

Commissioner Ciolos
Member of the European Commission
200, rue de la loi
B-1049 Brussels

Brussels, 13 September 2011

Re: Addressing serious problems with current CAP eligibility criteria and their impacts on farmers and the environment

Dear Commissioner ,

During the last meeting of the Advisory Group “Agriculture and Environment” on 24th June 2011, the outcomes of the seminar "Permanent pastures and meadows: adapting CAP instruments to take account of public goods" were discussed.

There was consensus amongst the participants that an approach must be found to prevent current eligibility criteria from excluding agriculture land from CAP Pillar 1 payments because of the type of vegetation or the presence of a certain number and/or size of landscape features.

The key issues addressed were:

- The definition of “permanent pasture”
- Criteria set for pillar 1 payments and recommendations on eligibility in the EC guidance document

In several cases, farmers who maintain permanent pastures, in particular those of environmental value, are at risk of losing their direct payments under the current EU rules governing eligibility. Particularly strict rules on the presence of shrubs and trees make it difficult for this land, which is in agricultural use, to be eligible for direct payments, thus increasing the risk of it being abandoned. In some cases, to be sure of receiving payments and avoiding penalties, farmers remove shrubs, trees and large hedges, which can lead to significant losses to wildlife habitat. Furthermore, the current rules are burdensome for farmers, and have no benefit for the environment.

Therefore, we would call for the existing rules to be revised under the future CAP to better balance society’s demands regarding the provision of environmental goods and services, whilst maintaining land in agricultural production.

We would ask you to consider the following recommendations:

CAP definition of “permanent pasture”

The CAP “permanent pasture” definition must be adapted to modern policy objectives. This is essential as an increasing number of important policy mechanisms depend on this definition, in particular given the Commission’s announcement to include permanent pastures within the “greening” measures under Pillar 1.

The CAP definition of permanent pasture should reflect real farming conditions and the use made by livestock farmers of different types of forage, including shrubs and trees and not only herbaceous species, as already occurs under the national rules of many Member States. Rules should not lead to a loss of entitlements due to the presence of a certain number and/or size of landscape features. Given the great diversity of land used for livestock rearing and land tenure systems across the EU, Member States must be given the flexibility to delimit permanent pasture

land taking into account specific national characteristics. Policies and rules should ensure that all actively farmed land contributes to competitive and productive livestock activity while providing environmental benefits. Coupled payments per livestock unit might be considered as an option to prevent land abandonment in very specific situations.

Criteria set for Pillar 1 payments and recommendations on eligibility in the EC guidance document

The presence or absence of a certain level of vegetation, e.g. patches and features of a certain size and length, should not *a priori* be a criteria for including or excluding land from CAP direct payments. Therefore rules and guidance at EU level on direct payment eligibility should avoid too uniform and simplistic quantitative criteria, for example tree density, size of shrub patches or hedge width.

The primary eligibility criterion for CAP direct payments should be that land is subject to agricultural activity. The minimum level of activity should be defined by national authorities in a way that reflects farming practices while ensuring the delivery of public goods. National authorities should design simple methods for checking that permanent pastures and their associated features are being managed appropriately.

GAEC requirements for minimum maintenance and non-deterioration of habitats should be defined in terms of management requirements, and not merely “to avoid the encroachment of unwanted vegetation”.

A flexible approach for re-establishing minimum maintenance should be used, allowing farmers to adapt their management systems rather than issuing immediate penalties and/or excluding land from eligibility.

If a farmer complies with the required management of the pastoral resource – whether herbaceous, ligneous or a combination – s/he should have the right to receive CAP support from Pillar 1 for land and features being used for agricultural purposes.

Inspectors and auditors should take into account local farming and environmental conditions when interpreting eligibility rules and should give priority to achieving policy objectives and preventing unintended, negative effects on-site, such as land abandonment or vegetation clearance.

Therefore, it is essential to amend the existing rules and the Commission guidance document, in order to provide more flexibility for interpretation at national level and to better target the environmental benefits that can be achieved.

We trust that these remarks will be granted your full consideration.

Yours sincerely,

On behalf of the majority of the Members on the DG Agriculture Advisory Group on Agriculture and Environment

Mrs. Pommaret – Chair of the Advisory Group for Agriculture and Environment and member of the Copa-Cogeca Working Party on Environment

and

Ms. Robijns – Vice-chair of the Advisory Group for Agriculture and Environment and EU Agriculture and Bioenergy Policy Officer at BirdLife Europe

Copy : Commissioner Potočník