

Mr. Dacian Cioloş
Commissioner for Agriculture and Rural Development
European Commission
Rue de la Loi 200
B-1049 Brussels

Brussels, 6 December 2013

Dear Commissioner Cioloş,

As representatives of a large movement of EU citizens we are very concerned about recent attempts by Member States and Parliament to water down the last remnants of the greening of the Common Agricultural Policy (CAP) **through the delegated acts** currently under preparation by your services.

In a note discussed at a recent Special Committee on Agriculture meeting, 23 Member States highlighted their concerns regarding the preparation of the delegated acts. We understand that this note accuses the Commission of circumventing the terms of the political agreement of the co-legislators. This note acts as proof that Member States are attempting to pressurize the Commission into giving up on the three goals of this reform: *“Meeting the food, natural resources and territorial challenges of the future”*. In our understanding, the delegated acts as initially proposed by the Commission will not “circumvent the terms of the political agreement of co-legislators”. Rather they are a small but essential step in the right direction to save the last remnants of CAP greening.

The co-legislators clearly agreed on final legislative texts that are loaded with references to environmental commitments, notably the greening of direct payments. Among other things, it is stated clearly that “One of the objectives of the new CAP is the enhancement of environmental performance through a mandatory “greening” component of direct payments”. Specific reference is made to “compulsory practices to be followed by farmers addressing, as a priority, both climate and environment policy goals.” Watering down the delegated acts as proposed by Member States would result in a failure to meet these objectives and goals. (See part A of the annex for a more complete overview of clear environmental references.)

The greening component within the basic act is already filled with exemptions and provisions that can threaten the very objectives of this reform and any attempt to further undermine the objectives of the reform at this stage of the process must be soundly rejected. **We believe delegated acts should be drafted in the spirit of the reform and the Commission should not allow its environmental ambitions to be weakened by the Council or the European Parliament.**

We therefore urge you, Commissioner, not to give up on your reform in these crucial last stages. Your services claim this reform will open the door for a real greening of the CAP in the future, but if

these Member States' aspirations are realised, it will slam the door on greening for good. The environmental stakes are too high for this to be allowed to happen.

In the attachment to this letter we address some of the specific points made by the Member States in their recent note to Commission.

Yours sincerely,

Angelo Caserta



Regional Director
Stichting BirdLife Europe

Jeremy Wates



Secretary General
European Environmental Bureau

CC: Mr. Vigilius Jukna - Minister of Agriculture of Lithuania

Mr. Luis Manuel Capoulas Santos - MEP

Mr. Michel Dantin - MEP

Mr. Giovanni La Via - MEP

Annex:

Section A: References to the environment in the basic act

Regarding the greening practices, the final legislative text is loaded with references to the environmental commitments of these “Payment(s) for agricultural practices beneficial for the climate and the environment”. Indeed, it is stated clearly that “One of the objectives of the new CAP is the enhancement of environmental performance through a mandatory “greening” component of direct payments” and specific reference is made to “compulsory practices to be followed by farmers addressing, as a priority, both climate and environment policy goals.” Moreover, for ecological focus areas, the text says: “Ecological focus areas should be established in order to safeguard and improve in particular biodiversity on farms”, and for permanent grasslands, it states: “For the sake of environmental protection of permanent grassland and in particular carbon sequestration, provisions should be made for the maintenance of permanent grassland.” For crop diversification, it states: “The obligations... should be applied in a way that takes into account the difficulty for smaller farms to diversify while still leading to an enhanced environmental protection, and in particular the improvement of soil quality.”

Section B: NGO response to the points raised by Member States

1. If forest edges are to count towards greening (EFA), they must not permit commodity production. Forest edges without cultivation should be standard practice and is comparable to the role buffer strips play next to landscape features, such as hedgerows. In many countries these provide important areas of habitat for wildlife to thrive and will become increasingly important in the context of climate change adaptation. Member States have committed to the objective for EFAs, namely to “safeguard and improve in particular biodiversity on farms”, therefore they must accept the justification of the text as proposed by the Commission.

2. Member States’ opposition to the proposed requirement that catch crops and green cover elements included into EFAs should go beyond the requirements of the Nitrates Directive (91/676/EEC) is not justified. The Nitrates Directive is a Statutory Management Requirement and hence part of the CAP’s baseline. Therefore it must underpin the greening measures, and certainly not act as a substitute. The second sentence of the Commission’s draft text, requesting a mixture of crop species, is justified by the need to enhance biodiversity. Just having catch crops or green cover will not fulfil the objectives for biodiversity.

3. The justification by many Member States and MEPs to include nitrogen-fixing crops under EFA was due to the fact they are grown without any form of fertilizers and that they have more environmental value than other crops. When it comes to biodiversity, the very first objective of this EFA measure, it should be pointed out that nitrogen-fixing crops do not increase biodiversity per se, particularly as they generally provide food and breeding sites for only a small part of the year. Their benefit is because they require less chemical inputs than other crops, in particular fertilizers. Therefore we request the Commission to be strict on this interpretation and to ban the use of fertilizers and set a limit on the use of plant protection products in order to ‘add value’ to this measure under greening.

4. The European Council conclusions of 7-8 February 2013 referred to in the note do indeed state that the EFA requirement should be implemented in ways that do not require the land in question to be taken out of production and that avoid unjustified losses in the income of farmers. However, attaching environmental requirements to crop production clearly does not take away the option of production. Furthermore, land use options like buffer strips contribute to healthy and resilient commodity production as they are improving ecosystem services.

5. The note's point on weighting (coefficient) is also entirely unjustified. If, in the context of EFAs whose primary objective is to support and improve biodiversity, a measure has less value for biodiversity, then it should be afforded a lesser value, or weight. The consequence will indeed be that some farmers will prefer to use other elements to make up their EFA but, contrary to what is claimed in the note, they will not be precluded from using the less weighted measures. This is fully in line with the purpose and objective of the text.

6. The Member States' objections around permanent grassland protection are also difficult to comprehend. In order to know if grasslands are being converted, itself a clear requirement from the legislative text, it is necessary to establish a monitoring system regardless of the threshold set in the ratio. NGOs agree that this should be as simple as possible, but it should also effectively deliver the objectives of the reform and this system of individual authorization before the ratio is exceeded can help achieve these objectives and prevent irreversible losses.