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WORKING PAPER

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WORKING DOCUMENT

From: To:	General Secretariat of the Council Working Party on Horizontal Agricultural Questions (CAP Reform)
N° Cion doc.:	9645/18 + COR 1 + ADD1
Subject:	Proposal for a Regulation on CAP Strategic Plans - Fiches on GAECs

Delegations will find attached fiches on the GAECs included in Annex III of the abovementioned proposal that the Commission will present to the Working Party on Horizontal Agricultural Questions (CAP reform) on 3-4 April 2019.

NON-PAPER

This non-paper is only intended to provide further clarifications on the standards for good agricultural and environmental condition (GAEC) to facilitate the work of the council WP on CAP Strategic Plan in the context of the ordinary legislative procedure. It is based on the ANNEX III of the Commission Proposal SEC (2018) 392 final. This document does not anticipate any content of any legislative act

Conditionality in the future CAP

1. PRINCIPLE AND ROLE OF CONDITIONALITY

Like the current cross-compliance, conditionality will be a system of linkage between area- and animal-based CAP payments (in Pillar I or Pillar II) and a range of obligations. When recipients of these payments (mainly farmers, but sometimes other land managers) do not meet the obligations, the payments may be reduced or in the most severe cases withdrawn.

It will constitute a common element implemented by all Member States. Its role therefore is fundamental to ensuring an essentially level playing field between beneficiaries across the EU. It will also constitute a relevant foundation for other interventions to be set under the greening architecture of the CAP.

Conditionality will also help enhance the CAP ambition with regard to the environment and climate change. It carries over the obligations already included under cross-compliance and those under the greening system, strengthens or otherwise refines some of them, and adds a limited number of new obligations.

The obligations, in relation to which infringements may lead to payments reduction under conditionality, are listed at EU level[1]. They originate in two different types of legislation:

- The Statutory Management Requirements (SMRs) are provisions of EU Directives or Regulations implemented independently from the CAP but relevant to farming activity in the domain of environment and climate, public health, animal health, plant health and animal welfare (e.g. relevant Articles of the Water Framework and the Nitrates Directives, Birds and Habitats Directives, Food Law, Animal Health Law, legislation on pesticides and legislation on animal welfare);

- The standards of Good Agricultural and Environmental Condition (GAEC) are provisions stemming from the CAP itself and complementing the SMRs for practices beneficial for climate change, water, soil, biodiversity and landscapes. For each GAEC standard listed in the EU framework Member States must define on-farm practices adapted to local situations and needs. Member States may define

[1] Annex III to the proposal for a "Strategic Plan Regulation"

practices additional to the EU list provided that these practices serve the objectives of the GAEC framework.

All elements (GAEC standards and SMRs) are organised in the legal text in relation to the main issues to be addressed: climate change, water, soil, biodiversity and landscape as well as public health, animal health and plant health. This allows making a link with the specific objectives and performance assessment of the future CAP.

2. THE ENHANCED SCOPE OF CONDITIONALITY

Compared to the existing cross-compliance, the scope of the proposed conditionality has been extended to include more SMRs and GAEC standards (the new requirements are shown in *italic*).

Statutory management requirements

Environment:

- *Water Framework Directive (Directive 2000/60/EC);*
- Nitrates directive (Council Directive 91/676/EEC);
- Directive on the conservation of wild birds (Directive 2009/147/EC);
- Directive on the conservation of natural habitats and of wild fauna and flora (Council directive 92/43/EEC).

Public, animal and plant health:

- General food law (EU Regulation 178/2002);
- Hormones ban Directive (Council Directive 96/22/EC);
- Regulations on identification and registration of pigs, bovine, ovine and caprine animal (EU Regulation 1760/2000, Council Directive 2008/71/EC, EU Regulation 21/2004);
- Regulation on prevention, control and eradication of transmissible spongiform encephalopathies (TSE) (EU Regulation 999/2001);
- *Regulation on transmissible animal diseases but limited to foot-and-mouth disease, swine vesicular disease and blue tongue (EU Regulation 2016/429);*
- Regulation on plant protection products (EU Regulation 1107/2009).
- *Sustainable Use of Pesticides Directive (Directive 2009/128)*

Animal welfare:

- Directives on the protection of calves, pigs and animals kept for farming purposes (Council Directive 2008/119/EC, Council Directive 2008/120/EC, Council Directive 98/58/EC).

Standards on good agricultural and environmental conditions

These standards are designed to:

- Promote the protection of carbon-rich soils and the maintenance of soil organic matter, for the mitigation of and the adaptation to climate change;
- Promote the protection of river courses against pollution and run-off and the sustainable management of nutrients, for the protection of water;

- Promote land management to limit erosion, the protection of soils in winter and the preservation of the soil potential, for the protection and quality of soils;
- Promote the maintenance of non-productive features and area as well as the protection of habitats and species, for the protection and the improvement of the quality of biodiversity and landscape.

Apart from the current GAECs which are carried over (in a streamlined form for certain of them) a number of new GAECs are added in the future scope of conditionality. These include provisions currently dealt with the green direct payments and included in the new GAEC framework in a streamlined form (crop rotation as GAEC 8, biodiversity area in GAEC 9 and protection of environmentally sensitive permanent grassland as GAEC 10). Two new GAECs are introduced for the protection of peatland and wetland (*GAEC 2*) and for the use of a Farm Sustainability Tool for nutrient (*GAEC 5*). This later has the potential to support the implementation of legislative requirements and GAEC standards as well as to promote the use of modern technologies at farm level.

3. CONTROL AND PENALTIES UNDER CONDITIONALITY

Member States must set an efficient control system for conditionality[2]. They are encouraged to make use of their existing control systems, including the Integrated Administration and Control System (IACS)[3], to carry out the checks for respect of conditionality. Where appropriate, specific parts of the IACS system like Land Parcel Identification System (LPIS) and geospatial application (GSA) can be used for checks for conditionality.

Checks must include field visits on at least 1% of the concerned beneficiaries and these checks may make use of remote sensing. Member States may also make use of the area monitoring system[4] for the checks of conditionality and in particular for GAECs.

Member States must define the penalties related to conditionality incurred by beneficiaries in case of infringements, on the basis of principles set at EU level[5]. These penalties must be dissuasive and proportionate to the severity, extent, permanence, reoccurrence and intentionality of the infringement.

4. ARTICULATION WITH OTHER CAP INSTRUMENTS AND CAP PLANS

The requirements under conditionality are compulsory for all beneficiaries of the listed CAP support, ensuring a wide area coverage for the practices.

The list and essence of these requirements is common at EU level. But at the same time each Member State will have the opportunity to design the detail of its approach to implementation in such a way as to reflect regionally or more locally the particular circumstances of its farmers and rural areas. By this means, there will essentially be a level playing-field for beneficiaries across the EU, but with sufficient flexibility to allow the system to work meaningfully, effectively and efficiently in practice.

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2 Article 84 of the proposal for an "Horizontal Regulation"
3 Set in Chapter II of Title IV of the proposal for an "Horizontal Regulation"
4 Pursuant to Article 68 of the proposal for an "Horizontal Regulation"
5 Article 85 and 86 of the proposal for an "Horizontal Regulation"

As the obligations of conditionality are regarded as requirements which should be met in any case, CAP interventions designed by Member States should not "pay for" the respect of those obligations. To ensure observance of this principle, EU rules lay down that key environment- and climate-relevant types of intervention[6] must involve payments only for commitments which go beyond the obligations of conditionality (as well as certain other obligations). In that sense, conditionality forms part of a "baseline" for those types of intervention.

Under the "new delivery mechanism", Member States have leeway to set the balance between compulsory requirements (baseline including conditionality) and the related supported practices (under in particular eco-schemes and management commitments). This balance must be set to best ensure reaching the CAP objectives. In practice, Member States will have leeway for conditionality essentially as regards their definition of the GAEC, for which they must adapt the national requirements to local needs and situations[7], and for designing the interventions offering CAP support to beneficiaries beyond the baseline. For this purpose, relevant mapping will be the basis for identifying needs and setting the appropriate actual practices;

Overall, Member States must set out an approach to achieving the environment- and climate- related objectives of the CAP (along with the policy's other objectives) on the basis of an analysis of the situation (SWOT)[8] and the resultant policy needs. Conditionality will be an important element in this respect if a higher environmental and climate ambition is to be reached with the future CAP. On this basis Member States must describe in their CAP Plans the balance between compulsory requirements under conditionality and additional practices supported under Pillar I or Pillar II schemes and how this balance and its intervention logic will aim at enhancing the environmental and climate ambition of the CAP. The CAP Plans will be approved by the Commission on this basis.

6 "Eco-schemes" in Pillar I, "support for environmental, climate and other management commitments" "Water Framework Directive payments" and "Nature legislation payments" in Pillar II

7 The SMRs indeed merely implement the relevant EU Directives and Regulations already outside the CAP Plans

8 The analysis of strengths, weaknesses, opportunities and threats (SWOT)

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GAEC 1 - "Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area"

1. BACKGROUND

- With certain modifications, the system has been in place since 2005. Its objective is to preserve permanent grasslands, through maintenance of areas within certain parameters of flexibility. In this respect, farmers are permitted to convert permanent grassland within a national, regional or holding level limit based on a yearly monitoring of the share of permanent grassland in agricultural areas compared to a reference level (reference ratio).
- This system is retained in the period 2021-27 with some changes, but the aim continues to be one of providing long-term protection against a significant decline of permanent grasslands.

2. OBJECTIVE

- The system aims to address climate change issues (adaptation and mitigation) given the permanent grassland's capacity for storing and sequestering carbon from the atmosphere. It is designed as a *'general safeguard against conversion [of permanent grasslands] to other agricultural uses to preserve carbon stock*'.
- Maintenance of these areas also contributes to protection of water, avoidance of soil erosion and protection of soil quality, and biodiversity.

3. IMPLEMENTATION ISSUES

- Classifying land use as permanent grassland continues to be based on an EU level (basic legislation) framework definition, which will be further developed by Member States. Key elements of the system's functioning will be established in the EU delegated legislation. These include the establishment of the reference ratio, reference years, the percentage limit of the ratio, rules on reconversion in case that the ratio falls below the set level, which will include an option for Member States to fine tune the system according to their needs.
- Based on above, Member States will decide the geographical level to annually check the ratio, including whether to establish a holding level obligation to monitor the ratio, or whether to establish an individual obligation for farmers not to convert areas of permanent grassland without prior authorisation (which was flagged in the 2017 greening evaluation as a good practice to ensure the grassland maintenance).

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- The standard is related to GAEC 2 “Appropriate protection of wetland and peatland” and GAEC 10 “Ban on converting or ploughing permanent grassland in Natura 2000 sites”.
- Employing more ambitious incentive measures through Pillar I eco-schemes and Pillar II management commitments, Member States may, for instance, promote tree-pasture (Silvio-pastoralism) eco-systems, extensive livestock rearing, preserving the absolute surface of permanent grassland beyond maintenance of the ratio, conversion of arable crops to grasslands, and the improved management for the protection of vulnerable grasslands against effects of climate change. These include for example the implementation of result-based schemes targeted to mixed-species grassland.

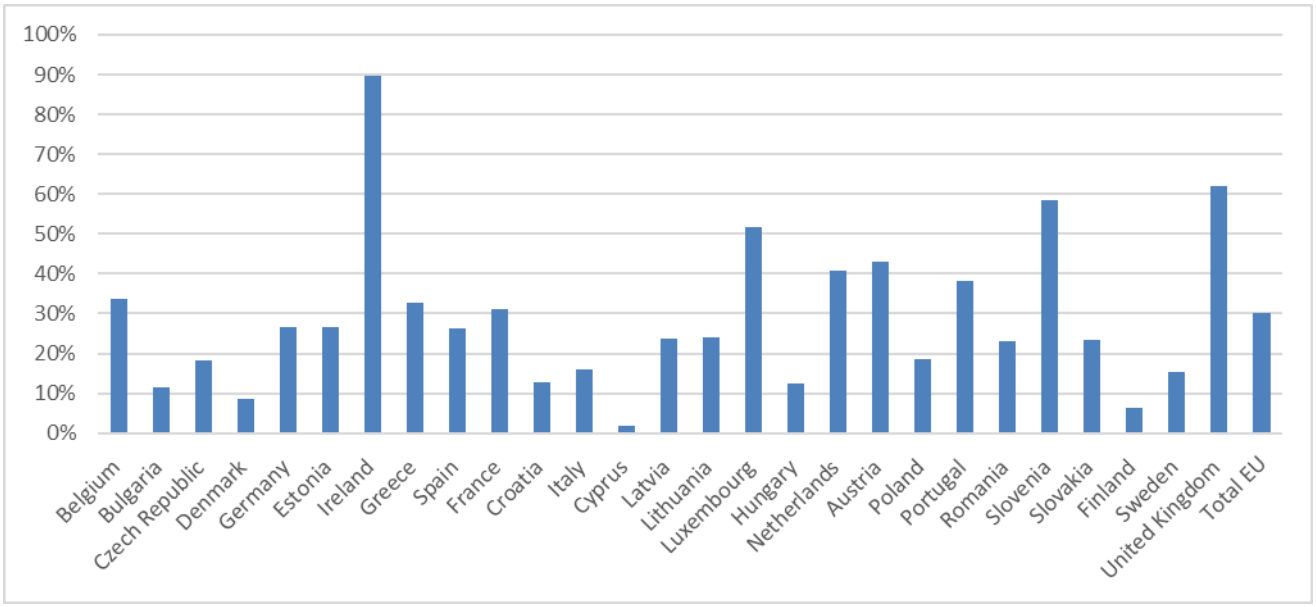
5. CONTROLS

- Member States will design controls according to their agricultural and administrative context, including the possibility to retain the current IACS (Integrated Administration and Control Systems) system. Member States have been already identifying permanent grassland in their LPIS (Land Parcel Identification System) (requiring then only an update to reflect any new areas) to enable cross-checks with farmers’ geo-spatial (geo-located) applications and monitoring data that can be managed through tools like satellite imagery.

Permanent grassland ratio across Member States – period 2014-2020

The ratio of permanent grassland on agricultural areas at EU level is around 30%, stable in last years. The graph shows differences across MS.

Areas of PG as a proportion of total agricultural area, by Member State (2015)



Source: Member States notifications on greening

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GAEC 2 - "Appropriate protection of wetland and peatland"

1 BACKGROUND

- This is a new GAEC in the CAP planning for the 2021-27 period.
- In the current CAP, protection of wetland and peatland can be addressed indirectly through the "greening" system based on environmentally sensitive permanent grassland designation in some Member States (or through AECM: Agri Environment Climate Measures), but there is no specific protection clause in cross-compliance or greening to be applied across Member States.

2 OBJECTIVE

- The main objective of this standard is the "*protection of carbon-rich soils*". Wetlands and peatlands represent an important carbon sink on the planet and the preservation of current soil organic carbon levels might be more effective than additional carbon sequestration.
- The objective of this GAEC is to avoid degradation of areas considered as sensitive to further carbon depletion. The protection of such areas is thus very relevant in the context of climate mitigation and adaptation.
- Wetlands and peatlands are also very valuable ecosystems in relation to biodiversity concerns and contribute to habitat protection, in particular for birds, but also for water quality, and the protection of soil quality.

3 IMPLEMENTATION ISSUES

- This GAEC applies to all eligible agricultural land whatever the agricultural land use, whether arable land, permanent grassland, or permanent crops.
- However, Member States will have to define wetlands and peatlands. Existing national mapping can be used and a specific cartographic layer based on this mapping should be elaborated.
- Member States will have to define the relevant protection that will be applied to the different types of land use (arable land, permanent grassland). To this end, they will have to identify land management practices that avoid carbon release, such as low tillage, a ban on the conversion of wetland and peatland, a ban on the drainage or the burning and extraction of peatland.

4 ARTICULATION WITH OTHER ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- Member States may also define more ambitious management requirements on wetland and peatland, which will be set under Pillar I eco-schemes or Pillar II management commitments. Examples of these which can be supported above the

baseline include: the restoration of wetland and peatland, a minimum water table level during winter, the application of dry-rewetting techniques or the implementation of paludiculture.

5 CONTROLS

- The area identification and monitoring could be through LPIS wetland and peatland including a specific LPIS layer based on the proper cartography defined by Member States, taking into account available information (such as mapping based on the RAMSAR Convention. The official national GHG inventory provides annual area information on carbon rich soils and soil carbon control data, including mineral content. While some requirements can be checked by monitoring tools like satellite imagery, others will require field visits.

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GAEC 3 - "Ban on burning arable stubble, except for plant health reasons"

1. BACKGROUND

- This GAEC standard originates from the current cross-compliance GAEC 6 '*Maintenance of soil organic matter level through appropriate practices including ban on burning arable stubble, except for plant health reasons'*. This GAEC standard is now more specific since it addresses directly the issue of stubble burning.

2. OBJECTIVE

- The objective of this standard is to contribute to the "*Maintenance of soil organic matter*", amongst other agricultural practices (soil cover, no/reduced tillage etc.). Banning the burning of arable stubble promotes the incorporation of stubble contributing to increase level of soil organic matter, which prevents the direct release of CO2 into the atmosphere. Preventing further losses in soil organic matter has two main benefits: it helps mitigate climate change and improves soil condition and fertility. The GAEC also contributes to the prevention of further air pollution.

3. IMPLEMENTATION ISSUES

- Member States must ban arable stubble burning.

- Member States may define the specific cases where the plant health exemption for stubble burning is authorised.

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC is related to GAEC 7 – No bare soil in most sensitive period(s), where soil cover protects against organic matter depletion and against erosion. For example, GAEC 7 may require maintaining stubble covering the soil during the sensitive periods in question.

- The GAEC is also related to GAEC 6, where reduced tillage contributes to limit soil erosion.

- The GAEC could combine with and complement other Eco-schemes and Management commitments requiring specific practices, such as, incorporation of stubble and straw in the soil, mulching with crop residues, measures to increase the

level of organic matter in the soil, direct sowing or conversion to "conservation agriculture"[1].

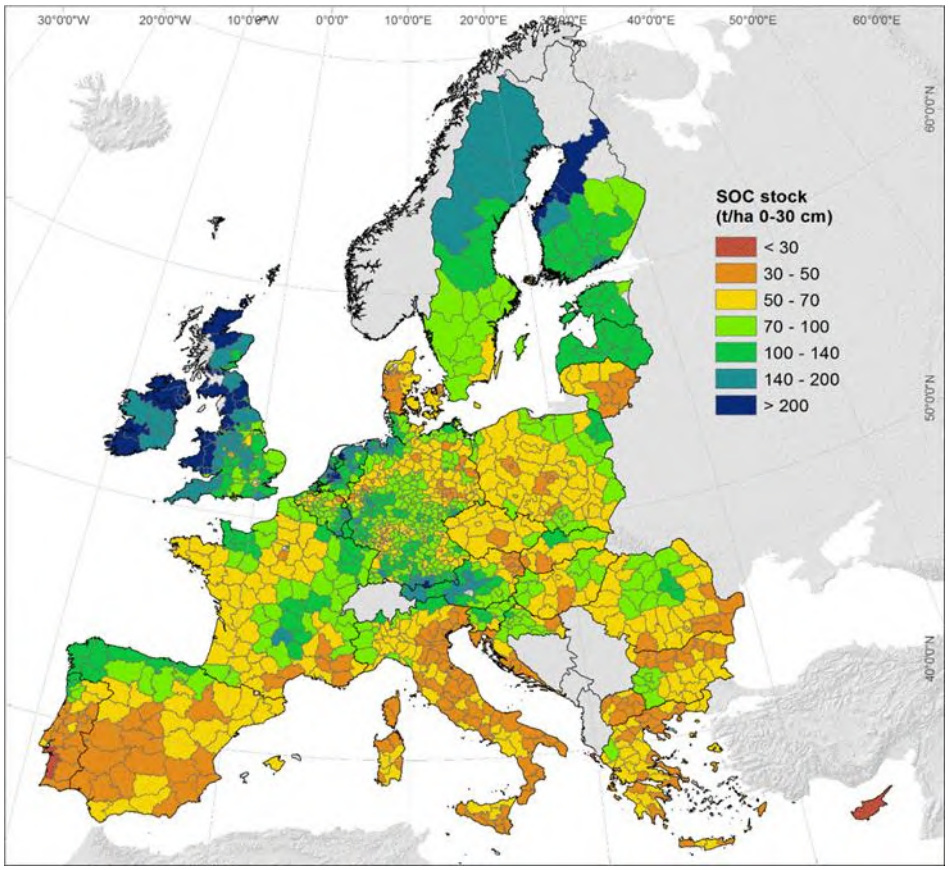
5. CONTROLS

- With the expected improvement in IACS (LPIS, monitoring, satellite imagery, etc.), the identification of areas where stubble burning occurs will be improved and the field visits be not necessary.

[1] 'Conservation agriculture': http://www.fao.org/resources/infographics/infographics-details/en/c/216754/

https://publications.europa.eu/en/publication-detail/-/publication/f45b31be-6c38-4f5e-b605-94193f4674b5/language-en

Map - Soil organic carbon stock, 2013



Source: Joint Research Centre (JRC) - European Soil Data Centre (ESDAC)

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GAEC 4 - "Establishment of buffer strips along water courses"

1. BACKGROUND

- This GAEC standard carries over the current cross-compliance GAEC 1 '*Establishment of buffer strips along water courses'*.

2. OBJECTIVE

- The objective of this standard is the "*Protection of river courses against pollution and run-off*". The GAEC standard intends to contribute to the protection of watercourses against pollution and run-off. Establishing buffer strips helps to reduce the contamination of watercourses and to improve of water quality. Buffer strips also bring significant biodiversity benefits. They form a habitat for flora and fauna and prevent or limit eutrophication.

3. IMPLEMENTATION ISSUES

- The GAEC is applicable for all beneficiaries situated in agricultural land (arable land, permanent grassland and permanent crops) along relevant watercourses.

- For the definition and the management of the buffer strip, Member States have to apply at least the same requirements related to the application of fertiliser near watercourses as established inside the Nitrate Vulnerable Zones in the application of Council Directive 91/676/EEC of 12 December 1991[1].

- Based on scientific evidence and in accordance with nitrate action programme, Member States should define the minimum width for buffer strips minimizing the risk of contamination. The efficiency of buffer strips mainly depends on their width and type of vegetation.

- Member States should define which watercourses should be protected or restored by applying this GAEC. Notably, water bodies with a less-than-good quality status according to EU and national standards and specific objectives. The definition of watercourses can be comprehensive and include water bodies such as lakes or ponds.

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC related to SMR 2 Council Directive 91/676/EEC of 12 December 1991.

[1] Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1) - Articles 4 and 5

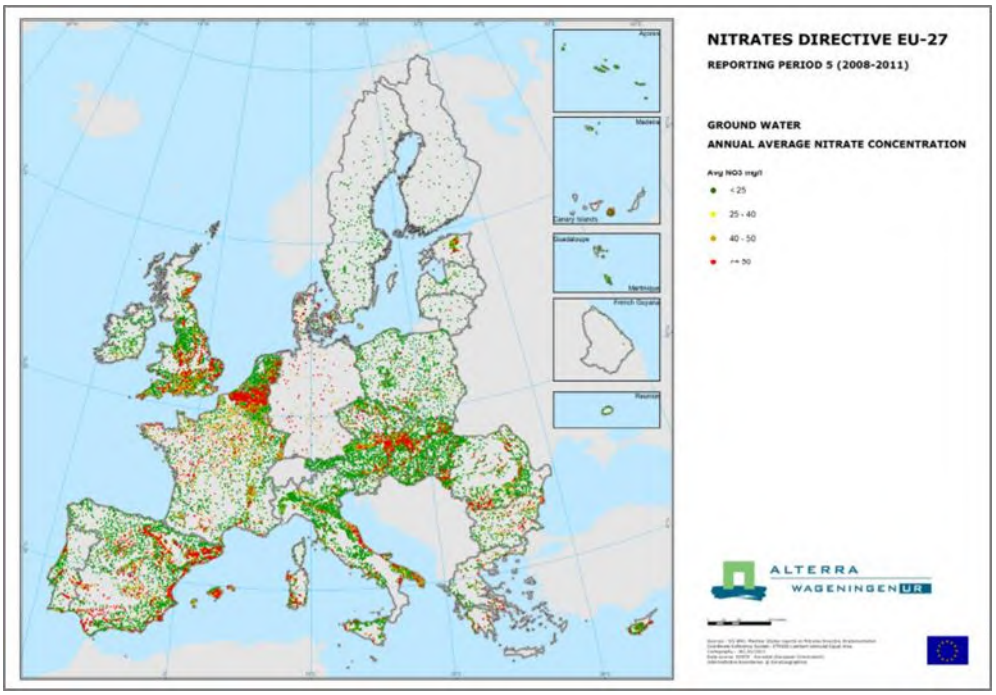
- This GAEC can be coupled with GAEC 9 where buffer strips can be included as non-productive area for biodiversity purposes.

- The GAEC could also be combined with Eco-schemes and Management commitments requiring specific practices, which go beyond practices prescribed in nitrate action plans and river basin management plans. These include for example: the enlargement of buffer strips beyond the proposed minimum width, the inclusion of riparian elements and specific species, a ban on the use of plant protection products or a ban on cultivation/tillage in buffer strips.

5. CONTROLS

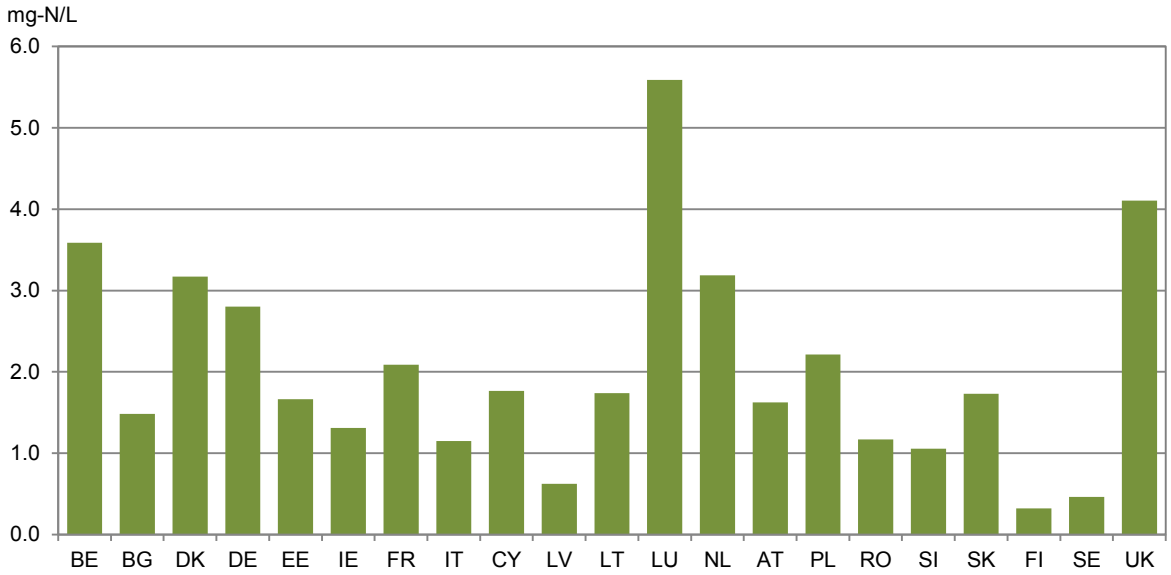
- Thanks to the improvement in IACS (LPIS, monitoring, satellite imagery, etc.), the identification of areas where buffer strips have been established is not a constraint anymore. When needed, field visits may be carried out to confirm the implementation of the GAEC.

Figure: Nitrates directive EU-27 - annual average nitrate concentration (2008-2011)



Source European Commission, 2013. Report of the European Commission on the implementation of Council Directive 91/676/EEC (Nitrates Directive) for the period 2008-2011. SWD(2013) 405 final

Graph - Concentration of nitrates in surface water (rivers) 2012



Source: CAP Context Indicators 2014-2020 – 2017 update

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GAEC 5 - "Farm sustainability tool for nutrients - FaST"

1. HISTORY AND STATE OF PLAY

- The **use of a Farm Sustainability Tool for Nutrients** (FaST) is proposed as a new standard for good agricultural and environmental conditions of land (GAEC 5). The FaST consists of an IT tool that will help farmers to optimize the use of nutrients in agriculture, generating both environmental and agronomic benefits and boosting the digitalization of the agricultural sector. As a GAEC, it will ensure implementation on a sufficient scale to deliver a meaningful impact.

- Member States have to establish a system for providing the FaST to farmers. For farmers, the GAEC 5 obligation consists in the use of the tool, which is deemed to be met by uploading into the system the limited number of relevant data necessary to produce the nutrient management plan. There will be no control of whether the plan's recommendations have actually been followed by the farmers.

- The new delivery model allows Member States flexibility to design their national implementation of the GAEC. The precise requirements, like for any other GAEC, can be adapted for certain categories of farmers by considering e.g. the farming system and the variety of land uses (e.g.; multi annual crops, rice cultivation …) and may be determined at regional or national level in line with the CAP Strategic Plan and the objective of the GAEC. This will serve the purpose of a high environmental and climate ambition of the policy.

2. OBJECTIVE

- The objective of this standard is the **"sustainable management of nutrients",** improving farmers' knowledge about crop nutrient demand and digital applications in farming**.** The tool will allow farmers to know better the correct rate of fertilizer application. This may lead to an increase in crop yield, or to a decrease in the use of nutrients, and hence to an improvement of farmer's revenue. This will also support strong returns in terms of improved water quality, especially concerning reduced diffuse pollution, better soil quality, GHG emissions reduction, and overall healthier and more diverse ecosystem.

- In summary, the use of the FaST tool should be driven by the ease of use for farmers and their economic interests, while at the same time also delivering higher environmental and climate benefits. In addition, the tool would familiarise farmers with digital tools and serve as a basis for other digital farming services developed by the market. Moreover, thanks to expected functionalities, such as the two-way communication between the farmer and Paying/Managing Agencies, it may foster simplification of CAP management by a wider implementation of innovative services (e.g. online applications to direct payments, geotagged pictures etc.).

3. EXPECTATIONS FOR THE IMPLEMENTATION BY MEMBER STATES

- Member States have to establish a system for providing the tool to farmers. The Commission may provide support with (i) the design of the tool, which then should be customised and made operational by Member States on the basis of their local conditions and needs and (ii) a common infrastructure for storage of data and processing services requirements, which may be used by interested Member States. Member States that do not have such a system in place will have the choice to develop/customise/localise the common FaST system; to develop their own tools; adapt if needed a tool already existing on the market; or rely on an existing equivalent tool. For an effective roll out, the farm advisors may play an important role.

4. ARTICULATION WITH OTHER ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- The objectives of the use of the FaST are linked with the SMRs 1, 2 and 4 and the GAECs 4 and 8. In addition, the tool could provide the necessary ground for more ambitious incentive practices under eco-schemes or management commitments (e.g. reducing the use of fertilizers or water management services).

5. CONTROLS

- For the control, Member States authorities will only check whether the farmer uses the tool. Once the application is downloaded, and the farmer uploads the relevant information, the tool will then send an electronic signal indicating that the nutrient management plan was “created”. This is uncomplicated, error proof for both Member State authorities and farmers.

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GAEC 6 - "Tillage management reducing the risk of soil degradation, including slope consideration"

1. BACKGROUND

- This GAEC standard originates from the current cross-compliance GAEC 5 '*Minimum land management reflecting site specific conditions to limit erosion'*. This GAEC standard aims to protect soil, in particular on areas and slopes where the risk of erosion is high.

2. OBJECTIVE

- The objective of this standard is to minimize the loss/depletion of soil due to erosion by using the most soil friendly tillage management techniques and taking into account the fact that slopes increase the risk of soil erosion. Preventing further loss of soil helps maintain the availability of good quality soil for farming.

3. IMPLEMENTATION ISSUES

- This GAEC standard concerns mainly arable land and permanent crops such as orchards and vineyards.

- Tillage management refers to the existing options for preparing the soil for cultivation (ploughing, cultivators, harrowing) that could potentially play a major role in preventing soil erosion. It will include practices such as contour tillage and low tillage.

- Member States should define the appropriate tillage management options, and identify erosion risk areas where they would be applicable. Account should be taken of slope, type of soil and soil coverage, and climate.

- The GAEC standard is applicable for all beneficiaries located in identified risk areas taking account of the slope, low occurrence of landscape features, the type of soil, the land use (arable land, permanent grassland or permanent crops) and climate.

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC standard is related to GAEC 7 – No bare soil in most sensitive period(s), in particular, for at-risk areas where Member States may decide to introduce requirements under GAEC 7 to complement GAEC 6.

- No-till provisions can, for example, cover areas where longer-lasting landscape elements have to be protected and/or established (GAEC 9). Low-till provisions can go, for example, hand-in-hand with compatible crop rotation provisions (GAEC 8).

- The GAEC could relate to other Eco-schemes and Management commitments requiring more demanding and specific practices (e.g. transversal ditches, no-tillage, direct sowing, other types of tillage (strip-till, ridge-till, mulch-till and chisel plough), and conservation agriculture[1] with no tillage/direct sowing).

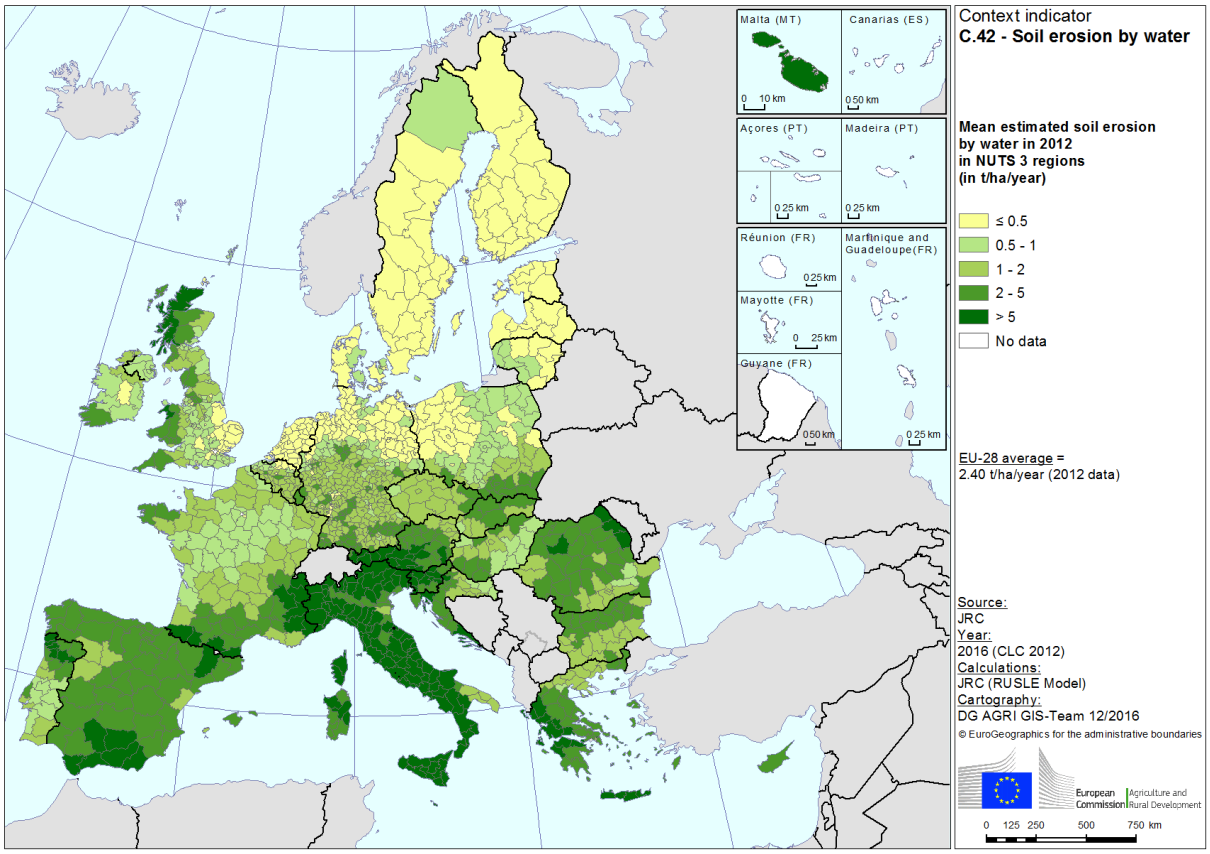
5. CONTROLS

- With the improvement in IACS (LPIS, monitoring, satellite imagery, etc.), the identification of areas where tillage operations occurred will be improved and the field visits may not be necessary.

[1] 'Conservation agriculture': http://www.fao.org/resources/infographics/infographics-details/en/c/216754/

https://publications.europa.eu/en/publication-detail/-/publication/f45b31be-6c38-4f5e-b605-94193f4674b5/language-en

Map - Estimated soil erosion by water, 2012



Source: Joint Research centre (JRC)/DG AGRI

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GAEC 7 – "No bare soil in most sensitive period (s)"

1. BACKGROUND

- This GAEC standard originates in the current cross-compliance standard "minimum soil cover". Furthermore, under the existing "Greening", there is a possibility to recognize as Ecological Focus Area (EFA) green cover and catch crops. It has been included in the scope of conditionality in a strengthened form to cover "no bare soil in most sensitive period(s)", since it is acknowledged that most soils need to be protected against leaching, erosion, depletion of organic matter during certain periods of the year, mainly winter.
- Under the Nitrate Directive, Member States can impose in the National Action Programme (NAP) in Nitrate Vulnerable Zones catch crops during autumn and winter.

2. OBJECTIVE

- The objective of this standard is "the *protection of soils in winter*". The potential of soil derives from several factors, mainly the soil physical structure, the soil organic matter content, and the reduction of nutrient leaching.

3. IMPLEMENTATION ISSUES

- By nature the "no bare soil" issue only concerns arable land (excluding the temporary pastures) and permanent crops.
- Member States have to define what a «cover crop» is. The relevant coverage should be comprehensive including the normal crops (such as winter crops) and various intercropping situations. As an intercropping practice, green manure crops, catch crops, mulching or crop residues are relevant.
- Member States will have the leeway (compared to current greening approach) to fix the appropriate timing and condition to ensure adequate coverage. The most relevant periods are rainy periods and the period outside the growing season after harvesting the main crop. Member States will have flexibility to adapt their requirements depending on the type of soil, taking account for example of the risk of erosion.

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC standard can be related to GAEC 6 and 8.

- Member States must define the national GAEC standard in articulation with other CAP instruments. For example, support could be provided through Eco-schemes or agri-environment schemes for some activities (going beyond, notably, water quality action planning under environmental legislation) which aim at:

    - Promoting the use of intercropping practices, i.e. an early catch crop to be set up very soon after harvesting can be supported, while as a basic requirement, no bare soil should be in place during the winter time without specification of the soil coverage;

    - Improving the species composition for catch crop and specific use of the biomass (animal feeding, mechanical destruction).

5. CONTROLS

Thanks to the development of management tools (LPIS, monitoring, satellite imagery, etc.), the identification of soil coverage will be improved and the field visits will be reduced.

NON-PAPER

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GAEC 8 - "Crop rotation"

1. BACKGROUND

- Crop rotation was an optional GAEC under the previous CAP rules (2007-2014). Under the current CAP, the greening requirements include "crop diversification", which is a different concept. Taking into account the environmental and agronomic benefits of crop rotation, it is now included in the scope of the enhanced conditionality of the CAP post-2020.

2. OBJECTIVE

- The objective of this standard is to "*preserve the soil potential*". The potential of the soil derives from several factors, mainly the soil physical structure, soil fertility, soil organic matter and micro-flora, the soil chemical content including pollutants (fertilisers in excess or pesticide residues etc.) but also soil-borne pests and diseases. Rotation is beneficial for all these factors (e.g. by breaking the biological cycle of pests/diseases) with positive impacts on biodiversity and water pollution. Crop rotation is also beneficial for crop productivity.

3. IMPLEMENTATION ISSUES

- By nature crop rotation concerns only arable land (including temporary pastures).

- Member States shall define and specify the requirements for "crop rotation" in line with the objective of 'preserving the soil potential' and on the basis of the identified risks and needs.

- The definition of the minimum rotation cycles and crops should consider the farming system and the variety of land uses (e.g. multiannual crops, rice cultivation ...) with a view to maximize the agronomic benefits of crop rotation. The requirements of this standard can be defined at national, regional or more local level, as appropriate.

4. ARTICULATION WITH OTHER STANDARD AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC is related to GAEC 7 – No bare soil in most sensitive period(s) in particular, where inter-cropping practices can be introduced between two main crops (and consequently increase the sequence of crops on the parcel). It is also related to GAEC 6.

- Member States must define at national/regional level this GAEC standard in combination with other CAP instruments. Requirements under GAEC 8 can be complemented by eco-schemes for longer rotation cycles with environmentally

beneficial crops such as: leguminous crops or fallow land. Management commitments could complement the GAEC by requiring specific management practices of the crops.

5. CONTROLS

- With the development of management tools (LPIS, GSA monitoring, satellite imagery, etc.), tracking the multiannual sequence of crop rotation will be improved and the field visits may not be necessary.

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GAEC 9 - "Minimum share of agricultural area devoted to non-productive features or areas - Retention of landscape features - Ban on cutting hedges and trees during the bird breeding and rearing season"

1 BACKGROUND

- This GAEC standard merges a greening requirement ('Ecological Focus Area') and the existing GAEC on 'Protection of landscape features' in one single GAEC to bring more environmental benefits and to simplify their implementation.

2 OBJECTIVE

- Biodiversity protection and landscape features' conservation, including birds and pollinators protection, are the environmental issues to be addressed by this GAEC. Maintenance of non-productive features and areas to improve on-farm biodiversity is the main objective of the standard.

- Landscape features provide also a number of important environmental benefits for soils, water quality and climate change (in particular carbon sequestration), with a major role in the supply of ecosystem services such as pest control and erosion prevention. These elements will also provide broader connectivity corridors constituting a part of the "green infrastructure" in agricultural areas.

3 IMPLEMENTATION ISSUES

- Based on their needs for biodiversity purposes, Member States will set a percentage of agricultural area to be devoted to non-productive elements at farm level. This percentage could be set at different levels across regions depending on the local situation

- The GAEC applies to all types of agricultural land uses (arable land, permanent grassland and permanent crops).

- The wording "non-productive" means that cultivated areas are excluded (such as areas cultivated with leguminous crops), reducing the likelihood of plant protection and fertilizers being applied in these areas, leading to higher biodiversity benefits compared with the current EFA types.

- To fulfil this mandatory percentage, a list of non-productive elements which farmers may use will be established by the Member States. These may include land lying fallow (especially the most valuable land lying fallow where the farmer establishes a green cover e.g. with melliferous plants, wildflowers etc.) and other elements like ponds, field copses,

buffer strips and landscape features (e.g. trees, hedges, field margins, ditches, stone walls, terraces etc..).

- In addition, MS will identify a list of landscape features (e.g. hedges and trees) to be protected and not to be removed by farmers. The choice of the types of landscape features to be protected will be justified in the GAEC description.

- On hedges and trees, as currently applied, there will be a ban on cutting them during the breeding and rearing season (to be set by the Member State) in order to avoid disturbance to bird populations. Finally, depending on some situations, measures for avoiding invasive plant species may be set in order to reduce/eradicate any new or regulated invasive plant species.

4 ARTICULATION WITH OTHER ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- Where buffer strips or field margins are chosen by Member States as non-productive feature under this GAEC, this can be articulated with GAEC 4 on buffer strips along water courses, aimed at the protection of water quality.
- The GAEC could be combined with other Eco-schemes and management commitments] requiring specific practices such as a higher share of land allocated to non-productive area, a cutting regime or sustainable management for landscape features or green coverage for land lying fallow aiming at improving biodiversity. Non-productive investments aimed at planting additional landscape elements could also be related to the GAEC, in particular where the intensification of farming practices has led to an over-simplification of the agricultural landscape.

5 CONTROLS

- Thanks to the development of management tools (LPIS, monitoring, satellite imagery, etc.), the identification of non –productive elements should be facilitated. A cartographical LPIS layer based on the experience with the EFA layer under greening could be used. The layer can also provide information on extent and location of protected elements such as landscape features. For the calculation of area, Member States could use conversion factors such as those foreseen under greening , in order to avoid complex measurement on the field.

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GAEC 10 - "Ban on converting or ploughing permanent grassland in Natura 2000 sites"

1. BACKGROUND

- This standard is inspired by the system established with the greening requirement of "environmentally sensitive permanent grassland" (ESPG) in the 2014-2020 period. Member States must designate permanent grassland (PG) sites established under the Habitats and Birds Directive in order to meet the objectives of the Habitats and Birds Directive and may do so in other 'environmentally sensitive' areas. Ploughing and converting such grasslands is forbidden.
- According to their context, Member States used very different approaches to designate environmentally sensitive permanent grassland (for instance, all PG in Natura 2000 or only part of them – see Annex).
- The evaluation of greening (2017) found this obligation to be one of the most effective, based on its complementing role to the protection of grasslands protected by the Nature directives, especially for high nature value habitats and carbon-rich soils.
- The Strategic Plan Regulation proposal and the future greening architecture will ensure that protection of permanent grassland is enhanced.

2. OBJECTIVE

- The standard's main objective is the "*protection of habitats and species*". Preserving permanent grassland in Natura 2000 sites established under Directives 92/43/EEC and 2009/147/EC through the ban on its ploughing or converting contributes to protecting valuable habitats and species, including bird species' nesting and breeding sites.
- Such grasslands also contribute to carbon sequestration as well as water and soil quality.

3. IMPLEMENTATION ISSUES

- Member States will identify permanent grassland (as defined in article 4.1 (iii) of the CAP Strategic Plan regulation) located in Natura 2000 sites and will apply the ban of conversion or ploughing up under this GAEC to them, in accordance with Article 12 of the CAP Strategic Plan regulation.

4. ARTICULATION WITH OTHER STANDARDS AND ENVIRONMENTAL AND CLIMATE INTERVENTIONS

- This GAEC complements SMR 3 and 4 on Nature Directives as well as GAEC 1 focused on maintaining all grasslands with more flexibility for farmers to convert grassland to the

limit set with the ratio system. It could be in synergy with GAEC 2 on wetlands and peatlands, which will also include permanent grassland areas.

- The GAEC could be articulated with Eco-schemes and Management commitments with the view to maximize the protection of grassland habitats through the use of management practices in permanent grasslands going beyond Natura 2000 requirements.

5. CONTROLS

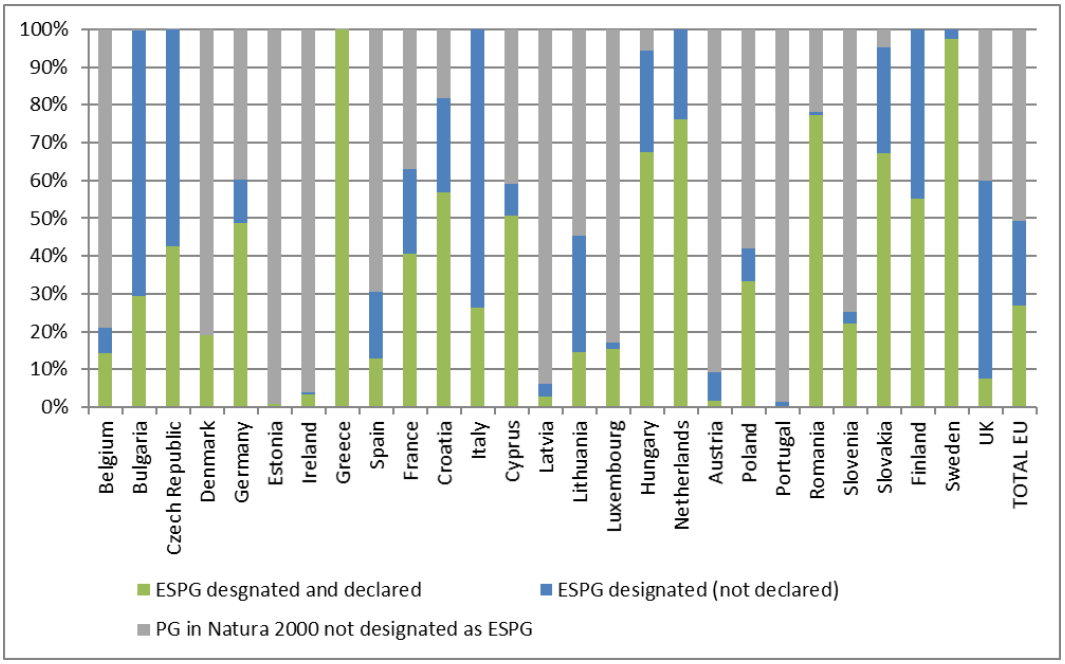
- Member States will design controls according to their agricultural and administrative context, including a possibility to retain the current IACS system and using the available information from Nature authorities. The area identification and monitoring might therefore continue to be conducted through a specific LPIS permanent grassland in Natura 2000 layer. While some requirements can be managed by monitoring tools like satellite imagery, others will require field visits.

Annex - Environmentally sensitive permanent grassland (ESPG) areas in Natura 2000 across Member States – period 2014-2020

The ESPG designation, compared to the total PG areas in Natura 2000, is very different across MS. At EU level, 49 % of permanent grassland in Natura 2000 is designated as ESPG and 27 % has been declared by farmers. In 9 Member States (BG, CZ, GR, IT, HU, NL, SK, FI and SE), the designated areas represent more than 90 %. 5 countries designated less than 10% (EE, IE, LV, AT, PT).

The difference between designated (in green in the figure) and declared areas (in blue) is also important: a MS can designate areas of permanent grassland on which there are no aid applications requested by farmers or such areas are exempted from the ESPG obligations, being managed by organic farmers or farmers adhering to the small farmers scheme.

Proportion of permanent grassland (ha) in Natura 2000 designated and/or declared as ESPG, by Member State in 2015.



Source: Member States notifications on greening