



# 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