

## Public consultation on the experience with the first year of implementation of greening obligations under the direct payment scheme (CAP)

Fields marked with \* are mandatory.

Before answering the questions please refer to the objective and context/background sections of the [consultation page](#) to read some contextual information, legal background and how we deal with your personal data and contribution.

### Section I. General information on stakeholders

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*Certain questions are for farmers and farmers' organisations only.*

**\* Are you a...**

If you are responding as a (representative of) organisation (company, association etc.), please familiarise yourself with the rules concerning contributions of interest representatives available on the consultation website.

- ☐ Farmer
- ☐ National administration of an EU Member State
- ☐ Regional / local administration of an EU Member State
- ☐ National / regional farmer organisation
- ☐ European farmer organisation
- ☐ Local farmer organisation
- ☒ European non-governmental organisation (NGO) in the field of environment
- ☐ NGO in the field of environment (other than EU level)
- ☐ Other NGO (i.e. in fields other than environment or agriculture)
- ☐ Citizen
- ☐ Academic / Researcher
- ☐ Other

**\* Please enter your name and surname (if responding as an individual) / name and address of your organisation (if responding as the representative of an organisation/company etc.):**

*200 character(s) maximum*

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1000 Brussels

★ If you are an interest representative (organisation/company etc.), are you registered in the EU Transparency Register?

If your organisation (company etc.) responds without being registered, the Commission will consider its input as that of an individual and as such, will publish it separately.

- ☒ Yes  
☐ No  
☐ Not applicable (not organisation/company etc.)

★ If you are a registered organisation please indicate your EU Transparency Registry identification number:

*50 character(s) maximum*

06798511314-27

★ Please enter your e-mail address

faustine.bas-defossez@eeb.org

★ What is your country of residence?

In case of legal entities / organisations / companies etc., please select the primary place of establishment of the entity you represent

Belgium

★ Do you agree with the publication of your contribution on the Commission's website? Please note that regardless the option chosen, your contribution may still be subject to requests for 'access to documents' under [Regulation 1049/2001](#).

Received contributions, together with the identity of the contributor, will be published on the Internet, unless contributor objects to publication of the personal data on the grounds that such publication would harm his or her legitimate interests. In this case the contribution may be published in anonymous form. Otherwise the contribution will not be published nor will, in principle, its content be taken into account.

- ☒ Yes, my contribution may be published under the name I have indicated (name of my organisation, company etc. or my name if I reply as an individual)  
☐ Yes, my contribution may be published but should be kept anonymous (without name and contact details)  
☐ No, please keep my contribution confidential (it will not be published but may be used internally within the Commission)

## Section II Agriculture, environment and climate

★ Do you agree or disagree that the environment in agricultural areas should be protected?

- ☒ Strongly agree
- ☐ Slightly agree
- ☐ Neutral
- ☐ Slightly disagree
- ☐ Strongly disagree
- ☐ No opinion / Don't know

★ Do you agree or disagree that agriculture should contribute to climate change mitigation efforts?

- ☒ Strongly agree
- ☐ Slightly agree
- ☐ Neutral
- ☐ Slightly disagree
- ☐ Strongly disagree
- ☐ No opinion / Don't know

★ Do you agree or disagree that farmers should be rewarded financially for adhering to environmentally/climate- friendly farming practices and, ultimately, for the delivery of environmental public goods?

- ☐ Strongly agree
- ☐ Slightly agree
- ☒ Neutral
- ☐ Slightly disagree
- ☐ Strongly disagree
- ☐ No opinion / Don't know

### Section III. Effects of greening

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In your view, what is, in the long term, the impact of greening obligations (crop diversification, maintenance of permanent grassland, ecological focus area) on the environment as regards:

Soil quality:

	Very positive	Slightly positive	None / Neutral	Slightly negative	Very negative	No opinion / Don't know
at your farm / certain farms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

in your country / in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Carbon sequestration:

	Very positive	Slightly positive	None / Neutral	Slightly negative	Very negative	No opinion / Don't know
at your farm / certain farms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
in your country / in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Biodiversity:

	Very positive	Slightly positive	None / Neutral	Slightly negative	Very negative	No opinion / Don't know
at your farm / certain farms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
in your country / in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

In your view, what is the impact of the greening rules as implemented in your country on the production potential:

In the short term:

'Positive' means increased production potential; 'none/neutral' means the same level of production potential; and 'negative' reduced production potential.

	Very positive	Slightly positive	None / Neutral	Slightly negative	Very negative	No opinion / Don't know

at your farm / certain farms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
in your country / in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer by giving at least 1 example

The questions are biased and the answer considerably differs whether we talk about greening obligations as initially proposed by COM or as now agreed between Institutions with all the exemptions and flexibility given to MS. Several ENGOs have brought forward proposals for agronomically sound practices that would have allowed for genuine benefits in soil, carbon, biodiversity and water quality as well as avoiding minimal short term negative effects on production. The measures were thought out to bring long term positive production effects. What we see on the ground in terms of the state of the environment (IFAB 2015: <http://tiny.cc/ifabieep>) and the way these measures are implemented (IEEP 2015: <http://tiny.cc/ifabieep>) , Factsheet <http://tiny.cc/EUfacts> , DE analysis of EFA implementation: <http://tiny.cc/lakner>) show that these benefits will not happen or in a very unclear way. The impacts of the measures will stay neutral and the problems will remain similar to the ones we have seen.

In the long term:

'Positive' means increased production potential; 'none/neutral' means the same level of production potential; and 'negative' reduced production potential.

	Very positive	Slightly positive	None / Neutral	Slightly negative	Very negative	No opinion / Don't know
at your farm / certain farms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
in your country / in the EU	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Please explain your answer by giving at least 1 example

As explained in answer above, ENGOS had come up with a set of agronomically sound practices that would have had long term benefits for the production potential of Europe. However the way the measures have been eventually designed (after co decision), adapted by MS and finally implemented by farmers is not going to bring this long term production benefits, at least not in the EU wide dimension that was promised by greening, or in the most problematic areas where top soils are blown away by the wind, water quality stays low or there is too little or too much water available and where there is no more biodiversity present in the field or around it.

*The basic list of elements that may qualify as Ecological Focus Area (EFA) is established by Regulation (EU) No 1307/2013 of the European Parliament and the Council. Delegated Regulation (EU) No 639/2014 specifies sub-categories of the 'landscape features' EFA. The governments of EU Member States selected from that list the EFA types their farmers can choose from. Consequently, the list of available EFAs and/or some conditions/requirements may differ between EU countries.*

In your opinion, which of the EFA elements are most beneficial for the environment, in particular biodiversity? Please indicate maximum three.

*at most 3 choice(s)*

- ☒ Land lying fallow
- ☐ Terraces
- ☒ Landscape features - hedges or wooded strips
- ☐ Landscape features - isolated trees
- ☐ Landscape features - trees in line
- ☐ Landscape features - trees in group and field copses
- ☐ Landscape features - field margins
- ☐ Landscape features - ponds
- ☐ Landscape features - ditches
- ☐ Landscape features - traditional stone walls
- ☐ Landscape features - other landscape features protected under cross-compliance
- ☒ Buffer strips
- ☐ Hectares of agro-forestry
- ☐ Strips of eligible hectares along forest edges
- ☐ Areas with short rotation coppice
- ☐ Afforested areas
- ☐ Areas with catch crops or green cover
- ☐ Areas with nitrogen-fixing crops
- ☐ None
- ☐ No opinion / Don't know

Which requirement(s) attached to EFAs do you consider the most effective from an environmental perspective? Please indicate maximum two.

*at most 2 choice(s)*

- ☐ Mandatory deadlines and/or required duration on the ground
- ☒ No production requirement
- ☒ Limitation/ban on using fertilisers/plant protection products

- ☐ Selection of species and/or crops
- ☐ Dimension limits
- ☐ Methods of production such as rotating
- ☐ Sowing mixtures of species
- ☐ Other
- ☐ None
- ☐ No opinion / Don't know

Please explain your choice:

*1000 character(s) maximum*

The above 2 questions are put in a biased way and we object to the very limited view with which these questions were put forward. The environmental delivery of EFAs (and in particular for biodiversity, its main objective) is something that depends upon a combination of issues: what type of elements enter (should be landscape elements only), what is the size of the requirement (dimension limit) and what is the management of these elements (ban on fertiliser/plant protection, no production requirements, sowing mixtures, selection of species, etc.). On all of these, substantial scientific evidence is produced. Hence, asking respondents to choose just 3 answers in the question about what are beneficial EFA elements for the environment, is nonsensical. We urge the Commission to revisit the existing evidence base on these elements and ENGOS as well as scientific organisations can surely again put forward all the data needed for it but not in a limited space.









## Section IV Implementation of greening

How do you rate the implementation of the greening requirements?

- ☐ Very easy
- ☐ Easy
- ☐ Difficult
- ☐ Very difficult
- ☒ No opinion / Don't know

In your opinion, are any of the following aspects of the greening implementation particularly demanding for farmers?

	Understanding the rules	Compliance with the rules	None. It's simple	No opinion / Don't know
Crop diversification	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Permanent grassland	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

Environmentally sensitive permanent grassland				
Ecological focus area/EFA				

Do you consider that any of the following EFA types are particularly demanding for farmers to apply?  
Please select maximum three.

*at most 3 choice(s)*

- ☐ Land lying fallow
- ☐ Terraces
- ☐ Landscape features - hedges or wooded strips
- ☐ Landscape features - isolated trees
- ☐ Landscape features - trees in line
- ☐ Landscape features - trees in group and field copses
- ☐ Landscape features - field margins
- ☐ Landscape features - ponds
- ☐ Landscape features - ditches
- ☐ Landscape features - traditional stone walls
- ☐ Landscape features - other landscape features protected under cross-compliance
- ☐ Buffer strips
- ☐ Hectares of agro-forestry
- ☐ Strips of eligible hectares along forest edges
- ☐ Areas with short rotation coppice
- ☐ Afforested areas
- ☐ Areas with catch crops or green cover
- ☐ Areas with nitrogen-fixing crops
- ☒ None. They're simple.
- ☐ No opinion / Don't know

Which requirement attached to EFAs do you consider the most demanding for farmers to apply?  
Please indicate maximum two.

*at most 2 choice(s)*

- ☐ Mandatory deadlines / required duration on the ground
- ☐ No production requirement
- ☐ Limitations/bans on using fertilisers/plant protection products
- ☐ Selection of species and/or crops not fitting with my/farmers' needs
- ☐ Dimension limits
- ☐ Methods of production such as rotating
- ☐ Sowing mixtures of species
- ☒ Other
- ☐ None. They're simple.
- ☐ No opinion/Don't know



If other, please specify below

*200 character(s) maximum*

EFAs were meant to improve biodiversity, flexibility allowed too many things to enter which might jeopardize that objective. One option would be to remove crops from the list and ban all inputs.

Please explain the nature of the 'other' difficulty for farmers to apply? (main reason)

- ☐ It is technically difficult to apply (e.g. not compatible with certain local conditions, lack of flexibility)
- ☐ It has serious economic consequences (for farm(s))
- ☐ It creates too many administrative obligations (e.g. more time spent on filling aid application, more controls)

Overall, how do you rate the availability in your country of information, training, technical advice about greening obligations (crop diversification, maintenance of permanent grassland and ecological focus area) and the environmental purpose of these obligations?

- ☐ Excellent
- ☐ Good
- ☐ Fair
- ☒ Poor
- ☐ No opinion / Don't know

## Section V Level Playing Field (possibility to manage farms on an equal footing with farmers in other EU countries)

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Which EFA types, not available in your country, you would like to see added (made available)? Please select maximum three.

*at most 3 choice(s)*

- ☐ Land lying fallow
- ☐ Terraces
- ☐ Landscape features - hedges or wooded strips
- ☐ Landscape features - isolated trees
- ☐ Landscape features - trees in line
- ☐ Landscape features - trees in group and field copses
- ☐ Landscape features - field margins
- ☐ Landscape features - ponds
- ☐ Landscape features - ditches
- ☐ Landscape features - traditional stone walls
- ☐ Landscape features - other landscape features protected under cross-compliance
- ☐ Buffer strips
- ☐ Hectares of agro-forestry
- ☐ Strips of eligible hectares along forest edges

- ☐ Areas with short rotation coppice
- ☐ Afforested areas
- ☐ Areas with catch crops or green cover
- ☐ Areas with nitrogen-fixing crops
- ☒ None
- ☐ No opinion / Don't know

Do you agree or disagree that EU countries (national authorities) define some conditions/requirements for EFA which are not applicable to farmers in other countries?

- ☐ Strongly agree
- ☐ Slightly agree
- ☐ Neutral
- ☒ Slightly disagree
- ☐ Strongly disagree
- ☐ No opinion / Don't know

In case you disagree, please explain which of the following current conditions/requirements that the EU legislation ([Delegated](#) and [Implementing](#) Regulations) leaves for EU countries (national authorities) to decide should be harmonised i.e. that they should be the same for all farmers in the same situation in all EU countries? Multiple answers possible.

- ☐ Selection of landscape feature types (from the list containing: hedges/wooded strips, isolated trees, trees in line, trees in group, field margins, ponds, ditches, traditional stone walls)
- ☐ Selection of species (short rotation coppice, catch crops, nitrogen-fixing crops)
- ☐ Possibility to set additional conditions (especially production methods) for catch crops and nitrogen fixing crops
- ☒ Other

If other, please specify.

*200 character(s) maximum*

As EFAs are meant to improve biodiversity on farmland it should consist of a range of non-productive elements. Simplification would be to remove crops and ban on use of fertilizers/pesticides for all

Have you encountered or are you aware of any specific challenges related to greening requirements (crop diversification, maintenance of permanent grassland, ecological focus area) for you/farmers in your country which farmers in a similar situation in another EU country/ies do not face?

- ☒ Yes
- ☐ No
- ☐ No opinion / Don't know

If yes, please explain by referring to specific requirement(s)

*1000 character(s) maximum*

The fact that not all farmers need to comply with same basic rules is an issue for the sustainable management of natural resources objective. The fact that some farmers with grasslands in N 2000 have been classified as environmentally sensitive and others have not is problematic. This is not justifiable from an ecological nor an “equal level playing field” perspective. All farmers with grassland in N2000 area should be automatically categorized as environmentally sensitive. Neither is it justifiable that the list of EFAs can be so much different between countries and that production requirements can differ so much. There should be a strict ban on inputs everywhere and the list should also be limited to only ecologically valuable items. Exceptions can be given only if it is justified from the biodiversity objective. On crop diversification, there is no reason why in some countries maize monoculture is exempted. These perverse equivalent practices should be eliminated.

Can you recommend any best practice(s) and/or decision(s) that are taken by Member States related to greening (crop diversification, maintenance of permanent grassland, ecological focus area) that is/are available to farmers in an EU country other than yours?

- ☒ Yes
- ☐ No
- ☐ No opinion / Don't know

If yes, please explain by referring to a specific requirement/decision.

*1000 character(s) maximum*

Flexibility rewarded to MS in implementation & to farmers is consistently used in ways that are not environmentally beneficial but that secure Business as Usual. This can be seen in IEEP report: <http://tiny.cc/ifabieep> and in analysis on DE farmers' choices: <http://tiny.cc/lakner>. It started from basic legislation that was too weak (BL-EU factsheet: <http://tiny.cc/EUfacts> ) due to co decision. We need a fundamental rethink of the system and a new policy. In the meanwhile, there should be greening measures on permanent crops (for the time been there is none). In some MS, all grasslands within N 2000 and some grasslands outside of N 2000 have been categorized as environmentally sensitive. The category of environmentally sensitive grassland in N 2000 should be made obligatory for all these grasslands in all MS. The ban on inputs in EFAs should be mandatory in all countries. Options of allowing production in EFA should be eliminated for all MS.

*Member States may allow farmers to meet one or more greening requirements through equivalent (i.e. alternative) practices, such as ecological set aside or management of landscape features as equivalent to EFA, which are defined in Annex IX to Regulation (EU) No 1307/2013. Equivalent practices must be based on agri-environment-climate measures under Member States' rural development programmes or national/regional certification schemes.*

Do you agree or disagree that availability of different equivalent practices (based on the choice provided in the legislation) has an impact on the level playing field for farmers across EU countries?

- ☒ Strongly agree

- ☐ Slightly agree
- ☐ Neutral
- ☐ Slightly disagree
- ☐ Strongly disagree
- ☐ No opinion / Don't know

## Section VI. Simplification

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Do you think any other EFA type should be added to the current EU list of EFA types?

- ☒ Yes
- ☐ No
- ☐ No opinion / Don't know

If yes, please describe this element and possible requirements that could be linked to its application.

*500 character(s) maximum*

EFAs were meant to improve biodiversity on farmland, so every element should have ecological scientific analysis to justify why it is in the list, this is not the case for crops that are included now in the list. Permanent crops should have EFAs applied to them, the % of EFAs should be 10%, content should be limited to non-productive high quality elements and inputs should be ban. Inclusion of flexibilities without ecological justification during negotiations emptied the EFA measure completely.

Do you think that certain EFA types could be merged and their conditions aligned?

- ☒ Yes
- ☐ No
- ☐ No opinion / Don't know

If yes, please specify and explain why.

*500 character(s) maximum*

The option of productive elements in EFAs should be eliminated and the option to allow for artificial inputs should be eliminated. EFAs should be mandated on all permanent crops. An ecological analysis should be done on what could be added, aligned and for what purpose. The easiest grouping is probably between permanent and non-permanent features as they are likely to have (depending on the management) different ecological values. This should be done based on an ecological scientific analysis.

Do you think any of the EFAs would benefit from better specification/clarification at EU level of what is required from a farmer?

If YES, please indicate maximum three and explain why in the box below.

*at most 3 choice(s)*

- ☐ Land lying fallow
- ☐ Terraces
- ☐ Landscape features - hedges or wooded strips
- ☐ Landscape features - isolated trees
- ☐ Landscape features - trees in line
- ☐ Landscape features - trees in group and field copses
- ☐ Landscape features - field margins
- ☐ Landscape features - ponds
- ☐ Landscape features - ditches
- ☐ Landscape features - traditional stone walls
- ☐ Landscape features - other landscape features protected under cross-compliance
- ☐ Buffer strips
- ☐ Hectares of agro-forestry
- ☐ Strips of eligible hectares along forest edges
- ☒ Areas with short rotation coppice
- ☐ Afforested areas
- ☒ Areas with catch crops or green cover
- ☒ Areas with nitrogen-fixing crops
- ☐ None
- ☐ No opinion / Don't know

Please explain your selection of EFA types.

*1000 character(s) maximum*

EFAs were meant to improve biodiversity on farmland, so every element should have ecological scientific analysis to justify why it is in the list. This would really help a farmer to understand also why he/she needs to apply it. The elements of political arbitration and randomness that came with current political choices that have no ecological logic behind them should be removed. Permanent crops should have EFAs applied to them, the % of EFAs should be higher, content should be limited to non-productive high quality elements (preferably permanent ones) – this means no catch crops, no green cover and no nitrogen fixing crops – and inputs should be eliminated. We urge the Commission to revisit the existing evidence base of these elements. NGOs as well as scientific organisations can surely again put forward all the data needed for it but not in a 1000 character limited space. This is not the right way to consult on complex issues.

In your view, are there any elements/requirements defined in the [Delegated Regulation](#) and/or [Implementing Regulation](#) and concerning the application/implementation of the crop diversification obligation which could benefit from simplification? If so, please explain.

*1000 character(s) maximum*

Crop diversification is a measure that was used as a proxy for crop rotation. We should acknowledge that the proxy was very badly transposed into legal text – even if diversity in the field as such is a valuable ecological measure – and go back to the basic of crop rotation. Crop rotation should be made

mandatory. Exceptions on the rules could be foreseen and regional implementation allowed on the basis of an exemption level and justified by an environmental impact assessment. Equivalence should only be used to go beyond the basic measure requirement and certainly not be used to allow monoculture to be exempted.

In your view, are there any elements/requirements defined in the [Delegated Regulation](#) and/or [Implementing Regulation](#) and concerning the application/implementation of the maintenance of permanent grassland obligation which could benefit from simplification? If so, please explain.

*1000 character(s) maximum*

Member States should be obliged to protect their permanent grasslands of high biodiversity value and with high carbon stocks. This means, as a minimum, obliging all Member States to make all grasslands within Natura 2000 environmentally sensitive. Second they should be obliged to protect and map high biodiversity, high carbon stock lands also outside of Natura 2000. Third the protection of high biodiversity grasslands should systematically be made at farm level and not regional- national level. This does not only make sense from a biodiversity perspective, but from a carbon perspective as well.

## Section VII Other issues

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Are there any other issues that you wish to address which have not been covered?

Simplification would start by putting back the logic that got lost in negotiations. We need crop rotation, we need 10% EFAs on all farmland (including permanent crops), we need EFAs of high quality without crops, with a ban on inputs, we need high level protection of grasslands, wetlands and peatlands, with a specific protection of all grasslands within N2000 areas. We need all land that is actually farmed sustainably to be eligible for payments and no arbitrary rules that exclude some of it (eligibility of woody pastures). We need a CAP that truly incorporates the public goods element and not just in 30% of P1. We need a firm baseline for P2 where first WFD and SUD are included and without continuing to get payments for complying with the law, where greening obligations also constitute a firm baseline. We need much more than just simplification, we need a fitness check of the CAP that asks the the right question starting with efficiency of the policy  
<http://bit.ly/1W4g27p>

Thank you for participating in the survey.

