



To:  
 Ursula von der Leyen, European Commission President

Cc:  
 Maroš Šefčovič, Vice-President for European Green Deal  
 Janusz Wojciechowski, Commissioner for Agriculture  
 Virginijus Sinkevičius, Commissioner for Environment, Ocean and Fisheries  
 Stella Kyriakides, Commissioner for Health and Food Safety

**OPEN LETTER**

**Subject: Serious Concerns Regarding Commission’s proposal to extend Derogations to GAEC 8 under CAP**

Brussels, 31 January 2024

Dear Madam President

We are writing to express our deepest concern regarding the Commission's proposal to extend a derogation to GAEC 8 under the Common Agricultural Policy (CAP). We firmly believe that granting a derogation to GAEC 8 cannot be justified by market conditions or any other rationale and it will seriously harm ecosystems. It also goes against the stability required by farmers, introducing uncertainty and potential challenges that could hinder their short and long-term viability.

While we acknowledge the challenges faced by the agricultural sector, exacerbated by the ongoing conflict in Ukraine and climate crisis, we firmly believe that the proposed derogation is not a genuine solution but rather a scapegoat. Using non-productive areas to increase the production in an already saturated market won't improve farmers' income and will likely cause prices to fall even further. In addition, the destruction of high-diversity landscape elements will deepen farmers' dependence on external inputs such as fertilisers and pesticides, increasing the vulnerability of farms to floods, droughts and soil erosion. We appeal to your leadership to avoid political horse-trading that falsely pits food security and the viability of the farming sector against environmental protection and investments in the health of our ecosystems. We firmly believe that these objectives must go hand in hand, as without nature, there is no future for farming.

Applying derogations to CAP rules without sensible justification and impact assessment would undermine the credibility of the Commission, especially considering that a robust GAEC 8 provision was a political priority for the Commission during the CAP reform negotiations. Commissioner Wojciechowski in his address to agriculture Ministers during the November 2023 AGRIFISH Council, presented sound arguments against the derogation, and nothing has changed on the substance since then. The sudden shift in stance appears to be an ideological response and lacks a clear justification, prompting concern about the rationale behind this unexpected change.

Finally, the main objective of GAEC 8 is to protect biodiversity. Allowing farmers to comply by only cultivating nitrogen-fixing crops and catch crops, as proposed by the French government that inspired the Commission's proposal, have minimal to no value for biodiversity, according to scientific assessment, and therefore cannot be seen as the way forward.

As the European Commission President who spearheaded the Green Deal, your role is pivotal in ensuring that the EU's agricultural policy contributes to climate action and supports healthy agro-ecosystems. We urge you to prevent any further weakening of the CAP rules, recognizing that such actions will only hinder the transition to a fair, healthy, and environmentally friendly food system.

Thank you in advance for considering the concerns in this letter in your decisions.

Ariel Brunner  
Regional Director , BirdLife Europe and Central Asia



On behalf of

**Name of the organisation (in alphabetical order)**

Agroecology Italy

Association Biom

BirdLife Austria

BirdLife Europe

BirdWatch Ireland

BROZ - conservation association

Bulgarian Society for the Protection of Birds

“CambiamoAgricoltura” Italian coalition

ClientEarth

Compassion in World Farming EU

Czech Society for Ornithology

DOF BirdLife Denmark

European Environmental Bureau

Federazione Nazionale Pro Natura (Italy)

GLOBAL 2000 - FOE Austria

Lipu

My sme les

NABU

Natagora

Natuurpunt

Raptor Protection of Slovakia

Rete Semi Rurali ETS

SEO/BirdLife (Spain)

SOS/BirdLife Slovakia

STEP - Society for Territorial and Environmental Prosperity - Bulgaria

Vogelbescherming Nederland/BirdLife The Netherlands

Wetlands International Europe