



Agriculture
and Rural
Development

Draft Commission Delegated Reg. amending delegated Reg. 639/2014 on rules for direct payments to farmers (incl. greening)

Pierre Bascou
DG Agriculture and Rural Development
European Commission

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Context and purpose of the Greening Review

Review after 1 year of application represents a significant step to further simplify the CAP.

- This review responds to the Commission's commitment on EFA in April 2014 to review the greening after one year (impact on level playing field, production potential and administrative burden).
- This review is part of CAP simplification agenda as undertaken by Commissioner Hogan and Commission REFIT exercise

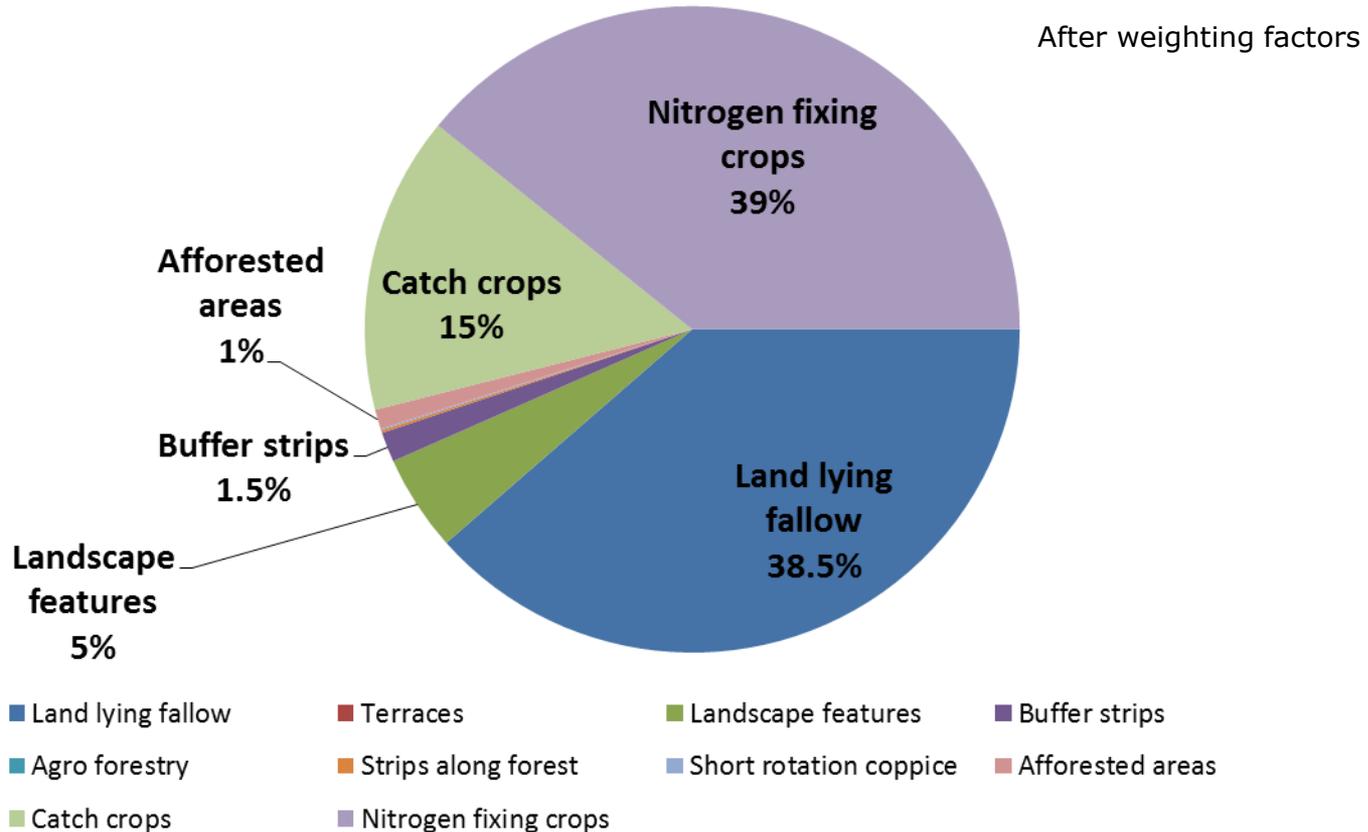
The Review aims to

- Provide a fine-tuning of current rules, especially for EFAs, to make them easier to understand and implement both by farmers and administrations
- Improve the environmental performance of the policy

Main outcomes of the data analysis

- Most of the agricultural area in the EU (72 %) is covered by greening, i.e. subject to at least one greening obligation (EFA, crop diversification or maintenance of permanent grassland).
- Crop diversification: at EU level, 75 % (three quarters) of the total arable land is subject to the crop diversification requirement.
- EFA: almost 70 % of the total arable land in the EU is subject to EFA. As much as 9% of total arable land in the EU (weighted area) has been used as EFA; in physical terms, 14 % of arable land was declared as EFA.
- PG: at EU level, permanent grasslands represent 29 % of the total agricultural area (in some countries the percentage is as high as 90 %), out of which almost one fifth (1/5) is environmentally sensitive grassland subject to the strict protection and management rules.

Composition of the EFA obligation per EFA type – EU level - 2015



Great prevalence of LLF – CC – NFC: 92.5% on total EFA after application of the weighting factors

Outcomes of the greening review

SWD identifies 4 main priority areas for simplification and enhancement which aim to:

- Specify and/or clarify what is required from farmers and national administrations, especially as regards landscape features.
- Remove burdensome technical requirements without lowering the environmental benefits.
- Provide more flexibility or alternative where this increases the environmental and climate benefit of the greening.
- Harmonize some specific requirements to better achieve the environmental objective of EFAs

Envisaged modifications of Greening

- In response to these key priorities, the review is accompanied by a set of 14 concrete measures, which will result in changes to Delegated Regulation (mainly one Article (45) of Reg. (EU) No 639/2014).
- The amending Delegated Regulation has been the subject of several consultations:
 - 4 expert group meetings involving Parliament and Member States' experts
 - 2 civil dialog group meetings with farmers' associations and environmental NGOs
 - A public consultation on the Commission's Better Regulation portal for a four-week feedback period (205 respondents)

Main measures by EFA type

Land lying fallow definition

- Common minimal duration of 6 months for a given calendar year (possibility to resume production for farmer before the end of the year)

Catch crop and green cover

- Removal of the deadline for sowing catch crops or green cover (before 1st October)
- Common minimum duration of 8 weeks for catch crops and green cover
- Adjustment of the list of species for under-sowing (allowing leguminous)

Nitrogen-fixing crops

- Allowing mixture of seeds for nitrogen-fixing crops

Main measures by EFA type

Landscape features and strips (e.g. buffer strips, strips along forest ...)

- Merging of certain strips (buffer strips and field margins) and streamline associated conditions (min and max widths: 1 to 20 m + no production requirement)
- Merging of certain landscape features (trees in line, wooded strips and hedges)
- Streamlining associated conditions for other landscape features:
Max 10 m for hedges and ditches,
Max 0,3 hectares for ponds and field copses.

Main measures by EFA type

Landscape features and strips (e.g. buffer strips, strips along forest ...)

More flexibility for the qualification of landscape features:

- Landscape features exceeding the maximum dimensions qualifying as EFA (e.g. a field margin of 22 m wide => 20st m accounted an EFA)
- Adjacency notion extend to the 2nd element adjacent to the 1st element directly adjacent to the arable land.

Main measures by EFA type

Common definition and production conditions

- Ban on using pesticides on productive or potentially productive EFAs (i.e. nitrogen-fixing crops, catch crops and green cover, land lying fallow and strips along forest):
 - during the minimum period of presence or retention;
 - taking into account the specificity of under-sown catch crops.

- Common interpretation on the '*no production requirement*' applicable to land lying fallow and all strips without production = no agricultural activity as defined under Art 4 (1) of basic act (Reg. No 1307/2013) without prejudice to other requirements under GAEC.

Next steps

- Formal Commission decision-making process of the new delegated act launched in view of its adoption in the 1st quarter of 2017.
- Entry into force, following EP and Council scrutiny, is scheduled for mid-2017.
- A flexibility is offered to Member States to apply the greening modifications only from 2018 with an option for an earlier entry into force (2017) for those Member States which wish to do so.
- An explanatory note on how to implement and check the ban on using pesticides on productive EFAs will be provided to Member States

Conclusions

All envisaged measures form a balanced package that :

1. provides a fine-tuning of current rules, especially for EFAs, to make them easier to understand and implement both by farmers and administrations;
2. improves further the environmental performance of the policy;
3. enhances the overall legitimacy and credibility of the 2013 greening of direct payments.