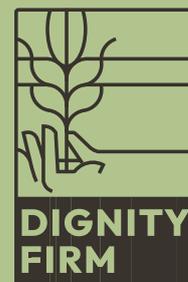


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Policy Brief WP4 – The Netherlands

Social Conditionality in the EU Agricultural Policy in the Netherlands: Missing the Target?

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Policy Brief

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The protection of the rights of workers on farms and along the food value chain calls for EU-wide attention

According to the EU Common Agricultural Policy (CAP), EU Member States are obliged to formulate Strategic Plans by 1 January 2025, towards, amongst others, implementing administrative penalties for farmers in case they do not comply with social norms at work (article 14 Regulation (EU) 2021/2115). This is called 'social conditionality' in the CAP and concerns conditions related to applicable working and employment conditions under Directives on transparent and predictable

working conditions, on improving the safety and health of workers at work, and on safety and health when workers use work equipment at the workplace.

The Member States must have an effective and proportionate system of administrative penalties for farmers receiving direct payments under the CAP who are not in compliance with these social norms.

At the European level, the vulnerable position of workers is recognized, as evidenced by the European Commission's recently published Vision for Agriculture and Food. Among other objectives, the Vision mentions the importance of ensuring



“...the protection of rights of workers on farms and along the food value chains” (European Commission, 2025, p. 6). Social conditionality is meant as an incentive for employers in farm-to-fork sectors to deliver on social rights of (migrant) workers and sits at the heart of the HorizonEurope DignityFIRM project. Following conversations between the DignityFIRM research team and representatives of DG Agriculture of the European Commission, we address the European Commission’s need for insight into the practical functioning of the social conditionality rules, in particular regarding the consequences for migrant workers. Moreover, in our conversations, the question was raised whether further steps, such as a possible extension of the mechanism to other social norms, are desirable and feasible.

The implementation of the social conditionality mechanism in the Netherlands

The focus of this Policy Brief is on the implementation of the social conditionalities mechanism in the Netherlands, where it came into force on January 1, 2025 (Regeling van de Minister van Landbouw, Visserij, Voedselzekerheid en Natuur van 18 december 2024 nr. WJZ/87523093 houdende wijziging van de Uitvoeringsregeling GLB 2023 [Regulation

of the Minister of Agriculture, Fisheries, Food Security and Nature of 18 December 2024 no. WJZ/87523093 amending the CAP Implementation Regulation 2023]).

The Netherlands Labour Authority (NLA) has the authority to inspect for compliance of social and labour laws. If the NLA finds a violation of social norms covered by the social conditionality mechanism, it must report this to the Netherlands Enterprise Agency (RVO), which will then assess whether a reduction in CAP support is justified. This reduction is in addition to possible administrative sanctions based on existing relevant labour legislation (Minister of Agriculture, Fisheries, Food Security, and Nature, 2024a, 2024b; Stehouwer, 2023). In August 2024, the agricultural employer organisation LTO Nederland expressed concerns about the consequences for farmers, who, according to the organization, could now face double penalties for a single violation (LTO, 2024).

Defining the Target Group

Number of Companies and Surface Area (are) by Cultivated Land Use Category in the Netherlands in 2024		
Cultivated land use category	Number of companies	Surface Area (are)
Arable farming	23,974	53,065,260
Open field horticulture	9,923	9,170,405
Horticulture under glass	3,187	1,003,840

Grassland and green fodder crops	41,163	116,610,615
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Source: CBS StatLine (2025)

In the Netherlands, the mechanism applies only to recipients of direct income support under Pillar 1, land-based subsidies of roughly €270 per hectare. In the Dutch context, this restricts its scope to active farmers with an eligible agricultural area: agricultural land (arable land, permanent crops, permanent grassland) and eligible landscape features. As a result, the subsidies are particularly relevant in sectors such as dairy farming and open-field vegetable and fruit cultivation. While some of these farmers employ migrant workers, many sectors where labour law violations are most prevalent, such as greenhouse horticulture, meat processing, and food packaging, do not qualify for Pillar 1 support and are therefore excluded from social conditionality. As a result, social conditionality currently has limited reach and effectiveness in addressing the structurally abusive working conditions of migrant workers within the Dutch agri-food chain.

Migrant Workers in Dutch Agriculture

There is no data specifying the extent to which Dutch agricultural companies eligible for subsidies linked to social conditionalities employ EU and non-EU migrant workers. Migrant workers employed in Dutch agriculture are predominantly mobile EU citizens from

Central and Eastern European countries. As EU citizens, workers are entitled to equal treatment and their rights are defined by the EU Treaties and Directive (EU) 2004/36. The Dutch government is obliged to see to the proper enforcement of those rights as stipulated in Directive (EU) 2014/54.

Most workers are employed through temporary employment agencies by farmers, which raises the question of chain liability in case of social conditionality sanctions, to which we will return below.

Moreover, non-EU migrant workers come to the Netherlands for work, also in agriculture, through intra-EU posting. They are entitled to near equal treatment in accordance with the Posting of Workers Directive (EU) 96/71 (revised 20/1057) and on its enforcement Directive (EU) 14/67.

DignityFIRM Stakeholder Consultation

In a DignityFIRM workshop held in May 2025, we discussed social conditionality with a group of experts, representatives of academia, state actors from various ministries, employer associations and representatives of the agricultural sector. In a separate meeting, we discussed the topic with a labour union representative. We discussed:

- What bottlenecks or successes does your organization foresee? How can the implementation of social conditionality be strengthened if necessary? What

preconditions and interventions are needed to achieve this?

- What are the possible consequences of the social conditionality rules for farmers and other beneficiaries, as well as for (migrant) workers in the agricultural sector? To what extent may the impact of social conditionality rules differ between sub-sectors within the agricultural sector?

- What role does the European Union currently play, and what additional role could European institutions play to increase the effectiveness of social conditionality within the CAP?

This policy brief sets out to answer these questions specifically for the Dutch context.

Social Conditionality as an Incoherent Element within the Conditionality Framework

Social conditionality is widely seen by stakeholders as a fragmented and inconsistent part of the broader CAP conditionality framework. While CAP conditionalities are primarily aimed at ensuring sustainable and lawful land use, social conditionality focuses on labour conditions, which are not directly linked to land management. This thematic disconnect has led some to describe it as “an odd fit” or a “misconstructed policy add-on.” Moreover, unlike environmental conditionalities, it is not subject to mandatory inspection thresholds, further weakening its coherence within the enforcement system of conditionalities.

The Netherlands Labour Authority's Enforcement Practices

The social conditionality mechanism is specifically concerned with health and safety at work. Following the *National Beleidsregel boeteoplegging arbeidsomstandighedenwetgeving* [Policy Rule on fines working conditions legislation] (2025), most violations of the Dutch Working Conditions Act result in a warning [waarschuwing], a notice of a requirement to comply [kennisgeving van een eis tot naleving], or a requirement to comply [eis tot naleving], and only if the same or a similar violation is found again, a fine may be imposed. Since the Netherlands Labour Authority (NLA) does not impose fines for violating working conditions legislation readily or frequently, the NLA informs us that their policy will not have them regularly report such violations to the Netherlands Enterprise Agency for the purpose of withdrawing CAP subsidies.

Moreover, the primary focus of the NLA does not lie with legislation related to healthy and safe working conditions, the core concern of the social conditionality mechanism. Due to limited resources, the NLA relies on a risk-based approach to monitoring and enforcement. In the Dutch context, their risk assessments indicate that more serious labour market violations demand priority (Netherlands Labour Authority, 2025). As a result, the NLA allocates its capacity primarily to cases of labour market fraud, involving legislation such as the Minimum Wage Act (WML), the

Foreign Nationals Employment Act (Wav), the Placement of Personnel by Intermediaries Act (Waadi), and the Posting of Workers in the European Union (Working Conditions) Act (WagwEU). The introduction of social conditionality did not change the prioritization of enforcement practices of the NLA, based on risk analysis (. (NLA Meerjarenplan 2023-2026; Jaarplan NLA 2026).

Temporary Employment Agencies

Social conditionality targets the subsidy applicant, which is, in most cases, the farmer. It does not target the temporary employment agency that often employs the workers and seconds them to the farmer. Since the temporary employment agency is not applying for CAP subsidies, it cannot be sanctioned under this social conditionality mechanism, even though it may be the actual source of non-compliance.

The participants of the workshop shared the desire to ensure that farmers take responsibility and are held accountable for ensuring that the workers are aware of their rights, have safety at work and at their place of residence. Farmers should not be able to hide behind the temp agency when it comes to the proper working conditions of the (hired) workers harvesting their crops.

A Marginal Measure in the Dutch Approach to Improving Migrant Workers' Conditions

In the Dutch policy landscape, social conditionality is widely seen as a marginal and symbolic measure with limited ability to tackle the structural causes of precarious working conditions among migrant workers as opposed to potentially more far-reaching national initiatives. These initiatives include the Employment of Temporary Workers Admission Act (Wet toelating terbeschikkingstelling van arbeid, WTTA), regulating temp agencies; the exploration of a sector-specific ban on temporary agency work, particularly in vulnerable industries; and the Good Landlordship Act (Wet goed verhuurderschap). Compared to these acts that potentially contribute to a more systemic reform, EU social conditionality is viewed by many stakeholders as lacking impact. As one attendee of the roundtable put it: *"We seem to be getting caught up in the wrong issues, working on the square millimetre."*

Withdrawal of subsidies: In the interest of migrants?

In addition to the fact that more effective and far-reaching measures are being introduced in the Netherlands to improve the position of migrants, it can be questioned whether workers benefit from the withdrawal of subsidies at all. If economic reasons have contributed to employers' breaches of social standards, withdrawing subsidies could in fact lead to

deteriorating working and living conditions for migrants and other workers. If the main objective of social conditionality is to improve labour conditions, it might therefore be more effective to focus on measures such as issuing a warning or a penalty payment to encourage employers to pay the minimum wage, as is the practice of the NLA (Policy guidelines on Minimum Wage Law administrative sanctions, 2024). Such measures might have a more immediate positive effect on workers.

Strategic Directions for National and EU-level Action

Potential Ways Forward

Drawing from our research, the following recommendations can be made to the **Dutch enforcement agencies and, more importantly, the European Commission**. These aim to help prevent non-compliance with social rights of migrant workers in the Dutch farm-to-fork sector and, through more targeted EU legislation, the social rights of migrant workers across the EU.

A way forward is to **develop positive incentives**, abiding by a basic rule in change management:

Focus on your forerunners instead of those farmers who do not want change by stimulating their innovative initiatives and awarding positive behavior.

Our respondents stressed that the working population in the Netherlands and Europe is aging and employers struggle to find workers. They feel there is a dire need for

positive incentives towards automation and robotization in agriculture instead of sanctions.

For the European Commission:

From the DignityFIRM project we welcome the initiative to step up the protection of the social rights of (migrant) workers in farm-to-fork sectors.

However, our stakeholders in the Netherlands are sceptical about the chosen path. The existing conditionalities, particularly those related to land use, are already complex to abide by and adding more conditions only seems to expand business opportunities for the advisory industry. Moreover, the instrument targets, at least in part and in the Dutch context, farmers with few workers, especially because temporary employment agencies and greenhouse horticulture are not covered.

Finally, the instrument is a sanction on the farmer and does not directly benefit the workers. Consider incentives that directly benefit the workers' living and working conditions.

For the Dutch Government:

- **Start by informing farmers**, as there is little awareness of the potential consequences of social conditionality in CAP subsidies.

- **Strengthen capacity of the relevant enforcement agencies** and ensure continuous training for staff who work directly with migrant workers in a vulnerable position. Also, take into account

that migrant workers who fear retaliation from (immigration) authorities are less likely to use the available complaint mechanisms.

- **Ensure interagency coordination on data sharing** concerning the migrant worker-related issues.
- **Develop positive incentives for safety and health at work in agriculture** (or the wider farm to fork industry). This should not just be the responsibility of the farmers and temp agencies, but of the whole supply chain, including retailers.
- **Improve data on the CAP social conditionality target group. For example,** the Dutch Central Bureau of Statistics' SBI-codes make it difficult to gain insight into temporary employment agencies, classified in the "business services" sector, rather than the sector in which their temporary workers work, such as agriculture.

Finally, the NLA is authorized to hand down a warning for non-compliance in advance of an eventual financial sanction, such as the withdrawal of subsidies, which is the intended consequence of the EU's social conditionality instrument. Whether this approach, as designed by the Dutch legislator, meets the Netherlands' legal obligations under EU law is ultimately for the European Commission, the national courts and eventually the European Court of Justice to establish.

Conclusions

The discussion showed that in the Netherlands, the problem of non-compliance with social policy is unlikely to be successfully addressed through the social conditionality instrument. However, in forthcoming papers we compare social conditionality implementation in EU Member States, which may render different conclusions.

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Policy Brief

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About DignityFIRM

Towards becoming sustainable and resilient societies we must address the structural contradictions between our societies' exclusion of migrant workers and their substantive role in producing our food.

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