



To: Commissioner Wojciechowski  
Cc: Commissioner Sinkevičius and Commission Executive Vice-President Timmermans  
European Commission  
Berlaymont, Rue de la Loi 200  
1000 - Brussels

1st April 2020

**Dear Commissioner,**

**Subject: Measures to support farmers in the face of the COVID-19 pandemic**

We are writing to you in response to the list of measures presented to the Commission by the Croatian Presidency at the 25<sup>th</sup> March Agriculture Council video conference on the response to COVID-19.

This global pandemic presents unprecedented challenges for Europe and the world. We welcome the efforts of the European Commission to respond to this crisis and we recognise the importance of extraordinary measures to prevent or reduce the hardship suffered by many businesses, including in the farming sector, workers and citizens.

In its paper, the Croatian Presidency states that the main impact of the coronavirus pandemic in the EU agricultural sector has been in relation to "*movement of goods, changes in consumption patterns and in the operation of agri-food production systems, notably labour workforce issues.*" and with the proposed, targeted solutions to address these challenges, such as:

- Strong Commission oversight over the integrity of the Single Market to prevent disruptions to the free movement of goods or labour across the EU;
- Streamlined procedures for imports and exports;
- In the CAP, prolongation of deadlines and use of advance payments.

Such actions also correspond to the measures requested by farmers' organisations such as ECVC<sup>1</sup> and IFOAM EU, who recalls the important efforts organic farmers are making, respecting fully the organic regulation and consumer expectations.

However, policy responses must be tailored to the nature of the challenges. There is no evidence that the current crisis affects farmers' ability to comply with environmental regulations and greening rules, or that production levels must be increased to guarantee food security<sup>2</sup>. We therefore strongly oppose the following measures also listed in the Presidency Paper, which do not respond to the specific challenges presented above, and instead could further exacerbate the climate and biodiversity crises:

- Temporary exemptions from greening requirements, for example regarding EFAs or crop diversification "in order to fully use the production potential";

---

<sup>1</sup> <https://www.eurovia.org/here-and-ready-the-value-of-peasant-agriculture-in-the-context-of-covid-19/>

<sup>2</sup> For example: <https://www.politico.eu/pro/coronavirus-europe-food-supplies-supermarkets/>  
<https://www.ifpri.org/blog/covid-19-spreads-no-major-concern-global-food-security-yet>



- Higher flexibility in the implementation of voluntary coupled support.

In addition, we urge caution in applying other far-reaching measures which could have negative environmental consequences where the evidence of need is weak. The following measures, listed by the Croatian Presidency, should be carefully assessed on an evidence-based, case-by-case basis, and should only be adopted with strict Commission oversight of their implementation:

- Modified rules for state aid in agriculture and fisheries;
- Increased flexibility between CAP pillars, especially from Pillar II to Pillar I;
- Approval of COVID-19 as a “blanket” force majeure or exceptional circumstances<sup>3</sup>;
- Reducing the rate of on-the-spot controls<sup>4</sup>;
- Facilitating reallocation of Rural Development funds between measures and priorities.

We also call upon the Commission, as guardian of the EU Treaties, to stay firm on the implementation and enforcement of EU environmental legislation, despite certain calls for delays and exemptions. EU environmental law protects our natural capital and health, and that of future generations, and a global health crisis does not justify any weakening of the environmental acquis of the EU.

Avoiding disruptions in farm harvesting and food supply chains is a priority now, but it does not erase pre-existing crises. Our long-term food security largely depends on bringing climate change and ecosystem collapse under control, rebuilding soil fertility, protecting water and making farming ecologically and socially resilient. Crises should not be played off against each other, they must be addressed wisely together.

We therefore encourage you to address the short-term needs with a long-term vision, seeking win-wins and avoiding undue weakening of environmental standards.

Jeremy Wates

EEB Secretary  
General

Ariel Brunner

BirdLife  
Europe Senior  
Head of Policy

Ester Asin

WWF EPO  
Director

Magda  
Stoczkiewicz

Greenpeace  
EU Deputy  
Director

Douglas A.  
Ruley

ClientEarth  
Chief Counsel

Eduardo  
Cuoco

IFOAM EU  
Director

<sup>3</sup> *Force majeure* in agricultural regulations is defined as “abnormal and unforeseeable circumstances, outside the control of the operator concerned, the consequences of which, in spite of the exercise of all due care, could not have been avoided” (Judgment of the Court of 17 October 2002, Isabel Parras Medina and Adelina Parras Medina v Consejería de Agricultura y Medio Ambiente de la Junta de Comunidades de Castilla-La Mancha, Case C-208/01, Par. 19. Please, refer also to case C-99/12, Par. 31 and case-law it refers to). While COVID-19 creates abnormal and unforeseeable circumstances, it is not clear how and to what extent these circumstances affect all farmers’ ability to comply with regulations and meet agreed commitments. Declaring COVID-19 as *force majeure* without proper scrutiny is not in line with Regulation (EU) 1306/2013 or with CJEU settled case-law. Decisions by national competent authorities and courts must be taken through a case-by-case assessment on the basis on relevant evidence [thereby shall contain a comprehensive and dedicated reasoning](#).

<sup>4</sup> On-the-spot controls should only be waived in regions where, and in the periods during which, strict travel restrictions are in place.