

BirdLife-EEB Briefing: Ecological Focus Area choices and their potential impacts on biodiversity

The options chosen most often by farmers – nitrogen fixing crops and catch crops - show to have negligible effects on biodiversity.

Ecological Focus Areas (EFA) have been at the core of the discussion around greening of Common Agricultural Policy (CAP) for the period 2014-2020. NGOs defended the principle of EFAs as the key measure that could begin to end plummeting levels of farmland biodiversity widely observed across Europe. Farming unions tried to shield off what were in their eyes ever more requirements that could have an impact on production. The political compromise forged during a first time co-decision with Parliament is that “Ecological focus areas should be established, in particular, in order to safeguard and improve biodiversity on farms¹”. However, the content of the EFAs can be determined by the Member States (based on a list set in the regulation) and then by the farmers that can choose between the options offered to them². These options do not only include real ecological elements like landscape elements or buffer strips, but also much more controversial cropped elements such as nitrogen fixing crops, catch crops or green cover.

These crops had not been part of the Commission’s original proposal and NGOs protested widely against them being included. To compound the problem, no real management requirements – such as a ban on spraying pesticides and fertilisers on these areas - was agreed. The crops proposed had never been part of the impact assessment of the Commission and hence their ecological value (or those of other new elements such as short rotation coppice) had not been reviewed before their inclusion into the EFA list.

Once the Commission came out with the analysis³ about what elements farmers put in their EFAs, it was shown that farmers declared for a total area of 14% of arable land (before weighing and not including France or Scotland that had not declared data). Almost three quarters of the Ecological Focus Areas declared, is declared as crops⁴. Less than 4% is found in non-cropped areas. After a huge debate about how even 5% EFAs would not be realistic, it results in farmers having declared almost three times as much as what is required. Of this 14%, 45.4% were declared under nitrogen-fixing crops, 27.7% catch and cover crops 21.2% land lying fallow, 4.3% landscape features, less than 1% in buffer strips and other EFA element.

Regrettably, demands to assess the biodiversity effect of these new crop options -so widely used- have been brushed aside. This is why the European Environmental Bureau together with BirdLife Europe have decided to commission the study themselves.

¹ Recital 44 – Direct Payment Regulation - REGULATION (EU) No 1307/2013

² See articles 46 Direct Payment Regulation

³ European Commission (22/6/2016) *Review of greening after one year*. Staff Working Document, SWD(2016) 218 final, 22/6/2016, European Commission, Brussels.

⁴ NGOs do not see the purpose of weighing different EFA options against each other, we are focusing here on what is visible in the field and not just about how it looks like on paper after having made extra calculations based upon numbers that were the result of a political compromise and not of any ecological evaluation.

The goal of the study, commissioned to the Institute for European Environmental Policy, is “to carry out a review of the available literature to assess the likely impacts of the most popular nitrogen-fixing crops, catch crops and cover crops on biodiversity and to compare them with the biodiversity potential of other EFA elements that were predominant in 2015, namely: land lying fallow, and landscape features (focusing on hedges and field margins). [...] The report considers wild biodiversity (i.e. wild flora and fauna associated with farmland), including species of particular conservation importance (e.g. threatened and declining species) and biodiversity that supports sustainable production in agro-ecosystems (e.g. pollinators, soil flora and fauna). The assessment of the farmer choices in this study focussed on the following 13 countries / regions: France, Germany, Italy, Hungary, the Netherlands, Poland, Romania, Spain, the UK (all four regions) and the Flanders region of Belgium. [...]”

Key Findings that stand out from the study:

Key finding: Out of declared EFA area, three quarters are crop options which under the regime of EFA give hardly any benefits and in some cases are even harmful for the biodiversity studied. In the end, only one quarter (3.5% of arable land) of the EFAs will be in valuable elements – much lower than the 5% that was the target for the ecological focus area.

Detailed findings:

- 1. The study confirms that the flexibility offered to Member States did not bring forward good options for biodiversity in the implementation of EFA since they did not set the needed management requirements.*** Indeed on the contrary, we see too many cases of choices that Member States and regions have taken that are actively going against the original objective of the EFA measure, namely biodiversity protection.
- 2. Nitrogen-fixing crops, catch crops and cover crops offer relatively few benefits compared to hedges and field margins.*** Had Member States demanded favourable management conditions then these crops could have offered benefits to certain species that use in-field habitats. Also in the case of hedges and field margins, the quality of these elements is probably not as good as it could be due to the absence of concrete requirements. However even under more standard conventional management, these hedges and field margins as representing semi-natural habitat features, perform better than the crop options for biodiversity.
- 3. For nitrogen fixing crops; both grain legume crops (such as field peas, field beans, lentils and soybeans) and forage legume crops (such as alfalfa) grown as EFAs are unlikely to provide significant farmland biodiversity benefits.*** This is mainly as a result of the absence of clear management requirements that could improve their biodiversity value. For grain legumes specifically, it is because of the continued use of pesticides in the conventional management of these crops. While forage legume crops could bring benefits for biodiversity under certain management requirements such as keeping them for several years and banning the use of pesticides, from the Member States studied, very few have set any conditions that would improve their biodiversity impact. Extensively managed forage legume crops on the other hand, do have less of a problem with pesticide use in their conventional management however their wildlife benefits require extensive management such as infrequent cutting. Seen the fact that this management is not specifically demanded, this EFA element is unlikely to bring the desired outcomes.

4. ***There is little evidence that conventional catch and cover crops (such as mustard, grass mixes or phacelia) are generally beneficial for farmland biodiversity other than soil macrofauna, and if they contribute to a reduction in winter cereal stubbles they are likely to be detrimental for some declining farmland birds.*** The case study countries show that these crops are meant to answer to different challenges (e.g. excessive nutrients concentration) and they are used within a regular crop cycle for just limited period of time and hence are not bringing the lasting and additional biodiversity benefits that you would need or that these crops could provide when managed to produce flowers and seeds for wildlife. This results in the catch and cover crops having just indirect biodiversity effect.
5. ***Nitrogen-fixing crops, catch crops and cover crops offer relatively few benefits compared to naturally revegetated or sown species-rich fallow.*** While fallow can be a very good biodiversity option, also that option has probably been reduced in its effectiveness due to the limited rules that Member States have set and the conventional management of incorporating the fallow into a regular crop cycle without clear consideration of temporal scale that would be beneficial for fauna (e.g. bird species). However, even with these limited benefits, the crop options are still worse than the fallow option.
6. ***The evidence of biodiversity impacts of nitrogen-fixing crops, cover crops and catch crops is incomplete and mostly weak.*** While the authors of the study have used all the available evidence they could find, it is concerning that the evidence base that was found is still deemed weak and incomplete and hence the need for more robust analysis and research is apparent before these crops can be included and presumed to have any biodiversity effects.

Based upon these conclusions, BirdLife Europe and the EEB have the following recommendations for policy makers:

1. As it stands, the EFA measure of the greening policy is not delivering the desired results. With an estimated expenditure of around 12 Billion euros on greening payments, the impact toward the desired outcome is unacceptable and must improve to have any effect.
2. Countries such as France and Scotland had not shared their data on implementation with the Commission which jeopardises accountability and hampers the drive towards a more transparent Europe. The European Commission and Member States and regions must report the necessary data as a priority. Seen the still large EU budget that goes towards these measures, clarity need to be brought about EU value added to European taxpayers.
3. The Commission must be more prescriptive in setting the structure of the greening requirements. Given the failings of the current options structure, there must be a robust evidential justification before allowing certain crops to qualify as an ecological focus area. This would translate in the following:
 - a. First, the difference between beneficial EFA elements and non-beneficial EFA elements can largely be drawn around a crop/no-crop differentiation. This should be taken into account first by Member States who should all as a minimum have offered all the non-crop options to their farmers.
 - b. Second, requirements for productive EFAs should be set much stricter than they currently are if they are to deliver any benefits for biodiversity. A ban on pesticides and fertilisers on all EFA elements is a minimum but in itself not enough. The

Commission should include issues around temporal and seasonal scale, etc. in a way that it is not optional for Member States to design these requirements.

- c. Third, all requirements that actively undermine the biodiversity value of EFA elements would be removed.
 - d. The choices seeking the fulfilment of biodiversity objective as given would be truly screened by the Commission. This would prevent the possibility to list just any species of crop as being beneficial for biodiversity, as was the case for the nitrogen fixing crop, despite the fact that delegated regulation (EU) 639/2014 required selecting crops with apparent biodiversity benefits.
4. The impact of the EFA policy could in some cases be increased through coupling with an agri-environment-climate measure (AEM). For example, in future, crop options could be allowed in EFAs only in combination with an agri-environment measure ensuring the necessary quality, e.g. with number of interlinked commitments, to show ecological effects.
 5. In any future review, the Commission should focus on what is the actual benefit of the chosen EFAs at an EU wide scale and how it can improve this benefit. A focus should lie in reducing crop options without strict management requirements and ensuring more valuable elements will also be getting an improvement of their quality. An EFA review that is going to focus solely on a move from 5 to 7% under the current missing, insufficient, or sometimes even damaging requirements will not help to resolve the challenges facing the EFA policy.
 6. This detailed study brings EEB and BirdLife again to the conclusion that the many claims on the benefits of greening are widely overstated. Hence it does not justify the 30% allocation of the direct payments. What this CAP needs is not just in-depth work on the technical sides of the CAP, it needs a wide societal debate through a fitness check that casts a big light on where this policy delivers and where it does not.