

EFNCP response to Commission Services concept paper on greening (of 11th May 2012)

Permanent pasture definition – the non-herbaceous issue

EFNCP strongly welcomes the Commission's move to widen the permanent pasture definition, and to accept surfaces where non-herbaceous species are predominant.

In the Commission's proposed definition from October 2011 the following phrase was added to the current definition "...it may include other species suitable for grazing provided that **the grasses and other herbaceous forage** remain predominant". [emphasis added]

EFNCP proposes that a simple change to this phrase could achieve a more open but still robust definition: "...it may include non-herbaceous species provided that **vegetation used for grazing, browsing, harvesting or other farming functions** remains predominant".

This would recognise the value of non-herbaceous vegetation that contributes to a farming system, such as:

- shrub and tree types that are used for browsing
- hedges, trees and other vegetation that are used for shade and shelter
- vegetation that is harvested as part of a farming system, such as bracken for animal bedding

By contrast, some types of vegetation are not used as part of a farming system, for example types of cistus scrub in the Mediterranean, or thistles and nettles on grass pastures. EFNCP believes that the *presence* of such non-functional types of vegetation on permanent pastures is acceptable (indeed they contribute to habitat diversity) and should not be penalised, but such species should not be *predominant*.

Member States (MS) should define the types of vegetation that are recognised as part of farming systems, in accordance with regional conditions and practices, and those that are not.

Concerning the proposal for MS to use "a reduction coefficient for the calculation of such hectares into eligible hectares" [as some MS do already], EFNCP recognises that in some situations, for example very large holdings of marginal pastures, there is a case for limiting the level of payments to avoid very large income receipts for farms that use very large pastures with limited forage and thus a very low level of activity.

However, for smaller holdings and parcels of such marginal grazing land, it is important to provide sufficient incentives for continuing with the farming activity, so in these cases a reduction in payment levels is not appropriate. EFNCP therefore proposes that reduction coefficients are applied only above a certain size threshold, for example 50ha or 100ha. An alternative and more robust approach is for all Pillar 1 payments to be made on a degressive basis (payments per hectare get gradually smaller, the larger the holding).



Permanent pasture definition – ploughing and reseeded grasslands

EFNCP strongly welcomes the Commission's suggestion to include only genuinely permanent pastures in this CAP category, for example those that are out of a rotation for 8 years or more. However, if this change is made, there are other crucial issues to be addressed (as explained below) if the greening mechanism is to deliver environmental benefits, and to avoid perverse and damaging effects.

In order to deliver biodiversity and carbon benefits, permanent pastures must be not only out of the arable rotation for 8 years or more, they must also not be ploughed or reseeded to grass, as such actions eliminate biodiversity and release carbon. If they are ploughed every 8 years, biodiversity will remain at very low levels. The greening mechanism must require maintenance of these pastures without ploughing or reseeded.

In recognition of the costs of this restriction and the considerable environmental services of these grasslands, and to discourage farmers from ploughing their grasslands *before* they reach the 8 year threshold (thus avoiding any restrictions on their use and intensification), an additional payment is required for land subject to this mechanism. EFNCP has proposed a Pillar 1 top-up payment for permanent pastures to reward and incentivise their maintenance without ploughing and reseeded.

We believe that a top-up payment for permanent pasture is essential to make the greening mechanism work. Without this targeted incentive, we believe the mechanism will fail to produce significant benefits.

Finally, the start date for permanent pasture greening obligations is absolutely critical, and must be back-dated to before the introduction of the mechanism, in order to prevent "speculative" or "precautionary" ploughing of permanent pastures, which would lead to major perverse effects on the environment.

Cross-compliance requirement concerning the national areas of permanent pastures

The current requirement for MS to control the national extent of permanent pasture is greatly weakened, and in some countries ineffective, because of fundamental inconsistencies in the way that permanent pasture is recorded in data sets.

The data supplied to the Commission by MS on hectares of permanent pasture generally refers to the land on which direct payments are claimed, rather than the total "area under permanent pasture" as stated in Regulation 1782/2003. This creates a distortion of the baseline in countries where farmers are using a lot more land than they need to claim their entitlements for direct payments – in other words, the hectares of permanent pasture in active use are more than the hectares counted in farmers' applications for direct payments. This occurs especially in the case of common grazing land, estimated to cover over 15 million ha in the EU. Large areas of high-nature-value pasture are thus excluded from the control mechanism.

In addition, some of the most extensive and ecologically valuable permanent pastures are excluded from the data sent to the Commission by some countries because they have shrub and tree cover, even though they are under active grazing use.

Some areas of permanent pasture have been recorded by farmers in their claims as "temporary grassland", and thus are excluded from controls. The fact that the EU definition includes regularly reseeded grass as permanent pasture makes the distinction between temporary and permanent grassland unclear and difficult to control through the LPIS/IACS control system. With the new definition and proposed 2014 start date, farmers are likely to register as much pasture as possible as temporary, rather than permanent. As a result of these problems, the extent of permanent pasture in some MS can decline by many thousands



of hectares without registering any change in the extent declared by the MS to the Commission, thus rendering the mechanism ineffective.

If this mechanism is to be continued, it is essential for data to be used consistently, and for the true extent of permanent pasture to be monitored robustly by MS. The full range of permanent pastures used in all Member States must be counted in the baseline area, including those with shrubs and trees. The control should be on the total amount of permanent pasture, not only on the area claimed for direct payments, and not only the ratio to other farmland, since the policy should aim to guarantee at least the maintenance of a certain absolute level of public goods.

A control at national level is very crude, as it allows valuable permanent pastures to be abandoned in more marginal regions, while new and less environmentally valuable pastures are created from low-productivity arable land in other regions, with potentially no statistical change for the country. A control at regional or local level would be more effective.

Finally, permanent pasture should not be eligible for CAP afforestation grants. Afforestation is a major threat to permanent pastures and should be allowed only on temporary grassland and arable land. The proposal for afforested permanent pasture to be discounted from the figure for grassland decline is wrong.

Cross-compliance requirement for preventing habitat deterioration

Pastures and meadows with a long history of low-intensity use (semi-natural pastures) are of high nature value and need to be protected from intensification and/or conversion through cross-compliance standards, as currently occurs in some MS (e.g. UK) under EU cross-compliance options. These semi-natural pastures are the core of high-nature-value farmland and represent a web of green infrastructure that buffers and connects protected areas such as Natura 2000.

This requires that the issue of “preventing habitat deterioration”, existing under GAEC in the current CAP, is retained in the new CAP. It is not part of the GAEC annex in the Commission’s proposals from October 2011, which is a major step backwards in environmental integration to the CAP.

Agri-environment measures should be made available for all semi-natural pastures and meadows across the EU to incentivise management practices that are suitable for biodiversity conservation.

Ecological Focus Areas (EFA)

A key concern of EFNCP is that semi-natural farmland habitats (e.g. patches of semi-natural heath, dry grassland, marsh etc.) should count as EFA, not only features such as hedges and trees. Also, afforested land should not count as EFA except where it takes place on arable or temporary grassland. With the Commission’s proposal there is a clear danger that farmers will be incentivised to afforest remaining patches of semi-natural open habitat in order for such land to count as EFA, with a resulting loss of high nature value farmland habitats.

EFNCP is aware of discussions between the Commission and MS as to whether olives and other permanent crops should be excluded from the EFA requirements. EFNCP believes that there is no justification for excluding permanent crops from the EFA requirements. In many parts of southern MS, the past decades have witnessed a gradual removal of semi-natural features (field boundaries, patches of vegetation, wetlands, etc.) from land under permanent crops. In the case of olives this decline in EFA has been especially significant due to the large areas of land involved in some regions. The result is that some permanent crop landscapes have become bare of such features and restoration is urgently needed.