

12.10.2020

C9-0101/1

Amendment 1

Peter Jahr

on behalf of the PPE Group

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on behalf of S&D Group

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on behalf of RE Group

C9-0101/2020

(COM(2018)392 – C9-0101/2020 – 2018/0216(COD))

Proposal for a regulation

Text proposed by the Commission

ANNEX III

RULES ON CONDITIONALITY PURSUANT TO ARTICLE 11

Commented [HB1]: Nothing on maximum livestock density to ensure payments don't go to factory farms

SMR: Statutory Management Requirement

GAEC: Standards for good agricultural and environmental condition of land

Areas	Main Issue	Requirements and standards		Main objective of the standard
Climate and environment	Climate change (mitigation of and adaptation to)	GAEC 1	Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area	<i>General safeguard against conversion to other agricultural uses to preserve carbon stock</i>
		GAEC 2	Appropriate protection of wetland and peatland	<i>Protection of carbon-rich soils</i>
		GAEC 3	Ban on burning arable stubble, except for plant health reasons	<i>Maintenance of soil organic matter</i>
	Water	SMR 1	Directive 2000/60/EC of 23 October 2000 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy: Article 11(3)(e) and Article 11(3)(h) as regards mandatory requirements to control diffuse sources of pollution by phosphates	
		SMR 2	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1): Articles 4 and 5	

Areas	Main Issue	Requirements and standards	Main objective of the standard
		GAEC 4 Establishment of buffer strips along water courses ¹	<i>Protection of river courses against pollution and runoff</i>
		GAEC 5 Use of Farm Sustainability Tool for Nutrients ²	<i>Sustainable management of nutrients</i>
	Soil (protection and quality)	GAEC 6 Tillage management reducing the risk of soil degradation, including slope consideration	<i>Minimum land management reflecting site specific conditions to limit erosion</i>
		GAEC 7 No bare soil in most sensitive period(s)	<i>Protection of soils in winter</i>
		GAEC 8 Crop rotation	<i>Preserve the soil potential</i>
	Biodiversity and landscape (protection and quality)	SMR 3 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7): Article 3(1), Article 3(2)(b), Article 4(1), (2) and (4)	
		SMR 4 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p. 7): Article 6(1) and (2)	

¹ The GAEC buffer strips must respect, both within and outside vulnerable zones designated pursuant to Article 3(2) of Directive 91/676/EEC, at least the requirements relating to the conditions for land application of fertiliser near water courses, referred to in point A.4 of Annex II to Directive 91/676/EEC to be applied in accordance with the action programmes of Member States established under Article 5(4) of Directive 91/676/EEC

² The Tool shall provide at least for the following elements and functionalities:

a) Elements

- Relevant farm information based on LPIS and IACS;
- Information from the soil sampling, on an appropriate spatial and temporal scale;
- Information on relevant management practices, crop history, and yield goals;
- Indications regarding legal limits and requirements relevant to farm nutrients management;
- A complete nutrient budget.

b) Functionalities

- Automatic integration of data from various sources (LPIS and IACS, farmer-generated data, soil analyses etc.) as far as possible, to avoid data input duplication for farmers;
- Two-way communication between PA/MAs and farmers allowed;
- Modularity and possibility to support further sustainability objectives (e.g. emissions management, water management)
- Respect of EU data inter-operability, openness and re-use principles;
- Guarantees for data security and privacy in line with best current standards.

Areas	Main Issue	Requirements and standards	Main objective of the standard
		GAEC 9 <ul style="list-style-type: none"> • Minimum share of agricultural area devoted to non-productive features or areas • Retention of landscape features • Ban on cutting hedges and trees during the bird breeding and rearing season • As an option, measures for avoiding invasive plant species 	<i>Maintenance of non-productive features and area to improve on-farm biodiversity</i>
		GAEC 10 Ban on converting or ploughing permanent grassland in Natura 2000 sites	<i>Protection of habitats and species</i>
Public health, animal health and plant health	Food safety	SMR 5 Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1): Articles 14 and 15, Article 17(1) ³ and Articles 18, 19 and 20	
		SMR 6 Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3): Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7	
	Identification and registration of animals	SMR 7 Council Directive 2008/71/EC of 15 July 2008 on identification and registration of pigs (OJ L 213, 8.8.2005, p. 31): Articles 3, 4 and 5	
		SMR 8 Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97(OJ L 204, 11.8.2000, p. 1): Articles 4 and 7	

³ As implemented in particular by:

- Article 14 of Regulation (EC) No 470/2009 and the Annex of Regulation (EC) No 37/2010,
- Regulation (EC) No 852/2004: Article 4(1) and Annex I part A (II 4 (g, h, j), 5 (f, h), 6; III 8 (a, b, d, e), 9 (a, c)),
- Regulation (EC) No 853/2004: Article 3(1) and Annex III Section IX Chapter 1 (I-1 b, c, d, e; I-2 a (i, ii, iii), b (i, ii), c; I-3; I-4; I-5; II-A 1, 2, 3, 4; II-B 1(a, d), 2, 4 (a, b)), Annex III Section X Chapter 1(1),
- Regulation (EC) No 183/2005: Article 5(1) and Annex I, part A (I-4 e, g; II-2 a, b, e), Article 5(5) and Annex III (under the heading 'FEEDING', point 1 entitled 'Storage', first and last sentences, and point 2 entitled 'Distribution', third sentence), Article 5(6), and
- Regulation (EC) No 396/2005: Article 18.

Areas	Main Issue	Requirements and standards	Main objective of the standard
		SMR 9 Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8): Articles 3, 4 and 5	
	Animal diseases	SMR 10 Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1): Articles 7, 11, 12, 13 and 15	
		SMR 11 Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases (OJ L 84, 31.3.2016, p.1) Article 18(1), limited to foot-and-mouth disease, swine vesicular disease and blue tongue.	
	Plant protection products	SMR 12 Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1): Article 55, first and second sentence	
		SMR 13 Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71): Article 5(2) and Article 8(1) to (5) Article 12 with regard to restrictions on the use of pesticides in protected areas defined on the basis of the Water Framework Directive and Natura 2000 legislation. Article 13(1) and (3) on handling and storage of pesticides and disposal of remnants.	
Animal welfare	Animal welfare	SMR 14 Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7): Articles 3 and 4	
		SMR 15 Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5): Article 3 and Article 4	

Areas	Main Issue	Requirements and standards		Main objective of the standard
		SMR 16	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes(OJ L 221, 8.8.1998, p. 23): Article 4	

Amendment

ANNEX III

RULES ON CONDITIONALITY PURSUANT TO ARTICLE 11

SMR: Statutory Management Requirement

GAEC: Standards for good agricultural and environmental condition of land

Areas	Main Issue	Requirements and standards	Main objective of the standard	
Climate and environment	Climate change (mitigation of and adaptation to)	GAEC 1	Maintenance of permanent grassland <i>at regional or national level</i> based on a ratio of permanent grassland in relation to agricultural area <i>in comparison to the reference year 2018</i> . <i>Maximum variation coefficient of 5% compared to the reference year.</i> ⁴	<i>General safeguard against conversion to other agricultural uses to preserve carbon stock</i>
		GAEC 2	<i>Effective</i> protection of wetland and <i>appropriate maintenance</i> of peatland	<i>Protection of carbon-rich soils</i>
		GAEC 3	Ban on burning arable stubble, except for plant health reasons	<i>Maintenance of soil organic matter</i>
	Water	SMR 1	Directive 2000/60/EC of 23 October 2000 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy: Article 11(3)(e) and Article 11(3)(h) as regards mandatory requirements to control diffuse sources of pollution by phosphates	
		SMR 2	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1): Articles 4 and 5	
		GAEC 4	Establishment of buffer strips along water courses <i>with a minimum width of 3m without using pesticides and fertilizers</i>	<i>Protection of river courses, water supplies and eco-systems against pollution and run-off</i>
		GAEC 5	Use of Farm Sustainability Tool for Nutrients ⁶ <i>deleted</i>	<i>Sustainable management of nutrients</i>

Commented [2]: BAD, shift the baseline = you can destroy more

Commented [TR3R2]: council put 2015 - but wasn't 2018 a better year for grassland so maybe not that bad? should not fight over it

Commented [HB4R2]: in Germany, but not other contries, there could be a 'whichever is the higher'

Commented [HB5]: What is appropriate maintenance? This sounds like maintaining drained peatlands?

Commented [TR6R5]: yes bad, maintenance means maintaining also a state that is bad. At least protection was easier (even if also difficult) to link to a restoration agenda, maintenance is worse.

Commented [HB7]: Exemption if 'sufficient dewatering and irrigation ditches'... what does that mean?

Commented [TR8R7]: exemption for the Netherlands

⁴ It must be ensured that there is no loss of total permanent grassland at regional and/or national level

⁵ Member States with significant dewatering and irrigation ditches may adjust, if duly justified for that area, the minimum width in accordance with MS specific local circumstances.

⁶ The Tool shall provide at least for the following elements and functionalities:

Areas	Main Issue	Requirements and standards	Main objective of the standard	
	Soil (protection and quality)	GAEC 6	<i>Appropriate</i> tillage management reducing the risk of soil degradation and loss , including slope consideration	<i>Minimum land management reflecting site specific conditions to limit erosion</i>
		GAEC 7	No bare soil in most sensitive period(s), except when it is being worked	<i>Physical protection of soils against erosion, maintaining soil biota</i>
		GAEC 8	Crop rotation in arable land, including a leguminous crop, except or crops growing under water	<i>Preserve the soil potential</i>
	Biodiversity and landscape (protection and quality)	SMR 3	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7): Article 3(1), Article 3(2)(b), Article 4(1), (2) and (4)	
		SMR 4	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p. 7): Article 6(1) and (2)	
		GAEC 9	<ul style="list-style-type: none"> Minimum share of 5% non-productive features and areas on arable land where no pesticides and fertilizers are used agricultural area devoted to non-productive features or areas⁷ Retention of landscape features Ban on cutting hedges and trees during the bird breeding and rearing season As an option, measures for avoiding invasive plant species 	<i>Maintenance of non-productive features and area to improve on-farm biodiversity</i>

Commented [TR9]: what is that? So if you work the soil in a sensitive period, you can make it bare? That makes no sense

Commented [HB10]: Makes it easy for Council to revert to crop diversification vis-à-vis COMENVI

Commented [TR11R10]: putting a leguminous in here is good, my understanding, then they cannot pay for that under eco schemes anymore, cause you make them put one under conditionality it is baseline. So I would say good.

Commented [HB12R10]: Yes but far worse than COMENVI position of 4 crop rotation with leguminous which actually gives some ground for negotiation with council

Commented [HB13]: Really bad - arable only is worse than EC proposals and would exclude 40% UAA, 5% is half the minimum science says, and will be easily further weakened in Council.

Commented [TR14R13]: AND this new footnote 7 refers to flex under art. 46 (EFAs): so WHAT DO THEY MEAN WITH THAT??

Commented [HB15R13]: Greening is BACK through a footnote, this is terrible

a) Elements

- ~~Relevant farm information based on LPIS and IACS;~~
- ~~Information from the soil sampling, on an appropriate spatial and temporal scale;~~
- ~~Information on relevant management practices, crop history, and yield goals;~~
- ~~Indications regarding legal limits and requirements relevant to farm nutrients management;~~
- A complete nutrient budget.

b) Functionalities

- Automatic integration of data from various sources (LPIS and IACS, farmer-generated data, soil analyses etc.) as far as possible, to avoid data input duplication for farmers;
 - Two-way communication between PA/MAs and farmers allowed;
 - Modularity and possibility to support further sustainability objectives (e.g. emissions management, water management)
 - Respect of EU data inter-operability, openness and re-use principles;
 - Guarantees for data security and privacy in line with best current standards.
- ⁷ using existing flexibility of EU 1307/2013, Article 46

Areas	Main Issue	Requirements and standards	Main objective of the standard
		GAEC 10 Appropriate protection of Ban on converting or ploughing permanent grassland in Natura 2000 sites according to the site-specific management plan	Protection of habitats and species, carbon sinking
Public health, animal health and plant health	Food safety	SMR 5	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1): Articles 14 and 15, Article 17(1) ⁸ and Articles 18, 19 and 20
		SMR 6	Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3): Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7
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		SMR 9	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8): Articles 3, 4 and 5

Commented [HB16]: TERRIBLE. they don't want to ban destruction of permanent grassland in protected areas? Not all management plans in place, big loophole to call for 'appropriate protection'

Commented [TR17]: should ask CIWF and others to check what this is about!

Commented [TR18]: CIWF

Commented [TR19]: check also this one!

⁸

As implemented in particular by:

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- Regulation (EC) No 852/2004: Article 4(1) and Annex I part A (II 4 (g, h, j), 5 (f, h), 6; III 8 (a, b, d, e), 9 (a, c)),
- Regulation (EC) No 853/2004: Article 3(1) and Annex III Section IX Chapter 1 (I-1 b, c, d, e; I-2 a (i, ii, iii), b (i, ii), c; I-3; I-4; I-5; II-A 1, 2, 3, 4; II-B 1(a, d), 2, 4 (a, b)), Annex III Section X Chapter 1(1),
- Regulation (EC) No 183/2005: Article 5(1) and Annex I, part A (I-4 e, g; II-2 a, b, e), Article 5(5) and Annex III (under the heading 'FEEDING', point 1 entitled 'Storage', first and last sentences, and point 2 entitled 'Distribution', third sentence), Article 5(6), and
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		SMR 15	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5): Article 3 and Article 4
		SMR 16	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes(OJ L 221, 8.8.1998, p. 23): Article 4

Commented [HB20]: Missing the articles making IPM mandatory

Commented [TR21R20]: was that in the envi position?

Commented [HB22R20]: would need to double check that

