



Brussels  
AGRI.C.2/AS/(2023)6037750

Your Excellency,

Article 120 of Regulation (EU) 2021/2115 of the European Parliament and of the Council ('SPR') requires that when an amendment is made to any of the legislative acts listed in its Annex XIII, each Member State needs to assess whether its CAP Strategic Plan should be amended accordingly, in particular the explanation of the climate and environmental architecture of the CAP Strategic Plan referred to in Article 109(2), point (a)(v) SPR and the further elements of the CAP Strategic Plan referred to in that explanation. Each Member State must, within six months after date of application of the amendment to the Regulation, notify the Commission of the outcome of its assessment with an accompanying explanation and, if necessary, submit a request for amendment of its CAP Strategic Plan in accordance with Article 119(2) SPR.

The Land Use, Land Use Change and Forestry ('LULUCF') Regulation (EU) 2018/841 and the Effort Sharing Regulation ('ESR') (EU) 2018/842 are legislative acts listed in Annex XIII to SPR. As part of the Fit-for-55 package, these Regulations have been amended to reflect the increased EU climate ambition. The regulations amending these legislative acts have been published on 21 and 26 April 2023<sup>1</sup>, respectively and they each enter into force on the twentieth day after the publication.

Therefore, Member States must assess if the ambition set out in the amended LULUCF Regulation and amended ESR could adequately be addressed by the approved CAP Strategic Plans or whether the CAP Strategic Plans should be amended.

We draw your attention to the ongoing process of updating the National Energy and Climate Plans ('NECPs'). Member States should ensure consistency between the NECP updates and the CAP Strategic Plans. With this in mind and for the purpose of increased coherence, Member States are invited to provide, where relevant, an estimate of the climate change mitigation potential of the environmental and climate architecture of their CAP Strategic Plan.

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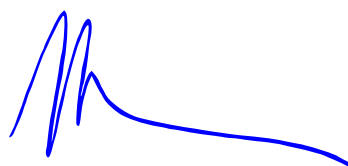
<sup>1</sup> Regulation (EU) 2023/839, OJ L 107, 21.4.2023, p. 1–28 and Regulation (EU) 2023/857, OJ L 111, 26.4.2023, p. 1.

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In this respect, in order to guide Member States, the Commission provided an informal document "*Guidance to Member States for the update of the 2021-2030 NECPs*"<sup>2</sup>, which includes indications on synergies between the updates of NECPs and CAP Strategic Plans. This was complemented with further informal guidance that was provided to Member States with specific regard to the contribution of the land sector to the increased climate, energy and environment ambition<sup>3</sup>.

In the light of the above, you are kindly requested to notify via SFC2021 the outcome of the assessment of your CAP Strategic Plan and, if applicable, submit a request for amendment in accordance with Article 119(2) SPR, by 16 November 2023.

Yours faithfully,



Wolfgang BURTSCHER

Annex:           Template for notification (to be submitted via SFC2021)

Cc:                Secretario General de Agricultura y Alimentación, Autoridad de  
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<sup>2</sup> Commission Notice on the Guidance to Member States for the update of the 2021-2030 national energy and climate plans (2022/C 495/02).

<sup>3</sup> <https://data.europa.eu/doi/10.2834/19417>.

Annex: Template for notification

**Outcome of the assessment carried out by Spain on the basis of Article 120 of Regulation (EU) 2021/2115**

1. Amended Legislative act(s) listed in Annex XIII	Title of the legislative act(s) subject to amendment
2. Relevant sections in the approved CAP Strategic Plan affected by the amendment of the legislative act (scope)	List the chapters of the CAP Strategic Plan affected by the amendment of legislative act(s), including elements from summary of SWOT, needs assessment, consistency of the strategy, elements common to several interventions, interventions, milestones and target values, and financial plan
3. Impact of the amended legislative act(s) on the approved CAP Strategic Plan, in particular as regards the explanation referred to in Article 109(2), point (a)(v) of Article 120 of Regulation (EU) 2021/2115	Describe how the chapters listed above are affected by the amendments in the legislative act(s), indicating notably what elements from the approved CAP Strategic Plan: - would no longer contribute sufficiently to the objectives and/or targets of the amended legislative act(s), including where relevant by providing the relevant data (quantitative analysis) - would risk no longer being consistent with the objectives and/or long-term national targets set out in the updated national plan deriving from the amended legislative acts
4. Necessary changes in the approved CAP Strategic Plan	Describe what are the necessary changes in the CAP Strategic Plan and where relevant also other measures to be taken in order to address the eventual shortcomings identified in the assessment
5. Amendment of the CAP Strategic Plan needed	YES/NO