

Draft Report

of the Advisory group on Agriculture and Environment

23 May 2014

1. Adoption of the agenda and of the report of the last meeting of 15/11/2013 drafted by the Chairwoman

The meeting was chaired by the Vice-Chair, Mr Martin Laengauer (Copa-Cogeca), due to the absence of the Chairwoman, Ms Trees Robijns (Birdlife Europe).

The minutes were adopted. The agenda was adopted.

The Vice-Chair explained that a point of information on the future Civil Dialogue Groups had been requested by the Chairwoman and himself. However, the Commission claimed that no decision on the composition of the groups has yet been made, so the point was not been included in the agenda.

2. State of play of the CAP post-2013 (including delegated acts and guidelines) – the future agri-environment-climate measures and the baseline set by cross-compliance and mandatory greening.

The Commission presented the point on greening (Mr Emmanuel PETEL, AGRI D2)

Copa Cogeca: Now that the delegated acts for the EFA are adopted, COM was asked to take future changes into consideration in reviewing the delegated acts in 2017: to increase the conversion coefficient from 0.3 up to 0.7 for catch crops (catch crops take up nutrients and reduce water pollution, biodiversity, and cruciferous plants which bloom in autumn are good for biodiversity); to include non-tillage because it is good for soil biodiversity. It was also stressed that the full range of EFA measures should be made available to farmers to fulfil the 5%. There are concerns regarding their mapping that may result in limiting EFA measures in the UK. To avoid that land is taken out of production leading to negative implications to reach 5%, more flexibility is needed.

LACZO Hungary (NGO???) : in Hungary some farms have thousand hectares of arable land and are monoculture which is a danger for biodiversity: are there special requirements for crop diversification for very large scale farms?

Via Campesina: concerning landscape elements, there are often problems in France after some years because trees grow and not in conformity with the documents farmers fill in, so it can be purely an administrative problem.

EEB : with regard to delegated acts for EFA it is seen as a dilution from the original goal with very limited benefits for biodiversity. To pass to 0.7 for nitrogen crops is seen as unacceptable, Copa-Cogeca's request was not supported. The COM was asked for a comprehensive monitoring for mid-term evaluation.

COM: Work is ongoing to incorporate this new concept, but there are some restrictions. There are various needs /desires from stakeholders. The Commission has the obligation to assess EFA by 2017, but already after the first year the implementation will be examined. There may be a need to adjust elements. Regarding the coefficients, COM indicated that a lot of time has been dedicated to discussion on it and a balanced position was found with

temporary elements getting a lower weighting factor. Concerning catch crops there is quite some flexibility regarding the time to keep catch crops on the field. MS have to make choices to notify by 1st August, having two more months to give more precisions.

Copa-Cogeca: Fertile soils need to be harvested to avoid nutrients accumulation and leakage. Is COM concerned on P concentration on soils if biomass is not harvested and soil not ploughed for a long time? Greening will not enhance water protection – what does the COM think about this?

EEB : concerning the implementation in Member States of the basic acts, they will have flexibility concerning inputs. Does the COM know if some MS plan to forbid pesticides? And how advanced is the mapping? How will COM ensure that first the baseline under cross compliance is set? When will the implementing acts be published?

Birdlife: Objective of EFA to benefit biodiversity cannot be diluted.

COM: Set-aside is an important element in the management of soils.

The implementing act contains a calendar for notification of equivalent measures. They have been adopted and will be published.

The objective regarding permanent grasslands is to maintain them. The COM will check the percentage over time – if the surface area is maintained in absolute value we will consider that the objective has been achieved. On 1st October the COM will have a list on EFA and qualification. Concerning sensitive grasslands MS examine Natura 2000 areas to identify the most sensible ones, including wet- and peatlands. The GAEC sets the obligation for farmer not to remove landscape features. For the 5% EFA these landscape features can be taken into account.

Copa-Cogeca: Education and training are key to implement the new CAP as it is necessary to explain the farmers the new regime, and to ensure that crop diversification is in line with pedo-climatic conditions. Concerning permanent grassland, if too much restrictions lay on the land, farmers will not be able to develop and by consequence farms will disappear and biodiversity with them.

COM : In future there will be a closer follow-up of permanent grassland at parcel level. It is important to support greening with advice.

The Vice-Chair concluded that it is obvious that not everything can be clarified at this stage. He informed that all presentations will be shortly made available on CIRCABC.

3. Semi-natural pastures / high nature value farmland.

a. Existing data in relation to ecologically valuable grasslands and recommendations to fill data gaps.

The COM (Mr Jérémie CRESPIN, DG ENV B1) presented the point.

Via Campesina: The definition of “permanent grassland” has to take into account regional aspects – farmers are needed to avoid land abandonment. Mountain and less favoured areas are disadvantaged when it comes to payments.

BEUC : Permanent grassland definition is complex and does not take into account local or national specificities which need to be saved/protected (e.g. mountains). The incidence of climate change is more and more obvious on the floral composition and on the pasture fauna.

Birdlife : C sequestration, etc., are important in extensively grazed areas, support needs to continue.

Copa-Cogeca : To what extent were farmers consulted during the study?

COM : Farmers are at the heart of permanent grasslands conservation and the Commission wants to support them. The Rural Development Programme allows to target support. For the study carried out by Alterra on ecologically valuable grasslands a expert survey was conducted, but the work is mainly based on statistics.

b. Ways forward for effective protection of semi-natural pastures in relations to CAP implementation and other policy tools.

The COM (Mr Olivier DIANA, DG AGRI H4) presented the point.

EEB: The economic valorisation of this grassland is important through consumer info, improving their knowledge. Regarding areas with natural constraints (former LFAs) grassland maintenance should be in the focus.

ECVC: Land abandonment is a key issue, many endangered animals live on grassland and in particular in mountains.

Copa-Cogeca : Decoupling of payments benefitted pastures in Germany. In Germany, due to grassland protection all changes have to be notified. Farmers are limited in their economic decisions. The key problem is that too many constraints are put on farmers. Another huge European problem is soil sealing: everyday 80 hectares disappear in Germany, but regional / local solutions are needed to address this.

Birdlife: There are a lot of ecosystems services delivered by famers, which can be protected in CAP under agri-environment-climate measure (AECM), but they have been reduced in some MS. What the COM intends to do to ensure good spending on AECM from 2nd pillar? There is no sufficient ring-fencing for this areas. What will the COM do to reduce reverse modulation?

Copa-Cogeca : For some Irish farmers, mapping present difficulties: problem of bad pictures, administration costs. Land being abandoned due to administrative reasons is regrettable.

COM : The valorisation of products from permanent grasslands can also be taken into account in Horizon 2020.

The AECM measure is the only one that is mandatory at national level and 30% of pillar 2 funding has to be used for environmental and climate objectives. The decision on transfer of up to 15 % between the 2 pillars is under the responsibility of MS. Grassland renewal is an issue.

4. Update on the EIA revision

The COM (Mrs Milena Novakova, DG ENVI D1) presented the point.

Via Campesina: Concerning the application of this EIA there is no obligation in the context of exploring shale gas under agricultural land.

Copa-Cogeca : The complexity of the assessment and the lack of legal reassurance regarding projects does not encourage farmers to invest in their farms. It will negatively impact biodiversity and economy.

COM: The shale gas projects are covered under Annex I to the directive EIA when the project does exceed 500m³ of gas extraction per day. Should the project be below 500m³ it is covered by Annex II. In any case, projects are subject to the EIA. Monitoring of significant adverse effects will become compulsory while the scoping procedure depends on national implementation.

Via Campesina: Defining the gas extraction in advance is considered as being unrealistic.

COM: The Directive has to be applied before the project start so, before the hole is done. This Directive has already been adopted by MS so discussions are not possible anymore.

5. Resource-efficiency: Outcomes of the consultative Communication on the sustainable use of phosphorus

The COM (Mr Francesco Presicce, DG ENVI B1) presented the point.

Copa-Cogeca: Agreed with a number of key messages presented from the consultation, and highlighted that P is a vital resource for soil fertility and production. The resource efficiency aspect is relevant. A balanced fertilisation taking into account P content in the soil is important. When using recycled P, how to ensure not to contaminate soils?

COM: It was indicated that a summary report from the responses received will be available before the summer break. The Commission will continue its work on the sustainable use of phosphorus in the context of existing policies (i.e. WFD, Nitrate Directive (eutrophication), etc.) and integration with revised or new policies, including for instance the revision of the Fertiliser regulation, which will also possibly address issues relating to contamination. Regarding efficiency : the goal is to achieve a balanced fertilisation.

6. The 2030 framework for climate and energy policies – implications for agriculture and land use emissions and removals (LULUCF sector)

The COM (Mr Herwing Ranner, DG AGRI H4) presented the point.

The Vice-Chair asked for more insights about bioenergy related aspects.

COM says that some MS have more emissions coming from agriculture than others (e.g. Ireland), but the goal is in parallel to keep food production and reduce emissions. Therefore sustainable intensification is promoted at international level – a position paper is expected to be drafted in Bonn (UNFCCC talks in June 2014). Bioenergy : first generation biofuels are not so supported than in the past, although we acknowledge that strong investments have been made in some MS. We still need some time for 2nd generation. The energy mix is a question of technology and development. Biofuel and biomass will come from forest because land will be used for food.

Via Campesina believes that in the Carbon market context the current rules say that some credits (1%) can be used for reforestation in developing countries, but also industrial plantations (e.g. palm oil) are covered so it is not good for environment - how could these crops contribute to save the climate?

Copa-Cogeca asked for precisions on the calendar on the revision of the Effort Sharing Decision and the LULUCF (October 2014?). The delegate also asked at what stage the

discussion within the UNFCCC on LULUCF and AFOLU is, as well as what the position on LULUCF in the international context is. The 40% GHG reduction objective is too ambitious while the potential for further reducing emissions by agriculture has decreased. Farming already did a lot by reducing of 23% gas emissions since 1990 and the sector lack of possibility/flexibility to reach this ambitious objective of 40%. It is difficult for EU to take a decision before new international targets. Moreover there is a wide variety between MS. Copa-Cogeca asked for a study of impacts before taking position.

EFFAT asked whether the COM will analyse job creation in this context and expresses their concerns on soy oil production. The delegate advised to establish contacts with the bioeconomy panel.

EEB asked how the COM plans to manage the fact that fertile lands are dedicated to solar production, especially in countries in the south of Europe.

LACZO (NGO ???) asked why the COM has not mentioned agricultural by-products in bioenergy.

EEB expressed its conviction that methane has to be also accounted in global emissions.

Birdlife: claimed that goals are not ambitious enough, and that it is important to note that a part of agricultural emissions comes from industrial processes (e.g. fertiliser production). The delegated claimed that to find solutions is needed, but no one can fit all – behaviour has to change. How this influence the national emission ceiling (NEC) directive ?

Copa-Cogeca highlighted that nitrous oxide and methane are main GHG from agriculture. Sustainable intensification approach is good for smart climate agriculture. CO₂ is about photosynthesis and C fixing so these 3 options for the inclusion of the LULUCF sector allows us to further reflect on this.

Copa-Cogeca spoke about the relative size of emissions. The delegate emphasized that it is necessary to be prepared for more emissions because the EU has to be prepared for producing more food. When talking about ammonia, etc. the focus is on the bad aspects of the agriculture. There is a need to look at the multifunctional role of agriculture. When talking on Sustainable Intensification and C efficiency a farm data system has been launched in Ireland to allow farmers to check their emissions. Renewable energy delivers benefits: sequestration, carbon efficiency, C storage. The option of an individual pillar is not an option.

COM explained that the October European Council will deliver conclusions on the 2030 framework, and also will tackle how it affects agriculture. With regard to the UNFCCC negotiations, the basic problem is that developing countries only want to tackle adaptation and the EU wants to deal with adaptation and mitigation – therefore, to have everybody to agree is challenging. There will be a go in June (Bonn talks), then Lima (COP20) and then the COP21 in 2015. To reduce 40% in agriculture will be a challenge but it is up to MS to decide within the “non-ETS” (effort sharing), not up to the COM. Concerning the 3 options for LULUCF, the question will not be solved in October: in October the aim is to agree at least on the GHG emission reduction. The comment from EFFAT about second generation biofuels for job creation could be better tackled in other fora. The loss of arable land due to solar power installation : the official will check it but it is not currently an issue for the COM. The EU emits 11% of world emissions and this will be reduced to 5-6% in a near future, but other countries have also to reduce emissions. Methane: not only from livestock but also from carbon rich soils so it is necessary to think what to do.

Copa-Cogeca pointed out that indeed emissions from fertilisers are not included, but biomass delivering CO₂equ emissions savings is included in the energy sector and not in agriculture. Global perspective: if we have an efficient production in EU we should not expect to shift it to third countries. To keep employment in EU is crucial.

Copa-Cogeca claimed that despite the fact that peat soils in many MS comes from agriculture, it is just the effect of the investments to satisfy societal demands from 1 century ago – it should be at society not at farmers costs.

7. Pesticides

- a. Update on the state of implementation of the Sustainable Use of Pesticides Directive (SUD)**
- b. Specific discussion on integrated pest management (IPM)**

The COM (Mrs Patrizia Pitton DG SANCO E3) presented both points.

Birdlife: What will the COM do to make IPM a reality. Guides?

EEB : A shift from basics to best practice is important. IPM is quite open to interpretation.

ECVC: It was asked how the aerial spraying could have been retained in the SUD.

Copa-Cogeca: The use of pesticides is an important mean to produce safe food. There are several examples of cooperation between green NGOs and farmers and pesticide producers and farmers to reduce pesticide use. There is also a common interest to get alternatives to conventional pesticides. Other issues of concern are minor uses, the need for a fast track approval for biological means and there is a need for research and to promote solutions to avoid resistances. Research results from the ERA-NET on IPM are expected to provide alternative solutions. There is a lack of trust of the national authorities when it comes to mutual recognition of active substances. Aerial spraying is limited to specific cases like rice production.

EEB: The COM should help MS in the implementation of IPM.

EFFAT: There are concerns about « sustainable use of pesticides » due to its possible impacts on health of workers. Looking for alternatives is crucial the alternatives would allow increase quality of production and possibilities of export. .

COM: Commission is following up the implementation of the Directive on sustainable use and by end of 2014 a report on the information provided with National Action Plans by member States has to be submitted to Parliament and Council. In 2018 it is foreseen to have a complete report on experience gained by MS in implementation . The COM promotes a good exchange of information, through the organisation of focused meetings among MS delegates and stakeholders, a workshop on IPM will be soon held and the minor uses technical platform coordinated at EU level is currently going to be built up . Regarding aerial application, the general ban can be derogated by MS but under very strict conditions among them the plant protection product to be used must be specifically assessed and authorised for aerial spraying and monitoring of respect of conditions prescribed has to be granted.

With respect to the preparation of a guidance on IPM , COM recalls the subsidiarity principle and the Annex III of the Directive lays down general principles which are already quite

defined, hence it is seen to be premature the elaboration a baseline at EU level.. The focus needs to be put on enforcement of the proper use of pesticides.

Replying to a question on low risk and basic substance, the COM aims to simplify as much as possible the procedure for evaluation but the provisions of the Regulation must be respected and in any case safe use must be demonstrated. A Guidance document for the procedure on basic substances to be used for plant protection is available on DGSANCO webpage.. Also at OECD level , COM cooperates and work is ongoing on microorganisms and pheromones guidelines.

The Vice-Chair highlighted the importance to keep a balance – ensure high quality and safe products, to face international competition and to look at environment friendly plant protection product alternatives.

8. Revision of the Fertilisers Regulation: information on the envisaged extension of the scope, the new approach and its future implications for the safety and quality of fertilising materials

The COM (Mr Eric LIEGEOIS, DG ENTR F2) presented the point.

Copa-Cogeca: An issue of concern is cadmium in fertilisers, the allowed maximum differs considerably across the EU. Regarding labelling of fertilisers, farmers need to know the total content of nutrients, but also the nutrients available to plants in the fertiliser. The development of a harmonized approach across the EU is welcomed. Farmers are at the same time producers and consumers of fertilizers. How does the COM take into account those two roles? Regarding “End-of-Waste” criteria, what revisions does the COM foresee as there are national systems of EOW which work quite well? What is the link between the Fertilisers Regulation and the EOW criteria?

Via Campesina : There are some farmers, e.g. bio-dynamic producers that use particular fertilisers, often mixed by themselves. There is pressure from industry to prohibit them. How will the COM ensure that this will remain possible in future.

COM: Concerning cadmium limits, the COM currently discussed internally the initial proposal of DG ENTR (in the lead) outlining the following limit for phosphate fertiliser: 60mg/Kg dry matter maximum with the possibility of stricter limits at national level from the start via derogation(e.g. Sweden) and a further reduction of the limit to 40 mg/kg dry matter after several years and a commitment to examine whether a limit of 20 mg/kg dry matter is feasible and economically worth. Concerning the nutrient content, not only the total P, but also the water and weak acid P solubility will be labelled. It is intended to exclude traditional preparations from the scope of the regulation (e.g. non processed manure). Currently the COM is working on a registration / compilation of plant biostimulants and there will be exemptions for the "traditional" preparations. The EOW criteria for composts and digestates are being prepared : input criteria would have to comply with the EOW criteria to be considered as acceptable for manufacturing fertilising materials. Since there are not EU EOW for some biowaste, national legislation will continue to apply in the future.

The Vice-Chair concluded reminding that the COM will present the proposal likely by the end of the year 2014.

The Vice-Chair concluded reminding that the COM will present the proposal in October 2014.

9. Water

- a. Nitrates pollution in the EU : policy approaches, lessons learnt and challenges**
- b. Update on implementing Water Framework Directive basic and supplementary measures to address agriculture pressures in the second cycle River Basin Management Plans**

The COM (respectively, Mr Francesco Presicce, DG ENVI B1 and Ms Claire Mccamphill, DG ENV C1) presented the points.

EEB: Agri-environmental measures are difficult regarding control. The Court of Auditors has highlighted that not sufficiently is done on water in the CAP. Member States need to do more. How will the COM insure that MS put water into their rural development programmes?

Copa-Cogeca : It is important to highlight the considerable improvement in water quality have been achieved, i.e. thanks to French farmers actions. If the nitrate concentration goes below 50mg is there the possibility to take those areas out of Nitrates Vulnerable Zone (NVZ). Often the CAP measures are not responding to farmers' expectations. In France a project is ongoing for voluntary approaches. Concerning the closed period for manure spreading, the scientific basis for the designated time period is asked. For example, in Finland nutrients spread sub-surface until November are not mobilised in soil. Manure is seen as an important nutrient resource, but its use is considerably more restricted as the one of commercial mineral fertilisers. The focus should be put on minimizing the nutrient losses as every kg of nutrients lost is an economic loss, but increasing the outputs should be possible, too.

Via Campesina : The Court of Auditors contested that the « pollutant-payer principle is not applied in the CAP. There are progress in the awareness raising, but the CAP still favours an agriculture very consumer in N. Concerning water, the particularities of Mediterranean agriculture need to be taken into account, water being crucial.

COM: Regarding the Court of Auditor report on water and CAP, there is a written reaction by the COM in the report. Concerning the inclusion of water measures in the next rural development programmes, there is progress made to address identified gaps. The focus is put on source oriented and targeted measures focussing on hot spots aiming at reducing nutrient losses. When it comes to NVZ, they need to be defined based on sound methodologies based on the criteria set out in the Nitrates Directive, taking into account both nitrates concentrations and eutrophication. Land draining into polluted waters or waters at risk of pollution need to be designated as NVZ. Concerning the closed periods, their establishment needs to be science-based and an approach that matches scientific evidence with implementation and applicability on the ground needs to be found. There are studies by COM on the recommended periods of prohibition taking into account pedo-climatic conditions and type of fertiliser. As regards the polluter-pays principle, this is also embedded in environmental legislation and cross compliance is an important mechanism in this regard.

The Vice-Chair concluded by encouraging further reflections on financing.

10. Information on the EEA Multiannual Work Programme 2014-2018

A representative from the EEA gave a brief introduction into the work programme. He indicated that the state of environment will be published in 2015. In the work programme biodiversity, ecosystems, agriculture and forests are dealt in one chapter, also named “ecosystem capital”. In line with this approach the staff dedicated to agriculture has been reduced. The focus is put on the transition to a sustainable future.

EEB asked for recommendations on interactions between natural environment and agriculture to be addressed in more depth next time.

11. Information on the Decision 1386/2013/EU on a General Union Environment Action Programme to 2020 “Living Well, within the limits of our planet”

The COM (Mr Andrea VETTORI, DG ENV B1) presented the point.

The Vice-Chair acknowledged that a quite wide range of issues are covered by the EAP.

EEB: The objectives are shared, but how to ensure the implementation of the actions and the delivery of concrete results?

Birdlife: The withdrawal of the soil directive is regretted since it would have been a tool.

COM : All actors’ engagement is needed for it, each of them in their area of responsibility. For example, the rural development programmes are important as well as regional policy. Integration is key. Regarding Rural Development, it is now or not before 2020. It is important that at local level the stakeholders contribute to RDP. When deciding to withdraw the soil framework directive it has been taken in account that in 8 years no decision by MS has been made. The withdrawn is not then due to the fact that the COM believes the objectives of the proposal are not valid – just to pave the way for an alternative instrument by the new Commission.

The Vice-Chair closed the meeting by thanking the Commission and the participants. He reminded that this was the last meeting of the Advisory Group in its current shape. He explained the COM that the participants were looking forward to continue the debates in the framework of the future “Civil Dialogue Groups”. He finally thanked the interpreters.

Disclaimer

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