



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

The Director-General

Brussels,

**Subject: Observations on the proposal by Belgium-Flanders for a CAP Strategic Plan 2023-2027 - CCI: 2023BE06AFSP001**

Your Excellency,

I hereby acknowledge receipt of the proposal for the 2023-2027 CAP Strategic Plan of Belgium – Flanders, submitted via SFC2021 on 11 March 2022.

An assessment by the Commission services of the proposed CAP Strategic Plan has identified a number of issues that require further clarification and adaptation. The enclosed annex sets out the relevant observations, which are communicated pursuant to Article 118(3) of Regulation (EU) 2021/2115.

I invite Belgium – Flanders to submit a revised proposal of the CAP Strategic Plan for approval, taking into account these observations.

In accordance with Article 121 of Regulation (EU) 2021/2115, the time limit of 6 months for the Commission decision to approve your CAP Strategic Plan does not include the period starting on the day following the sending of these observations and ending on the date on which Belgium – Flanders responds to the Commission and provides a revised proposal.

The Commission is committed to a continued structured dialogue with national authorities in the further approval process of your CAP Strategic Plan. The Commission is open to receiving your written reaction on the key elements of the observations within 3 weeks and intends to publish them subsequently alongside our observations unless you would object to publication of your reaction. I invite your services in charge to engage in bilateral exchanges as soon as possible in order to discuss the observations set out in the Annex.

Yours faithfully,

Wolfgang BURTSCHER

H. E. Mr Willem van de VOORDE  
Ambassador  
Permanent Representative of Belgium to the EU  
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Enclosure: List of observations pursuant to Article 118(3) of Regulation (EU) 2021/2115

## ANNEX

### Observations on the CAP Strategic Plan submitted by Belgium (Flanders)

The Russian invasion of Ukraine and the ongoing generalised commodity price surge bring to the forefront in the strongest possible way the integral link between climate action and food security. This link is recognised in the Paris Agreement and has been incorporated in the new legislation for a Common Agricultural Policy (Regulation (EU) 2021/2115) and the Farm to Fork Strategy (COM/2020/381 final) with a view to ensuring sufficient supply of affordable food for citizens under all circumstances while transitioning towards sustainable food systems.

In this context, and in the context of the climate and biodiversity crises, Member States should review their CAP Strategic Plans to exploit all opportunities:

- to strengthen the EU's agricultural sector resilience;
- to reduce their dependence on synthetic fertilisers and scale up the production of renewable energy without undermining food production; and
- to transform their production capacity in line with more sustainable production methods.

This entails, among other actions, support for carbon farming, support for agro-ecological practices, boosting sustainable biogas production<sup>1</sup> and its use, improving energy efficiency, extending the use of precision agriculture, fostering protein crop production, and spreading through the transfer of knowledge the widest possible application of best practices. The Commission assessed the Strategic Plans of Member States with these considerations of the sector's economic, environmental and social viability in mind.

The following observations are made pursuant to Article 118(3) of Regulation (EU) 2021/2115. Belgium (Flanders) is asked to provide the Commission with any necessary additional information and to revise the content of the CAP Strategic Plan taking into account the observations provided below.

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<sup>1</sup> Sustainable biogas production means the production of biogas that respects the sustainability and greenhouse gas emissions saving criteria laid down in Article 29 of Directive (EU) 2018/2001 (Renewable Energy Directive)

## Key issues

### Observations with regard to the strategic focus of the CAP Strategic Plan

1. The Commission welcomes the submission of the CAP Strategic Plan (the Plan) of Flanders, which covers the Specific Objectives laid down in Regulation (EU) 2021/2115 (Strategic Plan Regulation - SPR) and takes into account the recommendations published by the Commission on 18 December 2020 (SWD(2020) 388 final). The Commission takes note of the structured dialogue as well as the public consultations conducted in preparing the Plan and invites Belgium (Flanders) to strengthen the partnership principle during the implementation phase.
2. The Commission regrets that key elements of the Plan such as a SWOT *analysis* and the ex-ante evaluation are missing. The following observations are therefore only based on the content available.
3. The intervention logic for each Specific Objective should be revised and substantially improved. The intervention logic for each objective should explain how, and to what extent, the planned interventions are expected to address the identified needs, consistently with the target values of result indicators and the related financial allocation.
4. The Commission recalls the importance of the targets set for result indicators as a key tool to assess the ambition of the Plan and monitor its progress. The Commission requests Belgium (Flanders) to revise the proposed target values by improving their accuracy and taking into account all the relevant interventions, and by defining an adequate ambition level in line with the identified needs.

### Observations with regard to the fostering of a smart, competitive, resilient and diversified agricultural sector that ensures long-term food security

5. The Commission considers that the Plan shows the potential to contribute effectively to the general objective of fostering a smart, competitive, resilient and diversified agricultural sector that ensures long-term food security.
6. The Commission welcomes the efforts to improve the competitiveness of farms, to continue to support a knowledge oriented agricultural sector and the support for the transition to innovative sustainable income models. However, in the light of the Russian war on Ukraine, the Commission urges Belgium (Flanders) to also consider interventions that will help reduce dependence on fossil fuels and other externally sourced inputs to preserve the production capacity and viability of farms and strengthen food security.
7. The Commission notes that Belgium (Flanders) applies the complementary redistributive income support for sustainability (CRISS), opted for coupled income support (CIS) for specialised livestock farming, the complementary income support for young farmers (CISYF) and introduces capping to improve the redistribution of direct payments. Belgium (Flanders) is invited to complement the explanations in the Plan, in particular with a quantitative analysis showing the combined effects of all proposed income support tools on redistribution. This will allow the Commission

to assess fully whether the aim of fairer distribution and better targeting of direct payments is addressed in a sufficient manner within the Plan.

8. Belgium (Flanders) is invited to re-consider and design risk management instruments as well as interventions to develop the economic potential in local marketing of quality products and products falling outside the remit of the cooperatives and Producer Organisations (POs).

**Observations with regard to the support for and strengthening of environmental protection, including biodiversity, and climate action and to contribute to achieving the environmental and climate-related objectives of the Union, including its commitments under the Paris Agreement**

9. The Commission has strong doubts about the effective contribution of the Plan to the general objective aiming to strengthen environmental protection, including biodiversity, and climate action, and considers that significant improvements of the Plan are required.
10. Belgium (Flanders) has a very high livestock pressure. In this context, it notes the growth of the dairy herd and poultry in recent years – a growth which has had substantial implications for agricultural greenhouse gas emissions and for quality of air, water and soil. The Commission considers that the Plan does not sufficiently address the emissions resulting from livestock production. There are no wide-scope interventions foreseen to mitigate emissions from enteric fermentation, manure or feed management. The Commission considers that this is a flaw in the intervention logic that needs to be resolved.
11. The Commission notes that Flanders does not consider extensification of agriculture in their Plan. The Commission requests Belgium (Flanders) to reflect on the usefulness of extensification and on a system change for the agricultural sector in order to address the environmental, biodiversity and climate challenges.
12. Belgium (Flanders) is requested to demonstrate the increased ambition of the planned green architecture as regards environmental and climate related objectives using qualitative and quantitative elements such as financial allocation and indicators.
13. Further to adjustments requested in this letter, Belgium (Flanders) should ensure the contribution and consistency of the Plan with the national objectives and targets stemming from the legislation set in Annex XIII of the SPR.
14. Belgium (Flanders) is strongly encouraged to revise its Plan in order to take into account the national targets that will be laid down in the revised Regulation (EU) 2018/842 (the Effort Sharing Regulation) and Regulation (EU) 2018/841 (the Regulation for the Land Use, Land Use Change and Forestry (LULUCF Regulation) (revisions which are currently discussed by the EU co-legislators) in view of the legal requirement in Article 120 of the SPR to review the Plan after their application.
15. The Commission notes that Belgium (Flanders) has defined result indicators with very low target values in key areas (air quality, pesticide use, nutrient losses, organic agriculture, preserving habitats and species, water quality, biodiversity, preserving landscape features). In virtually all areas they seem inadequate considering the

particular environmental, biodiversity and climate challenges faced by Belgium (Flanders).

16. The Commission underlines that, in Belgium (Flanders), almost 94% of surface water bodies are failing to achieve good chemical status in the sense of Directive 2000/60/EC - Water Framework Directive (WFD). Belgium (Flanders) needs to adapt and improve the intervention strategy in order to ensure an ambitious approach to combat the pollution of waters.
17. The Commission requests Belgium (Flanders) to amend certain Good agricultural and environmental conditions (GAEC) so they fully comply with the SPR (see detailed comments below).

### **Observations with regard to the strengthening of the socio-economic fabric of rural areas**

18. The Commission considers that the Plan contributes to the general objective of strengthening the socio-economic fabric of rural areas. The Commission particularly notes the ambition for the support to young farmers and the community-led local development approach (LEADER).
19. Support for rural areas beyond agriculture, and the coordination of EU and regional/national funding instruments is key to the EU's social and territorial cohesion. The Commission notes that various interventions are planned to achieve this objective in continuity with the previous programming period, notably LEADER and support for "Investments for sustainable processing and marketing of agricultural products". Moreover, new interventions such as social investments in the fruit and vegetables sector are planned. The Commission notes however, that in the Plan the support dedicated to rural areas does not include for example interventions for basic services and infrastructure although their absence has been identified as a weakness and a threat in the Plan. The Commission would therefore welcome further details as to how the identified weaknesses, threats and needs will be addressed.
20. The Commission is concerned about the low level of commitment in the Plan to promote gender equality as foreseen by the specific objective laid down in Art. 6(1)(h) of the SPR. The Commission encourages Belgium (Flanders) to consider addressing this objective by justified and proportionate interventions.
21. The Commission notes that Belgium (Flanders) is continuing the major forms of support for young farmers (installation aid and CISYF). Nevertheless, the Commission requests Belgium (Flanders) to clarify how the major identified threat (access to land) for young farmers will be addressed in the Plan.
22. The Commission recommends Belgium (Flanders) to be more ambitious and specific in its interventions on animal welfare, in particular by promoting the keeping of pigs with tails that have not been shortened as well as encouraging the housing of animals in non-confined systems for laying hens, sows and calves.

## **Observations with regard to fostering and sharing knowledge, innovation and digitalisation in agriculture and rural areas**

23. The Commission welcomes the support foreseen by the Plan to foster knowledge, innovation and the efforts to improve knowledge flows and the functioning of the Agricultural Knowledge and Innovation Systems (AKIS). However, more budgetary efforts would be recommended in order to tackle the identified needs.
24. The Commission also welcomes the strategy for digitalisation and notes that digitalisation in agriculture is well addressed. At the same time, the Commission invites Belgium (Flanders) to consider the digitalisation of rural areas, which is rarely addressed.
25. Provide information on how the EU 2025 target of 100% of broadband coverage with very high-capacity broadband networks (at least 100 Mbps with the possibility to expand to gigabit speeds) will be met, in particular in rural areas and explain how Belgium will reach the 5G target in all (populated) areas in 2030 at the latest.

### **Other issues**

26. Some interventions of the Plan cover the Brussels Region. Belgium (Flanders) should clarify the status of potential beneficiaries in the Brussels Region, their possibilities to benefit from the interventions planned and the relation with the Plan submitted by Belgium for Wallonia.
27. Belgium has submitted to the Commission a proposal for two regional strategic plans. In order to permit the evaluation of this Plan, Belgium (Flanders) is requested to establish and provide indicators applicable to the Plan.
28. The description in the Plan of coordination, demarcation and complementarities between the Plan and other EU funds is insufficient and needs to be significantly improved.

### **Information with regard to the contribution to and consistency with the Green Deal targets**

29. The Commission regrets that while Belgium (Flanders) does explain how its Plan will contribute to the European Green Deal (COM/2019/640 final), it does not make use of the possibility to provide quantitative information regarding national values for the Green Deal targets contained in the Farm to Fork Strategy (COM/2020/381) and the Biodiversity Strategy (COM/2020/380 final). The Commission requests Belgium (Flanders) to quantify the regional contribution to those Green Deal targets at EU level that reveals how the Flemish ambition, policies and intended actions are translated into a specific aspiration at regional level.
30. With regard to the key Green Deal targets concerning anti-microbial resistance, pesticide use, nutrient loss, organic farming, high-diversity landscape features and rural broadband, the Commission would like to make the following observations:
  31. Nutrient losses: The Commission considers that Belgium (Flanders) has serious issues with nutrient pollution from agriculture, including ammonia emissions to

- air. Most of the measures proposed are of the same nature as the existing measures in the Flemish Nitrates Action Programme, giving effect to Directive 91/676/EEC (Nitrates Directive). However, the successive Nitrates Action Programmes adopted by Belgium (Flanders) as well as further reinforced and targeted measures have not managed to address the pollution of surface and ground water with nitrates. The Commission therefore has strong doubts that the intervention strategy will be sufficient to redress the situation.
32. Pesticides: The Commission notes that the Plan includes relevant interventions that should result in a decrease of the use and risk of chemical pesticides. However, the Commission deems the overall ambition low. Belgium (Flanders) is requested to increase its ambition and to demonstrate and quantify the contribution of each specific intervention to reducing the use and risk of pesticides. The Commission invites Belgium (Flanders) to step up efforts to promote agro-ecology and organic farming to contribute to achieving an ambitious pesticide reduction.
  33. Antimicrobials: The Commission notes that the use of antimicrobials is still too high in certain sectors in particular in pigs, poultry and calves, therefore the Commission encourages Belgium (Flanders) to make a more ambitious use of the different interventions available within the Plan to further lower the use of antimicrobials.
  34. Organic farming: The current area under organic farming in Flanders is with 1.5% of agricultural land one of the lowest in the Union. The Commission notes that the Plan includes interventions for the maintenance and conversion to organic farming and that work on the Flemish Strategic Plan Bio 2023-2027 is ongoing. However, the low target for support for organic farming (1.77%) shows a lack of ambition. In the light of the environmental needs, the Commission requests Belgium (Flanders) to make better use of the Plan to promote organic food demand and/or conversion to organic farming, while complementing it with regional/national instruments.
  35. High-diversity landscape features: The Commission notes that currently only 1.4% of agricultural land is covered with high diversity landscape features. Belgium (Flanders) should to strengthen its efforts to increase the percentage of high-diversity landscape features by relying on the system of conditionality set by Belgium (Flanders) and the interventions included in the Plan.
  36. Rural broadband: Belgium (Flanders) is invited to provide information on the share of fast broadband internet in rural areas and to inform the Commission if and how the target of 100% broadband coverage with very high capacity will be met, in particular in rural areas.

## Detailed observations

### 1. COMPLETENESS OF THE PLAN

#### 1.1. Ex-ante evaluation and Strategic Environmental Assessment

37. The Commission notes that Annex I of the Plan states that the ex-ante evaluation will be delivered to the Flemish authorities by the end of March-April 2022 and that the strategic environmental assessment entered into a public consultation. This implies that the submitted Plan does neither contain the ex-ante evaluation nor the strategic environmental assessment as required by Art. 107(2)(a) of the SPR. This situation makes it impossible for the Commission to assess properly the adequacy of the strategy of the Plan as required by Art. 118(2) of the SPR. The Commission underlines that the intervention strategy should be supported, according to Art. 109(1)(b) of the SPR, by the ex-ante evaluation. In accordance with Art. 115(1) of the SPR, Belgium (Flanders) should include a summary of the main results of the ex-ante evaluation in the Plan and should submit to the Commission a link to the complete ex-ante evaluation report and the final strategic environmental assessment report. The Commission notes that the submission of the link to the ex-ante evaluation and the Strategic Environmental Assessment are a legal obligation and are pre-requisites for the approval of the Plan.

#### 1.2. SWOT

38. Art. 115 of the SPR provides that Annex II of the Plan must include a SWOT analysis. The Commission has received two documents in Annex II:

39. Annex 2A ('SWOT-elaborate'): this is a two-pages table per Specific Objective providing the main strength, weaknesses, opportunities and threats in bullet format. It does not contain data or evidence.

40. Annex 2B 'SWOT-omgevingsanalyse': this document provides a description of the situation in Flanders for some (but not all) interventions covered in the Plan. However, the description does not, or only to a very limited extent, provide an analysis for the strengths, weaknesses, opportunities and threats. It also does not embed the data in an overall context from which logically consequences and conclusions can be drawn. Moreover, data is lacking on the state of play of certain topics and context indicators and most of the data is not recent. Topics for which no interventions have been planned are not included in these documents, although these topics are partly or directly related to identified needs by Flanders. Finally, the Brussels Region is not covered.

41. Belgium (Flanders) is requested to, in accordance with Art. 115(2) of the SPR, provide a systematic SWOT analysis with regard to all Specific Objectives, and, where appropriate, for specific sectors. This analysis should be based on the current situation of the area covered by the Plan (Flanders and Brussels Region) and must cover an overall description of the current situation of the area covered by the Plan, based on common context indicators and other quantitative and qualitative up to date information such as studies, past evaluation reports and sectoral analysis.

42. The Plan covers several interventions that were already applied as measures in the current or former programming period for rural development. Belgium (Flanders) is

invited to include in the SWOT the outcome of relevant evaluations that may have occurred.

43. The Commission has noted that Annex II – 2B to the Plan does not include a reference list to the sources used. Belgium (Flanders) is requested to provide the sources.
44. Belgium (Flanders) should submit links to all plans or strategies referred to in their Plan (e.g. Flemish Climate Policy Plan).

## **2. STRATEGIC ASSESSMENT**

45. The Commission has, based on limited information that does not allow a thorough assessment, the following observations with regard to the intervention strategy and target setting.

### **2.1. Intervention Strategy**

46. Belgium (Flanders) is asked to explain the relation between the strengths, weaknesses, opportunities and threats in the description of the objectives of the Plan and Annex 2A to the Plan as these do not fully match.
47. Article 108 of the SPR requires that the assessment of the needs is based on the evidence from the SWOT analysis. The Commission cannot conclude on the basis of the available information that the needs are based on a SWOT analysis. Belgium (Flanders) is requested to link the needs to evidence from a SWOT analysis.
48. Belgium (Flanders) should provide, for each Specific Objective, all the needs arising from the SWOT analysis regardless whether they will be addressed in the Plan or not.
49. The description of needs identified is not sufficiently detailed to allow for an assessment of the extent to which planned CAP interventions and regional/national actions or measures address the identified needs. Also the link between the identified needs and the planned interventions as well as the link between these needs and regional/national actions or measures is not clear for all needs.
50. The Commission notes that many interventions are proposed to address the needs in relation to a Specific Objective. Belgium (Flanders) is invited to explain how the proposed interventions will make an effective contribution to the needs, to detail the effectiveness of the different interventions and consider to focus the Plan on the most effective interventions.
51. The Commission also observes that, in particular where different operations/commitments are included in a single intervention (for example, the sectoral interventions), the planned interventions are not linked to all result indicators they directly and significantly contribute to.
52. Based on the observations above, Belgium (Flanders) is requested to clarify and adjust or complete parts of their intervention strategy. In particular, they are requested to ensure that the Plan contains:
  53. a sound justification of the choices made for the prioritisation of the needs.

54. for each Specific Objective (SO), a detailed description of the needs identified on the basis of the evidence from the SWOT analysis;
55. a clear description of the link between the identified needs and the intervention(s) that addresses those needs. Also for the needs that are not fully addressed by CAP interventions but (also) by regional/national measures or actions the link between the identified needs and those measures or actions should be provided. With regard to the regional/national measures and actions addressing the identified needs, Belgium (Flanders) is requested to include in the Plan the necessary information on the content of these measures, the financial allocations and any regional/national targets set in that respect.

#### *Target setting*

56. In accordance with Art. 109(1)(b) of the SPR, the value of the targets should be based on the assessment of needs. For some result indicators, the value of targets and milestones is absent, very low and/ or not sufficiently justified. Belgium (Flanders) is requested to set target values when needs have been identified or interventions have been planned. Belgium (Flanders) is also requested to revise or justify in further detail the target values where appropriate.

#### *SEA and partnership*

57. The Commission notes that authorities and stakeholders have been able to give their input for horizontal and thematic issues. The Commission would welcome that the contributions to public consultations would be made public. Belgium (Flanders) is also invited to engage in a regular and structural dialogue and partnership with stakeholders in the preparation and implementation of the CSP.

### **2.2. To foster a smart, competitive, resilient and diversified agricultural sector ensuring long term food security**

#### ***2.2.1. Strategic assessment of Specific Objective 1***

58. In addition to the relevant comments made in the key messages, Belgium (Flanders) is invited to elaborate the corresponding overview that demonstrates that the redistributive needs have sufficiently been addressed. To justify the sufficiency of the strategy and the consistency of all income support tools, Belgium (Flanders) is invited to provide a quantitative analysis showing the combined effects of all relevant income support tools on income per work unit by physical size (e.g. using Farm Accountancy Data Network (FADN)). In particular, Belgium (Flanders) is invited to provide further justification for the choices made as regards the internal convergence.
59. The Commission notes that Belgium (Flanders) plans to redistribute direct payments to farms with a size between 10 and 30 ha. Belgium (Flanders) is invited to justify their choice to limit the redistribution of direct payments from bigger to smaller and medium-sized farms to farms with a size larger than 10 ha in further detail.
60. The Commission has noted that Belgium (Flanders) plans to provide CIS for specialised livestock farming. However, the Commission cannot confirm that the identified needs for the livestock sector are based on evidence from the SWOT. The documents provided in Annex II to the Plan do not provide detailed information

with regard to the specialised livestock sector. Belgium (Flanders) is requested to provide the Commission with additional information.

61. In the sector-related interventions section of the Plan, an overview of the interventions (i.e. sectoral, CIS, Eco schemes and RD interventions) is provided for each sector. (Belgium) Flanders should further elaborate on the interactions and complementarity between the various types of interventions for each sector. Complementarity between interventions related to a sector should be assessed not only in ‘technical’ sense (i.e. potential accumulation of support in case of interventions targeting the same sector), but in a broader, ‘strategic’ perspective. Accordingly, Belgium (Flanders) is invited to reinforce the explanation on how the combination of the relevant interventions are to achieve the intended objective and thus fulfil the need(s) identified for the sector concerned.

### ***2.2.2. Strategic assessment of Specific Objective 2***

62. Belgium (Flanders) recognises the importance of technology to improve market orientated entrepreneurship. The target for the result indicator on digitalising agriculture (R.3) is increasing by 5% over the programming period. Belgium (Flanders) links this indicator to investments (3.22 - productive investments for further sustainability on farms) and interventions targeting Fruit and Vegetables. Belgium (Flanders) is invited to clarify their intervention logic and their target, in particular with regard to the share of productive investments that are expected to link to digitalise farming technology and the related budget allocation.
63. For this specific objective, ‘pressure on space’ and ‘access to agricultural land’ have been identified as threats, and ‘limited flexibility due to small profit margins and the high land prices’ as a weakness. However, no needs have been identified. Belgium (Flanders) is reminded that all identified needs should be included in the Plan, also if these are not addressed by the Plan itself.
64. Regarding specific interventions to enhance competitiveness, only interventions (support to POs) targeting the Fruit and Vegetables (F&V) sector are foreseen as well as investments under Rural Development and the setting up of young farmers. Belgium (Flanders) is invited to clarify how these interventions address the threats and weakness identified in relations to the access to agricultural land and the high land prices and/or explain how regional/national actions address the needs of Flanders.
65. Since the uptake of new technologies is identified as a key issue for the agricultural sector, Belgium (Flanders) should reconsider and further design interventions to maintain the attractiveness of the sector and better support the ongoing modernisation
66. The use of EU geographical indication schemes could serve as a tool to strengthen the position of farmers in the value chain and should therefore be considered for inclusion in the Plan.

### ***2.2.3. Strategic assessment of Specific Objective 3***

67. Whereas the Plan indicates that there is a need to stimulate further cooperation in the sector, this does not seem to be translated into an increased ambition with regard to

for example the number of producer organisations in the fruit and vegetables sector. There also seems to be no ambition with regard to extending the operational programmes to other sectors despite a recommendation of the Commission.

68. There is also no indication with regard to initiatives to encourage transnational producer organisations and associations of producer organisations to be set up. These organisations could, however, play an important role in amongst others enabling close collaboration among producers and also strengthening their position in the value chain. Belgium (Flanders) is asked to explain the reason for not including sectoral interventions for other sectors beyond the fruit and vegetable sector and apiculture.
69. The Commission notes that no specific interventions to support short supply chains and local marketing have been planned. Belgium (Flanders) is invited to explain how to cover a broader range of sectors to support a continued development of short supply chains and further strengthen the role of the farmers in the supply chains and possibly to reconsider the approach.
70. Annex 2B to the Plan describes the increasing risks to agriculture and risk management has been identified as a need. In view of the increasing market exposure of the agricultural sector, climate change and associated frequency and severity of extreme weather events, as well as sanitary and phytosanitary crises, Belgium (Flanders) is invited to consider introducing risk management tools pursuant to Article 76 of the SPR in addition to its regional/national schemes and the sectoral intervention on risk management in order to better help farmers manage those production and income risks. Belgium (Flanders) is also invited to provide information on regional/national measures applied to reply to the identified needs.

### **2.3. To support and strengthen environmental protection, including biodiversity, and climatic action and to contribute to achieving the environmental and climate-related objectives of the Union including its commitments under the Paris Agreement**

#### ***2.3.1. Strategic assessment of Specific Objective 4***

71. Belgium (Flanders) is requested to explain how the proposed interventions will make an effective contribution to the reduction of Green House Gas (GHG) emissions, to detail the effectiveness of the different interventions and consider to focus the Plan on the most effective interventions.
72. The Commission notes the reference to the Flemish Energy and Climate Policy Plan. The Commission notes that in the period 2005-2017, greenhouse gas emissions in the agricultural sector were relatively stable but have been increasing in recent years (+6.3% in 2017 vs. 2014). According to the Flemish Energy and Climate Policy Plan, the agricultural sector should achieve a greenhouse gas reduction of 31.3 % by 2030 compared to 2005. Belgium (Flanders) is requested to clarify and explain in relation to the GHG reduction target in the Flemish Energy and Climate Policy Plan which contribution from the Plan could be expected based on the proposed intervention strategy and/or explain the contribution of regional/national instruments. In this context, it is also important to note that the emissions of agriculture are increasing the last years (from 6,634 Mton CO<sub>2</sub>-eq in 2014 to 7,184 Mton CO<sub>2</sub>-eq in 2019(data of Flemish Environment Agency) and therefore an urgent need exists to reverse this upwards trend.

73. The Commission notes that emissions of ammonia remained stable over the last 10 years and agriculture is responsible for 95% of ammonia emissions in Flanders. It is also noted that in 2019 a covenant was concluded on enteric fermentation concerning cattle. However, the review of Belgium's National Air Pollution Control Programme states that in some scenarios, while the NH<sub>3</sub> reduction commitments for 2020-2029 will be met, the 2030 onwards commitment will be missed by 2%. Belgium (Flanders) should therefore explain the contribution of the Plan to a decrease of ammonia emissions and describe clearly through which interventions this will be achieved.
74. The Commission notes that Belgium (Flanders) has a new intervention to address enteric fermentation via feed additives. The relatively low budget is a cause for concern, as no evidence is presented that the support will be enough to convince the targeted number of farmers to use feed supplements. Belgium (Flanders) is invited to explain the approach of this intervention.
75. The Commission would appreciate further analysis of whether the coupled income support for suckler cows would lead to an extensification of the livestock sector compared to the current situation and if it is not the case, it would invite Belgium (Flanders) to explain how it will be avoided that such aid may risk exacerbating the climate and environmental problems.
76. Belgium (Flanders) has identified the need N08 which includes renewable energy. Also the Flemish Energy and Climate Policy Plan contains a specific target for renewable energy. Belgium (Flanders) is invited to explain whether it has looked into how they could better use the available biomass and/or increase their biomass supply (agricultural and forest ones) for energy purposes. Belgium (Flanders) is also invited to explain its considerations for identifying cogeneration in greenhouses as renewable energy.
77. The interventions proposed do not reflect the needs assessment for afforestation and forestry management. For example, the needs assessment recognises the need to promote sustainable forest management and afforestation. It also does not match with the policy of the Flemish government to have additional 10 000 hectares of forests in 2030 (Flemish policy note environment 2019-2024). There is only one related intervention proposed: Maintenance of agroforestry systems. However, this intervention will have a minor impact as the target value for result indicator R.17 (afforested land) is negligible: 359 ha. The Commission notes that Belgium (Flanders) also does not propose to improve the carbon sequestration by a change of agricultural land to forests or wetlands. In Annex 2B to the Plan, detailed information on forests is lacking. Belgium (Flanders) should provide detailed data on forests and afforestation. The Commission considers that the Plan lacks ambition on biodiversity-friendly forest and wetland management practices under this objective and considers that significant improvement is required.
78. Belgium (Flanders) is encouraged to include interventions aimed at strengthening the integration and synergies between agriculture and forest and wild-fire management such as fire prevention measures, cooperation among land-managers and involved services.
79. Annex 2B to the Plan provides some information on water use in agriculture. It shows an increase over the years. Also the Water Exploitation Index had been above the acceptable level in year 2011 (for other years no further information is

provided). Belgium (Flanders) is asked to provide more detailed data in the Plan and to provide in the SWOT data about water use in agriculture and the impact on environment and biodiversity.

80. Belgium (Flanders) should reduce the effects of water scarcity and drought. Climate change poses an extra threat on it. The Commission recommends including the promotion of water-reuse as an intervention under this objective, because it clearly contributes to climate change mitigation and adaptation by reducing water abstraction pressures, particular in those water bodies at risk of failing quantitative status. (Article 4 of the WFD). The interventions on investments could be important to address the needs since, according to the Plan, more than one out of three Flemish farms are expected to make an investment by 2029. Belgium (Flanders) is invited to consider whether the investment interventions could also focus on innovative investments related to water saving and water re-use techniques aiming at increasing water use efficiency and not only to energy efficiency (for example the interventions 'Innovative green investments on farms' and 'Productive green investments on farms'). Belgium (Flanders) is also asked to indicate the results expected in terms of abstracted volumes/irrigated surface of relevant interventions compared to the current situation.
81. The Plan points out that eco-schemes and agri-environmental-climate commitments contribute to climate adaptation by increasing carbon sequestration potential in soils. Please note that carbon sequestration is usually linked to mitigation and not to adaptation.
82. Belgium (Flanders) considers that CIS for suckler cows, linked to sustainability conditions, is also a climate intervention. Belgium (Flanders) is invited to explain whether introducing CIS for the suckler cows sector to maintain its competitiveness and production volumes would be coherent with GHG reduction targets, given that emissions from livestock are the largest source of emissions in Flemish agriculture. In this context Belgium (Flanders) is invited to provide an estimation of this intervention on the livestock density. See also observations on specific objective 5 and CIS.
83. The intervention strategy should describe how it is prevented that support is provided for activities that could be harmful for reaching environmental and/or climate mitigation and adaptation objectives.
84. The Commission notes that the cooperation interventions are not linked to climate-related needs. Belgium (Flanders) is invited to consider if any of the interventions on cooperation would benefit the climate by addressing a climate-related need.
85. Belgium (Flanders) is invited to consider in more detail the 'no debit rule' as currently it only refers to sinks and to take into account the increase of emissions of the agricultural sector.
86. On productive investments, the Commission notices there is no earmarked budget specifically for meaningful climate mitigation or adaptation beyond efficiency increases. Further, the highest support rate is provided to technologies that reduce nitrogen deposition. Belgium (Flanders) is invited to apply the high support rate and earmark part of the budget of the intervention for investments that address climate

87. Flanders has to set its own targets on biofuel sourcing. Belgium (Flanders) is invited to think about how their own biofuel targets may interact with the CAP (for example, which crops are promoted via the eco-scheme on eco-friendly crops, and how those relate to the biofuel and biomass market).
88. The intervention 'Precision agriculture/farming' should be further elaborated in relation to this objective, along with drought resistant crops.
89. Please provide a link for the definitive nitrogen programming approach (DPAS).

### **2.3.2. Strategic assessment of Specific Objective 5**

90. For this objective, three needs are identified by Belgium (Flanders): take care of water, take care of soil and adjustments and integrated sustainable agricultural management. The Commission considers that the needs assessment is too general and does not enable to give a comprehensive understanding of the situation regarding specific objective 5. Belgium (Flanders) is asked to provide a quantitative description and analysis of the situation, an accurate and detailed description of the needs and, where appropriate, sub-needs, the link between needs and SWOT as well as their relation to the intervention logic.
91. Annex 2A to the Plan indicates that stricter standards in water quantity and quality issues are 'threats'. Annex 2B to the Plan does not include details on the water-related issues. Belgium (Flanders) is invited to explain this statement and to provide related quantitative information.
92. The interventions in the Plan and level of support should aim at closing the gap to protect, enhance and restore all water bodies in order to achieve good water status by 2027 in accordance with Article 4 of the WFD. The binding obligations of the WFD should therefore clearly be mentioned in the Plan. Also the Plan should analyse the problem of diffuse pollution and chemical pollution in Flanders, and the description of this specific objective should indicate the interventions to reach the WFD objectives, describe the level of support and expected results, and provide evidence on their contribution to reaching good status by 2027. The intervention strategy needs to be commensurate to the severity and the urgency of the problem of pollution from agriculture. Given that the most significant pressures on surface water and groundwater in Belgium are diffuse agricultural sources, the Commission considers that targets values for water quality (R21: 16,43%) and nutrients (R22: 21,34%) are too low and requests Belgium (Flanders) to set more ambitious targets. The Commission asks Belgium (Flanders) to plan more ambitious interventions to meet the objectives of the WFD.
93. The Commission notes that Belgium (Flanders) proposes to have CIS for farmers having suckler cows that combine sustainable local production with protein production and grassland maintenance. Flanders justifies this intervention by indicating that the disappearance of the suckler cow farms would trigger pressure on the maintenance of grasslands. Belgium (Flanders) is asked to substantiate this assumption by evidence. Belgium (Flanders) is also invited to better elaborate how the specific design of the CIS intervention is consistent with the WFD. Belgium (Flanders) should elaborate on how river-basin management challenges are being taken into account, in particular for interventions targeting sectors operating in regions within which the good status of water bodies as per the WFD has not yet

been achieved and/or is at risk. In particular, the Plan should be clear indicating if the farmers have to comply with relevant provisions of the national legislation implementing the WFD (e.g. authorisation for activities with potential impact in terms of water pollution). The description of these provisions should be clearly indicating the conditions and measures envisaged to avoid potential risks (e.g. intensification).

94. For further observations on this intervention, see also specific objective 4 and the observations on CIS.
95. The Commission notes that, according to Annex 2B to the Plan, the emission of particulate matter in Flanders is stable or slightly increasing since 2009. The Plan does not mention under this objective the need to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment. Belgium (Flanders) is invited to explain why for soil and water a specific need is defined and not for air quality.
96. Agriculture is the largest source of ammonia emissions. The Commission notes that the reduction of ammonia emissions is stagnating and that the critical deposition levels in Flemish nature areas are exceeded for acidification (19% of areas) and eutrophication (80% of areas) respectively, according to the Agriculture report of Flanders of 2020. The Commission notes that ammonia is only minimally mentioned in Annex 2B to the Plan and is missing in the needs assessment. Belgium (Flanders) is asked to address this, notably as it is indicated that emissions related issues were raised as main needs in the stakeholder consultations in the context of the Plan.
97. Belgium (Flanders) opts, and seems to give priority, for supporting technical adjustments (investments) for reducing ammonia emissions. Belgium (Flanders) is requested to add interventions explicitly supporting the optional ammonia reduction measures listed in Directive (EU) 2016/2284, Annex XIII, going beyond the minimum required by Union law. Belgium (Flanders) is invited to indicate for each proposed intervention the expected reduction in ammonia emissions.
98. Annex 2B of the Plan indicates that, despite reduction in the risk from pesticides in the last 10 years as indicated by the Harmonised Risk Indicator, sales of pesticides have not decreased significantly and present a high intensive use of pesticide per utilised agricultural area. In 2018 3.1 million kg active ingredient of pesticides was used. This is an increase of 0.4 million kg compared to 2011. Moreover, the Seq-index, an indicator in relation to the impact on water organisms, increased in 2018 up to 109% compared to 2011 (Flemish agricultural report 2020 and Annex 2B to the Plan). No data are provided in Annex 2B on the presence of pesticides in surface water and ground water. Belgium (Flanders) should add this information in the revised SWOT and integrate it in the Plan. The Commission requests Belgium (Flanders) to plan more ambitious interventions to reduce use and risks of pesticides and indicate how Flanders will contribute to both targets related to pesticides referred to in the Commission Farm to Fork Strategy (COM/2020/381).
99. Flanders refers in its Plan to the 'Flemish action plan on sustainable pesticide use 2018-2022', but it is not clear if this action plan is self-standing or part of the National Action Plan (2009/128/EC – Sustainable use of pesticides Directive) and if it is reviewed for the coming years.

100. While the Plan praises Organic farming and sees it as an opportunity, it notes that Organic Farming has grown from about 3000 hectares in 2006 to 9124 hectares in 2020. Relatively seen that is a significant increase, however, it covers only 1.4% of Flemish agricultural area (Flemish agriculture report, 2020). This is substantially below the EU average for organic farming. The Plan and Annex 2B thereof lack detailed data, covering many years, concerning the supply chain of organic products and the organic food demand. Belgium (Flanders) is asked to provide these data. The Plan proposes to continue with the existing measures as applied in the rural development programme but it is clear that these have not managed to develop a significant growth in organics compared to the levels in other Member States. The Plan and/or SWOT also do not analyse the reasons for the very low level of organic farming in Flanders or refer to an evaluation of the effectivity of current measures applied to stimulate organic farming. Belgium (Flanders) should provide an analysis in the SWOT and the Plan of what deters substantial growth of organics in Flanders and adapt accordingly their intervention strategy.
101. Belgium (Flanders) is encouraged to include some interventions aiming at strengthening the integration and synergies between agriculture and flood management, since Flanders is vulnerable to flooding. In particular, projects addressing land improvement and/or water retention and management (including nature-based solutions) should be included.
102. According to the description of the need ‘taking care of water’ it also covers water quantity. Belgium (Flanders) is asked which and how interventions will contribute to reduce the use of water in agriculture. For further information see the observations under specific objective 4.
103. The Commission invites Belgium (Flanders) to explain how the Best Available Techniques (BAT), including BAT-associate emission levels, will be applied in an ambitious manner. The BAT should not be applied only to prevent but also to be applied to reduce emissions in relation to farm processing of manure, slurry storage and water and energy efficiency. This observation is also relevant for specific objective 4.
104. Belgium (Flanders) is asked to confirm that no support will be provided, for investments necessary to comply with requirements imposed by law with the exception of investments falling under Article 73(5) of the SPR.

### ***2.3.3. Strategic assessment of Specific Objective 6***

105. For this objective two needs are being proposed (take care of nature/biodiversity, take care of landscape). Annex 2B to the Plan and the needs assessment are too general and it is not possible to have a comprehensive understanding of the situation regarding Specific Objective 6. Belgium (Flanders) is asked to provide a quantitative description and analysis of the situation, an accurate and detailed description of the needs and, where appropriate, sub-needs, the link between needs and SWOT as well as their relation to the intervention logic. Belgium (Flanders) should explain the priorities for the needs on biodiversity and landscapes in consistency with the SWOT.
106. It is noted that the need “Care for landscape” is considered as a standard priority compared to “Care for nature/biodiversity” as high priority. It is not consistent with

the summary of the SWOT as biodiversity and landscapes appear to be considered both as opportunities of equal weight. Belgium (Flanders) is to explain this applied differentiation.

107. One of the ‘detailed’ needs under this objective is to strengthen the ecological balance of forests and increase the forest area. This need should be addressed by the Plan. Belgium (Flanders) is asked to provide further information (see also observations under Specific Objective 5).
108. Belgium (Flanders) should mention in Annex 2B to the Plan the need to improve the status of EU protected habitats. Belgium (Flanders) should also make reference to the Prioritised Action Framework (PAF), indicating that the relevant measures identified therein have been taken into account. The Plan should clearly explain which measures in the PAF are covered by budgets in the Plan, and how the choice for these measures has been made. Belgium (Flanders) is asked to ensure the synergy and consistency of the Plan with the objectives of the PAF.
109. The text in Annex 2B to the Plan on birds in agricultural areas indicates that a substantial decrease occurred of the population in the period 2013-2015 and the following years remained stable at a rather low level. It is unclear whether it involves EU protected species. Annex 2B provides also some information on butterflies. However, no data is available for applying the European index on butterflies. The Commission notes that no information is provided on other species in agricultural areas (for example mammals or plants). Also no information is provided on landscape features on agricultural land and the development of this statistic over the years. Belgium (Flanders) should provide detailed information on biodiversity present in agricultural land and provide data on landscape features.
110. The Commission notes that in the section on “Identification of the relevant (elements of) national plans emanating from the legislative instruments referred to in Annex XIII” in the description of the objective, the reference to the PAF is missing. Belgium (Flanders) should address this.
111. The potential contribution of the Plan to the objectives of the EU Biodiversity Strategy are only mentioned in general terms and lacks ambition. The Plan fails to acknowledge that certain targets in the strategy are to be achieved at national level (e.g. the 30% status improvement target for species and habitats), and no mechanism is presented to ensure a contribution of the Plan to these targets. Belgium (Flanders) should explain how the Plan will contribute to reaching the objectives of this strategy.
112. The Commission underlines to Belgium (Flanders) that, based on the lack of information for this objective and the set-up of the plan, it is difficult for the Commission to assess the greater overall contribution of the Plan for biodiversity and landscapes.

### *Green architecture*

113. The observations on conditionality are set out in section 2.3.1 of this letter.
114. The Commission welcomes that the Plan gives a clear recognition of the large environmental and climate impact of its relatively large livestock sector. The range of interventions is wide and potentially addressing some relevant topics.

115. The Commission notes that extensification of agriculture is not a direct need or goal of any intervention and it seems that choices are made on the assumption that any new land use would be intensive. This seems reflected in the lack of ambition with regard to organic farming despite the Commission's recommendation to focus more on expanding the organic farming share towards the EU target. Belgium (Flanders) is invited to consider how further extensification – compared with generally supporting a business as usual production level – could bring combined benefits, both to climate and environment, and the agricultural sector. Belgium (Flanders) is also asked to detail the impact of interventions on livestock density.
116. The role of forestry is mentioned and acknowledged in several cases in the Plan, however, there is no proper analysis of it. In several interventions, it is not clear whether forest/agroforestry system could be eligible for support. Belgium (Flanders) should provide a clear analysis of forestry, consider it in its intervention strategy and clarify whether there will be support for forestry in interventions.
117. Belgium (Flanders) is invited to consider introducing interventions on WFD and Natura 2000 payments (Article 72 of the SPR) since mandatory instruments could usefully complement voluntary interventions to help reach good status of water bodies by 2027 as required under the WFD, and to ensure non-deterioration of habitats and to prevent disturbance of species in Natura 2000 sites as required by Directive 92/43/EEC (the Habitats Directive).
118. Belgium (Flanders) is invited to further develop and provide an overview on the interlink between GAEC 8 and interventions of eco-schemes and agri-environmental, climate-related and other management commitments (AECC) for the establishment of biodiversity elements.
119. The Commission considers that additional explanations are necessary to understand the intervention strategy for eco-schemes, in particular the coherence between individual interventions and specific objectives and needs and the contribution to environmental and climate architecture.
120. For each specific objective Belgium (Flanders) is asked to indicate the specific contribution of types of investments: productive investment, innovative investments and non-productive investments.
121. Belgium (Flanders) is requested to further improve synergy and articulation between interventions and for this purpose to upgrade some requirements.

*Greater overall ambition*

122. Flanders has made an effort to provide some analysis on the greater overall contribution to the achievement of the specific objectives set out in Article 6(1), points (d), (e) and (f) of the SPR by
  123. using budget allocation comparison between programming periods for Flemish rural development programme 2014-2022 and the Plan; and
  124. using some figures on result indicators and providing some comparison between both programming periods.
125. As regards the data on budget some indications are relevant but more clarification are needed on the applied comparison and more details should be provided.

126. There is a need for more quantitative information on the number of hectares and farms involved to show the greater achievement and overall contribution. For example, the following further information should be provided:
127. an overview on the quantitative impact of all interventions on biodiversity elements (for example, eco-scheme on buffer strips and AECC for the protection of flora and fauna);).
128. an overview of the temporary and permanent grassland impacted by CIS, eco-schemes and AECC;
129. the impact of the interventions on the livestock herd and the nutrients balance.

*Contribution and consistency with the long-term national targets (Article 109(2)(v) of the SPR, section 3.1 SFC)*

130. Flanders has provided an analysis to make a link between interventions and their potential contribution to relevant legislative acts listed in Annex XIII to the SPR.
131. The global impact in term of emission or input reduction has been quantified in some cases as regards GHG, enteric emissions, nitrogen input, plant protection products, but more detailed information could be provided to indicate in more accurate way relation and synergy between interventions and some actions stemming from actions plans.
132. The list of EU legislation and action programs in relation with environmental and climate topics is comprehensive but there is missing information on PAF and the implications to manage the Natura 2000 sites.
133. The link between the Plan interventions and the long-term national targets set out in other legislative acts related to renewable energy should be explained better.
134. Belgium (Flanders) is invited to provide a quantified estimation of the potential contribution of the Plan to the targets in the WFD and the Nitrates Directive, additional analyses concerning the impact on phosphorous would be desirable.

## **2.4. To strengthen the socio-economic fabric of rural areas**

### **2.4.1. Strategic assessment of Specific Objective 7**

135. The logic and narrative of the SWOT for SO7 needs to be improved. Belgium (Flanders) is requested to better focus the SWOT on young farmers and identify all related needs. It should improve the intervention logic concerning the needs related to knowledge, guidance, innovation, legal certainty, social aspects, and very importantly access to capital and land. In this regard, it is necessary to consolidate the intervention logic including interventions such as investment at a higher rate, cooperation between young and older farmers and training for heads of holding as mentioned in part 3.2 with part 2.1.
136. Moreover, Belgium (Flanders) is invited to specify the support planned for young female farmers. Belgium (Flanders) is also asked to explain more comprehensively the situation and the needs related to young beekeepers (including in comparison to farmers in other sectors). Concerning the cooperation intervention, please indicate how exactly it will contribute to generational renewal. Finally, Belgium (Flanders) is

requested to provide in part 3.2 the complementarity with Flemish, national or other EU funds contributing to generational renewal.

#### **2.4.2. Strategic assessment of Specific Objective 8**

137. Generally, the logic and narrative of the SWOT for SO8 needs to be strengthened and properly translated into needs and interventions. To be able to better situate the Plan in the overall policy context, the Commission asks Belgium (Flanders) to explain in more detail how N16, N17 and N18 are addressed with Flemish, national or other EU funding sources and how this funding is coordinated with funding planned in the Plan. Moreover, please justify specifically that basic infrastructure and services are sufficiently provided and with which funding sources to address the weakness identified in the SWOT. LEADER being the main tool to support rural areas, the plan should explain clearly which needs are expected to be addressed through LEADER projects and how. Belgium (Flanders) could also consider explaining more precisely how the Commission's recommendation on biobased products, the forestry sector and tourism will be addressed, for example regarding the opportunity for the promotion of sustainable local wood production. Belgium (Flanders) is asked to revise the interventions to address this need.
138. To address the Commission's concerns about the low level of commitment in the Plan to promote gender equality, the Commission encourages Belgium (Flanders) to reflect on ways to support women and improve their situation in rural areas (beyond participation in agriculture). Belgium (Flanders) is also invited to provide more information as to what intervention will be implemented to specifically target the challenges of people in vulnerable situations including elderly people, single - and single parents households as their situation in rural areas has been identified as a weakness in the Plan.

#### **2.4.3. Strategic assessment of Specific Objective 9**

139. The Commission notes that the SWOT analysis does not provide for a detailed analysis on animal welfare. In addition, neither of the two interventions on animal welfare (3.24 - Productive investments for animal welfare on farms and 3.15 - Animal welfare label) describe precise commitments that could be compared to a baseline. Furthermore, the target for R.44 and the budget dedicated to these interventions is too limited to possibly have a significant effect.
140. The Plan does not contain specific actions on biosecurity for pig farms. Enhanced biosecurity in pig farming is needed to ensure sustainability in the long-term and to prevent risks linked to the transmission of diseases, like African swine fever, from wild to domestic animals. In view of the devastating effects of an African swine fever outbreak, the Commission invites Belgium (Flanders) to clarify in its Plan how improvement of biosecurity practices, facilities and equipment in the pig sector, in particular in small commercial farms, will be achieved.
141. The Plan refers to the "convention on antibiotics" (2021) which sets out important measures and goals for the reduction of the use of antibiotics in all animal species and categories including pet animals. The Commission considers that taking into account that there was a slight increase of the sales of antimicrobials (mg/PCU) for food-producing animals in 2020, the interventions provided in the Plan for reducing

the still important use of antimicrobials are not ambitious enough. Belgium (Flanders) is invited to reconsider its ambition.

142. The Plan provides for interventions in the Fruit and Vegetable sector. However, the Commission considers that the extent to which the Plan intends to support a shift to healthier and more sustainable diets is limited. The Commission therefore invites Belgium (Flanders) to better explain how the shift towards healthy, more plant-based, sustainable diets will be achieved.

143. The Plan addresses need 22 on the reduction of food waste by sectoral interventions. However, the Plan does not include a reference to regional/national policies aimed at combatting food loss and waste (e.g. food waste prevention programme). The Commission invites Belgium (Flanders) to elaborate on links between the proposed CAP interventions and measures under regional/national schemes.

## **2.5. Modernising the sector by fostering and sharing of knowledge, innovation and digitalisation in agriculture and rural areas, and encouraging their uptake by farmers, through improved access to research, innovation knowledge exchange and training**

144. The Plans describes many efforts to improve knowledge flows and the functioning of AKIS, including the integration of advisors in it. Belgium (Flanders) should check if all these elements are effectively reflected in the related interventions.

145. Belgium (Flanders) should take care that the certification criteria for advisors related to their recognition do not create unnecessary administrative burden and make sure that the integration of advisors in the AKIS is promoted.

146. The Commission encourages to maximise coherence and synergy between interventions.

147. The digital strategy contains explanations regarding the methodology for setting the financial allocations of interventions but no actual amounts are mentioned. More importantly, the contribution of other EU and regional/national funding instruments are not considered. Belgium (Flanders) is invited to provide more detail on funding the digitalisation of agriculture from tools as the Resilience and Recovery Fund.

148. The Plan links the interventions on digitalisation with the European Innovation Partnerships (EIP). However, Belgium (Flanders) is invited to also outline synergies of CAP funding with other relevant EU instruments. For instance, in Flanders the synergies between the CAP and Digital Innovation Hubs funded under the Digital Europe Programme might be relevant to further boost digitalisation in agriculture and rural areas.

149. The strategy addresses digital divides between regions, between more and less digitally skilled farmers and highlights the opportunity for all farmers to get advisory on the digital landscape as well as participation in demonstration farms or participatory projects (EIP/VLIF innovative investments). However, no attention is given on digital divides that may exist because of farm size, gender, age, etc. Belgium (Flanders) is invited to consider digital divides more broadly.

150. Belgium (Flanders) is invited to explain the intervention logic and the interventions related to precision farming in more detail (farms targeted, expected outcomes, mechanism of measure, etc.). It is also invited to clarify how much each intervention

under SO<sub>2</sub> and the cross-cutting objective will contribute to the target reaching 20.4% of farms which corresponds to an increase of 5% in the programming period.

## **2.6. Simplification for final beneficiaries**

151. Belgium (Flanders) is requested to provide more information on the sharing of the data sets collected through the integrated system, as required by Art. 67 (3), (5) and (6) of the Regulation 2021/2016.
152. Belgium (Flanders) is invited to specify which other types of data (other than from the land parcel identification system - LPIS) are used to prefill the Single Application; to provide more information on how beneficiaries will be able to modify or withdraw declarations of agricultural parcels/animals previously applied for, on whether they will make use of new technologies (and which) for non-IACS (integrated administration and control system) controls and about the possibility of using the area monitoring system to deal with cases of force majeure.

## **2.7. Target Plan**

153. The main observations with regard to result indicators and therewith the target plan are reflected in section 1 of this letter. Belgium (Flanders) is asked to adjust the target plan accordingly. The target plan should show all (and only) result indicators for a Specific Objective for which interventions have been planned that contribute directly and significantly to those result indicators. Please also complete the target Plan by adding values for 2023 where appropriate.
154. Beyond these general observations, the Commission observed apparent errors with regard to the calculation of the result indicator values as indicated in the target plan. In particular, it was observed that the numerator values of certain result indicators do not always logically follow from the planned output of the interventions' contribution to the result indicator as reflected in table 2.3.3 of the Plan on planned interventions and outputs. Also some obvious typos have been found. Belgium (Flanders) is requested to assure that the values of the planned output of the interventions correspond to the figures used in the numerator of the result indicators.
155. Article 128 of the SPR, read in conjunction with Point 8(m) of the Annex to Regulation (EU) 2021/2290, establishes that outputs generated by additional national financing should be taken into account for the calculation of milestones and targets for the result indicators. Belgium (Flanders) is invited to confirm whether this provision has been correctly applied and, whereas appropriate, to adjust the calculation of their result indicators.
156. The Commission noted that Flanders has updated the values of the context indicators used in the Target Plan. Belgium (Flanders) is requested to provide the Commission with a justification and the link to the sources.
157. Belgium (Flanders) is requested to revise section 2.3.2 of the Plan where appropriate. The values provided should contribute to the numerator of the result indicator.
158. Belgium (Flanders) is invited to complete the target plan with values for 2023 and 2028 where appropriate. Belgium (Flanders) is also invited to explain why for several indicators the development for several indicators is stable up to 2027 and then increases in 2028.

159. In addition, the Commission has specific observations with regard to the following result indicators and target values:
160. R1 (training): The target plan indicators that there are 500.000 beneficiaries in the end of the programming period (cumulative figure). Based on this figure, a farmer in Flanders would on average benefit from 3 advice or knowledge exchange actions per year. Please confirm. Please explain what kind of advice and knowledge exchange actions are expected to be behind these figures.
161. R2 (linking advice and knowledge systems): no value is provided for 2024 whereas advice actions have been foreseen which supposes that there are also advisers involved.
162. R3 (digitalisation): Please justify in further detail the target, in particular the share of the investments under intervention 3.22.1 of the Plan (productive investments) that are expected to link to digital farming technology. Only those investments should be counted towards this indicator. Intervention 2.1.1 related to sectoral interventions in the F&V sector should not be linked to this RI. Please consider linking interventions 3.12 ‘demonstration projects’, 3.12 ‘custom – made training and advance’ and 3.14 “training and advice tailored” to R3 to the extent that they can be linked to digital farming technology.
163. R4 (linking income support to standards and good practices): Please clarify the number of hectares covered by income support and subject to conditionality as the figure in the target plan differs from the figure provided in section 2.1 of the Plan. Please link all direct payments (basic income support for sustainability (BISS), CRISS, CISYF, CIS and Eco-schemes to this RI.
164. R5 (risk management): This target seems to be a cumulative value, whereas annual values should be used. Please correct. Please justify the target value. Based on the figures provided it is concluded that all members of PO F&V are benefitting from actions with regard to risk management. Please confirm.
165. R6 (redistribution to smaller farmers): Please link all direct payments (BISS, CRISS, CISYF and Eco-schemes, CIS) to this RI.
166. R8 (targeting farms in specific sectors): Please complete table 2.3.1 of the Plan with the output indicator contributing to this RI.
167. R10 (better supply chain): Please reconsider the interventions contributing to this RI.
168. R11 (concentration of supply): The target value of the indicator is above 100% (107%), which is not possible. Please correct.
169. R13 (reducing emissions in livestock sector): Taking into account the climate targets and the contribution of livestock to GHG, the target value (2.81%) seems insufficient. Please consider (also) other interventions contributing to this RI.
170. R14 (carbon sequestration): Please also link Intervention 3.7 ‘maintenance of agro forestry systems’ to this RI.
171. R.15 (renewable energy): A target value of 4.400 Megawatt of renewable energy capacity is expected to be created. This is about 15.84 TJ and therefore 49.3% of

- the energy consumption in 2020 of the agricultural sector. Please confirm these calculations.
- 172.R16 (investments related to climate): Please further justify the target value. Also, please check and correct the development of this cumulative indicator (the value of 2027 (3.9%) is much lower compared to that of 2026 (9.2%) and that of 2028 (15.0%).
- 173.R.17 (Afforestation): The target value is negligible (359 ha). Please justify or increase it. Please link Intervention 3.7 ‘maintenance of agro forestry systems’ to this RI.
- 174.R.18 (Investment support to forest sector): target value is missing. Please confirm that needs regarding forest are addressed with regional/national funds only and inform the Commission about regional/national measures and budget made available.
- 175.R.19 (soil): Please also consider linking Interventions 3.1 ‘temporary grassland to permanent grassland’ and 2.6 operational programmes fruit and vegetables’ to this RI.
- 176.R.20 (improving air quality): The target of is 2.8% is low. Please justify and/or adjust.
- 177.R.21 (protecting water quality): Target value is too low. See observations under SO5). Please justify and/or adjust. Please link Intervention ‘2.6 operational programmes fruit and vegetables’ to this RI.
- 178.R22 (nutrient management): Target value is low (see O5). Please justify and/or adjust. Please consider linking Intervention 3.4 ‘conversion of organic farming’ and Intervention 2.6 ‘operational programmes fruit and vegetables’ to this RI.
- 179.R.23 (Sustainable water use) is missing. Please set a target for sustainable water use.
- 180.R 24 (sustainable and reduced use of pesticides): Target value is low. Belgium (Flanders) is invited to set a more ambitious value. Please also consider linking to other relevant interventions.
- 181.R.25 (environmental performance in livestock sector): target of 0.21% of Livestock Units to be justified in relation to the needs.
- 182.R.26 (investments related to natural resources): Please justify the target (18%) (see observations to SO5).
- 183.R.29 (organic agriculture): Target is not ambitious. Please review the intervention logic. In addition, sectoral intervention contribute to this RI (see SO5).
- 184.R.30 (Supporting sustainable forest management): a target value is missing. Please confirm that needs regarding forest are addressed only with regional/national funds and provide additional information with regard to regional/national policy addressing this need.

- 185.R.31 (Preserving habitats and species): Target of 4.65% is not ambitious. Please justify and/or adjust.
- 186.R.32 (Investment related to biodiversity): Target value of 2.2% is very low compared to the level of ambition of Biodiversity strategies' objective. Please justify and/or adjust.
- 187.R.33 (Improving N2000 management): the indicator is missing. Please confirm that none of the farmers or foresters in Natura 2000 areas will apply to AECC or to eco-schemes.
- 188.R.34 (Preserving landscape features): the target value is extremely low (0.03%). Please consider setting a more ambitious target (see above).
- 189.R.35 (Preserving beehives): Please explain why the numerator of the target value (14 530 beehives) is significantly below the planned output value of intervention 2.27.
- 190.R. 36 (generational renewal): Please justify the target and add a link to Intervention 3.29 of the Plan.
- 191.R39 (developing the rural economy): Please link investments under sectoral programmes to this RI if done by cooperatives. Please consider a more ambitious target.
- 192.R.37 (jobs in rural areas): Please consider which of the investment interventions could lead to job creation and then establish the link to this RI. Please also link CISYF to R.37.
- 193.R.40 (Smart transition of the rural economy): Target value is set at 0%. Please confirm that this indicator will be fed once LEADER strategies are known.
- 194.R.41 (Connecting rural Europe): Target value is set at 0%. Please confirm that this indicator will be fed once LEADER strategies are known.
- 195.R.42 (Social inclusion): Target value is set at 0%. Please confirm that this indicator will be fed once LEADER strategies are known.
- 196.R 43 (antimicrobial use): target value is too low and to be revised (see key messages). Please consider linking Intervention 3.4 'conversion of organic farming' to this RI.
- 197.R.44 (animal welfare): Please consider linking Intervention 3.4 'conversion of organic farming' to this indicator. The target value is low. Please justify and/or adjust.

### **3. OPERATIONAL ASSESSMENT**

#### **3.1. Minimum ring-fencing**

198. Based on data provided in section 5 of the Plan, the total amount of planned eco-scheme interventions does not meet the 25% ring-fencing requirement for calendar year 2027. The amount in the financial overview table 6.1 is different. This inconsistency should be resolved.

199. Based on data provided in section 5, a higher amount than the minimum set out in Annex XII to the SPR is reserved for young farmers. For each of the two types of intervention contributing to this ring-fencing, the amounts that are to be considered as necessary to meet the minimum ring-fencing requirements should be clearly indicated in the overview table of the financial plan (section 6.1). This information serves as the basis to establish the financial ceilings referred to in Art. 95(4) and (5) of the SPR.
200. Inconsistencies have been noticed between financial data encoded in section 5.3 for intervention 3.28 (EAFRD EUR 17,923,927) and data encoded in the overview table for the same intervention (EAFRD EUR 7,394,889.20). As a general comment on ring-fencing, please make sure that each intervention ring-fenced under section 5 of the Plan, be it for Environment, Generational Renewal or LEADER, fully contributes to meeting one of those ring-fencing requirements (i.e. cannot only partially contribute, see point 5(a)(iv) of Annex I to Commission Implementing Regulation 2021/2289).
201. For Direct Payments there are differences between the annual amounts encoded for the CISYF in section 5 and in the financial overview table 6.1; these should be resolved.
202. Belgium (Flanders) should specify in its Plan that 15% of the costs of the operational programme of the producer organisation must be earmarked for environmental and climate measures (see Article 50(7)(a) of the SPR).
203. Belgium (Flanders) should ensure that at least 2% of expenditure under operational programmes covers the intervention linked to the objective referred to in point (d) (research, development and innovation) of Art. 46 (see Article 50(7)(c) of the SPR).

### **3.2. Definitions and minimum requirements**

204. Belgium (Flanders) is invited to improve the Plan by the following:
205. In section 4.1.1.2, Belgium (Flanders) should provide general maintenance criteria.
206. In section 4.1.1.2.1, Belgium (Flanders) should clarify which activity is allowed to maintain the land and how to classify the land with no production where the grass was the main crop in the previous year. In section 4.1.1.2.2, as regards permanent crops, maintenance criteria should be set also on the crops, not only on the land. Moreover, Belgium (Flanders) should move the definition of permanent crop under section 4.1.2.3 and, especially, ensure that this latter does not include an obligation to produce.
207. In section 4.1.1.2.3, specific maintenance criteria for permanent grassland are missing.
208. In section 4.1.2.1, information should be provided as regards the definition of agroforestry, such as tree density, distribution in relation to pedo-climatic conditions or management practices (whether or not differentiated per type of agricultural area).

209. In section 4.1.2.3.2, information should be provided on minimum planting density. Pending the information on the list of trees, the Commission assessment on this section cannot be completed.
210. In section 4.1.3.1, objective and non-discriminative criteria should be applied to determine the predominance of an agricultural activity. When drawing the negative list, Belgium (Flanders) should take into account the jurisprudence of the Court of Justice of the European Union (case C-61/09 (Landkreis Bad Dürkheim) as well as the cases C-422/13 (Wree) and C-684/13 (Demmer) that farmers should be given the opportunity to prove that they were still able to carry out the agricultural activity. Last paragraph should be moved under section 4.1.3.5.
211. In section 4.1.3.2, Belgium (Flanders) should explain how they will verify that the land is actually and lawfully used by the farmer.
212. In section 4.1.3.3, the period should be provided. First paragraph should be moved to section 4.1.3.1
213. In section 4.1.4.1, it is indicated that criteria to identify the active farmer will be further developed by national legislation. Belgium (Flanders) is requested to include these criteria in the Plan. Belgium (Flanders) is also invited to provide clarification on the second and third condition.
214. In case of young farmers and new farmers, the conditions for effective and long-term control within the legal person or group of natural persons need to be specified.
215. In section 4.1.7.2, Belgium (Flanders) should provide a justification in terms of cutting administrative burden and supporting viable farm income, based on qualitative and quantitative information.
216. In section 4.1.8, definition of minimum area should be moved under IACS section or relevant intervention depending on its intended applicability.

### **CAP Network**

217. Belgium (Flanders) is invited to provide more information on activities of the CAP network related to the involvement of new participants (Pillar 1), LEADER/other territorial initiatives, and capacity building activities for the implementation of the Plan. Information is missing on the national contact point to coordinate the two regional networks and liaise with the EU CAP network.
218. Please also clarify the concrete actions that the CAP network will undertake to make EIP Operational Groups interact more closely with Horizon Europe projects.

### **The coordination, demarcation and synergies between the Plan and other EU funds**

219. The description in Section 4.5 of the Plan on coordination, demarcation and complementarities is insufficient to give the overview required in Art. 110(d)(v) of the SPR. Belgium (Flanders) is invited to provide a comprehensive description of how EU funds and initiatives active in rural areas work together with and concretely contribute to the Plan, also in addressing the identified needs that are not or are partially funded by the Plan. Where relevant, the complementarity and/or

demarcation line with other EU funds to avoid double funding should be clarified. This could include, where appropriate, operational demarcation criteria and specific categories of interventions that can be supported by the different funds. The description should include, in particular, the Recovery and Resilience Facility (RRF), the Digital Europe Programme (DEP), the Connecting Europe Facility (CEF2 Digital), the Programme for the Environment and Climate Action (LIFE) and Horizon Europe (including at least three Missions and one Partnership.) The Plan could build on the experience of the existing LIFE projects targeting farmlands and extend them at a larger scale and propose coordination with LIFE Strategic Nature. Please also add to the description any synergies with the Long-term Vision for the EU's rural areas (COM/2021/345 final), the European Social Fund + (ESF+) and with the European Regional Development Fund (ERDF) focussing on the complementarity between the Partnership agreement and the Plan.

### **3.3. Interventions and baseline**

#### **3.3.1. Conditionality**

220. GAEC 2: The Commission notes that for wetlands and peatlands in Natura 2000 areas GAEC 2 will be applicable from 2023. It is indicated that the identification of the areas concerned will only be completed by the end of 2022. As regards areas outside of Natura 2000 Belgium (Flanders) is requested to justify the delay in relation to the mapping of the areas and the development of an appropriate protection regime, and to provide a more detailed plan which includes all relevant peat and wetland habitat types protected under the Habitats Directive outside Natura 2000.
221. In the description of the GAEC Flanders refers to mapped wetlands and peatland designated as environmentally-sensitive permanent grassland. Please note that this GAEC covers all peatlands and wetlands and Belgium (Flanders) is asked to clarify whether all peatlands and wetlands will be covered by this GAEC.
222. GAEC 3: Flanders introduces an obligation to have a soil analysis as already required under the current cross compliance scope. Belgium (Flanders) is asked to provide details on the required frequency of soil analysis in order to determine the interaction with the eco-scheme "Soil Passport".
223. GAEC 4: Flanders obliges to have buffer strips along navigable water courses and also along non-navigable water courses of the 1st, 2nd and 3rd category. Belgium (Flanders) is asked to clarify the characteristics and dimensions of these water courses and whether the indicated size refers to all strips, and ensure compliance with the 3 metres rules of this GAEC while providing more details on the water courses to be protected as required in Art. 13 of the SPR, read in conjunction with point 3.1 (iv) of Annex I to Commission Implementing Regulation (EU) 2021/2289. Further, it should be stated clearly in the Plan that no fertilisers or pesticides are going to be applied in those buffer strip areas. More information should be provided on the Flemish ecological network (VEN area).
224. GAEC 5: The GAEC needs to be defined more precisely. The scope of the standard for this GAEC is unclear, as it is stated that there will be an 'obligation to take measures on plots of very high and high erosion sensitivity (purple and red)'. The Plan should include a definition of the red and purple zones, as well as its

geographical area. It should also explain precisely the measures to be required in these areas and under which circumstances.

225. GAEC 6: Flanders proposes to link the condition of minimum soil cover to areas with high or very high risk of erosion. Belgium (Flanders) is asked to revise this GAEC as minimum soil cover needs to be applied across the country, there is no reason to limit the scope in relation with GAEC 5 mapping. Minimum soil cover requirements need to be defined for all arable land and for permanent crops. Therefore, Belgium (Flanders) must revise the GAEC in order to be in line with the objective of the standard.
226. GAEC 7: Flanders proposes to have the same main crop for two years including an intermediate crop cultivated for 8 weeks. Belgium (Flanders) is asked to revise the GAEC as the intermediate crops duration is too short (it will not result in a significant break between two main crops). It is indicated that the Flemish authorities will assess whether in certain regions other practices of enhanced crop rotation may be allowed. Please be informed that these practices need to be defined precisely in the Plan and they should not lead to a lower level of environmental protection compared to the crop rotation defined in the Plan. Any exception from crop rotation must be well defined in the Plan, be limited in scope and duly justified.
227. GAEC 8: The non-productive landscape features need to be properly defined before the adoption of the Plan. In addition, the Plan states that ‘Canals of a minimum of 2 metres and a maximum width of 6 metres, including open water courses for irrigation and drainage, provided that the walls do not consist of concrete’ should be included in list of features. This statement should be removed as canals do not meet the criteria to be considered as landscape features. In order to ensure an adequate contribution of this GAEC to its objective, Belgium (Flanders) is requested to provide the weighing factors that are to be used for all features. The weighing factors should be coherent with the benefits provided for biodiversity.
228. GAEC 9: The GAEC covers the prohibition on converting and ploughing environmentally sensitive permanent grassland both inside (8175 ha) and outside Natura 2000 (due to the aimed protection of historical permanent grassland in the polders, 3467 ha). Please note that the protection of environmentally sensitive permanent grassland outside Natura 2000 is in line with the main objective of GAEC 9 but falls outside the scope of this GAEC (this GAEC has the focus on Natura 2000 areas). Therefore, Belgium (Flanders) should set an additional standard in accordance with Article 13 of the SPR for the protection of this type of grassland.
229. The low target value of 8175 ha of environmentally sensitive permanent grassland in Natura 2000 reflects current legal deficiencies in the way Flanders sets conservation objectives for species and habitats. Consequently, only a limited share of grasslands in Natura 2000 is protected against conversion into arable land. Belgium (Flanders) is requested to significantly increase the total indicative area of environmentally-sensitive permanent grasslands in Natura 2000 sites.

### **3.3.2. For direct income support**

#### **3.3.2.1. Basic Income Support for Sustainability (BISS, Articles 21-28 of the SPR, section 5 of the Plan)**

230. Belgium (Flanders) is requested to reconsider the maximum variation of the unit amount provided for BISS and Complementary Redistributive Income Support for Sustainability (CRISS). The variation percentage is considered to be rather high and is not adequately justified. The justification of the unit amount on the one hand, and of minimum and maximum unit amounts on the other hand should be linked and these justifications should primarily be based on data related to the needs which the relevant interventions wants to address. Elements of uncertainty leading to a risk of unspent funds can be added to justify the variation. However, these elements must also be explained and where possible based on data, e.g. related to past experience related to under-execution.

#### **3.3.2.2. Complementary Redistributive Income Support for Sustainability (CRISS, Article 29 of the SPR, section 5 of the Plan)**

231. Please revise some elements of the justifications for the unit amount and ranges of the CRISS. Please ensure that non-discriminatory elements are driving decisions.

#### **3.3.2.3. Complementary Income Support for Young Farmers (CISYF, Article 30 of the SPR, section 5 of the Plan)**

232. Belgium (Flanders) is requested to:

233. Explain the condition that several young farmers per farm may apply for support in the light of the provision of Art. 30(4) of the SPR;

234. Specify the requirement of newly set up for young farmers who are a natural person or legal entity in other cases than transfer of holding;

235. Provide details on the approach of having two different unit amounts per ha (for the first 45 ha and for the remaining up to 90 ha), the choices made when setting the unit amounts and to adapt the table with the unit amounts to this approach.

236. Belgium (Flanders) is reminded that CISYF is available for a maximum of 5 years and there are no legitimate expectations beyond 2027. In relation to the continuation of the support to current beneficiaries of the young farmers payment, Belgium (Flanders) is reminded that art 30(2) of the SPR does not require that those beneficiaries meet the new definition of young farmer.

#### **3.3.2.4. Eco-schemes (Article 31 of the SPR, section 5 of the Plan)**

237. The budget allocated to different eco-schemes varies greatly. No justification can be found in the Plan for the particular division of budget and the targets for each eco-scheme. We strongly encourage Belgium (Flanders) to target eco-schemes to protected habitats of species on agricultural lands and/or agricultural areas in Natura 2000 sites (e.g. eco-scheme 1.6 on grasslands could be amended to address specifically EU grassland habitat types (and EU protected grassland species) outside

Natura 2000. Belgium (Flanders) is requested to provide additional information of the considerations behind the planned outputs and allocated budget.

238. An extended range of eco-schemes are proposed covering many different relevant topics. However, in the Plan a description is lacking of the process how farmers may choose the eco-schemes to participate in, which eco-schemes can and cannot overlap (the possibilities for combining different eco-schemes), and the maximum support rate for farmers. It is suggested to Belgium (Flanders) to include combination tables and Belgium (Flanders) is asked to include in the Plan a description of a system supporting farmers to select eco-schemes and the coherence between the individual eco-schemes.
239. The synergy between interventions and the additional benefit of the schemes should be further explained.
240. Belgium (Flanders) is invited to clarify the articulation between some actions in eco-schemes and between eco-schemes, and between eco-schemes and other interventions. It is important that Belgium (Flanders) clarifies the demarcation between eco-schemes, between eco-schemes and rural development interventions (for example, eco-schemes on buffer strips and AECCs on the management for buffering vulnerable nature) and between coupled income support (CIS) for suckler cows and eco-schemes on crop rotation, maintenance of multiannual grassland and ecologically managed grassland.
241. Article 31(5)(d) of the SPR requires that eco-schemes are different from commitments in respect of which payments are granted under Art. 70. Belgium (Flanders) is invited to clarify the interaction between AECCs and eco-schemes.
242. Given the voluntary nature of the eco-schemes, it is important to manage the uncertainties about farmers' uptake and ensure the implementation of each individual scheme to the set target. A rating or scoring system or any other appropriate methodology on the effectiveness and efficiency of the eco-schemes could support farmers in making their choices between eco-schemes and enhance the alignment of farmers' choices with the desired targets.
243. Belgium (Flanders) is invited to streamline or merge some eco-schemes. For example, the two schemes as regards precision farming (eco-schemes 1.14 and 1.15) could be merged as well as the two eco-schemes on soil passport and soil organic matter (eco-schemes 1.16 and 1.7).
244. The Commission notes that the delineation between the baseline (for example, GAEC4, GAEC 5 and GAEC 7) and some eco-schemes is not sufficient. This should be addressed and the requirements of the eco-schemes upgraded. For example, eco-scheme 1.13 crop rotation in relation to GAEC 7, and eco-scheme 1.10 buffer strips in relation to GAEC 4.
245. For most of the eco-schemes is lacking a brief description of the method for calculating the amount of support and its certification according to Art. 31(7) and 82 of the SPR. This description should be provided in section 7 of the Plan. It is indicated that a Member State should, when establishing the payment levels of eco-schemes referred to in Article 31(7)(a) of the SPR, take into account the level of sustainability and ambition of each eco-scheme (see Article 31(8) of the SPR). Also there is a need for further justification of some support as the level of support seems

not commensurate with the effort or contribution to be provided (for example, 945 euros/ha for scheme 1.10 on buffer strips, or on scheme 1.6 on ecologically managed grassland: a maximum livestock unit density of 2 LU/ha = in total 400 euro/ha for actions 1 and 2).

#### *Eco-scheme 1.10 - Buffer strips*

246. Action 1 includes the establishment of buffer strips for addressing erosion. On those buffer strips the use of pesticides and nutrients are allowed. Belgium (Flanders) is requested to justify why pesticides and nutrients are allowed on these strips.
247. Action 2a includes the establishment of buffer strips along vulnerable landscape features. This type of landscape features appears to cover water courses. Belgium (Flanders) is requested to provide further details on the definition of these landscape features and to clarify how GAECs will be considered in this action.
248. Action 2b proposes payments for grass buffer strips along water courses of a width of 3m without fertilisation and without pesticides. The Commission notes that this buffer strip is smaller than the size required under GAEC 4. Belgium (Flanders) is invited to explain how the action goes beyond the baseline requirements. Belgium (Flanders) must also clarify further the calculations of the payment of 975 Euro per ha for this action.
249. Under Action 4 Buffer strip plus — flower mixture, it is mentioned that ‘the sowing of a flower strip on a plot treated with neonicotinoids in the previous year will be discouraged in the communication actions conducted on this intervention’. Belgium (Flanders) is asked to, rather than discourage, ensure in cases where this has occurred, authorities should not allow subscription to this action. Belgium (Flanders) is invited to take measures to encourage multi-annual commitments as they provide much higher environmental benefits.
250. Belgium (Flanders) is invited to clarify why R.24 (pesticides) is not being used for this eco-scheme.
251. Belgium (Flanders) is asked to confirm that output indicator O.8 (ha) covers the area directly addressed by the intervention (the buffer strip).

#### *Eco-scheme 1.12 - Erosion control techniques*

252. Please note the observations on GAEC 5 which may affect the baseline for this eco-scheme and therefore may trigger a recalculation of the support level.
253. In the description is indicated that the list of eligible actions may be updated or expanded on the basis of new scientific findings. Please note that the eligibility conditions should be included in the Plan and therefore it would involve an amendment of the Plan.
254. Belgium (Flanders) is invited to explain the considerations for not having an eco-scheme for plots with very high and high erosion density and to provide an estimation of the contribution of this intervention to address erosion compared to the level of erosion taking place in Flanders.

255. Belgium (Flanders) is asked to clarify the environmental benefit of the new sowing technique for maize (action 3) and the agronomic advantages and disadvantages of this technique compared to classical sowing.

*Eco-scheme 1.13 - crop rotation*

256. Belgium (Flanders) is asked to specify in the description the ‘crop groups’ relevant for the implementation of the eco-scheme on crop rotation and the interaction of this scheme with GAEC 7 (for example, the requirements included in GAEC 7

257. Please note the observations on GAEC 7 which may affect the baseline for this eco-scheme and therefore may trigger a recalculation of the support level. Belgium (Flanders) should clarify how this commitment goes beyond the baseline covered by the Nitrate Action Programme.

*Eco-scheme 1.14 - Precision agriculture 1.0*

258. The purpose of the support is limited to the use of relevant equipment without further requirement or assistance. This intervention could be included under one single package with Precision agriculture 2.0.

259. Please clarify why this eco-scheme should only be applied on 80% of the total eligible hectares of a farmer.

*Eco-scheme 1.15 - Precision agriculture 2.0*

260. The description of the commitment and eligibility criteria needs improvement and reinforcement as the requirements are not clear and should include commitments on nutrients that go beyond the baseline. Belgium (Flanders) is asked to clarify whether farmers will have the opportunity to have a specific training course on precision farming.

*Eco-scheme 1.16 - Soil passport*

261. An eco-scheme cannot be limited to pay for soil analysis and would be designed solely for the purpose of collecting data. As specified under Article 31 (2) of the SPR an eco-scheme is related to agricultural practices and soil analysis cannot be considered as an agricultural practice.

262. Belgium (Flanders) is invited to merge this eco-scheme with other eco-schemes (e.g. Eco-scheme on soil organic carbon content) taking into account the very low planned unit amount per hectare of 11.5 Euro.

*Eco-scheme 1.17 - Local cattle breeds*

263. Belgium (Flanders) is invited to further explain their considerations not to support these endangered breeds under AECC.

264. A payment is included per livestock unit. Article 31(7) of the SPR provides that payments for eco-schemes shall take a form of an annual payment per hectare. A derogation is possible for certain types of payments. Based on the description of the eco-scheme the specified derogation possibilities in the SPR seem not to apply as the scheme appears not an commitment for animal welfare, combatting antimicrobial

resistance or beneficial for the climate. Therefore, Belgium (Flanders) is asked to have payments per hectare or provide further justification.

#### *Eco-scheme 1.5 - Preservation of multiannual grassland*

265. Belgium (Flanders) is requested:

266. to indicate the contribution of this intervention for having an increase of the area of permanent grassland in Flanders;

267. to improve the environmental benefits of intervention 1.5 by requiring not having nutrients supply to the grassland other than by the manure of grazing livestock and prohibiting the use of pesticides.

268. to explain how a parcel can be eligible after renewal of the grassland if it can be demonstrated that the C content is back at the same level before the renewal, taking into account that one eligibility condition is that grassland is not renewed in the last 6 years.

#### *Eco-scheme 1.6 - Ecologically managed grassland*

269. Belgium (Flanders) is requested to clarify why R.24 (pesticides) is not being used for this eco-scheme and to further explain the term 'derogation parcels'.

270. The number of hectares to be supported under the ecologically managed grassland should be increased. Belgium (Flanders) is requested to consider setting a top-up in the scheme (action 2) for a lower animal density level than the proposed 2 LU/ha because 2 LU/ha on average is considered too excessive taking into account the needs of most grassland species. In addition, the animal density in Flanders needs to be reduced. A further prescription or indication on the manure management for the permanent grassland management has to be added. Such an eco-scheme could be of interest for EU grassland habitat types (and EU protected grassland species) outside Natura 2000 and such habitat types should be specifically targeted by this eco-scheme.

#### *Eco-scheme 1.7 - Organic carbon content of arable land*

271. In the description is indicated that the applicable effective organic content values of soil, determining the payment level, will be evaluated and applied for this scheme. Please note that the eligibility conditions should be included in the Plan and therefore it would involve an amendment of the Plan to amend the effective organic content values of soil that determine the payment level.

272. See earlier comment to merge this eco-scheme. This is also important as an eco-scheme cannot be designed solely for the purpose of collecting data.

#### *Eco-scheme 1.8 - Ecocultures*

273. Belgium (Flanders) is invited to clarify why R.24 (pesticides) is not being used for this eco-scheme.

274. Belgium (Flanders) is invited to specify further the description of the scheme and to list the eligible crops and species. As regards one year protein crops, there is risk of overlapping with Eco-scheme on crop rotation. Also the added value of the eco-

scheme should be clarified in relation to including for example rapeseed or green cover crops which imply a risk to overlap with requirements under GAEC 6. Action 3 ‘fauna friendly ecocultures’ under this scheme 1.8 could make a relevant contribution to biodiversity, but the scope is too limited. Belgium (Flanders) is encouraged to increase the budget and the coverage of this action.

#### *Eco-scheme 1.9 - Continuation of organic farming*

275. This scheme excludes organic husbandry. Moreover, the support is limited to 20 hectares per holding. Given the very low uptake of organic farming in Flanders, Belgium (Flanders) is invited to clarify and/or revise these restrictions.

#### **3.3.2.5. Coupled Income Support (CIS, Articles 32-35 of the SPR, section 5 of the Plan)**

276. Belgium (Flanders) is also invited to elaborate on the reasoning for the requirement for a minimum of 14 suckler cows, in the light of the needs identified in the Plan.

277. The interrelation between the environmental component of the CIS and eco-schemes should be further elaborated. Furthermore, whether the “entry conditions for sustainable operations” justify the link to SO4, 5, 6, some explanations on the current situation of the targeted livestock farm in relation to the proposed criteria, would be necessary. Belgium (Flanders) is also invited to define more clearly condition 6 regarding the period for access to pasture for granting CIS (“The suckler cows shall have access to or on the pasture for at least a period to be determined”).

278. The justification of economic difficulty needs to be reinforced, primarily based on low or negative profitability as well as on the development of the number of animals. Also the socio and economic importance of the sector should be also further elaborated.

279. In the description of the intervention is mentioned that there would be three levels of support: up to 50 animals, from 50 to 100, and above 100. However, sections 11 and 12 with the planned Unit Amounts only provide one unit amount. Belgium (Flanders) is invited to provide clarifications in this regards. Further, Belgium (Flanders) should reinforce the explanation of how planned unit rates and their variations were determined in light of the actual support need of the targeted sector.

#### **3.3.3. For interventions in certain sectors**

##### **3.3.3.1. Fruit and vegetables**

280. Generally for the fruit and vegetables interventions, the Commission invites Belgium (Flanders) to verify and demonstrate that all EU legal requirements set out in Delegated Regulation (EU) 2022/126 are properly addressed, for instance, the target for water saving (Art. 11(4) of 2022/126).

281. Belgium (Flanders) is invited to revise the description of each type of intervention (Art. 47(1) of the SPR) as it should be specific and related to the purpose/objective of the type of intervention in question.

282. In addition, Belgium (Flanders) is reminded that the requirement to set up National Strategies is abolished.
283. Operational programmes should include three or more actions (80% of member of producer organisation rule) linked to the objectives referred to in points (e) (environment, pest diseases, animal health, reduction of waste, biodiversity and natural resources) and (f) (climate change mitigation and adaptation) of Art. 46 of the SPR (see Art. 50(7)(b) of the SPR).
284. Belgium (Flanders) should make sure that the interventions within the types of interventions referred to in Art. 47(2), points (f), (g) and (h) of the SPR, do not exceed one third of the total expenditure under operational programmes (Art. 50(7)(d) of the SPR).
285. In the chapter regarding the World Trade Organisation (WTO) - although the fruit and vegetable type of intervention is WTO-compliant due to its nature - it is not sufficient to indicate the compliance with the relevant paragraph 12 of WTO Annex 2. Belgium (Flanders) is invited to add a short paragraph explaining how this compliance is ensured.
286. Specifically regarding the type of interventions Investments in tangible and intangible assets (Art. 47(1)(a) and Art. 47(2)(b) of the SPR) the Commission reminds Belgium (Flanders) that these are the only type of interventions under which investments could be programmed. The Commission invites Belgium (Flanders), where necessary, to address and revise the description of relevant type of interventions.
287. Concerning the proposed intervention ‘Operational programmes fruit and vegetables - social investment’ the Commission underlines that only investments falling within the scope of Directives (89/391/EEC, 2009/104/EC and 2019/1152) could be supported. The Commission invites Belgium (Flanders) to verify and update this type of intervention.

### **3.3.3.2. Apiculture**

288. The Commission invites Belgium (Flanders) to:
289. review the description in section 3.5.2 to include an overview of the sector, leading to the identified needs and justification of the interventions chosen and how these address the specific and sectoral objectives. Include in this section, the description of a reliable method for determining the number of beehives as per Art. 37 of Regulation (EU) 2022/126 (DA);
290. explain how R.35 was calculated and why the values are not cumulative from 2023 reflecting the outputs defined in intervention 2.27 “Combating enemies and diseases in beekeeping, in particular the Varroa”. (Only interventions under this Art.55(1)(b) should contribute to this result indicator);
291. improve the description in sections 5 of interventions, which should include a description of the intervention outlining how it contributes to the relevant specific and sectoral objectives followed by a detailed and clear description of the supported actions, including clear examples of eligible expenditure, well defined beneficiaries and eligibility requirements. The information should be

made available already in the Plan and not as stated “in the new Flemish Beekeeping Programme which is still being drawn up”. Explain who are the beneficiaries defined in all interventions, i.e. “Flemish Beekeeping programme and Flemish beekeeping institute” (in terms of public/private persons/entities). Revise the information under eligibility conditions as the information provided is not relevant. It is also not clear to what extent young beekeepers are actually targeted in the interventions;

292. avoid repetition in the intervention fiches and include only the relevant information to the intervention described (e.g. Conditions of beneficiaries, eligibility conditions under section 5 and information in section 7)
293. verify that support is provided for eligible expenditure in compliance with the provisions of the relevant regulations in particular Regulation (EU) 2022/126 (DA). The broad description of supported actions and absence of eligible costs does not allow proper assessment of compliance with these provisions, and needs to be improved;
294. ensure that the actions proposed are supported under the relevant type of intervention described in Art. 55(1) of the SPR (e.g. 2.25 “Technical assistance for beekeeper organisations”, promotion of honey under 2.24 “Quality analysis of apiculture products”);
295. properly explain in section 8 how the intervention respects the relevant provisions of Annex II to WTO agreement on Agriculture;
296. make an effort to determine various planned unit amounts and outputs for the different supported actions within an intervention. Planned unit amounts (PUA), outputs and annual indicative financial allocations for the different interventions/actions considered within a type of intervention have to be consistent with the information provided in sections 5 and 6. The explanations and justifications of the unit amounts and outputs need to cover also the differing values over the years. The annual indicative allocations in table 10 need to be reviewed to ensure consistency with the planned unit amount and outputs;
297. confirm that the indicative financial allocation for 2023 does not include the planned expenditure for the implementation of measures under the National Apiculture Programme 2020-2022 from 1/08 - 31/12/2022;
298. revise the information in Tables 5.2.10 and 6.2.2, to include the Total Public expenditure in the updated SFC tables;
299. provide clear demarcation with EAFRD interventions.

#### **3.3.4. For rural development**

300. Belgium (Flanders) is requested to clarify on what basis farmers in the Brussels region are excluded from support under rural development.

### **3.3.4.1. Management commitments (Article 70 SPR, section 5 of the Plan)**

301. The Commission invites Belgium (Flanders) to address the following general observations concerning AECC:
302. Belgium (Flanders) is asked to include the relevant information in the description of several AECC interventions, which should allow a better assessment of the commitment. A reference to a specific website cannot replace such a description. It should be ensured that interventions addressing listed needs are attributed to the respective result indicator.
303. Belgium (Flanders) is requested to include a revision clause for AECC interventions according to Art. 70(7) of the SPR as well as to define provisions ensuing necessary training and expertise to farmers pursuant to Art. 70(9) of the SPR.
304. Article 70 requires that AECC interventions are different from commitments in respect of payments granted under Art. 31. Belgium (Flanders) is requested to clarify how will be ensured that this requirement will be respected.
305. The combination table in the Plan gives an overview on how different AECC interventions may be combined with eco-schemes. For more clarity and better readability Belgium (Flanders) should ensure that the respective interventions can be better identified and use the same titles and numbering as in the Plan.
306. Belgium (Flanders) should explain why some interventions are apparently only combinable in the first year of the AECC. Furthermore, some eco-schemes are annual whereas similar AECC are multiannual and can therefore only be applied after a first year of the eco-scheme. The Commissions questions if this might result in a decreasing uptake of the eco-scheme in the following years.
307. Most AECC interventions have a minimum duration of 5 years and a maximum of 7 years. Belgium (Flanders) is requested to specify a fixed duration, with the possibility of an annual extension where applicable. Shorter periods of at least one year for certain commitments listed in Art. 70(6)(b) of the SPR e.g. for animal welfare must be duly justified.
308. Belgium (Flanders) is furthermore requested to clearly distinguish between eligibility criteria for interventions for which support is granted and commitments for which no support is granted.
309. Belgium (Flanders) is asked to explain the relation of the interventions with GAECs and statutory management requirements (SMRs), as well as their complementarity with eco-schemes. It should be made clear how exactly the complementarity will be ensured, i.e. how one scheme differs from, and supports the other. Please note that no overlap may occur between AECCs and eco-schemes.
310. In order to ensure a higher level of adhesion of farmers to AECC Belgium (Flanders) is strongly encouraged to increase its capacity for advice and accompanying of farmers for these AECC (either within or outside of the CAP SP budget) ensuring that sufficient resources are allocated to the relevant farm advisory service.

311. The Commission notes that for the definition of planned unit amounts (table 12), it is not required to provide for an explanation and justification for uniform unit amounts based on costs incurred and income foregone, for which a certified method is established in accordance with Art. 82 of the SPR.

### *3.1 - Temporary grassland to permanent grassland*

312. The interaction of this AECC with the eco-scheme 1.6 ‘ecologically managed grassland’ is to be elaborated. According to the combination table, this intervention would also be combinable with eco-scheme 1.13 ‘organic carbon content’, and 1.14 ‘precision farming’ and the AECC on ‘agroforestry’. However, there are strong doubts as to double funding of similar elements in the respective commitments or whether some of them should not exclude each other by their simple nature. Also the provision of combination only in the first year of the AECC 3.1 needs further explanation.

### *3.2 - Ecocultures*

313. This intervention will have to be seen within the context of the assessment of GAEC 7, for which the foreseen intermediate crops duration of two months is considered too short by the Commission. It is assumed that the use of plant protection products will be reduced. However, the commitment does not include provisions of limiting the use. This should be clarified. More detail is needed on the possibilities of combination of this intervention with certain eco-schemes, in particular ‘crop rotation with legumes’, as it seems there is a significant overlap.

314. Commitments of this type should be for a duration of at least 5 years. Action 1 however is foreseen for a duration of 2 years with the possibility of 1-year extension. However, such a shorter period is not foreseen by Art 70(6)(b) of the SPR. The high fluctuation of hectares under commitment for Action 1a ‘multiannual protein crops’ should be explained.

315. An indication of the relevant impact on biodiversity should be provided.

### *3.3 - Feed management in cattle*

316. This intervention includes risks having negative impacts on ammonium and ammonia emissions as well as negative health impact on cattle, notably proposed feed measures 2 and 3. Information is required on which safeguards are put in place to make sure these measures do no harm with regard to environmental or animal welfare objectives. Belgium (Flanders) is asked to indicate the number and percentage of cows affected by this intervention in relation to the total livestock herd.

317. More information should be provided on the impact of Actions 2 to 5 as to the assumed reduction rate for GHG emissions, as it seems they are not yet definitively validated on the basis of scientific data.

318. For Action 5, the intended ratio of beer marc and rapeseed scrap compared to normal use in dairy feeding should be indicated in order to better assess how far this commitment goes beyond current practices.

319. The Commission notes that Flanders puts forward that a payment per animal and an area-based approach is not possible. Flanders considers this as a justification for

applying a lump sum. Belgium (Flanders) is, however, requested to provide further explanation. Belgium (Flanders) also should provide an explanation of ‘classes of lactating cows’ according to which the fixed amount shall be differentiated.

#### *3.4 - Conversion to organic farming*

320. The targeted number of hectares (751 ha) in the Plan is very low (among the lowest in the EU), despite the extremely low baseline (1.5% of the area as of 2020). Belgium (Flanders) is requested to step up significantly the scope of this measure and to increase the budget substantially, thus significantly contributing to the EU-wide objective of 25% of agricultural area under organic farming. This would also contribute to addressing some environmental problems linked to intensive farming (e.g. pesticide pollution) while benefitting from the growing domestic market for organic products.
321. The calculation of the unit amount should be reconsidered for arable crops, calculated as difference between the weighted average balance of cereals, maize and potatoes in conventional crops and in conversion as there are doubts whether the difference of costs incurred/income foregone for the different crops is of the same magnitude, justifying the same high payment of 900 EUR/ha. In this context, the sentence in section 7 that the calculated amounts are limited to double the grant amounts included in the current PDPOIII needs to be explained.
322. Tables 12 and 13 need to be revised and include unit amounts for the different categories of crops, as payments are different. It is recalled that uniform amounts are the default option to be used for interventions under Art 70. A single average unit amount for such a difference in payments is not justifiable.

#### *3.5 - Perennial flower strips in fruit production*

323. The role of natural enemies to pest insects, which is supposed to be a particular feature of this intervention, needs to be clarified, as no respective provisions seem to be foreseen and the intervention is not attributed to R.24. Combination with the principles of IPM also in the management of the fruit trees could be considered.
324. For Action 1 ‘flower strips between the fruit tree rows’, the width of the rows should be indicated”.
325. The target is too limited (520 ha/year), with 20 ha for Action 2 and should be increased.
326. The financial data entered for this intervention need to be adapted, as data encoded return a contribution rate of 35.78% instead of the 43% applicable rate.

#### *3.6 - Rare farm breeds*

327. It needs to be ensured that the number of concerned breeding females is stated, the endangered status of the listed breeds scientifically established by a relevant body and that a duly recognised breed society registers and keeps up-to-date the herd or flockbreeding book for the breed.

328. Section 7 should be changed to IACS as this is an intervention based on Livestock Units (LU) and it should be based on unit costs. Table 13 should be corrected to reflect the unit costs for sheep/goats and pigs.

329. Further justification is required for the one-year period as short-term contracts will not contribute significantly to the long-term conservation of the specified breeds of endangered status.

### *3.7 - Maintenance of agroforestry systems*

330. The intervention is supposed to address need 11 'care for water'; however, it is not attributed to the respective result indicator R. 21. In case the contribution is direct and significant, such an attribution should take place.

331. It needs to be explained how the hectare supported is counted, i.e. whether it is per hectare planted with 66 trees on average or only the area on which the trees are planted.

332. Whereas this measure can contribute to biodiversity (as landscape corridors), the target of 208 ha/year for this measure is very modest, the ambition should therefore be increased.

333. Agroforestry systems fall outside the scope of Art. 42 of the Treaty on the Functioning of the European Union (TFEU). Therefore, in point 8, "Yes" must be ticked instead of "No" and the State aid clearance instrument must be indicated.

334. For interventions 3.8, 3.9 and 3.10 below clarification is needed as regards:

335. 'The current packages will be evaluated and adjusted on the basis of their contribution to the objectives, their adaptability to farm operations and their administrative follow-up/control.' Belgium (Flanders) is invited to explain the meaning of this sentence and whether it implies foreseen changes.

336. 'Management areas excluding certain nature and forest areas'. The criteria for the selection of these management areas has to be specified.

337. The maximum level of support that could be introduced for a farm indicated under 'general conditions'.

### *3.8 - Buffering and binding management agreements*

338. The description of the actions is too general to be assessed. E.g. the width of the parcels/strips is not provided. Also the terms 'vulnerable nature' and '(vulnerable) nature elements' should be clarified.

339. The articulation with eco-scheme 1.10 (Buffer strips) needs to be better explained, as there are huge similarities between both interventions.

### *3.9 - Management agreements for the maintenance of woody small landscape features*

340. The intervention is supposed to contribute to SO 4, however no respective need nor result indicator is indicated and the description is focussing mainly on SO6. This should be revised.

341. It should be explained why this intervention is limited to landscape features on agricultural area registered in IACS. Several landscape features described may be located on the edge of those agricultural areas, for which the category of ‘Agricultural land including and beyond agricultural area’ could be applicable.
342. An explanation is missing for how the commitment goes beyond the mandatory requirements in terms of share of the arable land covered by the landscape features supported.
343. An explanation needs to be provided on how the hectare supported is counted for Actions 2 to 5, i.e. whether the objects to be pruned or cut back are converted in hectare based on their average size, as well as for the terms ‘drop off’, ‘disposing’ and ‘mainly deposit’, as it is not clear what the action is.
344. This intervention is welcome as it will contribute to biodiversity, especially for high diversity landscape features, but the target is too limited to have any real impact compared to the EU level target of 10%; the coverage of this intervention should therefore be increased.

#### *3.10 - Management agreements for the protection of fauna and flora linked to agricultural activities*

345. Information should be provided which EU protected species or habitat types are expected to benefit from this intervention.
346. Belgium (Flanders) is asked to clarify for the actions whether a delayed mowing or harvesting is required for the sake of breeding birds.
347. Belgium (Flanders) is asked to revise this intervention to increase its level of ambition, in particular in relation to the planned budget and number of hectares, and provide a better focus on EU protected species and habitats identified in the Flemish PAF and existing regional species action plans.
348. The meaning of ‘extensive’ growing of lucerne in Action 4 and ‘very extensive’ management of lucerne in Action 5 should be specified.
349. Under general conditions is indicated that a maximum level of support could be introduced for a farm. Please clarify this further.

#### *3.11 - Reducing the use of antibiotics*

350. Belgium (Flanders) is asked to revise intervention 3.11 as AECC payments shall be granted annually and only in duly justified cases a Member State may grant support as a one-off payment per unit. Moreover, a justification for using one year contracts must be provided.

### **3.3.4.2. Investments, including investments in irrigation (Art. 73-74 SPR, section 5 of the Plan)**

#### *General comments applicable to several investment interventions*

351. There are five interventions planned to support on-farm productive investments: “3.20 - VLIF Innovative investments for further sustainability on farms”, “3.21 - VLIF Innovative green investments on farms”, “3.22 - VLIF Productive investments

for further sustainability on farm”, “3.23 - VLIF Productive green investments on farms” and “3.24 - VLIF productive investments for animal welfare”. While the Commission in general welcomes specific and targeted interventions with clear links to the relevant result indicators, the demarcation between these five different interventions has to be improved. Belgium (Flanders) is therefore requested to provide more details on the eligible investments for each intervention and elaborate more on clear criteria to specify under which conditions an investment operation would fall under which intervention (e.g. green/innovative).

352. With regard to investments interventions counting towards the environmental ring-fencing and benefitting from a higher support rate (green investments as referred to in Art. 73(4)(a)(i) of the SPR), Belgium (Flanders) is requested to clarify that the entire investments go beyond normal standards and mandatory requirements. The description of the interventions is very general and does not allow a proper assessment by the Commission. Belgium (Flanders) is therefore requested to provide more information on the eligible investments, demonstrating that all eligible investments under this intervention go beyond the respective legal requirements and are beneficial for the environment and/or animal welfare. Investment support to comply with mandatory requirements does not qualify for a green investment. In addition, Belgium (Flanders) is asked to provide information on safeguards to prevent a net negative climate impact of supported investments.
353. Belgium (Flanders) is asked to explain why only for certain investment interventions a higher support rate for young farmers is foreseen.
354. Belgium (Flanders) is invited to include provisions regarding the durability of investments in their plan.

*Observations common to interventions including support for irrigation (3.20, 3.21, 3.22, 3.23)*

355. Belgium (Flanders) is asked to clearly distinguish between investments in the improvement of existing irrigation installations on farm and investments leading to a net increase of irrigated area. This has implications for linking to relevant specific objectives and result indicators - SO5 for improvements (to be linked to R.26) and SO2 for expansion (to be linked to R.9), and will determine the attribution of specific investment operations to the different interventions (innovative, green, productive, productive green). Moreover, different unit amounts (with planned outputs and relevant result indicators at the level of the unit amounts) will be needed for improvements and expansion.
356. Belgium (Flanders) is also requested to reflect the relevant requirements of Art. 74 of the SPR in the eligibility conditions of the different interventions.
357. Interventions 3.20, 3.21, 3.22, 3.23 require potential water savings of 5 %, and an effective reduction in water use of 50 % (where water bodies affected have less than good quantitative status). Belgium (Flanders) is requested to require higher savings where technically feasible.
358. Concerning intervention 3.20, it is not sufficiently clear which investments in irrigation would help address the needs and objectives identified for this intervention and how.

### *3.21 - VLIF Innovative green investments on farms*

359. As this intervention explicitly lists low-emission techniques contributing to ammonia reduction, it should be linked to result indicator R.20.

### *3.22 VLIF Productive investments for further sustainability on farm*

360. Belgium (Flanders) is invited to clarify and better explain the scope of this intervention as regards the needs related to all SO 9 (N19-22), which shall be addressed by this intervention (point 3) while in the description of the intervention no reference is made to need 20 (animal welfare).

### *3.23 - VLIF Productive green investments on farms*

361. This intervention is linked to R.15, however, the description of support for renewables is vague and should be clarified, including the maximum unit amount for investment in each type of renewable technology supported. Furthermore, it is unclear how this intervention will concretely contribute to the R.15 target of 4,404MW when the scope is so broad.

362. This intervention should be linked to result indicator R.20 to match the intervention description.

363. Belgium (Flanders) is invited to clarify and better describe which investments are clearly linked to the SO<sub>2</sub>-related need N.5 and the needs relating to SO<sub>4</sub> and SO<sub>5</sub>. This distinction is necessary to avoid the risk of greenwashing.

### *3.24 - VLIF Productive investments for animal welfare*

364. Belgium (Flanders) should provide more information on specific targeted investments for different animal species and concrete actions for improvement of animal welfare going beyond legal obligations. As R.44 (3.58%) seems to be very modest, Belgium (Flanders) is invited to reconsider its ambition in this respect, in particular with respect to tail biting and confinement of farm animals in cages. Belgium (Flanders) is also encouraged to consider several parameters for effectively improving animal welfare within one investment intervention. Furthermore, Belgium (Flanders) should refer to the relevant baseline (SMR 9-11 of Annex III).

### *3.26 - VLIF Non-productive investments for environmental and climate objectives*

365. Regarding the scope of the intervention, please take into account that non-productive green investments should be limited to non-remunerative investments linked to the delivery of purely environmental and climate benefits. Some of the eligible investments seem to better qualify for green productive investments since they are closely linked to the production cycle (e.g. water management investments). Belgium (Flanders) is therefore invited to provide more details on the eligible investments and their clear and significant link to the relevant environmental indicators.

366. Belgium (Flanders) is encouraged to combine investment support of landscape features with obligatory maintenance commitments under Art. 70 of the SPR.

367. As this intervention encompasses the creation of agroforestry systems, the box “Mixed” must be ticked instead of “No” and the State aid clearance instrument must be indicated.

### *3.27 - Establishment measures in Natura 2000 and in areas with high nature values*

368. Belgium (Flanders) is requested to provide more details on the eligible investments and the different types of nature management plans. Moreover, it should be clarified whether wooded or forested areas are also eligible under this intervention.

369. This intervention is the only one in the Plan that is specifically targeting Natura 2000 sites. Belgium (Flanders) is asked to step up its coverage and to increase the budget, given its key relevance for Natura 2000 and the Habitats and Birds Directives. It currently only represents 5% of the total EAFRD budget. The intervention offers a high variety of possibilities depending on the location of the farms and the specific conditions. However, some have a very low area coverage. A link to the PAF and a brief explanation whether the recommendations from the PAF are taken up, would be helpful to assess the full environmental potential of each of the actions.

370. As this intervention may cover non-agricultural land, the box “Mixed” must be ticked instead of “No” and the State aid clearance instrument must be indicated.

### **3.3.4.3. Installation aid (Article 75 SPR, section 5 of the Plan)**

#### *3.28 VLIF - Start-up and takeover by young farmers*

371. Belgium (Flanders) is requested to:

372. Clarify several elements of the intervention concerning the quality of the beneficiary related to the time of establishment, including in case of transfer of holding, multiple managers, legal entity, and acquisition of training/skills;

373. Explain the selection criteria related to the degree of generational change and size of the holding;

374. Elaborate on the content of the business plan;

375. Provide details and justify the different planned unit amounts;

376. Explain how installation aid is provided in the Brussels region.

377. Belgium (Flanders) is also invited to explain why the number of beneficiaries (O.25) is low and decreasing over time.

#### *3.29 - VLIF Starting or switching to a forward-looking sustainable business strategy on an agricultural holding*

378. Belgium (Flanders) is requested to clarify the requirements for the beneficiary in case of start-up of a new company and if this means to be a new farmer as well as to provide details and justify the different planned unit amounts. Moreover, Belgium (Flanders) is invited to explain the link with intervention 3.28. Finally, the description of this intervention does not allow to determine whether diversification would only be possible towards Art. 42 TFEU activities (agricultural activities) or

whether there would also be a diversification possibility towards activities falling outside the scope of Art. 42 TFEU (non-agricultural activities). In the latter case, the box “Mixed” must be ticked instead of “No” and the State aid clearance instrument must be indicated.

#### **3.3.4.4. Cooperation (Article 77 SPR, section 5 of the Plan)**

##### *3.18 and 3.19 - LEADER*

379. Belgium (Flanders) is requested to clarify several aspects of the LEADER interventions including:

380. The mechanisms for granting preparatory support for local development strategies (LDS);

381. For the implementation of LDS: Compliance of local action groups (LAG) with features of the LEADER method such as the definition of the LAG area, and the application of balanced and inclusive partnerships and networking;

382. The delivery mechanism, especially concerning functions of LAGs;

383. Certain aspects of the scope of eligible operations, beneficiaries (role of public actors) and aid levels, and the approach to Smart Villages.

##### *3.15 - Animal welfare label*

384. Belgium (Flanders) is invited to:

385. explicitly describe that under this type of intervention, support may be granted for new forms of cooperation, including existing ones if starting a new activity and to include all the requirements laid down by Art. 77 of the SPR including a reference to the Commission Delegated Regulation (EU) 2022/126 regarding the national recognized quality schemes.

386. provide more information about the complementarities with sectoral or other rural development interventions.

387. better describe the intervention and further explain the contribution of the intervention to SO 9, especially to the improvement of animal welfare related to a regional/national recognised quality scheme, and how the identified needs N19, N20, N21 (the latter need is only referred to in the description) are addressed.

388. provide information on the “Flemish Central Seal of animal welfare/Vlaams Centraal Keurmerk dierenwelzijn” e.g. if there has been any development since the 2019 business plan report.

389. explain what is meant by eligibility criteria N. “4. The farmer has no sanction for relevant conditionality requirements related to animal welfare.” The requirements to participate in such animal welfare scheme should go beyond conditionality. The Reference to SMR 9-11 is also missing.

390. give more information about the principles of selection and the support rate and to clarify the eligible types of support.

391. revise the financial table taking into account that outputs should be planned in full per year, when the first payment is expected.

### *3.17 - Project call for innovation under EIP*

392. Belgium (Flanders) is invited to verify the consistency of the links with Specific Objectives and result indicators. Please specifically provide an explanation regarding the contribution of this intervention towards addressing climate-related issues.

393. Belgium (Flanders) is reminded that there is no obligation to involve researchers, as some problems/opportunities for farmers linked with one of the 9 CAP objectives may need a different expertise (e.g. social innovation, short supply chains etc.).

394. Belgium (Flanders) is invited to clarify better the link between the project calls for EIP operational groups (OGs) and innovative investments and how this link would look like in practice.

395. Belgium (Flanders) should explain more clearly what it plans to do to lower barriers for farmers to this intervention, beyond lowering project budgets (which might even be counterproductive) and making advance payments. Permanent open calls (with cut-off dates) and calls without predefined themes may be conducive for bottom-up innovation. Please also reconsider the aid rates of 90% and project duration of 2 years. In addition, please clarify why advisors are not encouraged or even obliged to be participant of an OG despite their numerous advantages.

396. Moreover, please add a reference to the interactive innovation model in the eligibility conditions of the EIP OGs as well as to the dissemination of OGs' plan and innovative results to the regional/national and EU CAP networks as an eligibility condition (Art 127). Please also clarify whether forest/agroforestry system owners and managers are eligible for EIP operational groups (or other kinds of cooperation).

397. Please verify the applicable State aid rules, since EIP Operational Group projects may cover all 9 CAP specific objectives. If this intervention is designed only in favour of the agricultural sector, the box "No" must be ticked in point 8. If cooperation is also in favour of the agri-food sector (i.e. in a sector where products not belonging to Annex I to the TFEU might be produced, or any other non-Annex I issue such as social innovation, energy, biomass, short supply chains etc.), the box "Mixed" must be ticked and the State aid clearance instrument must be indicated.

### *3.16 - Project call for cooperation*

398. Belgium (Flanders) is asked to better explain the scope of the intervention and the whole intervention logic by taking into account the direct and significant contribution of the intervention to the proposed Specific Objectives and related result indicators.

399. In order to reduce the administrative burden and simplify the implementation, Belgium (Flanders) is invited to explore the possibility to merge the proposed intervention or better explain the purpose and differentiation of this intervention with LEADER cooperation projects and especially EIP projects. Typically, non-EIP cooperation projects miss advantages such as international synergies, derogation

from State Aid rules, 100% support for non-productive investments, and learning from similar projects thanks to the EIP networking.

400. In terms of simplification, Belgium (Flanders) is also invited to reconsider the criterion to just have one beneficiary which needs to be a legal person. Moreover, Belgium (Flanders) should provide more precise information regarding the project selection process. Within the intervention, support to investments is possible.
401. Belgium (Flanders) is requested to make explicit reference to all requirements related to Art. 73 of the SPR, including a list of ineligible categories of expenditure.
402. Belgium (Flanders) is also requested to fill in the information regarding the application of State aid rules. If this intervention is designed only in favour of the agricultural sector, the box “No” must be ticked in point 8. If cooperation is also in favour of the agri-food sector (i.e. in a sector where products not belonging to Annex I to the TFEU might be produced), the box “Mixed” must be ticked and the State aid clearance instrument must be indicated. Finally, Belgium (Flanders) is asked to revise the financial table based on outputs being planned in full per year when the first payment is expected.

#### **3.3.4.5. Knowledge exchange and advice (Article 78 SPR, section 5 of the Plan)**

403. Farmers in the Brussels region are eligible for support under AKIS. However, they can only apply for support under the Flemish CSP if the advice is provided in Dutch. Belgium (Flanders) is invited to provide further details on how this works in practice.
404. Belgium (Flanders) is asked to explain how exactly the provision of advice will be organised and coordinated by the AKIS Coordination Body, taking into account all obligations listed in Art 15(2),(3) and (4) of the SPR, including the implementation modes, the obligatory training of advisors and how advisors are incentivised to participate. Since up-to-date training for advisors is obligatory, please specify how many hours per year obligatory training for advisors will be organised, with which frequency and on which up-to-date themes. Please also mention how advisors will be informed on the latest knowledge and innovation.
405. Belgium (Flanders) should take care that the certification/accreditation criteria for advisors/training centres related to their recognition do not create unnecessary administrative burden and make all advisors integrated in the AKIS. Confidentiality of advice is important. Please also explain the calculation of unit amounts, provide more details on the planned activities and further specify the eligible beneficiaries. For intervention 3.12, please explain the potential beneficial climate effects of this intervention.
406. Belgium (Flanders) is invited to consider a specific focus on addressing the needs for training and advice of small farms and young farmers, as well as the provision of innovation support for the whole sector, e.g. regarding the transition to sustainable agriculture.
407. Concerning State aid rules, if intervention 3.12 covers only Art. 42 TFEU activities (agricultural activities), the box “No” must be ticked in point 8. If it also covers activities falling outside the scope of Art. 42 TFEU (non-agricultural activities), the box “Mixed” must be ticked and the State aid clearance instrument must be

indicated. If interventions 3.13 and 3.14 also cover activities falling outside the scope of Art. 42 TFEU (non-agricultural activities), the box “Mixed” must be ticked instead of “No” in point 8 and the State aid clearance instrument must be indicated.

#### **4. FINANCIAL OVERVIEW TABLE**

408. The Commission is assessing the Plan based on the breakdown of the Belgian CAP allocations (for Flanders and Wallonia) that was provided by the Belgian authorities. The flexibility transfer from Direct Payments to the EAFRD (EUR 22.93 million) as notified by the Belgian authorities on 1 August 2021 for financial year 2023 is assumed to be fully transferred to Flanders EAFRD allocation.
409. Please, note that in accordance with Art. 156 of the SPR, the sum of all payments made during a given financial year for a sector - irrespective for which programme and under which legal base those took place - cannot exceed the financial allocations referred to in Art. 88 of the SPR for that given financial year for that sector.
410. As regards the type of interventions in certain sectors defined in Art. 42 of the SPR, expenditure that will be paid in 2023 or in the subsequent financial years relating to measures implemented under Regulation (EU) No 1308/2013 for these same sectors shall not be entered in the Annual indicative financial allocations under Section 5 or in the Financial Overview table under Section 6 of the CSP.
411. Apiculture: the annual indicative financial allocations under Section 5 SFC do not correspond to the planned amounts in the Financial Overview table under SFC Section 6.
412. Belgium (Flanders) is requested to adapt in row 26 the amount of the flexibility transfer from Direct Payments CY 2022 to Rural Development FY 2023. The correct amount is EUR 22.930.000. The Commission understands that the full amount of the transfer notified by Belgium in August 2021 is entirely directed to Flanders.
413. Annual indicative financial allocations under Section 5.3 SFC do not correspond to the planned amounts in the Financial Overview table under SFC Section 6.1. Only totals should match for Rural Development.
414. The sum of the interventions for rural development as encoded in section 5.3 + the amount corresponding to a 5.36% technical assistance rate is exceeding the overall allocation of Flanders by some EUR 85.360. This should be corrected.
415. For section 4.7.4 of SFC: Contribution rate(s) applicable to Rural Development interventions: Flanders is eligible for a higher contribution rate of up to 80% for Art. 70 payments, Art. 72 payments for support for non-productive investments, Art. 77(1)(a) support for EIP operational group projects, and Art. 77(1)(b) support for LEADER, in accordance with Art. 91(3)(b) of the SPR. However, the higher rate was not selected. The Commission understands that Flanders has chosen this for simplicity reasons. Can Belgium (Flanders) please confirm?

#### **5. CAP PLAN GOVERNANCE, EXCLUDING CONTROLS AND PENALTIES**

416. Belgium (Flanders) is reminded to ensure a balanced participation of the relevant bodies in the monitoring committee representing women, youth and the interests of people in disadvantaged situations.

417. Regarding sections 7.3 and 7.4, comments will be delivered by the Commission services in a separate communication.
418. For activities falling outside the scope of Art. 42 TFEU, State aid rules apply. Companies in difficulty or companies still having a pending recovery order following a Commission decision declaring an aid illegal and incompatible with the internal market have to be excluded, except in the cases mentioned in the applicable State aid rules.