



European Commission
Agriculture and Rural Development



GAEC Workshop Rome – 8 October 2010

**Modification of the GAEC baselines triggered by
the Health Check, implications for Rural
Development**

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Legal framework

Article 6 of Council Regulation 73/2009 :

*"Member States shall ensure that **all agricultural land**, especially land which is no longer used for production purposes, is maintained in good **agricultural and environmental condition**."* (GAEC)



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- *“Member States shall define, **at national or regional level**, minimum requirements for good agricultural and environmental condition **on the basis of the framework established in Annex III**”*



Article 6 of R.73/2009 leaves flexibility to the Member State to define the precise content of a GAEC standard taking into account local conditions:

"Member States shall define [...] minimum requirements for good agricultural and environmental condition [...] taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures."



- ## Timetable Health Check changes: New GAEC legal provisions from 1/1/2009:
- The introduction of a optional vine maintenance standard;
 - The introduction of compulsory and optional standards in the GAEC framework.
 - Furthermore, the new regulation clearly states that "*Member States shall not define minimum requirements which are not foreseen in that framework*".



New GAEC legal provisions **from 1/1/2010**

- The introduction of a new optional standard on establishment/and or retention of habitats
- The introduction of a new compulsory standard on compliance with authorisation procedures in case of use of water for irrigation



New GAEC legal provisions **from 1/1/ 2010:**

- The specification of the existing compulsory standard on landscape features as concerns the inclusion of hedges, ponds, ditches, trees in line, in group or isolated and field margins.
 - i.e. the actions to ensure that the specified landscape features are retained, without further actions required from the farmer
 - MS must consider if it is appropriate retaining the listed features and justify their decision. The list is not exhaustive, other features may be retained.



New GAEC legal provisions **from 1/1/ 2010** at the earliest and **by 1/1/2012** at the **latest:**

- The introduction of a new standard on establishment of buffer strips along water courses.

It is up to the Member States to define in particular what is a “buffer strip” (width, location, type of vegetation, etc) and which “water courses” are concerned according to site-specific elements. However, the buffer strips must respect on the whole territory at least the requirements of land application of fertiliser near water courses stemming from the Nitrates Directive



Health Check introduced **optional GAEC**:

Optional standards listed in the third column of Annex III shall be optional except where

- (a) the Member State had defined, for such a standard, a minimum requirement for the GAEC before 1 January 2009, and/or*
- (b) national rules addressing the standard are applied in the Member State*

ANNEX III

Good agricultural and environmental condition referred to in Article 6

Issue	Compulsory standards	Optional standards
Soil erosion: Protect soil through appropriate measures	— Minimum soil cover	— Retain terraces
	— Minimum land management reflecting site-specific conditions	
Soil organic matter: Maintain soil organic matter levels through appropriate practices	— Arable stubble management	— Standards for crop rotations
Soil structure: Maintain soil structure through appropriate measures		— Appropriate machinery use
Minimum level of maintenance: Ensure a minimum level of maintenance and avoid the deterioration of habitats	— Retention of landscape features, including, where appropriate, hedges, ponds, ditches trees in line, in group or isolated and field margins	— Minimum livestock stocking rates or/and appropriate regimes
	— Avoiding the encroachment of unwanted vegetation on agricultural land	— Establishment and/or retention of habitats
	— Protection of permanent pasture	— Prohibition of the grubbing up of olive trees
Protection and management of water: Protect water against pollution and run-off, and manage the use of water	— Establishment of buffer strips along water courses ⁽¹⁾	— Maintenance of olive groves and vines in good vegetative condition
	— Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures	



Optional standards

- National rules are **binding rules** in national legislation, possibly only for part of the farmers' population (e.g. for a sector, in a zone, ...)
- Existence of national rules related to an optional GAEC standard **render that standard obligatory** but these rules should not necessarily be repeated in the standards: the GAEC standard rule can be different from the existing national rules.



Communication on the GAEC by MS

Legal base:

Obligation for MS pursuant Art.140 of R.73/2009

“Transmission of information to the Commission:

Member States shall inform the Commission in detail of the measures taken to implement this Regulation and, in particular, those relating to Articles 6,”

(Using the DG AGRI questionnaire template for notifications)



Follow-up of the Communications: Comments on the GAECs defined by MS

- in annex of the DG AGRI letters to MS inviting to notify GAEC
- these letters to MS indicate the *clearly non-compliant cases* on the basis of the summaries of the GAEC definitions in the notifications,
- do not prejudge audits



Definition of GAEC standards:

- Clear obligations (“farmer shall...”)
- No recommendations (“should”, “encourage”,...)
- Should in particular address (match) the content of the GAEC standard and the framework in Annex III (need to clarify)
- “Update needed” when the GAEC refers to certain rules that are no more applicable, e.g. in case of “set aside”



Definition of GAEC standards:

- The definition of a GAEC requirement should aim at clarity for the farmer and avoid doubts, e.g. “during the rainy period”, “suitable maintenance”, “applicable areas”, “avoid overgrazing”, “no unwanted vegetation”, “on the majority of the parcel” etc. (verifiable?)
- In case choices are left to the farmer (alternative obligations depending on the circumstances), all should lead to the objective of the standard
- GAEC should not simply repeat SMR



Implications for Rural Development:

If GAEC standards change (at any moment): need to **check the baseline** in the rural development programmes. RD measures (in particular AEM) need to be checked and revised/adapted if necessary.

Following the Health Check, certain GAEC standards have/will change(d) or became optional.



Implications for RD:

For 2009: status quo could be expected: existing GAEC that became optional have to be kept, but their content may evolve. The new optional GAEC on vine maintenance becomes obligatory if national rules exist.

For 2010: new optional GAEC on habitats, new obligatory GAEC on water use and specification of GAEC retention of landscape features

Between 2010-2012: new obligatory GAEC buffer strips