



EFNCP Comments and queries re DS/EGDP/2013/9 – rev.1 (21/11/13)

Overall the text is written in a confusing way, it is not clear. The Recitals do not set out clearly the purpose and logic of the Articles.

There are two different situations:

- Farmland with some scattered landscape features (LF) and/or a few scattered trees
- Pastures with a tree canopy as a functioning wood-pasture system

These are very different farming situations requiring clear rules and intervention logic. The text should recognise these differences and set out the logic in the Recitals.

It is not clear at the outset what is the justification for automatically applying a pro-rata reduction to the eligibility of grassland because of the presence of trees and LF. Where is the basis for this reduction in the logic of Pillar 1 income support? Why should trees and LF be penalised by a reduction in eligibility? Is it because they are seen as affecting production, or somehow reducing the level of farming activity? This should be explained.

Trees can be part of a functioning wood-pasture farming system, they provide important seasonal forage, they are not just incidental grazing as the text implies. The idea that tree crown cover is indicative of a “reduced activity” or “less productive” farming that triggers reduced eligibility has no agronomic basis. It is simply indicative of a wood-pasture system as distinct from a herbaceous pasture system. Why should the CAP rules discriminate against one or the other type of forage?

LF such as stone walls, hedges and ponds are also part of a farming system, they require maintenance and are a cost to the farmer. Why should they be excluded from income support eligibility? Is this really a mechanism intended to ensure they are covered explicitly by GAEC7 at Member State level?

The text should state at the outset that so long as trees and LF are explicitly protected by GAEC7 then they do not activate a reduction coefficient (if this is indeed the case, but perhaps it is not the case for trees in a wood-pasture system, this is not made clear – see below).

The text is confusing in its use of the terms pro-rata reduction and reduction coefficient. If there is a difference intended then it should be explained, otherwise use the terms consistently.

In terms of the Commission’s presumed objectives with these rules, it is crucial to keep in mind that the ABSENCE of trees and LF provides no proof that a pasture is in use for grazing or mowing. There are large areas of grassland that comply with the proposed limits of trees, shrubs and other features but that have NO grazing or only very occasional grazing. In the soil and climate conditions of much of Spain (and e.g. north-west Scotland) it takes several years for woody vegetation to colonise abandoned grassland, so the

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vegetation cover (absence of trees) is not proof of whether pasture is in farming use or not.

On the other hand, a wood pasture with 120 trees or more per ha may be in very active farming use and providing a livelihood to a farming family, so long as it receives CAP support.

The proposed rules will allow large areas of abandoned grassland land to receive Pillar 1 payments, while excluding large areas of farmed wood-pastures, or forcing farmers to cut down trees to be included.

The only way to be sure that pastures are being used is by checking that the farmer has enough livestock to achieve minimum grazing pressure, i.e. that he declares in IACS the animals he has and the forage land he uses to feed them (the system we had under the CAP for many years).

Our interpretation of what the Articles mean, with comments:

Art 1(1): On arable and permanent crops, landscape features (LF) are eligible up to a maximum of 2m width, but if explicitly protected under GAEC7 then they can be wider. On permanent grassland with scattered LF and trees there is no limit on LF width (there is a pro-rata reduction instead). Correct interpretations?

Art 1(2): All LF that are explicitly protected by GAEC7 do NOT activate a reduction coefficient, and on permanent pasture with scattered LF and trees, the LF can be any width so long as explicitly covered by GAEC7. BUT it is not clear whether trees on wood-pastures are included in GAEC7. The GAEC7 wording states “trees in line, in group or isolated”, does this include trees that provide a uniform canopy on wood-pastures?

Art 1(3): Arable farmland and pastures with fruit trees are only eligible if there are no more than 100 trees per hectare. Why is this rule necessary? There is no explanation. It is not explained what is meant by fruit trees (all trees produce fruit). Does this include oaks or chestnuts in agro-forestry systems? These produce a repeated harvest of fruit and are commonly more than 100 trees per hectare, so this upper limit would cause big problems. For example, chestnut pastures in Galicia can have 250 or more trees per hectare. Will farmers have to remove 150 trees per hectare in order to comply?

Art 2(1-3): This part is written in a very confusing way. For permanent grasslands with scattered LF and trees (but not fruit trees, although “fruit tree” is not defined), a pro-rata system shall be applied to reduce the eligible area. The term “reduction coefficient” also appears here – is this the same as pro-rata system? There can be up to 10% of LF/trees with no reduction, correct? There can be no more than 50% LF/trees (this would make a 100% reduction), correct? BUT all LF explicitly covered by GAEC7 are excluded from these calculations. NOT CLEAR if GAEC7 can apply to all trees on pastures, thus avoiding the pro-rata reductions and with no limit on tree numbers? Or only to trees that are not part of a forage system?

Art 3: This Article is very unclear. It does not mention pro-rata reductions, only reduction coefficients, why? Is it saying that pastures that are not predominantly herbaceous are in a different category and can have a

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different system of reduction coefficient from the system described in Article 2? If these non-herbaceous pastures are having different rules, this is good and should be made clear in the recitals. BUT if the same pro-rata system as in Article 2 is applied to these pastures, then it is completely unworkable. A limit of 50% crown cover would exclude large areas of wood-pastures that currently are eligible for Pillar 1 support in Spain. Currently in Spain a limit of 75% is being applied in some regions and this is already causing legal allegations from farmers' organisations. In reality a wood-pasture can have 100% crown cover and still function as a forage system in active farming use, combining herbaceous understorey with tree fruits and foliage. This is a wood-pasture as distinct from a purely herbaceous pasture.

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