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Mr Janusz Wojciechowski
Commissioner for Agriculture
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels
Belgium

Brussels, 16th December 2020

RE: Copa and Cogeca views in view of the next trilogue meeting (CAP Strategic Plans)

Dear Commissioner,

Firstly, Copa and Cogeca would like to thank the co-legislators for their hard work. To the outgoing German Presidency of the Council and especially Minister Julia Klöckner we praise them for their commitment and relentless work. To the European Parliament rapporteurs and Comagri Chair for their continuous work. European farmers and agri-cooperatives appreciate the important progress made under German Presidency of the Union with regards to the CAP. We look forward to a continued progress and a swift outcome of the trilogue negotiations during the Portuguese Presidency to give farmers clarity on future CAP, with a simpler and less cumbersome policy.

Secondly, in view of the next trilogue meeting on CAP Strategic Plans on 17th December, Copa and Cogeca would like to reiterate their views on enhanced conditionality and green architecture.

The new green architecture and enhanced conditionality bring many new obligations and increased level of compliance. Farmers can only comply with these obligations if they are sufficiently rewarded for their work. The income in the agricultural sector remains low and extra environment and climate requirements bring about additional costs for farmers. However, farmers are willing to take up the challenge provided they match the reality on the ground.

Copa and Cogeca believe that safeguarding the commonality of the policy is essential, especially when it comes to conditionality requirements and the possibility for Member States to introduce additional standards in order to improve the environmental and climate delivery of the GAEC framework. In this respect, we reject the possibility for MS to introduce additional standards. Instead, additional provisions can be voluntarily introduced, financed and rewarded via eco-schemes as a result of SWOT and needs analysis. This would also allow the preservation of the common elements of the policy as well as of the income effect of the BISS. While some degree of variability may be needed on environmental and climate delivery to help even out differences in competitiveness, this must not jeopardise uniform implementation across the EU in order to create a level-playing field for farmers. Copa and Cogeca consider that the European Commission must ensure that farmers, as beneficiaries of the CAP policy, are strongly involved in the process of developing the strategic plans.
Eco-schemes should be mandatory for Member States but voluntary for farmers. More clarity is needed regarding the type of agricultural practices that benefit the climate and environment that could be included under the eco-schemes, provided their voluntary nature for farmers is safeguarded. These should be simple, unbureaucratic, practical and economically sound. EU requirements must be clear and understandable and fit in the agricultural production on-farm. In addition, they must not compromise the agri-environmental measures under pillar II that have proven to work. Copa and Cogeca believe that any efforts in achieving simpler measures, controls and administrative requirements are fundamental also in respect to eco-schemes built on conditionality requirements. On the other hand, a clear distinction between eco-schemes built on conditionality and conditionality per se should be made in order to avoid confusion on their implementation – conditionality functions on the basis of controls and sanctions while eco-schemes must be incentive-based schemes. Controls must be proportionate and earmarked and not represent additional bureaucracy. Doubling of controls must also be avoided. The new CAP facilitates automated controls, which could further contribute to reducing on-the-spot checks.

While we understand the request on social conditionality, we do not consider the CAP, and its conditionality, to be the best instrument to regulate employment in the agriculture sector. Labour rights are already established nationally through statutory law or collective bargaining. So there is no need to impose additional burdens on employers at EU level through the conditionality mechanism under the CAP. This would also be contrary to the simplification principle. Moreover, including new criteria through the CAP could undermine the autonomy of social partners nationally, and those are the best suited organisations to adjust legislative frameworks into the specificities of each subsector in agriculture. From our point of view, to support farmers the best EU framework is the agricultural social dialogue and the best legislative instruments are guidelines or directives for certain topics. Conditionality has a complex framework of controls and there are many question marks on how these can be implemented.

On the enhanced conditionality specific points, we would like to share with you our more detailed views:

GAEC 1: It remains important that grassland is managed at national/regional level as it is today and not go at holding/farmer level. Any provisions regarding grasslands can only be accepted provided that they are simple and that they do not disrupt day-to-day farming practices.

GAEC 2: appropriate wetland and peatland protection will prove to be an issue in the countries that have a large share of this land under agriculture use. Additionally, this must not result in a new documentation of area having to be recorded or new, additional bureaucratic processes being triggered. But enable simple, practical, implementation which does not call into question good agricultural practices. We very much regret the non-inclusion of “sensitive areas” under this obligation.

GAEC 4: The provisions for buffer strips should be left at MS latitude because of different farm structures and size of parcels which exist at MS level.

GAEC 5: We support the deletion of Farm Sustainability Tool for Nutrients from conditionality, as this would better fit as an eco-scheme.

GAEC 7: No bare soil in most sensitive periods will be difficult to achieve in Baltic and Nordic countries and risks threatening food production. The concentration of carbon-rich soils in some Member States, and even specific areas, also underlines the need for flexibility for Member States to address this issue, as well as the economic importance of agricultural activity for those rural areas. Consequently, Copa and Cogeca supports that specific practices, such as low, or no tillage, the use of adequate machinery, water table/nutrient/soil management, etc., are used to protect carbon-rich soils, as long as the economic agricultural activity continues. Any requirement would need to make sense from an agricultural perspective. Sensitive periods should allow for good agricultural practices.
GAEC 8: the obligation for crop rotation could be accepted provided that a reasonable area threshold is established and that certified equivalent measures and joint action (enabling the involvement of multiple farmers to deliver crop rotation) is allowed. Flexibility in farmers' choices for rotation must be maintained, therefore the introduction of leguminous crops should remain a choice and not become an obligation. Copa and Cogeca support the inclusion of crop diversification as alternative practice and the exemption for crops under water, but we regret that permanent crops are not being exempted. Also, this should not create an additional burden from an administrative and bureaucratic point of view.

GAEC 9: Regarding the minimum share of agricultural area devoted to non-productive features or areas, Copa-Cogeca support the same percentage as the EFA under greening which we have today, meaning 5%. Further demanding requirements should be possible via eco-schemes. The 10% objective is still a European Commission approach not based on any impact assessment. It has been several times stated that the European Commission will make legally non-binding recommendations in view of this. In reaching this target, we disagree with the COM approach that only non-productive features should be counted for. Productive features need to be equally included as they can have higher environmental benefits than simple set-aside and are also crucially important for providing feed for animals in critical situation, such as during a heatwave. The link between the coproduction of protein in the EU and biofuels must be strengthened.

SMR 7-11: Although the EU Commission has tried in recent years to ease the implementation through simplification initiatives for the control and sanction system (e.g. ‘yellow-card-system’), these have failed and even led to more complexity and bureaucracy. A real simplification is needed in this respect.

In general terms, a particular attention should be given to farmers who participate in small farmer schemes who should be exempted from new conditionality requirements while Copa and Cogeca support an immediate and “de facto” recognition of organic farmers as well as other environmentally-friendly production systems that are duly certified as compliant with all or part of the new, enhanced conditionality rules.

Faithfully yours,

CC : Mr Wolfgang Burtscher, Director-General of DG Agri