

European Commission
President Ursula von der Leyen
Directorate-General for Health and Food Safety
B-1049 Brussels
Belgium

6 March 2024

Subject: Joint letter to the EU Commission to reconsider the loosening of the CAP's green architecture

We, the undersigned European coalitions¹ and civil society organisations, who work every day for an agroecological and fair transition toward sustainable food systems, including a better Common Agricultural Policy (CAP) in line with the European Green Deal, are deeply concerned by the latest measures taken by the European Commission and the recent announcements made by both the EC and the Belgian Presidency of the Council regarding the green architecture of the CAP. We also want to express our discontent regarding the lack of transparency and public involvement that characterised their preparation.

On 12 February 2024, the Commission adopted an Implementing Regulation for a derogation on the application of the standard for Good Agricultural and Environmental Conditions of land 8 (GAEC 8). The derogation allows Member States to waive the condition to dedicate at least 4% of arable land at farm level to non-productive areas in order to receive CAP subsidies. This puts an already declining biodiversity in further jeopardy, especially biodiversity linked to farming areas, and exposes agricultural activities to even further risks.

One week later, on 22 February, the Commission announced it was envisioning a set of initiatives to reduce the administrative burden on farmers. Among those initiatives were a suite of short-term and mid-term measures to further relax GAEC rules and exempt 65% of the CAP beneficiaries from controls related to compliance with GAECs. The Commission also proposed to eliminate the requirement that farmers must submit individual applications for aerial spraying of pesticides². This is an incomprehensible move by an institution that is responsible for ensuring long-term food security and health, as well as ensuring that EU funds contribute to achieving the environmental and social sustainability of the CAP.

On Monday 26 February, following the AGRIFISH Council meeting, the Belgian Presidency and the Commissioner for Agriculture announced that they would propose additional measures to grant even more flexibility on the conditionality requirements. Commissioner Wojciechowski stated he would consider the idea of transferring conditionality requirements (GAEC 1, 6, 7, 8) to voluntary eco-schemes³.

If implemented, the initiatives envisaged by the Commission will encourage Member States to undermine their obligation to support the environmental and climate ambition⁴ of their CAP Strategic Plans, compared to the 2014-2020 period, thus undermining the EU's overall capacity to achieve several objectives⁵ of the current CAP. Rather, they would constitute a roll back compared to the previous CAP period which, as clearly stated by the European Court of Auditors, did not manage to halt the decline of biodiversity⁶. The fact that the Commissioner announced farmers would not be controlled to comply with the conditionality requirements to receive CAP payments is of great concern because of the importance of these basic GAEC standards (see Annex below) in moving towards a more resilient, healthy and sustainable agricultural production model.

¹ **The European Coalitions are made up of dozens of united organisations. We are more than 335 organisations signing the Letter.**

² https://www.pan-europe.info/sites/pan-europe.info/files/public/resources/other/SI_2024_120_REDUCING%20THE%20ADMINISTRATIVE%20BURDEN%20FOR%20OF_ARMERS-NEXT%20STEPS.pdf

³ The budget for the eco-schemes is insufficient and must be increased from 25% to at least 50% in order to continue to meet Europe's climate and environmental objectives; even more in the event of a further softening of conditionality.

⁴ As required by Article 105, CAP Strategic Plan Regulation (Regulation (EU) 2021/2115).

⁵ Namely the specific objectives on climate, natural resources and biodiversity, see Article 6 (1) (d-f) of the CAP Strategic Plan Regulation (Regulation (EU) 2021/2115).

⁶ ECA Special Report 13/2020, <https://www.eca.europa.eu/en/publications?did=53892>

As such, the Commission is about to dismantle conditionality requirements that are based on unequivocal scientific evidence, and which it has explicitly acknowledged as being essential tools to address current climate, environmental, and biodiversity issues. The EU's own Better Regulation Guidelines require it to abide by certain principles in legislative decision-making, which include the evidence-based approach and policy coherence.⁷ Furthermore, adopting a series of short-term and medium-term measures that will induce repeated changes in the way CAP funds are distributed will not offer beneficiaries a proper level of legal certainty.

Farmers' protests cannot be used as an excuse to loosen the green architecture of the CAP, nor should environmental standards become a scapegoat to avoid addressing the lack of social and economic sustainability in the current agricultural system. Farmers are taking to the streets for many reasons. They are concerned about cheap imports (by free trade agreements like EU-Mercosur) that do not comply with EU environmental and animal welfare standards, as well as due to the unfair economic distribution within the agrifood chain in which they are the most impacted and least benefited. Many farmers are also protesting because CAP subsidies still favour agroindustrial models, rather than supporting agricultural models of production that contribute to improved socio-environmental sustainability. However, despite this, the Commission's solution and answer is to put an end to conditionality requirements, which is unacceptable. There are many types of farmers, and dismantling the green architecture of the CAP will not help them in the long-term.

Instead of adopting proposals that jeopardise the resilience of EU farming, we urge your Commission to stay focused on measures that have a real potential to provide fair incomes to farmers and repurpose funds (especially direct area-based payments in Pillar I) to enable producers to embrace an agro-ecological and fair transition, with a medium and long-term plan. CAP National Strategic Plans have much room for improvement to achieve a fairer distribution of subsidies to support the most vulnerable farmers who are in need of public funding, and who provide the greatest socio-environmental value by providing public goods for society as a whole.

Finally, we want to draw your attention to the fact that the "non-paper" laying down the Commission's plans to further derogate from, and revise the CAP regulations, was not made accessible to the public by your services and was discussed behind closed doors during the AGRIFISH Council meeting. Transparency and participation are some of the core principles of the EU's legislative decision-making⁸, rooted in the democratic principles of the Treaty on European Union (TEU).⁹ We deeply regret the lack of these elements in the process of formulating these options. We call on the Commission to guarantee the meaningful consultation of all concerned stakeholders, including NGOs and scientists, ahead of the formulation of any upcoming legislative and policy initiatives on agriculture, in line with Union law and best practices developed under the Better Regulation guidelines.

President von der Leyen, we urge you to abandon plans to dismantle the CAP's green architecture and come forward with a systemic approach to respond to the diversity of farmers' protests and problems, embracing socio-economic, environmental, and governance flaws of European agri-food and rural systems. When formulating policy options, we call on your Commission to adopt an evidence-based and coherent approach in line with the EU's commitments on biodiversity and climate change, as well as the objectives set out in the EU Biodiversity Strategy for 2030 and the Farm to Fork Strategy derived from the European Green Deal. Your political action should follow the evidence published on your own website: **"Biodiversity relies on agriculture, agriculture relies on biodiversity."**¹⁰

Sincerely Yours,

The European Coalitions and Organisations signing below:

⁷ Better Regulation Guidelines, Ch. I, Section I, p. 5-6.

⁸ Better Regulation Guidelines, Ch. I, Section I, p. 5-6.

⁹ See in particular Articles 10(3) and 11(2) TEU.

¹⁰ https://agriculture.ec.europa.eu/sustainability/environmental-sustainability/biodiversity_en#:~:text=Agriculture%20relies%20on%20biodiversity%3A%20The,pests%20and%20diseases%2C%20and%20pollination.

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7	BirdLife Austria	katharina.bergmueller@birdlife.at	

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22	CambiamoAgricoltura	federica.luoni@lipu.it	 <p>CAMBIAMO AGRICOLTURA!</p>
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27	ZERO, associação sistema terrestre sustentável	pedro.horta@zero.org	
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30	Společnost pro zvířata/Society for Animals.CZ	s.pro.zvirata@spolecnostprozvirata.cz	 <p>SPOLEČNOST PRO ZVÍŘATA SOCIETY FOR ANIMALS</p>
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Annex

- GAEC 1: aims to protect permanent grassland to preserve carbon stock. In November 2019, the EU Commission published [a report](#) stating that “the overall biodiversity importance” of permanent grasslands is “very high”.
- GAEC 6: has the objective to ensure minimum soil cover to avoid soil remaining bare during the most sensitive periods of the year, therefore protecting the land. [According to the EU Commission](#), 60-70% of soils are unhealthy in Europe and 50 billion euros are lost every year due to soil degradation.
- GAEC 7: fosters crop rotation in arable land to preserve soil potential. According to [a report](#) published by the EU Commission more than 10 years ago, “a higher diversity in crop rotations allows breaking pest/weed cycles. (...) Thus, crop rotations have the potential to lead to a reduction in chemical inputs”.
- GAEC 8: compels farmers to devote a minimum share of at least 4 % of arable land at farm level to non-productive elements, including but not restricted to land lying fallow. Five years ago, the Commission published [a report](#) based on scientific evidence that stated that “fallow lands are essential to biodiversity” and “provide more options for species in terms of food and breeding habitat”.