



Commissioner Phil Hogan
Commissioner for Agriculture and Rural Development
European Commission
B-1049 Brussels, Belgium

Brussels, 29th June

Subject: **Implementation of Ecological Focus Areas and impacts on biodiversity**

Dear Commissioner Hogan,

We are writing to you concerning the implementation of the new Common Agricultural Policy (CAP) and Member States' choices in relation to greening, and, in particular, Ecological Focus Areas (EFAs). We call on the European Commission to release all written correspondence (including replies) on each of the Member States' choices and to conduct a study on the impacts of various nitrogen-fixing crops and the use of synthetic fertilisers and pesticides on biodiversity.

These actions are critical at a time when the European Environment Agency's State and Outlook Report 2015 reaffirms the importance of biodiversity and climate action to food security and warns of serious risks if new greening measures fail to address the growing pressures of intensive agriculture on our agro-ecosystems and the wider environment due to flexibility granted to Member States in their implementation. Furthermore, the latest IUCN Red List of Threatened Species highlights the continuing negative impacts that agro-industrial practices are having on key species such as bees and birds, important indicators of farmland sustainability.

Ecological Focus Areas (EFAs) could have helped reverse those trends by ensuring a modest percentage of every farm was managed for the protection of the resources farming depends on, including wildlife. While EFAs were meant to protect and enhance landscape features on farms, this worthy objective has unfortunately been watered down throughout the reform process, leaving Member States free to decide between providing biodiversity shelters on EU farms or instead allowing farmers to grow crops and use chemical inputs which damage this very same biodiversity. Nitrogen fixing crops could have been beneficial within a rotation system but their inclusion in EFAs is now outcompeting existing biodiversity elements.

The main objective of EFAs however remains unchanged on paper: safeguarding and improving biodiversity on farms. To this end, it was made clear in the delegated acts that Member States opting to include nitrogen fixing crops in EFAs still had to justify their choices on biodiversity grounds.

In keeping with its *Better Regulation Agenda* for enhancing transparency and scrutiny for better EU



law-making, the Commission must therefore make the justifications used by Member States on greening public. This is of paramount importance to ensure public money is being correctly spent when it comes to sustainable management of natural resources.

The biodiversity benefits of the current EFA measure should be thoroughly researched. Given that the literature on nitrogen fixing crops and their benefits for biodiversity remain unconvincing and that biodiversity has nevertheless been identified as one of the main criteria for the eligibility of those crops for the greening payment, we would also urge the Commission to conduct a study on this and carry out an in-depth analysis of the impacts of nitrogen fixing crops, and their management, on biodiversity.

In particular, the study should consider the impacts of their cultivation in combination with the use of agrochemical inputs (and the impacts of non-chemical alternatives too). This exercise should also help inform the Commission before the discussion on EFAs that it is legally obliged to carry out by March 2017. Such a study will contribute to ensuring accountability in the spending of public money as well as the credibility of this policy, the greening elements of which have already been seriously undermined in recent years.

We would like to thank you in advance for the consideration you will give to our request and please don't hesitate to get in touch with us for any clarification you might need.

Yours sincerely,

A handwritten signature in black ink, appearing to read "J. Wates".

Jeremy Wates, EEB Secretary General,

On behalf of Arche Noah, BirdLife Europe, EFNCP, PAN Europe, Slow Food, IFOAM EU Group, Compassion in World Farming (CIWF)