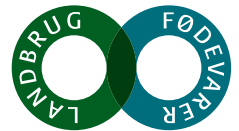


Date 21 December 2017
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European Commission,
DG Agriculture
Directorate D – D2 and D3

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Follow up of the meeting on December 6th with D2 and D3

First of all, thank you very much for a useful and informative meeting on December 6th.

As promised we hereby send you a note on the matter of the challenges regarding crop diversification in 2018 as a consequence of the adverse weather conditions in Denmark.

We have also included our understanding of your comments regarding the national implementation of the rules for direct payments and controls. It would be much appreciated if you could confirm that our understanding of your answers is correct.

I. Force majeure situation in 2018 and consequences for crop diversification in 2018

In 2017, Denmark – as in a number of the other northern member states – had a very wet summer and fall, which has resulted in significant difficulties for farmers. Together with the farmers' organizations in the other Nordic and Baltic member states, we have written to Commissioner Phil Hogan to address this. (A copy of the Commissioner's reply letter is enclosed).

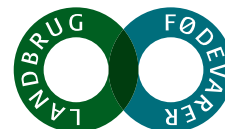
One of the consequences is that many farmers have not been able to establish winter crops; and the winter crops which have been established will have a larger risk of being injured by frost due to later sowing and poor-quality seedbeds. This means that in 2018 there will have to be established a significantly larger number of fields with spring crops than usual. This will most likely mean that many farmers will have problems in fulfilling the requirements for crop diversification.

There are several reasons why it will be difficult for the farmers to meet this requirement:

1. As winter crops are no longer available, there is fewer crops for the farmers to choose between.
2. Farmers do not have machinery and equipment to grow totally different crops from what they usually grow.
3. As we have similar problems in other countries, there is a very high demand for seeds for spring crops, and it is likely that there will be a shortage of seeds, which most likely will result in higher prices.
4. Livestock farmers will have a lack of animal feed if they are to fulfill crop diversification, since the new crop often will not be useful as animal feed.

In the current situation, many farmers will have a loss of income due to this situation – and the loss of income is potentially significantly larger if the farmers in addition cannot fulfil the demand for crop diversification.

Therefore, we see an upcoming situation of force majeure in 2018 – and a need to take this difficult situation into consideration.



II. Classification of permanent grassland

We would like you to confirm that member states can reclassify grasslands into permanent grassland if they wish to do so, for example for areas which are extensive grasslands under agri-environmental schemes in pillar II (and have been grasslands for many years – but do not fall under the current definition of permanent grassland.)

III. Geospatial aid application

We would also like you to confirm that implementation of the geospatial aid application can be done in two different ways. Either by

1. The area that the applicant draws on the map – is what is claimed in the application, or
2. The area is drawn on an electronic map – but it is possible to make corrections to the size of the area in the application?

Could you also clarify whether it is possible to use a combination of these two principles?

IV. EFA on-the-spot-checks – and replacement areas for EFA

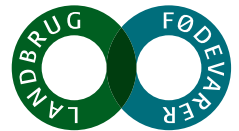
At the meeting, we showed you the following table illustrating that in Denmark the result of an on-the-spot-check for EFA in the summer could result in a reduction of the green payment even if the farmer has a sufficient area with EFA catch crops in the fall:

Current practice:

| (ha after weighting factor) 5% EFA = 5 ha | EFA submitted in application | Summer control | Follow up fall control |
|--|------------------------------|--|---|
| Fallow land | 2 ha | 1 ha | 1 ha |
| Catch crops | 3 ha | Not yet established | 5 ha |
| Result of control | | 1 ha EFA missing | 0 ha EFA missing |
| Green payment | | Reduction in green payment no matter of the result of the fall control | Reduction in green payment (due to 1 ha EFA missing in summer control) |

Could you confirm what you said in the meeting – that the farmer will be able to identify a replacement area for EFA by a later control in the fall – and thereby not have a reduction in the green payment (like illustrated below)?

Alternative practice



| (ha after weighting factor) 5% EFA = 5 ha | EFA submitted in application | Summer control | Follow up fall control |
|--|------------------------------|---|-------------------------------|
| Fallow land | 2 ha | 1 ha | 1 ha |
| Catch crops | 3 ha | Not yet established | 5 ha |
| Result of control | | 1 ha EFA missing | 0 ha EFA missing |
| Green payment | | Reduction in green payment if only summer control | No reduction in green payment |

Furthermore, could you confirm that even if the farmer does not have a follow up control in the fall (because he is not in the 50 % population which will have a follow up visit), it would be possible for the authorities to make a rapid field visit or an additional control where it can be verified whether the farmer has 5 % EFA, when a EFA-catch crop is also calculated into the EFA?

Lastly, could you also confirm that it does not matter what EFA-types the farmer has declared in his application, if he can demonstrate at least 5 % EFA at an OTSC (or in a combination of 2 OTSC's (summer and fall control)), and if he has declared at least 5 % EFA in his application?

It would be very appreciated, if you could confirm the points raised above. Also, it would be extremely useful, if you would clarify this in the guidelines you make for the member states concerning OTSCs, LPIS, permanent grassland etc.

If you have further questions, do not hesitate to contact us.

[Art 4.1 (b) - privacy]

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