



Mr. Georg Häusler  
Head of Cabinet of Commissioner Ciolos  
European Commission  
B-1049 Brussels  
Belgium

Brussels, 24 January 2014

Subject: Letter to the attention of Mr. Häusler, Head of Cabinet of Commissioner Ciolos, on the Common Agricultural Policy delegated acts

Cc: Peter Vis, Head of Cabinet of Commissioner Hedegaard; Matjaž Malgaj, Head of Cabinet of Commissioner Potočnik; Alina Ujupan, member of Cabinet of Commissioner Ciolos

Dear Mr Häusler,

We are writing to you about the ongoing discussions within the European Commission on delegated acts for the reformed Common Agricultural Policy (CAP). We wish to highlight our concerns on some of the acts currently discussed under the Inter-Service Consultation.

The co-legislators clearly agreed on final legislative texts that are loaded with references to environmental commitments, notably the greening of direct payments. Among other things, it is stated clearly that "One of the objectives of the new CAP is the enhancement of environmental performance through a mandatory "greening" component of direct payments". Specific reference is also made to "compulsory practices to be followed by farmers addressing, as a priority, both climate and environment policy goals." It is hence of paramount importance that the delegated acts follow this spirit and help enhance the environmental benefits of the greening measures.

We are worried that as it stands, some of the delegated acts might deviate from that very first objective of the reform and hence from the spirit of the basic act.



The delegated acts on Ecological Focus Areas (EFAs) are of most concern. The justification by many Member States and MEPs to include nitrogen-fixing crops under EFAs was due to the fact they are grown without any form of fertilizers and that they have more environmental value than other crops. Considering that the safeguarding and improvement of biodiversity are the very first objectives of this EFAs measure, we wish to re-emphasise that ecological landscape elements such as hedges and trees remain one of the best ways to protect and enhance biodiversity and agro-ecosystem functions such as pollination and the regulation of pest populations. However **agrochemical use and biodiversity management are not compatible and cannot be permitted when growing nitrogen-fixing crops on EFAs.** Therefore the Commission must ensure that there are strict criteria in the delegated acts which clearly ban use of synthetic fertilisers and pesticides on EFAs.

Secondly, we believe that the “equivalence” mechanism should not be used as a way to deviate from the primary objectives of the greening measures. It was foreseen by the Member States as a way to simplify the greening implementation and to tailor the measures to their specific cases. It should be understood as a tool to fulfil the same overall objectives in a more efficient manner. Allowing Member States to compensate for similar soil cover measures under Pillar 1 and Pillar 2, without a significant lump-sum deduction to avoid double funding, further undermines any targeting of public money for public goods. **Therefore payment reductions in Pillar 2 for exactly the same soil cover measures on the same area should always incur a significant lump sum deduction that is at least a third of the greening payment.**

**Regarding eligibility,** we believe that a width limit of landscape elements set at 2 metres fails to take into account the realities of traditional High Nature Value mosaic farmland, since the traditional width of hedges and other landscape elements can be much wider. The pro-rata system for landscape features containing permanent grassland and trees explicitly discriminates against several habitats of community interest found among rough grazing systems or grazed agroforestry. The foreseen reduction coefficients to pastures where herbaceous forage is not predominant also act against the objective of conserving biodiversity, and discriminate against real grazing by active farmers. For instance habitats of community interest like heaths and wood pastures are not herbaceous. **References to the size of landscape elements, number of trees or canopy coverage should be revised in order to match the reality of the different forms of active farming in Europe.** The most important criterion for the eligibility of the farmland is whether it is grazed and/or mown.



We trust that you will be able to take these points of concerns into account when finalizing the drafting of the delegated acts and we remain at your disposal for any further questions you might have.

Yours sincerely,

Jeremy Wates,  
Secretary General  
European Environmental Bureau

On behalf of

Angelo Caserta, Regional Director, Stichting BirdLife Europe

François Villerette, President of PAN Europe

Marco Schlüter, IFOAM EU Director

Samuel Féret, Coordinator ARC 2020

Tony Long, Director WWF European Policy office