



Amendment of certain CAP rules under SPR and HZR - 'Simplification' 2024

WRITTEN SUPPORT

2024 AGRI.B2

1. Amendment of the CSP Regulation – OVERVIEW

Main changes:

- Some possible exemptions for GAEC 5, 6, 7 and 9
- Possibility of temporary targeted derogations (all GAECs) for climate imperatives
- GAEC 6: more room for manoeuvre for the Member State
- GAEC 7: MS may propose an additional diversification option (farmers have the choice between rotation or diversification)
- GAEC 8: minimum non-productive area (“4 %”) replaced by an eco-scheme
- 2 possible changes to the NSP per year (instead of one)

GAECs - Article 13 « Specific exemptions »

- Specific exemptions from requirements in GAEC 5, 6, 7 or 9
- **Set in CSPs**
- Based on objective and non-discriminatory criteria, such as crops, soil types and farming systems or (for GAEC 9) damage to permanent grasslands, among others due to wild animals or invasive species
- Limited in terms of their area coverage.
- Only to the extent necessary to address specific problems and may not significantly hamper the contribution of the standards to their main objectives

GAECs - Article 13 « Temporary derogations »

- Possibility for Member States to **allow temporary derogations from requirements such as time limits and periods**
- If weather conditions **prevent** farmers and other beneficiaries from complying with requirements
- **Not** to be included ex-ante in the CAP Strategic plans
- **During implementation** (different from force majeure)
- Derogations shall be **limited** in scope to farmers/areas affected by the weather conditions
- Only for as long as they are strictly necessary
- [yearly reporting under secondary legislation]

Non-productive areas: GAEC 8 and ecoschemes

- Already partial derogation from GAEC 8 this year
- Non-productive areas – need to rebalance the green architecture to ensure flexibility and appropriate incentives for farmers who devote a certain share of their arable land to non-productive areas and features
 - No longer an obligation to devote arable land to non-productive areas and features in GAEC 8 – deletion 1st requirement
 - Obligatory **ecoscheme** for Member States covering practices for the **maintenance of non-productive areas**, such as land lying fallow, **and** for the **establishment of new landscape features**, on arable land (voluntary for farmers) – **new provision**
 - Still applicable in GAEC 8:
 - **retention landscape features** (list set out by MS) and
 - **Ban of cutting hedges and trees** during the bird breeding and rearing season
- Article 4 SPR – definitions: Deletion of reference to Article 8, first requirement

GAEC 6 Minimum soil cover to avoid bare soil in periods that are most sensitive

- More **flexibility** to Member States to set sensitive periods and requirements in light of the broad range of factors affecting this GAEC, e.g. soil and climatic conditions, crops, growing season...
- *“Minimum soil cover to avoid bare soil in periods that are most sensitive, **as determined by Member States**”*
- A **summary** of the GAEC standard should still be included in the CSP
- COM should, when approving changes to GAEC 6, ensure that the standard is, overall, in line with the GAEC ‘ objective to protect soils
- Flexibility is important to contribute to this objective

GAEC 7 Crop rotation

- Purpose to allow Member States to increase flexibility and simplify requirements for farmers, while still ensuring a contribution to preserve soil potential
- **Add crop diversification:** “Member States may in addition decide to allow farmers and other beneficiaries to fulfil this standard with **crop diversification**”
- Minimum requirements for Member States to define diversification (foot-note):
 - 10 and 30 hectares of arable land: at least two different crops. Main crop < 75 % of the arable land.
 - holding > 30 hectares: at least three different crops. Main crop < 75 % of the arable land and the two main crops together < 95 % of the arable land.
- **Crop rotation shall still be proposed**, so if the MS adds a standard on diversification **(to be set in CSPs), farmers can choose**

Number of amendments

- MS should have **additional** flexibility to amend CAP Strategic Plans to adapt their CSP when necessary considering changing conditions for farmers
- **Maximum two per calendar year**
- **Balance** to ensure
 - **Stability** of the strategy, manageability of the CAP Strategic Plans...
 - Sufficient **time** for farmers and other beneficiaries the amendments into account, and to
 - **limit** the administrative burden to the MS and enable the Commission to assess the compatibility of the amendments with the Union legal framework

Article 120

- According to Article 120 SPR, MS shall
 - assess whether their CAP Strategic Plans need to be amended in case of modifications of the Union legislative acts listed in Annex XIII
 - notify the Commission of their assessment within 6 month after transposition/application, and, if necessary, request a CSP amendment.
- Burdensome to MS so the efforts to invest in the assessment for the remainder of the current CAP Strategic Plans' programming period should be limited:
- Cut-off date: the obligation should not apply to amendments of legislative acts listed in Annex XIII, that enter into force after 31 December 2025.

2. Amendment of horizontal regulation - Conditionality controls and penalties

- Simplification for small farmers (up to 10 hectares)
 - Covers 65% of farmers but less **than 10% of the agricultural area**
 - **Exemption from control and penalties (R. 2021/2016)**
 - Conditionality still applies but simplification for farmers and administrations
- Simplification: Cross compliance
 - Beneficiaries under both CAP Strategic Plans and the previous rural development programmes (Regulation (EU) No 1305/2013) are subject to conditionality and should therefore, for the sake of simplification, be exempted from cross-compliance control and penalties

3. Entry into force, retroactivity and transitional provisions

- Regulation **entry into force** on the day following its publication
- **Exceptions:** GAEC 6, 7 and 8 and penalties for farmers < 10 hectares and simplification for cross compliance shall apply as from claim year 2024.
- **Transitional provisions:**
 - **Derogation from Article 119(8)**, third subparagraph, SPR, the **date of effect** of CSP amendments related to the EAGF in respect of **claim year 2024** in relation to elements laid down in Article 1(6), point (a), (b) and (c) (provisions with retroactivity) shall **not** be subject to Commission approval
 - **Derogation from Article 119(11) SPR**, MS may decide for claim year 2024 that **amendments to CSP** related to **retroactive elements**, may have **legal effects before their approval by the Commission**.
 - For **GAEC 8**, MS may take that decision **only** if they apply for the claim year 2024 **a scheme** covering practices for the maintenance of non-productive areas, such as land lying fallow, or for the establishment of new landscape features, on arable land, **referred to in Article 31 SPR**
 - MS shall ensure that the general principles of Union law, in particular the principle of legal certainty, the principle of non-discrimination and the protection of **legitimate expectations** of farmers and other beneficiaries are respected and the need of farmers and other beneficiaries to have sufficient time to comply with the amendments is taken into account

CY 2024 and 2025 : GAEC 8 and eco-schemes

CY 2024

- **Revised GAEC 8** (without 1st requirement) **can** apply (“retroactively”) On the **condition** that MS have already in the CSP an eco-scheme supporting the maintenance of non-productive areas or establishment of new landscape features on arable land (e.g. Eco-schemes supporting only fallow land allowed)
- If MS do NOT remove the first requirement of GAEC 8 for 2024, they may either:
 - apply the « **normal first requirement of GAEC 8** » or
 - the « **partial derogation from GAEC 8** » for 2024, if this decision is taken already

CY 2025

- Revised GAEC 8 applies in all MS
- All MS need to offer eco-scheme supporting **both** maintenance of non-productive areas and the establishment of new landscape features