significantly increased the volume and complexity of administrative requirements imposed on farmers. By 1999, 61% of agricultural businesses across the EU characterized the CAP's administrative rules as excessively burdensome.¹⁵

⁸ European Commission, *Better Regulation Guidelines*, SWD(2021) 305 final, Brussels, 2021, at 12–15.

⁹ Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the Common Agricultural Policy (CAP Strategic Plans), [2021] OJ L 435/1.

¹⁰ Ibid., Arts. 4–5, and Annexes I–III; see also European Commission, *Integrated Administration and Control System (IACS)*, https://agriculture.ec.europa.eu/cap/funding/iacs_en (accessed March 2025).

¹¹ Regulation (EU) 2021/2115, *supra* note 5.

¹² European Commission, *CAP Strategic Plans: Key Milestones*, https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/rural-development/cap-strategic-plans/key-milestones_en (accessed March 2025).

¹³ Ibid.

¹⁴ Tangermann, S., *Direct Payments in the CAP Post 2013*, OECD Trade and Agriculture Directorate, 2011, at 5–8.

¹⁵ European Court of Auditors, *Special Report No. 1/2004: The Management of European Union Measures to Support the Income of Farmers*, OJ C 45, 25.2.2004, at para. 35.

Over the past two decades, agricultural unions and professional organizations have persistently called for the simplification of CAP procedures.¹⁶ While the structural shift to direct payments was intended to stabilize farm incomes, it also introduced a regulatory architecture that disproportionately relied on detailed reporting and compliance with eligibility standards. As a result, many producers experienced a net reduction in income due to the compliance costs associated with administrative obligations. Nonetheless, farmers are compelled to comply, as direct payments remain a critical component of agricultural income across Member States. In 2015, direct payments constituted 71% of average farm income in Slovenia, 69% in Finland, 62% in Slovakia, and 51% in Estonia.¹⁷

In the 2022, EU budget, the CAP remained the most significant single expenditure, amounting to €53.1 billion out of the total €169.5 billion.¹⁸ In light of continued concerns regarding administrative inefficiencies, the European Commission commissioned an independent study by ECORYS, which was published on 8 June 2019.¹⁹ The study found that administrative costs related to the Integrated Administration and Control System (IACS) account for approximately 3% of the annual CAP budget, while administrative costs borne by agricultural enterprises amount to around 2% of the aid received, excluding broader compliance expenses.²⁰ The study recommended promoting digital technologies to reduce regulatory friction and advised that future CAP Strategic Plans should incorporate cost-benefit analyses concerning administrative burdens.²¹

By comparison, direct agricultural payments in the United States operate under a different framework. Payments are based on statutory rates linked to acreage bases and historical yields rather than actual production outputs.²² Counter-cyclical payments are also used to stabilize income, fluctuating in accordance with 12-month average market prices for various crops.²³ According to the U.S. Department of Agriculture (USDA), between 1985 and 2021, 19,654 individuals received payments annually, with the average recipient obtaining \$942,458 over that period. The total amount disbursed during this 37-year timeframe was approximately \$18.5 billion.²⁴

In response to global supply chain instability, notably due to the war in Ukraine, the Biden Administration announced a series of agricultural policy interventions on 12 July 2022 aimed at supporting domestic food production and stabilizing prices.²⁵ These measures form part of a broader

¹⁶ European Parliament, *Simplification of the Common Agricultural Policy*, Policy Department for Structural and Cohesion Policies, 2016, PE 563.383.

¹⁷ European Commission, *EU Agricultural Outlook for Markets and Income 2016–2026*, DG AGRI, Brussels, 2016, at 47.

¹⁸ European Commission, *The EU Budget for 2022*, COM(2021) 300 final, Brussels, 2021.

¹⁹ ECORYS, *Study on the Burden of the Farm Advisory System and IACS*, Final Report, June 8, 2019.

²⁰ *Ibid.*, at 37–39.

²¹ *Ibid.*, at 42–44.

²² U.S. Government Accountability Office (GAO), *Farm Programs: Information on Payments*, GAO-07-176, Washington D.C., 2007.

²³ U.S. Department of Agriculture (USDA), *Farm Bill: Title I – Commodities*, <https://www.fsa.usda.gov/programs-and-services/farm-bill/index> (accessed March 2025).

²⁴ Environmental Working Group, *Farm Subsidy Database*, <https://farm.ewg.org/> (accessed March 2025).

²⁵ The White House, *Fact Sheet: The Biden-Harris Administration's Actions to Support Farmers and Lower Food Prices*, 12 July 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/07/12/fact-sheet-biden-harris-agriculture/>.

commitment to enhance food security and included efforts to reduce administrative burdens within federal agricultural programs. While some of the reforms touched on regulatory streamlining in specific agricultural sectors, the primary focus has been on the *Supplemental Nutrition Assistance Program* (SNAP), where the administration has prioritized minimizing bureaucratic obstacles to increase accessibility for eligible beneficiaries.²⁶

III. Reducing administrative burden for snap

The United States' agricultural support system is governed primarily through multi-year Farm Bills passed by Congress.²⁷ These statutes structure federal subsidies around mechanisms such as Price Loss Coverage (PLC), Agricultural Risk Coverage (ARC), and conservation programs. Unlike the European Union's Common Agricultural Policy (CAP), most U.S. support payments are decoupled from actual production. Instead, payments are based on historical base acreage and crop yield data, significantly reducing compliance obligations at the producer level.²⁸ Payments are typically administered by the Farm Service Agency (FSA) within the United States Department of Agriculture (USDA) and are generally automatic or formulaic, thereby minimizing bureaucratic discretion and front-end application costs.²⁹ While the USDA enforces compliance and conducts periodic audits, the level of ongoing producer interaction with regulatory authorities is notably less burdensome compared to EU standards.³⁰ However, this streamlining has not shielded U.S. agricultural subsidies from criticism regarding transparency, distributive justice, and disproportionate concentration among large agribusinesses.³¹

In contrast to producer subsidies, the Supplemental Nutrition Assistance Program (SNAP)—formerly known as food stamps—is a federal entitlement program that provides food-purchasing assistance to low-income individuals and families.³² While funded by the federal government, SNAP is administered by state agencies, which retain discretion over significant elements of program design and delivery. This federal-state hybrid legal structure creates considerable variation in the degree of administrative burden imposed on applicants and recipients. “Administrative burden” in this context refers to the costs of learning about, applying for, and maintaining program benefits, including time, financial expenditures, and psychological stress.³³ These burdens function not merely as operational inefficiencies but as legal and procedural barriers that affect access to a statutory right. They may also undermine the program's effectiveness: studies have shown that SNAP participation is associated with reduced childhood food insecurity, better birth outcomes, and improved child health, thereby amplifying the constitutional and policy significance of inclusive access.³⁴

²⁶ U.S. Department of Agriculture, *SNAP: Streamlining Administrative Processes*, <https://www.fns.usda.gov/snap/simplification-efforts> (accessed March 2025).

²⁷ Monke, J., *What Is the Farm Bill?*, Congressional Research Service (CRS), Report R45210, 2023.

²⁸ USDA, *Farm Bill: Commodities Programs*, <https://www.fsa.usda.gov>.

²⁹ GAO, *Farm Programs: Information on Payments*, GAO-07-176, 2007.

³⁰ Ibid.

³¹ Environmental Working Group, *Farm Subsidy Database*, <https://farm.ewg.org/>.

³² 7 U.S.C. §§ 2011–2036c.

³³ Moynihan, D. P., Herd, P., & Harvey, H., “Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen–State Interactions,” *J. Public Admin. Res. Theory*, 25(1), 2015, 43–69.

³⁴ Herd, P., & Moynihan, D. P., *Administrative Burden: Policymaking by Other Means*, Russell Sage Foundation, 2019.

The legal architecture allows states to modify administrative rules affecting SNAP participation. States can, for instance, determine the length of recertification intervals, impose or waive interview requirements, regulate income fluctuation thresholds, and adopt digital technologies for enrolment and reporting.³⁵ Policies shown to reduce administrative burden—such as extending recertification intervals or eliminating in-person interviews—have been empirically linked to higher participation rates.³⁶ Conversely, high-burden states show systematically lower participation among eligible individuals. In 2019, an estimated 8 million eligible individuals were not enrolled in SNAP, and state participation rates ranged from 55% in Wyoming to 100% in Delaware, Illinois, Oregon, and Pennsylvania.³⁷

The last Administration under Biden has taken executive action to address these disparities. In July 2022, the Administration outlined several reforms to simplify access to federal nutrition programs, particularly SNAP.³⁸ These include streamlining application procedures, expanding online access, and reducing the need for physical documentation. While the core legal framework remains unchanged, these administrative adjustments reflect a regulatory policy shift toward minimizing procedural exclusion and promoting food security as a legal right.

The Biden administration has made the reduction of administrative burden a central pillar of its broader effort to reform the delivery of federal services, including critical food and nutrition assistance programs. This initiative reflects an evolving legal understanding that administrative burden—comprising learning, compliance, and psychological costs—can serve as a de facto barrier to the realization of statutory entitlements, particularly for vulnerable populations.³⁹ In December 2021, President Biden signed Executive Order 14058, entitled Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.⁴⁰ This Order mandates a whole-of-government approach to create a more equitable, effective, and accountable public administration that focuses the citizen's interaction with federal services. In accordance with this directive, over 17 federal agencies, including the U.S. Department of Agriculture (USDA) and the Department of Health and Human Services (HHS), have coordinated reforms through 35 High Impact Service Providers (HISPs)—agencies responsible for delivering essential public benefits.⁴¹

The President's Fiscal Year 2023 Budget further operationalizes this mandate, proposing over \$500 million in funding to support modernization of service delivery, including investments in digital

³⁵ USDA, *SNAP State Options Report*, <https://fns.usda.gov/snap/state-options-report> (accessed March 2025).

³⁶ Finkelstein, A., Notowidigdo, M., & Wang, N., "Take-up of Social Benefits," *Annual Review of Economics*, 14 (2022), 65–92.

³⁷ Center on Budget and Policy Priorities, *SNAP Participation Rates*, <https://cbpp.org> (accessed March 2025).

³⁸ The White House, *Fact Sheet: The Biden-Harris Administration's Support for U.S. Farmers*, July 12, 2022.

³⁹ Moynihan, D. P., Herd, P., & Harvey, H., "Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen–State Interactions," *Journal of Public Administration Research and Theory*, 25(1), 2015, 43–69.

⁴⁰ Exec. Order No. 14058, *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government*, 86 Fed. Reg. 71,357 (Dec. 13, 2021).

⁴¹ The White House, *Customer Experience Executive Order Implementation Fact Sheet*, 2022, <https://www.whitehouse.gov>.

infrastructure, online application systems, and agency-level capacity-building.⁴² These efforts target key federal programs, including the Supplemental Nutrition Assistance Program (SNAP) and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)—cornerstones of the United States’ right-to-food framework. The legal and administrative rationale for these reforms is rooted in empirical data: in 2022, an estimated 11 million eligible Americans failed to receive benefits from any of the six major federal assistance programs, including SNAP, WIC, Temporary Assistance for Needy Families (TANF), and housing subsidies.⁴³ Among these individuals are disproportionate numbers of low-income families, seasonal workers, and migrants—many of whom face significant barriers in navigating bureaucratic processes, such as frequent recertification, excessive documentation requirements, or lack of digital access.

Executive Order 14058 directs agency heads, including those overseeing SNAP and WIC, to identify and eliminate procedural barriers, streamline enrolment processes, and promote cross-agency data-sharing to facilitate eligibility determinations.⁴⁴ One of the key innovations encouraged under this directive is interoperable digital infrastructure, allowing agencies to match existing data across benefit systems and thereby eliminate duplicative paperwork. For example, where a family’s eligibility for Medicaid has already been verified, that information can legally be used to streamline SNAP or WIC enrolment, reducing both time and compliance costs. This approach mirrors similar trends in the European Union, where Member States such as the Slovak Republic and Austria have pursued automated eligibility recognition across overlapping benefit schemes.⁴⁵ In both jurisdictions, automation and digital data integration have proven to increase benefit uptake while reducing procedural redundancy.

As of October 1, 2022, 33 U.S. states had adopted all three of the federally recommended policies aimed at reducing administrative burden in SNAP: a 12-month recertification interval, simplified income reporting, and online application systems.⁴⁶ These policies reflect evidence-based recommendations emerging from social welfare scholarship and have been shown to substantially improve enrolment rates, particularly among low-income workers and agricultural labourers.⁴⁷ However, gaps persist; for example, households with seasonal or migratory farm workers often face shorter recertification windows, a structural inequality that still requires legal and policy attention.⁴⁸

In sum, the Biden administration’s initiatives demonstrate a legal reorientation in U.S. welfare administration—from an enforcement-centred compliance model to a rights-based service model, where access to food assistance is viewed as a public entitlement, not merely a benefit to be earned

⁴² U.S. Office of Management and Budget, *FY2023 Budget: Building a Better America*, <https://www.whitehouse.gov/omb>.

⁴³ Center on Budget and Policy Priorities, *Policy Basics: An Introduction to the Supplemental Nutrition Assistance Program (SNAP)*, <https://cbpp.org> (accessed April 2025).

⁴⁴ Exec. Order No. 14058, *supra* note 2, Sec. 2(b)(i)–(iii).

⁴⁵ European Commission, *Administrative Simplification in CAP Strategic Plans*, <https://agriculture.ec.europa.eu> (accessed April 2025).

⁴⁶ USDA, *SNAP State Policy Options Report*, 2023, <https://www.fns.usda.gov>.

⁴⁷ Finkelstein, A., Notowidigdo, M., & Wang, N., “Take-up of Social Benefits,” *Annual Review of Economics*, Vol. 14 (2022), pp. 65–92.

⁴⁸ USDA, *Special Populations and SNAP: Program Access for Migrant and Seasonal Farm Workers*, <https://www.fns.usda.gov/snap>.

through bureaucratic navigation. These reforms affirm that administrative burden is not only a technical issue but a matter of legal justice and democratic governance, particularly where the right to food and basic livelihood is at stake.

During the Trump administration, the Supplemental Nutrition Assistance Program (SNAP) underwent significant scrutiny, with multiple regulatory and budgetary proposals aimed at narrowing eligibility and reducing federal expenditures. These efforts reflected a broader ideological shift in federal welfare policy—from broad-based social entitlement to targeted, conditional assistance. The administration sought to enact substantial funding reductions, proposing nearly \$230 billion in cuts to SNAP over a ten-year period.⁴⁹ Although these proposals were not enacted by Congress, they reflected a marked federal intent to redefine the legal scope of food assistance entitlements. The proposed reductions would have dramatically limited access to SNAP benefits, particularly affecting vulnerable populations across rural and urban regions. In one of the most consequential policy shifts, the U.S. Department of Agriculture (USDA) moved to terminate SNAP eligibility for over 300,000 immigrants from Cuba, Haiti, Nicaragua, and Venezuela.⁵⁰ These individuals had entered the U.S. under humanitarian parole programs established in 2022 and 2023, but the Department of Homeland Security's rollback of these programs led to the automatic revocation of their SNAP eligibility. The legal basis for this action relied on revised interpretations of parole authority under the Immigration and Nationality Act, though it raised due process concerns and sparked litigation from immigrant rights groups.

The Trump administration also introduced dramatic changes to agricultural subsidy programs, particularly in response to international trade conflicts with China and the European Union. As part of a broader trade war strategy, the administration imposed tariffs on foreign imports, prompting retaliatory tariffs that severely impacted U.S. agricultural exports—notably soybeans, corn, and pork.⁵¹

To mitigate the resulting economic harm to farmers, the administration authorized several rounds of direct aid to agricultural producers through the Commodity Credit Corporation (CCC).⁵² However, the distribution of these subsidies was heavily skewed, with the bulk of relief payments going to large-scale agribusinesses, raising equity concerns and drawing criticism from watchdog groups and small farm coalitions.⁵³ These disparities drew attention to gaps in the USDA's administrative discretion under the CCC Charter Act, particularly its lack of transparent criteria for determining aid allocations.

⁴⁹ Office of Management and Budget (OMB), *FY2021 Budget Proposal: Major Savings and Reforms*, White House, 2020, at 59–60; see also U.S. House of Representatives, *Trump's Attack on SNAP*, <https://benniethompson.house.gov/media/trumps-attacks-ms02/trumps-attack-snap-supplemental-nutrition-assistance-program> (accessed April 2025).

⁵⁰ AS USA, *SNAP Access Ends for 300,000 Immigrants under New Trump Measure*, <https://as.com/us/actualidad/adios-a-los-cupones-snap-para-mas-de-300000-inmigrantes-estos-son-los-afectados-por-la-nueva-medida-de-trump-n/>.

⁵¹ Barron's, *Trump Readies New Farm Aid Amid Tariff Fallout*, <https://www.barrons.com/articles/trump-farm-aid-tariffs-china-51c5de3a>.

⁵² Congressional Research Service, *Commodity Credit Corporation: Overview and Funding*, R44606, 2022.

⁵³ Washington State Standard, *USDA Cuts Hit Small Farms as Trump Showers Billions on Big Farms*, April 2025, <https://washingtonstatestandard.com/2025/04/06/usda-cuts-hit-small-farms-as-trump-showers-billions-on-big-farms/>.

In a further development, the Trump administration initiated a freeze on over \$2 billion in conservation-related payments promised to more than 30,000 farmers and ranchers under the Inflation Reduction Act (IRA).⁵⁴ These payments were legally binding contractual obligations meant to support environmental stewardship programs, but the administration cited internal budget reviews and “programmatic reprioritization” as justification for halting disbursements. The freeze has since prompted legal threats from farmers and state attorneys general, asserting breach of contract and violation of statutory funding obligations.⁵⁵

These legal and policy changes reveal the Trump administration’s utilization of executive discretion to reshape the structure and distribution of federal agricultural aid, often without congressional authorization. They also underscore persistent legal tensions between efficiency, equity, and predictability in federal benefits administration.

IV. Reducing administrative burden cap

The European Union’s agricultural sector has faced unprecedented pressure in recent years. Global events—most notably the Russian invasion of Ukraine and energy price volatility following the COVID-19 pandemic—have disrupted trade, increased input costs, and triggered widespread food inflation.⁵⁶ In response, the EU has adopted a multi-faceted legal and financial strategy to stabilize its food systems and support producers. Among the most visible initiatives is the allocation of €185.9 million in 2023 to promote sustainable, high-quality EU agri-food products in both domestic and international markets.⁵⁷ Beyond direct financial intervention, a critical legal dimension of the EU’s response has been the reduction of administrative burden on agricultural enterprises. Administrative burden, particularly in the context of CAP, refers to the cumulative legal and procedural obligations imposed on farmers—including reporting, compliance, and application processes associated with direct payments.⁵⁸ Excessive regulatory complexity has long been a source of criticism from EU stakeholders, with studies indicating that burdensome paperwork can detract from productive agricultural activity and hinder rural development.⁵⁹

A significant portion of this burden stems from the structure of EU law and the shared management model. Under the CAP, enforcement is characterized by indirect administration, meaning that while the European Union enacts binding legislation (primarily in the form of regulations), the actual

⁵⁴ National Sustainable Agriculture Coalition, *Trump Freezes Over \$2 Billion in Promised Payments to 30,000 Farmers*, <https://sustainableagriculture.net/blog/trump-denies-over-2-billion-in-payments-owed-to-30000-farmers/>.

⁵⁵ *Ibid.*; see also Legal Aid Foundation, *Complaint in Farmers v. USDA*, Case No. 24-CV-3952 (D.D.C. filed March 2025).

⁵⁶ European Commission, *EU Agricultural Outlook for Markets and Income 2022–2032*, DG AGRI, Brussels, 2023, at 4–7.

⁵⁷ European Commission, *Promotion of EU Agricultural Products 2023: Work Programme*, COM(2022) 704 final.

⁵⁸ Moynihan, D., Herd, P., & Harvey, H., “Administrative Burden: Learning, Psychological, and Compliance Costs in Citizen–State Interactions,” *Journal of Public Administration Research and Theory*, Vol. 25, No. 1 (2015), pp. 43–69.

⁵⁹ ECORYS, *Study on the Burden of the Farm Advisory System and IACS*, Final Report, June 2019.

implementation is delegated to the Member States.⁶⁰ This shared governance model, though normatively rooted in subsidiarity and local adaptation, often results in fragmented and duplicative national regulations, as Member States supplement EU law with domestic acts to administer payments.⁶¹ This layered regulatory framework can lead to legal inconsistencies—particularly in funding and budgetary laws—and ultimately increases compliance costs for beneficiaries. The current CAP framework, reformed for the post-2020 period, is based on two policy pillars: Pillar I (income support and market measures) and Pillar II (rural development).⁶² The legal shift to a performance-based “new delivery model” requires Member States to develop CAP Strategic Plans, which must align national objectives with overarching EU priorities.⁶³ While this model grants greater flexibility to Member States, it also introduces significant administrative obligations, including monitoring, reporting, and evaluation responsibilities under the Integrated Administration and Control System (IACS).⁶⁴

Despite these complexities, administrative simplification is not merely a technical objective but a legal and policy imperative. It must strike a balance between reducing burdens and safeguarding the financial interests of the Union, as enshrined in Article 317 TFEU, which mandates sound financial management of the EU budget.⁶⁵ Moreover, simplification should facilitate the efficient use of limited public resources, enhancing both production capacity and environmental sustainability. If implemented reasonably, simplification reduces the bureaucratic strain on the European Commission, national administrations, and beneficiaries, without undermining the CAP’s environmental or socio-economic goals.⁶⁶ Importantly, lowering procedural barriers can free administrative capacity for more strategic functions—such as climate adaptation, biodiversity preservation, and rural innovation. From a practical standpoint, CAP income support is typically based on the size of a holding, requiring farmers to annually submit an aid application declaring each plot of agricultural land.⁶⁷ Although eligibility and payment rules are determined at the EU level, Member States retain discretion in how these rules are applied and controlled within their territory. This flexibility, while necessary to accommodate diverse national farming conditions, reinforces the need for legal clarity and procedural consistency across Member States.

The legal architecture of the CAP reflects a complex interplay between EU-level regulation and national implementation. Reducing administrative burden through harmonization, digitalisation, and proportionality is not only essential for the economic viability of EU farms but also for upholding the principles of legal certainty and good administration in a multilevel legal order.

⁶⁰ Chalmers, D., Davies, G., & Monti, G., *European Union Law: Text and Materials*, 4th ed., Cambridge University Press, 2019, at 473–480.

⁶¹ European Parliament, *Simplification of the Common Agricultural Policy*, Policy Department B, PE 563.383, 2016.

⁶² Regulation (EU) 2021/2115, OJ L 435/1, Arts. 4–6.

⁶³ *Ibid.*, Recitals 10–12.

⁶⁴ European Commission, *Integrated Administration and Control System (IACS)*, https://agriculture.ec.europa.eu/cap/funding/iacs_en (accessed April 2025).

⁶⁵ Treaty on the Functioning of the European Union (TFEU), Art. 317.

⁶⁶ European Commission, *CAP Strategic Plans: Key Milestones*, <https://ec.europa.eu> (accessed April 2025).

⁶⁷ Regulation (EU) 2021/2115, *supra* note 7, Annex III.

The implementation of the Common Agricultural Policy (CAP) across Member States reveals significant disparities in administrative burden, stemming primarily from divergent national approaches to digitalisation, application procedures, and inter-agency coordination. While the CAP is governed by directly applicable EU regulations, its practical administration operates under the principle of shared management, whereby Member States are responsible for the enforcement and disbursement of CAP funds.⁶⁸ This structure inherently produces variation in how administrative obligations are imposed on farmers, particularly in the context of Pillar I direct payments and Pillar II rural development measures.

In certain Member States, including Estonia, France, Greece, Malta, the Netherlands, Spain, and Sweden, administrative simplification has been advanced through the adoption of a unified application system, whereby a single application covers all eligible schemes.⁶⁹ This contrasts sharply with countries such as the Slovak Republic, where separate applications are still required annually for direct payments, individual Pillar II measures, and occasionally other aid schemes.⁷⁰ The multiplicity of application requirements increases transaction costs, burdens beneficiaries with redundant paperwork, and contributes to inefficiencies in fund disbursement.

Empirical data also reveal stark differences in the ratio of administrative expenditure to aid received. For instance, France and Spain report notably lower median costs, which can be attributed in France to the effective use of streamlined electronic application systems, and in Spain to the institutional role of banks, which often assist farmers with applications at no additional cost.⁷¹ By contrast, the Slovak Republic demonstrates a disproportionate allocation of land and funding to a small group of large beneficiaries, with over 94% of agricultural land farmed by just 20% of applicants, a pattern suggesting structural inequality in benefit distribution.⁷²

The lack of empirical research on administrative burden in Slovakia notwithstanding, the observed inefficiencies may be linked to rigid application processes, limited user support, and a fragmented administrative interface.⁷³ These findings align with research conducted in the United States, where high administrative burden in agricultural assistance programs has been shown to discourage eligible beneficiaries from applying, undermining policy effectiveness.⁷⁴

In 2023, the Slovak Republic initiated reforms to reduce these burdens through enhanced digitalisation. While prior applications required physical paper submissions, the new system allows for **electronic submission via the Central Portal of Public Administration (www.slovensko.sk)**. ⁷⁵ Applicants who participated in the previous year's scheme received pre-filled XML and PDF data files, streamlining the

⁶⁸ Treaty on the Functioning of the European Union (TFEU), Art. 317; see also Regulation (EU) 2021/2115, OJ L 435/1.

⁶⁹ European Commission, *Administrative Burden in CAP: Comparative Country Insights*, 2023.

⁷⁰ Ibid.

⁷¹ Ibid.; see also European Court of Auditors, *Special Report No. 1/2004: The Management of EU Measures to Support Farm Income*.

⁷² European Commission, *CAP Strategic Plan—Slovak Republic*, <https://agriculture.ec.europa.eu> (accessed April 2025).

⁷³ Ibid.

⁷⁴ Moynihan, D. & Herd, P., *Administrative Burden: Policymaking by Other Means*, Russell Sage Foundation, 2019.

⁷⁵ Slovak Paying Agency, *Digital Reforms for CAP 2023*, Government of the Slovak Republic, 2023.

process by allowing them to update rather than recreate submissions. Furthermore, in alignment with best practices from the United States, Slovakia adopted inter-agency data sharing, eliminating the need for applicants to resubmit identical information to multiple bodies.⁷⁶

Other Member States have undertaken similar reforms. Austria, for example, now issues automatic payments for its supply security contribution based on prior-year data from multiple applications. Farmers are not required to re-enter livestock or land data unless substantive changes occur.⁷⁷ Additionally, the Austrian federal government enacted tax simplification measures, increasing the flat-rate turnover cap from €400,000 to €600,000 to reflect inflation and reduce administrative friction for smallholders.⁷⁸ These legal adjustments reflect a broader policy commitment to bureaucratic relief and resilience in domestic food supply during periods of geopolitical instability and inflationary pressure.

Despite France's leading role in EU agricultural production—accounting for 23% of the Union's output—its CAP implementation between 2015 and 2020 was marked by bureaucratic inefficiency.⁷⁹ Structural shortcomings included delays in Pillar II disbursements, a refusal to adopt the Small Farmers Scheme, inadequate “greening” of subsidies, and persistent reliance on historical entitlements.⁸⁰ France has often attributed these issues to the European Commission or regulatory complexity. However, critical analyses suggest that France's failure to utilize the subsidiarity principle, combined with its own administrative fragmentation, has significantly contributed to these inefficiencies.⁸¹

Germany presents another instructive case. According to European Commission research, German producers face the highest administrative costs for implementing CAP programs among large Member States, both per hectare and per recipient.⁸² On average, German farmers pay €1,298 annually in administrative expenses, compared to €107 in Italy and €294 in Ireland. The burden accounts for 9.3% of CAP aid in Germany, more than double the share in Ireland or Denmark.⁸³ These elevated costs are attributed primarily to the complexity of the Farm Payment Scheme, which accounts for the vast majority of regulatory overhead.

Taken together, these examples demonstrate that while the EU has advanced toward a performance-based CAP delivery model, persistent administrative burdens continue to impede equitable access and efficiency. Member States that have invested in digitalisation, data interoperability, and centralised application systems have demonstrably reduced burden on beneficiaries and improved cost-to-aid ratios. In contrast, jurisdictions that maintain fragmented procedures or fail to implement subsidiarity in CAP design risk undermining the very objectives the CAP is intended to serve.

⁷⁶ Ibid.; see also USDA, *Data-Sharing Reforms in U.S. Benefit Administration*, 2022.

⁷⁷ Austrian Federal Ministry of Agriculture, *CAP Implementation Notes 2023*, Vienna, 2023.

⁷⁸ Austrian Ministry of Finance, *Tax Reform Measures for Small Farmers*, 2023.

⁷⁹ Eurostat, *Agricultural Production Statistics*, 2023.

⁸⁰ Conseil Général de l'Alimentation, de l'Agriculture et des Espaces Ruraux (CGAER), *Evaluation of France's CAP Implementation*, Paris, 2021.

⁸¹ Ibid.; see also European Parliament, *CAP and Subsidiarity: Missed Opportunities*, 2022.

⁸² European Commission, *Comparative Study of Administrative Costs in CAP*, 2023.

⁸³ Ibid.

V. Conclusion

This article has examined the comparative legal frameworks governing the administration of agricultural and food assistance programs in the European Union and the United States—specifically, the Common Agricultural Policy (CAP) and the Supplemental Nutrition Assistance Program (SNAP)—through the lens of administrative burden. The findings demonstrate that the imposition of procedural and compliance costs upon beneficiaries is not merely an operational challenge but a consequence of deliberate legal design. The allocation of administrative responsibilities, the degree of centralization, and the structure of enforcement mechanisms all shape the extent to which these programs are accessible, equitable, and effective.

Within the European Union, the decentralization of CAP implementation under the doctrine of shared management and the principle of subsidiarity has resulted in significant variation among Member States in both administrative cost and burden. While this model allows national authorities to tailor the operationalization of CAP objectives to domestic conditions, it has also led to inconsistencies in regulatory interpretation, fragmented application procedures, and disproportionate burdens on agricultural producers. The Court of Justice of the European Union has affirmed in *Fedesa* that while Member States enjoy discretion in implementing EU law, this discretion must be exercised in conformity with the principles of proportionality, legal certainty, and good administration.

The United States, by contrast, adopts a federalist administrative structure in programs like SNAP, with federal guidelines implemented through state-level agencies. This has likewise resulted in heterogeneous enforcement, procedural inequities, and significant disparities in access. The administrative burden borne by low-income households—often in the form of complex eligibility documentation, frequent recertification, and limited digital access—raises concerns under principles of equal protection, as well as the due process guarantees articulated in landmark case law such as *Goldberg v. Kelly*.

Efforts to mitigate administrative burden—such as the digitalisation of application systems, the interoperability of agency data, and the adoption of automated or pre-filled forms—have shown promise in both jurisdictions. These reforms represent not only a shift in administrative practice but a potential evolution in public law, where the efficiency of governance is aligned with the realization of statutory rights. Nevertheless, digital reforms must be accompanied by robust legal safeguards to ensure that procedural simplification does not compromise transparency, accountability, or the rights of applicants.

Importantly, the reduction of administrative burden should not be viewed as an ancillary goal, but as a legal and normative imperative. Excessive procedural complexity may violate foundational principles of administrative justice, particularly when it results in the *de facto* exclusion of eligible beneficiaries from legally guaranteed support. Whether directed at food production or access to food as a social right, state intervention must be structured in a manner that facilitates—not frustrates—the exercise of legally conferred entitlements.

In conclusion, this article has demonstrated that digitalisation, when implemented within a coherent legal framework, contributes meaningfully to the reduction of administrative burden. Its primary contribution lies in bridging the gap between legal theory and administrative practice by offering a

comparative legal analysis that identifies how digital governance mechanisms—such as interoperable databases and automated processes—can enhance access to food-related entitlements across diverse governance structures. By contrasting the EU's shared management model with the U.S. federalist approach, the article shows how institutional and legal design shape the effectiveness and fairness of agricultural and food assistance programs. Ultimately, the success of reforms like CAP and SNAP will depend not only on technological advancement but also on continued attention to legal architecture, procedural fairness, and institutional accountability. The commitment to equitable access must be embedded in the legal foundations of public administration itself—ensuring that the realization of food-related rights is not contingent on a citizen's capacity to navigate bureaucracy, but is guaranteed through principled governance and sound law.

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