

Memo

From **The farmers' organisations in Germany, Finland, Sweden, UK, the Netherlands and Denmark**
 Date **13 July 2015**

10 proposals for real simplification of the CAP

Allow farmers to declare grassland as arable land irrespective of years grown	
Short description	Allow the farmer the possibility to declare grassland as arable land even if it has been used for grazing or forage production for five years or more which would normally change its definition to permanent grassland.
Main arguments	<ul style="list-style-type: none"> • The rule is counter-productive towards the environmental values that lie behind it. The proposed option will benefit both the environment and the farmer since it will mean that grassland stays on the same field for a longer period of time. • The present rule is an incentive for farmers to plough permanent grassland (and fallow land) since it is the only way to be able to use them as EFAs. • Similarly a shift from arable land to permanent grassland will generally speaking reduce land value and increase the risk of further restrictions. • The current guidance, where land considered as 'fallow' covered by grass sometimes can be used as EFA and other times not, contribute to complexity. • The problem is especially relevant for Member States where grass-silage is used instead of maize-silage as main fodder for bovine animals for climatic reasons. These fields are in active use and should then be treated as such.
Regulation	COM Guideline on LPIS, COM Guideline on permanent grassland 1307/2013, art. 4 and 45



No requirement to establish catch crops as a seed mixture	
Short description	The requirement to establish catch crops as a seed mixture should be removed.
Main arguments	<ul style="list-style-type: none"> • Significantly increases the risk of non-compliance for the farmer • Does not add to biodiversity • Easier to control by payment agencies e.g. by remote sensing – and reduce the need for OTSC • Goes beyond the original political agreement and is a burden not foreseen in the basic regulation
Regulation	639/2014, article 45 (9)

Increased proportionality in the sanctions system for greening	
Short description	Increase the proportionality in the greening sanctioning system. This can be done by limiting the reduction of the eligible area in case of non-compliance. Include a three-year limit for repeated non-compliance. Introduce appropriate tolerances for when to apply reductions.
Main arguments	<ul style="list-style-type: none"> • The current rules on reductions on the greening payment are disproportionate and difficult to understand for farmers • The actual reduction or sanction is very hard to relate to the actual non-compliance. Small “green errors” may also lead to unreasonably large reductions. • A clause should be introduced to make sure that the rebate on sanctions (which apply for the first two times a farmer has been non-compliant) is reintroduced after three years of compliance. • There are no rules on how to apply reductions when farmers are close to fulfilling the derogations (e.g. having 74% of grassland instead of the required 75%) • It is a new system and it will be difficult for farmers to implement it correctly at the beginning. • The greening as such entails a number of new elements which neither farmers nor the competent national authorities have the experience to apply. Information about the new rules has come late in the growing season and in some areas the rules were not finally set at the date of application. The first years there should therefore be higher tolerances of margins of errors of the greening requirements.
Regulation	Article 24-28 (EU) 640/2014

Crop diversification – flexible cultivation period and secondary proof	
Short description	The setting of a specific cultivation period in a member state should be removed and replaced by a risk based control on the basis of the aid application and the acceptance of other forms of proof that demonstrates compliance (crop records, ground preparation, tagged photography).
Main arguments	<ul style="list-style-type: none"> • The cultivation period differs widely between crops (due to early harvest, late sowing, soil quality such as heavy clay etc.) • The requirement does not make it possible to control all eligibility criteria at the same time which is why the on-the-spot-checks



	<p>have to be made at several visits. This is burdensome for both farmers and the paying agencies.</p> <ul style="list-style-type: none"> This would also take into account the different climatic zones and conditions in many member states.
Regulation	Article 40 (EU) No 639/2014 and the proposal on control regime for greening in articles 24 and 26.4 in (EU) No 809/2014

Notify and streamline the number of OTSC	
Short description	All “on-the-spot checks” (OTSC) should be notified 14 days prior to the inspection. Furthermore, the population from which the 5% sample should be drawn must be the total population of beneficiaries in order to limit the risk of more than one OTSC at the same farm. Alternatively, the sample should be reduced.
Main arguments	<ul style="list-style-type: none"> Due to the fact that most of the farmers strive hard to fulfil the requirements in the regulations, it sends the wrong signal to perform OTSC’s that are not notified. Farmers feel that they are regarded as wrongdoers instead of business owners. Notified controls will give more accurate results, as farmers can more easily provide all relevant documentation instead of risking that documents are forgotten due to the stressful situation Farmers will face a disproportionate increase in the number of farm inspections because the authorities will have to take a sample of at least 5% of basic payment, 5% of young farmer payment and 5% of greening beneficiaries etc.
Regulation	809/2014 article 25 and article 30

The timetable for payment of direct support should be amended	
Short description	Members should have the right to make the first payments of the direct payments at the moment when the administrative checks have been finalized.
Main arguments	<ul style="list-style-type: none"> The timetable for payments of direct support does not treat different regions or environmental focus areas (EFA’s) equally and non-discriminatory. In the North the growing season starts later due to climatic conditions. As a result the aid application can still be amended until 15 June. This means that the obligatory checks start much later than in southern Member States. This also means that payments are made later (according to art. 75 of 1306/13). The same argument is valid for certain EFA such as catch crops where – as it is now – the presence in the field needs to be checked. There will be no risk of misuse of EU funds even if the first payments can be made before OTSC have been finalized All efforts must be made to guarantee that farmers receive their direct payments still in the claim year guaranteed.
Regulation	The timetable of payments to beneficiaries Article 75 of the Horizontal Regulation (1306/2013)



Identification of agriculture parcels – a need for bigger tolerance	
Short description	The tolerance of 2% should also be used concerning digitized surface. For smaller parcels under 5 hectares a bigger tolerance should be used. When it comes to large farms, the tolerance for sanctions should be amended, the sanctions of “3% or 2 hectares” affects larger farms disproportionately. Only 3 % should be applied, not the 2 hectares.
Main arguments	<ul style="list-style-type: none"> • Different devices and procedures give different results and sufficient tolerance is needed to reduce the bureaucratic burden for both farmers and member states. • Farmers cannot understand why the eligible agricultural area of parcels is changing in every control/remote sensing. This causes uncertainty and the system seems irrational. • Article 5 in 640/2014 should be amended to reflect that only features actually used to claim EFA within the land parcel must be mapped – not all potentially eligible features. • A review of the secondary criteria associated with qualifying EFA features is therefore needed as well as a more sensible and pragmatic approach to mapping requirements. • Farmers have to be able to use the measured area in their application for the following year without fear of aid reductions or sanctions unless they themselves have made the area smaller. • For larger farms, an over-declaration of 2 hectares could amount to only a fragment of 3%. Thus the present rule affects larger farms disproportionately hard.
Regulation	640/2014, art. 5, art 19

Cross compliance - the sanctions are severe and disproportionate	
Short description	The present disproportionate penalties should be replaced by a new set up focusing on guiding the farmers (for example by using the early warning regime)
Main arguments	<ul style="list-style-type: none"> • The cross compliance control system is a huge bureaucratic burden for Member States and farmers alike. • The sanctions should be understandable, fair and proportionate. Farmers should be sanctioned only once for one mistake and not multiple times in different systems. • As the Commission has said this is existing legislation: Cross compliance and its controls seems not to be cost effective and it has increased the numbers of inspections • Hedge, trees, orchards and windbreak cutting dates which should protect the bird breeding and rearing season should be amended to reflect practical farming operations
Regulation	Cross compliance (Annex regulation 1306/2013)



Catch crops & short rotation coppice – increase weighting factor to 0.7	
Short description	Increase weighting factor for catch crops and short rotation coppice from 0.3 to 0.7
Main arguments	<ul style="list-style-type: none"> • This will re-establish the Commission’s original balance between catch crops, short rotation coppice and nitrogen fixing crops in the delegated act (639/2014) • A rebalancing is justified in the “environmental value” of the three elements (based on a scientific assessment).
Regulation	639/2014 and 1001/2014

Equivalent greening as alternative to the existing greening requirements	
Short description	The use of equivalent practices should be a real alternative to the greening requirements for farmers. Consequently, the use of the possibilities mentioned in Annex IX of the regulation 1307/2013 should be widened.
Main arguments	<ul style="list-style-type: none"> • Equivalent greening is better for the environment and for the farmers. It makes greening work in practice. But the three existing greening rules are often too rigid for farmers. They need greening that is adapted to their farm serving both the environment and the farm. • For example: on heavy clay (as in parts of the Netherlands), root crops cannot be grown. Farmers depend on winter wheat and rape seed which they can harvest before September. Farmers therefore have difficulties in meeting the 3-crop requirement and some are forced to grow spring wheat. This means part of the land is left uncovered during the winter. This is bad for both the environment and for the farmer. • The widening of equivalent practices should make it a realistic alternative for the farmer. • Examples are: field margins may be maintained from September until September instead of 1 January until 31 December; or the period for measuring the existence of three crops on a farm may be adapted to the seasonality of the farm. Instead of 15 May-15 July, for example, this could also be 1 September-1 November or 15 July-15 September.
Regulation	Widening of possibilities in Annex IX of Regulation 1307/2013.

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