

Amendment 1
Peter Jahr

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission

Amendment

*(22 a) In order to tackle the EU-wide biodiversity decline, it is essential to ensure a minimum level of non-productive areas and features under conditionality and eco-schemes in all Member States. In this context, Member States **should aim**, in their Strategic Plans, to provide an area of at least 10% of landscape elements beneficial for biodiversity. These should include, inter alia, buffer strips, rotational or non-rotational fallow land, hedges, non-productive trees, terrace walls, and ponds, all of which contribute to enhancing carbon sequestration, preventing soil erosion and depletion, filtering air and water, and supporting climate adaptation.*

Or. en

Commented [M1]: On top of being a recital, with a much lower relevance than an article, the wording 'should aim' is nothing more than a wish.

Amendment 2
Peter Jahr

Proposal for a regulation
Article 12

Text proposed by the Commission

Amendment

12 Obligations of Member States relating to good agricultural and environmental condition

1. Member States shall ensure that all agricultural areas including land which is no longer used for production purposes, *is* maintained in good agricultural and environmental condition. Member States shall define, at national or regional level, minimum standards for beneficiaries for good agricultural and environmental condition of land in line with the main objective of the standards as referred to in Annex III, taking into account the specific characteristics of the areas concerned,

12 Obligations of Member States relating to good agricultural and environmental condition

1. Member States shall ensure that all agricultural areas, including land which is no longer used for production purposes, **are** maintained in good agricultural and environmental condition. Member States shall define, **in consultation with all relevant stakeholders** at national or, **where appropriate, at** regional level, minimum standards for beneficiaries for good agricultural and environmental condition of land in line with the main objective of the standards as referred to in Annex III,

including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures.

1 a.

1 b.

2. In respect of the main objectives laid down in Annex III Member States *may* prescribe standards additional to those laid down in that Annex against those main objectives. **However**, Member States shall not define minimum standards for main objectives other than the main objectives laid down in Annex III.

taking into account the specific characteristics of the areas concerned, including soil and climatic condition, existing farming systems, land use, crop rotation, farming practices, and farm structures, **thus ensuring that the land contributes to the specific objectives set out in points(d), (e) and (f) of Article 6(1)**

1 a.

1 b.

2. **In order to protect the commonality of the CAP and to ensure a level playing field, and** respect of the main objectives laid down in Annex III Member States **shall not** prescribe standards additional to those laid down in that Annex against those main objectives, **within the system of conditionality. In addition**, Member States shall not define minimum standards for main objectives other than the main objectives laid down in Annex III

Member States shall provide the beneficiaries concerned, where appropriate by the use of electronic means, with the list of the requirements and standards to be applied at farm level, as well as clear and precise information thereon.

2 a. Farmers satisfying the requirements laid down in Regulation (EU) No 2018/848 on organic agriculture shall, in doing so, be deemed to comply with rule 8 on standards for good agricultural and environmental condition of land (GAEC) as laid down in Annex III to this Regulation.

2 b. The outermost regions of the Union, defined pursuant to Article 349 TFEU and the smaller Aegean islands as defined in Article 1(2) of Regulation (EU) No 229/2013, shall be exempt from the standards of good agricultural and environmental condition of lands requirements 1, 2, 8 and 9, as laid down in Annex III to this Regulation.

2 c. Farmers participating in voluntary schemes for climate and environment under Article 28 with equivalent agricultural practices to GAECs 1, 8,

Commented [CN2]: Member States are very unlikely to do so anyway, but this restriction is really counterproductive.

Commented [TR3]: These exemptions are not justified

9(a)(d) or 10 are deemed to comply with corresponding standards for good agricultural and environmental condition of land (GAEC) as laid down in Annex III to this Regulation, provided that these schemes deliver higher level of benefit for the climate and environment in relation to GAECs 1, 8, 9(a)(d) or 10. Such practices shall be assessed in accordance with Title V of this Regulation.

Commented [CN4]: This is very risky and could get worsened by Council in trilogues, but with current wording not too bad...

2 d.

2 d.

3.

3.

Member States shall establish a system for providing the Farm Sustainability Tool for Nutrients referred to in Annex III, with the minimum content and functionalities defined therein, to beneficiaries, who shall use the Tool.

The Commission may support the Member States with the design of that Tool and with data storage and processing services requirements.

4. The Commission is empowered to adopt delegated acts in accordance with Article 138 supplementing this Regulation with rules **for good agricultural and environmental condition, including establishing the** elements of the system of the ratio of permanent grassland, the year of reference and the rate of conversion under GAEC 1 as referred to in Annex III, **the format and additional minimum elements and functionalities of the Farm Sustainability Tool for Nutrients.**

4. The Commission is empowered to adopt delegated acts in accordance with Article 138 supplementing this Regulation with rules **in relation to further** elements of the system of the ratio of permanent grassland, the year of reference and the rate of conversion under GAEC 1 as referred to in Annex III.

Or. en

Amendment 3 Peter Jahr

Proposal for a regulation Article 13

Text proposed by the Commission

Amendment

13 Farm advisory services

13 Farm advisory services

1. Member States shall include in the CAP Strategic Plan a system providing services for advising farmers and other beneficiaries of CAP support on land

1. Member States shall include in the CAP Strategic Plan a system providing **quality and independent** services for advising farmers and other beneficiaries of

management and farm management ('farm advisory services').

2. The farm advisory services shall cover economic, environmental and social dimensions and deliver up to date technological and scientific information developed by research and innovation. They shall be integrated within the interrelated services of farm advisors, researchers, farmer organisations and other relevant stakeholders that form the Agricultural Knowledge and Innovation Systems (AKIS).

3. Member States shall ensure that the farm advice given is impartial and that advisors have no conflict of interest.

4. The farm advisory services shall cover at least the following:

(a) all requirements, conditions and management commitments applying to farmers and other beneficiaries set in the CAP Strategic Plan, including requirements and standards under conditionality and conditions for support schemes as well as information on financial instruments and business plans

CAP support on land management and farm management ('farm advisory services') ***which, when appropriate, shall build upon any already existing systems at Member States level. Member States shall allocate an appropriate budget for the funding of those services and a brief description of those services shall be included in the national CAP Strategic Plans.***

Member States shall allocate at least the minimum share of 30 % of allocation related to this article to advisory services and technical assistance contributing to the objectives referred to in points (d), (e), (f) of Article 6(1);

2. The farm advisory services shall cover economic, environmental and social dimensions and deliver up to date technological and scientific information developed by research and innovation, ***taking account of traditional farming practices and techniques.*** They shall be integrated within the interrelated services of farm ***advisory networks***, advisors, researchers, farmer organisations, ***cooperatives*** and other relevant stakeholders that form the Agricultural Knowledge and Innovation Systems (AKIS).

3. Member States shall ensure that the farm advice given is impartial, ***adapted to the whole range of means of production and farms*** and that advisors have no conflict of interest.

3 a. Member States shall ensure that farm advisory services are equipped to provide advice on both production and the provision of public goods

4. The farm advisory services ***established by the Member State*** shall cover at least the following:

(a) all requirements, conditions and management commitments applying to farmers and other beneficiaries set in the CAP Strategic Plan, including requirements and standards under conditionality, ***eco-schemes, environmental, climate and other management commitments under Article***

Commented [TR5]: mandatory advice on environment:
GOOD

established under the CAP Strategic Plan;

(b) the requirements as defined by Member States for implementing Directive 2000/60/EC, Directive 92/43/EEC, Directive 2009/147/EC, Directive 2008/50/EC, Directive (EU) 2016/2284, Regulation (EU) 2016/2031, Regulation (EU) 2016/429, Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council³⁰ and Directive 2009/128/EC;

(c) farm practices preventing the development of antimicrobial resistance as set out in the Communication "A European One Health Action Plan against Antimicrobial Resistance"³¹ ;

(d) risk management *as referred to in Article 70*;

(e) innovation support in particular for preparing and for implementing Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114;

(f) development of digital technologies in agriculture and rural areas as referred to in Article 102(b).

65 and conditions for support schemes as well as information on financial instruments and business plans established under the CAP Strategic Plan;

(b) the requirements as defined by Member States for implementing Directive 2000/60/EC, Directive 92/43/EEC, Directive 2009/147/EC, Directive 2008/50/EC, Directive (EU) 2016/2284, Regulation (EU) 2016/2031, Regulation (EU) 2016/429, Article 55 of Regulation (EC) No 1107/2009 of the European Parliament and of the Council³⁰ and Directive 2009/128/EC;

(c) farm practices preventing the development of antimicrobial resistance as set out in the Communication "A European One Health Action Plan against Antimicrobial Resistance"³¹ ;

(d) risk *prevention and* management

(e) innovation support in particular for preparing and for implementing Operational Group projects of the European Innovation Partnership for agricultural productivity and sustainability as referred to in Article 114;

(f) development of digital technologies in agriculture and rural areas as referred to in Article 102(b).

(fa) techniques to optimise the economic performance of production systems, the improvement of competitiveness, market orientation, short supply chains and the promotion of entrepreneurship;

(fb) specific advice for farmers setting up for the first time;

(fc) safety standards and psycho-social care in farming communities;

(fd) the sustainable management of nutrients, including use of the Farm Sustainability Tool for Nutrients;

(fe) improvement of agro ecological and agroforestry practices and techniques on both agricultural and forest lands;

(ff) concentration on producer

organisations and other farmer groups;

(fg) assistance to farmers who wish to change production, in particular due to changes in consumer demand, with advice concerning the new skills and equipment required;

(fh) land mobility and succession planning services;

(fi) all agricultural practices which make it possible to reduce the use of fertilisers and plant protection products by promoting natural methods of soil fertility improvement and pest control; and

(fj) improving resilience and adapting to climate change.

(fk) improving animal welfare

4 a. Without prejudice to national law and other relevant provisions of Union law, persons and entities in charge of advisory services shall not disclose to any person other than the advised farmer or beneficiary any personal or business information or data relating to the farmer or beneficiary in question, which has been acquired in the course of their advisory assignment, with the exception of infringements subject to mandatory reporting to public authorities under national or Union law.

4 b. Member States shall also ensure by means of appropriate public procedure that advisors working within the farm advisory system are suitably qualified and regularly trained.

³⁰. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

³¹. "A European One Health Action Plan against Antimicrobial Resistance (AMR)" (COM(2017) 339 final).

³⁰. Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1).

³¹. "A European One Health Action Plan against Antimicrobial Resistance (AMR)" (COM(2017) 339 final).

Amendment 4
Peter Jahr

Proposal for a regulation
Article 28

Text proposed by the Commission

28 Schemes for the climate **and the** environment

1. Member States shall provide support for voluntary schemes for the climate **and the** environment ('eco-schemes') under the conditions set out in this Article and as further specified in their CAP Strategic Plans.

2. Member States shall support under this type of intervention **genuine** farmers who make commitments to **observe, on eligible hectares**, agricultural practices **beneficial** for the climate **and** the environment.

3. **Member States** shall **establish the list of agricultural practices beneficial for the climate and the environment**.

Amendment

28 Schemes for the climate, environment **and animal welfare**

1. Member States shall **establish and** provide support for voluntary schemes for the climate environment **and animal welfare** ('eco-schemes') under the conditions set out in this Article and as further specified in their CAP Strategic Plans. **Eco-schemes in one area of action shall be consistent with the objectives in another area of action.**

Member States shall offer a broad variety of eco-schemes in order to ensure that farmers are able to participate and to reward different ambition levels. Member States shall arrange different schemes to provide co-benefits, promote synergies and emphasise an integrated approach. To facilitate coherence and effective rewarding Member States shall establish point or rating systems.

2. Member States shall support under this type of intervention **active farmers or groups of farmers** who make commitments to **preserve and deliver beneficial practices and convert to** agricultural practices **and techniques and certified schemes that make a stronger contribution** for the climate, the environment **and animal welfare, which are established in accordance with Article 28a and included in the lists referred to in Article 28b and are tailored to address specific national or regional needs.**

3. **Support for eco-schemes shall take the form of an annual payment per eligible hectare and/or a per holding payment, and it shall be granted as incentive payments going beyond compensation of additional costs incurred and income foregone, which may consist of a lump sum. The level of payments shall vary according to the ambition level**

Commented [TR6]: enlarging scope so also budget?

Commented [CN7]: This is window dressing, whether to use a point system or not should be a decision for Member States

of each eco schemes, based on non-discriminatory criteria.

4. Those practices shall be designed to meet one or more of the specific environmental- and climate-related objectives laid down in points (d), (e) and (f) of Article 6(1).

5. Under this type of interventions, Member States shall only provide payments covering commitments which:(a) *go beyond the relevant statutory management requirements and standards of good agricultural and environmental condition established under Section 2 of Chapter I of this Title;*

(b) go beyond the minimum requirements for the use of fertilisers and plant protection products, animal welfare, as well as other mandatory requirements established by national and Union law;

(c) go beyond the conditions established for the maintenance of the agricultural area in accordance with point (a) of Article 4(1);

(d) are different from commitments in respect of which payments are granted under Article 65.

6. Support for eco-schemes shall take the form of an annual payment per eligible hectare and it shall be granted as either:(a) *payments additional to the basic income support as set out in Subsection 2 of this Section; or*

(b) payments compensating beneficiaries for all or part of the additional costs incurred and income foregone as a result of the commitments as set pursuant to Article 65.

7. Member States shall ensure that interventions under this Article are consistent with those granted under Article 65.

8. The Commission is empowered to adopt delegated acts in accordance with Article 138 supplementing this Regulation with further rules on the eco-schemes.

Or. en

Amendment 5
Peter Jahr

Proposal for a regulation
Article 28 b (new)

Text proposed by the Commission

Amendment

Article 28 b

Practices eligible for schemes for the climate, environment and animal welfare

1. The agricultural practices covered by this type of intervention shall contribute to the achievement of one or more of the specific objectives set out in points (d), (e), (f) and (i) of Article 6(1), while maintaining and enhancing the economic performance of farmers in accordance with the specific objectives set out in points (a) and (b) of Article 6(1).

2. The agricultural practices referred to in paragraph 1 of this Article shall cover at least one of the following areas of actions for the climate and the environment:

(a) actions on climate change including reduction of greenhouse gas emissions from agriculture as well as maintenance and/ or enhancement of carbon sequestration;

(b) actions to reduce emissions other than Greenhouse Gases

(c) protection or improvement of water quality in agricultural areas and reduction of pressure on water resources;

(d) action to reduce soil erosion, improvement of soil fertility and improvement of nutrient management as well as maintaining and re-establishing soil biota;

(e) protection of biodiversity, conservation or restoration of habitats and species, pollinator protection and management of landscape features, including establishment of new landscape features;

(f) actions for a sustainable and reduced use of pesticides, particularly pesticides that present a risk to human health or biodiversity;

Commented [M8]: Including as a criterion for eco-schemes the 'enhancement of economic performances' is simply irrational. Public money, and the very reason to be for a policy like the CAP, is to support farming and drive it where it is best for society. If a small percentage of the entire CAP budget is paid to encourage more climate and environmentally friendly objectives, those of Art. 6 (d), (e), and (f), then it should not be undermined by criteria linked to the other objectives, which already have the remaining 70-80% of DP dedicated to them... Eco-schemes are ecological schemes, not economic schemes, and environmental objectives deserve a part of the budget dedicated to them, particularly if it will remain a small part of it.

Commented [CN9]: This has nothing to do in eco-schemes, RED LINE.

Commented [HB10R9]: YES

Commented [TR11R9]: YES

Commented [TR12]: What does this list add? we have the specific objectives already, isn't that enough?

Commented [CN13]: We shouldn't pay for "maintaining" or "protecting" (in c) what could be a very low baseline!

(g) allocation of areas to non-productive features or to zones where no pesticides and fertilisers are used

Commented [CN14]: There needs to be a comma!

(h) actions to enhance animal welfare and address antimicrobial resistance

Commented [HB15R14]: it is clear they mean that you can simply pay for areas where no pesticides and fertilisers are used

(i) actions to reduce inputs and improve sustainable management of natural resources, such as precision farming

Commented [HB16]: There is no baseline or level of reduction set. We already have problems with fake IPM schemes that set a small reduction target against a non-existent baseline. very hard to police

(j) actions to improve animal and plant diversity for stronger resistance to disease and in climate change

Commented [M17]: This sentence can justify eco-schemes for GMOs and new GMOs.

3. The agricultural practices referred to in paragraph 1 of this Article shall:

(a) go beyond the relevant statutory management requirements and standards of good agricultural and environmental condition established under Section 2 of Chapter I of this Title;

(b) go beyond the minimum requirements for animal welfare and the use of fertilisers and plant protection products as well as other mandatory requirements established by Union law;

Commented [CN18]: Deletion of "national law" means eco-schemes could pay for implementing national legal standards! RED LINE

(c) go beyond the conditions established for the maintenance of the agricultural area in accordance with point (a) of Article 4(1);

Commented [TR19R18]: indeed: BAD!

(d) be different from, or complementary to, commitments in respect of which payments are granted under Article 65;

(4) The Commission shall, by ... [two months after the date of entry into force of this Regulation], adopt delegated acts in accordance with Article 138, supplementing this Regulation by establishing an indicative and non-exhaustive list of examples of types of practices complying with paragraphs 1, 2 and 3 of this Article.

Or. en

Amendment 6
Peter Jahr

Proposal for a regulation
Article 28 c (new)

Text proposed by the Commission

Amendment

Article 28 c

National lists of practices eligible for schemes for the climate, environment and animal welfare

Member States shall establish, in cooperation with national, regional and local stakeholders, the national lists of practices eligible for the schemes for the climate, environment and animal welfare referred to in Article 28, with the possibility to draw from the examples in the indicative and non-exhaustive list referred to Article 28b or establishing further practices that comply with the conditions in Article 28b, and taking into account their specific national or regional needs in accordance with Article 96.

The national lists shall consist of multiple types of measures other than those covered under Article 65, or of measures of the same nature but with a different level of ambition in accordance with Article 28.

Member States shall, at least, include in those lists eco-schemes to set up a the use of a farm tool for the sustainable management of nutrients, and, where applicable, appropriate maintenance of wetland and peatland.

Areas designated pursuant to Directives 92/43/EEC or 2009/147/EC where equivalent actions are being carried out shall automatically be regarded as eligible for the scheme.

The national lists shall be approved by the Commission in accordance with the procedure set out in Articles 106 and 107.

The Commission shall provide the necessary guidance to the Member States when devising the national lists, in coordination with the European and national Common Agricultural Policy Networks provided for in Article 113, to facilitate the exchange of best practices and to improve the knowledge base and find solutions.

Commented [CN20]: Conditionality brought into eco-schemes RED LINE

Commented [CN21]: "automatic eligibility" is greening 2.0. RED LINE

Commented [TR22R21]: yes and the issue is: will they be able to get payments for the baseline? should not be allowed!

When assessing the national lists, the Commission shall in particular take into account the design, the likely effectiveness, uptake, existence of alternatives and contribution of the schemes to the specific objectives referred to in paragraph 28a.

The Commission shall assess the national lists every two years. The assessments shall be made publicly available and, in the event of inadequacy or negative assessments, the Member States shall propose amended national lists and schemes in accordance with the procedure set out in Articles 106 and 107.

Or. en

. en

Amendment 7
Peter Jahr

Proposal for a regulation
Article 65

Text proposed by the Commission

65 **Environmental**, climate and other management commitments

1. Member States may grant payments for **environmental**, climate and other management commitments under the conditions set out in this Article and as further specified in their CAP Strategic Plans.

2. Member States shall include agri-environment-climate commitments in their CAP Strategic Plans.

3. Member States **may** make support under this type of interventions available throughout their territories, in accordance with their national, regional or local specific needs.

Amendment

65 **Agri-environmental sustainability**, climate **mitigation and adaption measures** and other management commitments **beneficial for the environment**

1. Member States may grant payments for **agri-environmental sustainable practices**, climate **mitigation and adaption**, **including the management of natural risks**, and other management commitments, **such as forestry, protection and improvement of genetic resources, and animal health and welfare**, under the conditions set out in this Article and as further specified in their CAP Strategic Plans

2. Member States shall include agri-environment-climate commitments in their CAP Strategic Plans.

3. Member States **shall** make support under this type of interventions available throughout their territories, in accordance with their national, regional or local specific needs. **That support shall be**

Commented [CN23]: This opens the door to everything and anything RED LINE

Commented [HB24R23]: very dangerous - using agri environment e.g. to irrigate when there is a drought? Agri environment needs to be used to build resilience and prevention of climate/natural risks, not insure farmers who do not take preventive action

Commented [M25]: This addition is blurry and confusing, and, most importantly, opens the possibility of counting many practices that do not provide any climate or environmental benefit. Building walls to prevent attacks by wild animals should not be paid with CAP money going to envi and climate spending, nor building a dam to gather water against a possible drought, or consolidating a slope that has in precedence been deforested and now presents risks of crumbling, etc...

Commented [TR26]: that word bothers me as well: it is specifically productive use of forests: not good

Commented [M27]: GMOs and new GMOs cannot be paid with Article 66 money. Such an article is dedicated to measures providing environmental and climate benefits.

Commented [M28]: This article is related to climate and environmental objectives, animal health is not part of them. Should Rural Development money to climate and the environment pay for actions delivering more drugs to animals? It is understandable this would please Animal Health Europe yes, but should not be paid with public money as society as a whole does not have as an objective that of paying public money to increase the revenues of the pharmaceutical industry.

Commented [TR29]: good!

4. Member States shall only grant payments to farmers and other **beneficiaries** who undertake, on a voluntary basis, management commitments which are considered to be beneficial to achieving the specific objectives set out in Article 6(1).

5. Under this type of interventions, Member States shall only provide payments covering commitments which:

- (a) go beyond the relevant statutory management requirements and standards of good agricultural and environmental condition established under Section 2 of Chapter I of this Title;
- (b) go beyond the minimum requirements for the use of fertiliser and plant protection products, animal welfare, as well as other mandatory requirements established by **national and** Union law;
- (c) go beyond the conditions established for the maintenance of the agricultural area in accordance with point (a) of Article 4(1);
- (d) are different from commitments in respect of which payments are granted under Article 28.

6. Member States shall compensate beneficiaries for costs incurred and income foregone resulting from the commitments made. Where necessary, they may also cover transaction costs. In duly justified cases, Member States may grant support as a flat-rate or as a one- off payment per unit. Payments shall be granted annually.

limited to maximum amounts laid down in Annex IXaa.

4. Member States shall only grant payments to farmers, **groups of farmers** and other **land-managers** who undertake, on a voluntary basis, management commitments, **such as the appropriate protection of wetland and organic soil**, which are considered to be beneficial to achieving the **relevant** specific objectives set out in Article 6(1). **Priority may be given to schemes which are specifically targeted towards addressing local environmental conditions and needs and contribute, where appropriate, to the achievement of the objectives set out in the legislation listed in Annex XI.**

5. Under this type of interventions, Member States shall only provide payments covering commitments which:

- (a) go beyond the relevant statutory management requirements and standards of good agricultural and environmental condition established under Section 2 of Chapter I of this Title;
- (b) go beyond the **relevant** minimum requirements for the use of fertiliser and plant protection products, animal welfare, **prevention of antimicrobial resistance**, as well as other **relevant mandatory requirements established by Union law**;
- (c) go beyond the conditions established for the maintenance of the agricultural area in accordance with point (a) of Article 4(1);
- (d) are different from **or are complementary to** commitments in respect of which payments are granted under Article 28, **while ensuring that there is no double-funding**.

6. Member States shall compensate beneficiaries for costs incurred and income foregone resulting from the commitments made. **Member States shall also provide a financial incentive to beneficiaries and**, Where necessary, they may also cover transaction costs. In duly justified cases, Member States may grant support as a flat-rate or as a one- off payment per unit,

Commented [CN30]: This was an invention of COMAGRI but there is no need for such limits and it could prevent “dark green” measures being made attractive enough.

Commented [TR31]: BAD: could kick out envi NGOs or other collectives that are applying for funding for managment, the neutral word beneficiary was better

Commented [HB32]: this would be good, were it not for the 'where appropriate'

Commented [CN33]: Deletion of “national law” means that these measures could pay for implementing national legal standards. RED LINE

either per hectare of surface or other identified unit depending on the nature of the commitment. Member States may grant annual support for whole-farm programs targeted on holistic transformation of farming systems towards the objectives of this paragraph.

Payments shall be granted annually.

6 a. The level of payments shall vary according to the level of ambition of sustainability of each practice or set of practices, based on non-discriminatory criteria, in order to offer an effective incentive for participation. Member States may also differentiate payments in accordance with the nature of the restrictions affecting agricultural activities as a result of the commitments made, and in line with different farming systems.

7. Member States may promote and support collective schemes and result-based payments schemes to encourage farmers to deliver a significant enhancement of the quality of the environment at a larger scale and in a measurable way.

8. Commitments shall be undertaken for a period of five to seven years. However, where necessary in order to achieve or maintain certain environmental benefits sought, Member States may determine a longer period in the CAP Strategic Plan for particular types of commitments, including by means of providing for their annual extension after the termination of the initial period. In exceptional and duly justified cases, and for new commitments directly following the commitment performed in the initial period, Member States may determine a shorter period in their CAP Strategic Plans.

7. Member States may promote and support *voluntary* collective schemes, *and a combination of management commitments in the form of locally-led schemes*, and result-based payments schemes, *including through a territorial approach*, to encourage *farmers and groups of farmers* to deliver a significant enhancement of the quality of the environment at a larger scale and in a measurable way. *They shall put in place all the means necessary in terms of advice, training and knowledge transfer to assist farmers who change their production systems.*

8. Commitments shall be *usually* undertaken for a period of five to seven years. However, where necessary in order to achieve or maintain certain environmental benefits sought, *including by taking into account the long-term nature of forestry*, Member States may determine a longer period in the CAP Strategic Plan for particular types of commitments, including by means of providing for their annual extension after the termination of the initial period. In exceptional and duly justified cases, and for new commitments directly following the commitment performed in the initial period, Member States may determine a

Commented [CN34]: Replaces previous wording: Payments "per animal, beehive, or other identified unit", but still not good

9. Where support under this type of interventions is granted to agri-environment-climate commitments, commitments to convert to or maintain organic farming practices and methods as defined in Regulation (EC) No 834/2007 and forest environmental and climate services, Member States shall establish a payment per hectare.

10. Member States shall ensure that persons carrying out operations under this type of interventions have access to the knowledge and information required to implement such operations.

11. Member States shall ensure that interventions under this Article are consistent with those granted under Article 28.

Amendment 8
Peter Jahr

Proposal for a regulation
Article 86

Text proposed by the Commission

86 Minimum and maximum financial allocations

1. At least 5 % of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX shall be reserved for LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR].

2.

At least **30%** of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX shall be reserved for interventions addressing the specific

shorter period in their CAP Strategic Plans.

9. Where support under this type of interventions is granted to agri-environment-climate commitments, **including** commitments to convert to or maintain organic farming practices and methods as defined in Regulation (EC) No 834/2007, **Integrated Pest Management, protection of agroforestry systems,** and forest environmental and climate services, Member States shall establish a payment per hectare, **either per hectare of surface or other identified unit depending on the nature of the commitment.**

10. Member States shall ensure that persons carrying out operations under this type of interventions have access to the **relevant** knowledge and information required to implement such operations, **and that appropriate training is made available for those who require it, as well as access to expertise in order to assist farmers who commit to change their production systems.**

11. Member States shall ensure that interventions under this Article are consistent with those granted under Article 28.

Amendment

86 Minimum and maximum financial allocations

1. At least 5 % of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX shall be reserved for LEADER, referred to as community-led local development in Article 25 of Regulation (EU) [CPR].

2.

At least **35 %** of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX shall be reserved for interventions **of all types** addressing the

Commented [HB35]: This is EU law, we shouldn't be paying for it

Commented [HB36]: as above- dangerous loophole for hidden coupled support

Commented [CN37]: Given the new partial inclusion of ANCs in the ringfencing, this is LESS ambitious than the COM proposal!

environmental- and climate-related objectives set out in points (d), (e) *and* (f) of Article 6(1) of this Regulation, *excluding interventions based on* Article 66.

The first subparagraph does not apply to the outermost regions.

3.

A maximum 4 % of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX may be used to finance the actions of technical assistance at the initiative of the Member States referred to in Article 112.

The EAFRD contribution may be increased to 6% for CAP Strategic plans where the total amount of Union support for rural development is up to EUR 90 million.

Technical assistance shall be reimbursed as a flat-rate financing following Article 125(1)(e) of Regulation (EU/Euratom .../...[new Financial Regulation] in the framework of interim payments pursuant to Article 30 of Regulation (EU) [HZR]. This flat-rate shall represent the percentage set in the CAP Strategic Plan for technical assistance of the total expenditure declared.

4. *For each Member State the minimum amount set out in Annex X shall be reserved for contributing to the specific objective 'attract young farmers and facilitate business development' set out in point (g) of Article 6(1). On the basis of the analysis of the situation in terms of*

specific environmental- and climate-related objectives set out in points (d), (e), (f) *and* (i) of Article 6(1) of this Regulation.

A maximum of 40 % of payments granted in accordance with Article 66 may be taken into account for the purposes of calculating the total EAFRD contribution referred to in the first subparagraph.

The first subparagraph does not apply to the outermost regions.

2 a. *At least 30 % of the total EAFRD contribution to the CAP strategic plan as set out in Annex IX shall be reserved for interventions under Articles 68, 70, 71 and 72 for specific objectives aimed at fostering the development of an intelligent, resilient and diversified agricultural sector as defined in points (a), (b) and (c) of Article 6(1) of this Regulation*

3.

A maximum 4 % of the total EAFRD contribution to the CAP Strategic Plan as set out in Annex IX may be used to finance the actions of technical assistance at the initiative of the Member States referred to in Article 112.

The EAFRD contribution may be increased to 6% for CAP Strategic plans where the total amount of Union support for rural development is up to EUR 90 million.

Technical assistance shall be reimbursed as a flat-rate financing following Article 125(1)(e) of Regulation (EU/Euratom .../...[new Financial Regulation] in the framework of interim payments pursuant to Article 30 of Regulation (EU) [HZR]. This flat-rate shall represent the percentage set in the CAP Strategic Plan for technical assistance of the total expenditure declared.

4. *Member States shall reserve at least the amounts set out in Annex X for the complementary income support for young farmers as laid down in Article 27*

Commented [HB38]: This creates quite a big potential loophole, because it includes animal welfare payments in with environmental spending. any animal welfare subsidies should be budgeted separately so their impacts can be analysed (as already in some MS they are used for hidden coupled support to factory farms).

Commented [HB39]: RED LINE - This cannot be in, because ANCs are not environmental payments, once the EP puts them back in, even in part, it will be very easy for the Council to include even more of them, right now they eat up on average 40% of the environmental budget in Pillar II

Commented [M40]: Adding this ring fencing while weakening the climate and environmental one does not make any sense. In particular if the EPP or other conservative forces want to include such a new ringfencing, then the climate and environmental one must be reserved to climate and environmental action, not wiped out by including ANCs in.

Commented [HB41]: RED LINE - ringfencing for investments (68), risk management (70) according to economic incentives === > billions of potential harmful spending (71 and 72 are Cooperation and AKIS)

strengths, weaknesses, opportunities and threats ('the SWOT analysis') and the identification of the needs that are to be addressed, the amount shall be used for the following types of interventions:

(a) the Complementary Income Support for Young Farmer as laid down in Article 27;

(b) the installation of young farmers referred to in Article 69.

4 a. Member States shall reserve at least 60% of the amounts laid down in Annex VII for:

(a) basic income support for sustainability as referred to in subsections 2 of Chapter II of Title III;

(b) redistributive payment as referred to in subsections 3 of Section 2 of Chapter II of Title III;

(c) coupled income support interventions as referred to in Subsection 1 of Section 2 of Chapter II of Title III;

(d) types of intervention in other sectors as referred to in Section 7 of Chapter III of Title III.

By derogation where a Member State makes use of the option provided for in point (a) of the first subparagraph of Article 90(1) from the amount reserved under the first paragraph it may reduce the minimum amount which it has fixed under the first subparagraph by the increased amount.

4 b. At least 6% of the amounts set out in Annex VII shall be reserved to support the redistributive payment referred to in Article 26.

4 c. At least 30% of the total allocations set out in Annex VII for the period 2023 to 2027 shall be reserved for schemes for the climate, environment and animal welfare referred to in Article 28.

Member States may reserve different amounts for each calendar year, below or above the percentage fixed by the Member State under the first sentence, provided that the sum of all the yearly amounts

Commented [CN42]: Ringfencing for Income support and sectorial payments is a BIG RED LINE

Commented [CN43]: 30% is OK, but with the 60% ringfencing for DP and sectorial support, it leaves no room for any country wishing to spend more.

Also, given the worrying elements in art 28a-b-c, this could be meaningless spending.

5.

The indicative financial allocations for the coupled income support interventions referred to in Subsection 1 of Section 2 of Chapter II of Title III, shall be limited to a maximum of 10% of the amounts set out in Annex VII.

By way of derogation from the first subparagraph, Member States that in accordance with Article 53(4) of Regulation (EU) No 1307/2013 used for the purpose of voluntary coupled support more than 13% of their annual national ceiling set out in Annex II to that Regulation, may decide to use for the purpose of coupled income support more than 10% of the amount set out in Annex VII. The resulting percentage shall not exceed the percentage approved by the Commission for voluntary coupled support in respect of claim year 2018.

The percentage referred to in the first subparagraph, may be increased by a maximum of 2%, provided that the amount corresponding to the percentage exceeding the 10% is allocated to the support for protein crops under Subsection 1 of Section 2 of Chapter II of Title III.

The amount included in the approved CAP Strategic Plan resulting from the application of the first and second subparagraphs shall be binding.

6. Without prejudice to Article 15 of Regulation (EU) [HzR], the maximum amount which may be granted in a Member

corresponds to that percentage.

By derogation where a Member State makes use of the option provided for in point (a) of the first subparagraph of Article 90(1) from the amount reserved under article 28 it may reduce the minimum amount which it has fixed under the first subparagraph by the increased amount.

5.

The indicative financial allocations for the coupled income support interventions referred to in Subsection 1 of Section 2 of Chapter II of Title III, shall be limited to a maximum of 10% of the amounts set out in Annex VII. ***Member States may transfer a part of it to increase the maximum allocation set up in Article 82(6) if that allocation is insufficient to finance the interventions covered under Section 7 of Chapter III of Title III.***

By way of derogation from the first subparagraph, Member States that in accordance with Article 53(4) of Regulation (EU) No 1307/2013 used for the purpose of voluntary coupled support more than 13% of their annual national ceiling set out in Annex II to that Regulation, may decide to use for the purpose of coupled income support more than 10% of the amount set out in Annex VII. The resulting percentage shall not exceed the percentage approved by the Commission for voluntary coupled support in respect of claim year 2018.

The percentage referred to in the first subparagraph, may be increased by a maximum of 2%, provided that the amount corresponding to the percentage exceeding the 10% is allocated to the support for protein crops under Subsection 1 of Section 2 of Chapter II of Title III.

The amount included in the approved CAP Strategic Plan resulting from the application of the first and second subparagraphs shall be binding.

6. Without prejudice to Article 15 of Regulation (EU) [HzR], the maximum amount which may be granted in a Member

Commented [TR44]: the AU proposal in semi simplified form from what is in council. if you move money over, you can do less in ES

Commented [CN45]: for cotton... why not...

State before the application of Article 15 of this Regulation pursuant to Subsection 1 of Section 2 of Chapter II of Title III of this Regulation in respect of a calendar year shall not exceed the amounts fixed in the CAP Strategic Plan in accordance with paragraph 6.

7. Member States may decide in their CAP Strategic Plan to use a certain share of the EAFRD allocation to leverage support and upscale integrated Strategic Nature Projects as defined under the [LIFE Regulation] and to finance actions in respect of transnational learning mobility of people in the field agricultural and rural development with a focus on young farmers, in accordance with the [Erasmus Regulation].

State before the application of Article 15 of this Regulation pursuant to Subsection 1 of Section 2 of Chapter II of Title III of this Regulation in respect of a calendar year shall not exceed the amounts fixed in the CAP Strategic Plan in accordance with paragraph 5.

7. Member States may decide in their CAP Strategic Plan to use a certain share of the EAFRD allocation to leverage support and upscale integrated Strategic Nature Projects as defined under the [LIFE Regulation] **when farmers' communities are involved** and to finance actions in respect of transnational learning mobility of people in the field agricultural and rural development with a focus on young farmers, in accordance with the [Erasmus Regulation] **and on rural women**.

Commented [TR46]: BAD – other communities should also have a right to this support.

Or. en

Amendment 9 Peter Jahr

Proposal for a regulation Article 87

Text proposed by the Commission

87 Tracking climate expenditure

1. On the basis of the information provided by Member States the Commission shall evaluate the contribution of the policy to the climate change objectives using **a simple and** common methodology.

2. The contribution to the expenditure target shall be estimated through the application of specific weightings differentiated on the basis whether the support makes a significant or a moderate contribution towards climate change objectives. These weighting shall be as follows: (a) 40% for the expenditure under the Basic Income Support for Sustainability and the Complementary Income Support referred to in Title III, Chapter II, section II, subsections 2 and 3;

Amendment

87 Tracking climate expenditure

1. On the basis of the information provided by Member States the Commission shall evaluate the contribution of the policy to the climate change objectives using **an internationally recognised** common methodology.

- (b) 100% for expenditure under the schemes for the climate and the environment referred to in Title III, Chapter II, section II, subsection 4;
- (c) 100% for expenditure for the interventions referred to in the first subparagraph of Article 86(2);
- (d) 40% for expenditure for natural or other area-specific constraints referred to in Article 66.

2 a. The Commission shall develop a science-based and internationally recognised common methodology for more precise tracking of expenditure on climate and environmental objectives, including biodiversity, and evaluate the estimated contribution of different intervention types, as part of the Mid-term Review referred to in Article 139a.

Or. en

Commented [HB47]: appears the fake climate tracking is gone, but need to clarify that the new methodology should come into force from the start of the period, not after the MTR: GOOD

**Amendment 10
Peter Jahr**

**Proposal for a regulation
Article 90**

Text proposed by the Commission

90 Flexibility between direct payments allocations and EAFRD allocations

1.

As part of their CAP Strategic Plan proposal referred to in Article 106(1), Member States may decide to transfer:

- (a) up to **15%** of the Member State's **allocation** for direct payments set out in Annex IV after deduction of the allocations for cotton set in Annex VI for calendar years **2021** to 2026 to the Member State's allocation for EAFRD in financial years **2022 – 2027**; or

- (b) up to **15%** of the Member State's

Amendment

90 Flexibility between direct payments allocations and EAFRD allocations

1.

As part of their CAP Strategic Plan proposal referred to in Article 106(1), Member States may decide to transfer:

- (a) up to **12%** of the Member State's **total allocations** for direct payments set out in Annex IV after deduction of the allocations for cotton set in Annex VI for calendar years **2023** to 2026 **and transferred** to the Member State's allocation for EAFRD in financial years **2024 – 2027, provided that Member States use the corresponding increase for agri-environmental interventions referred to in Article 65 whose beneficiaries are farmers**; or

- (b) up to **5%** of the Member State's

Commented [HB48]: they want to REDUCE the amount you can shift to Pillar II, although it has to go to agri env, but only for farmers... i.e. not conservation orgs

Commented [TR49]: good but that is just fightig on semantics ... amounts are already fixed in MFF

allocation for EAFRD in financial years 2022 – 2027 to the Member State's allocation for direct payments set out in Annex IV for calendar years 2021 to 2026.

The percentage of transfer from Member State's allocation for direct payments to its allocation for EAFRD referred to in the first subparagraph may be increased by:

(a) up to 15 percentage points provided that Member States use the corresponding increase for EAFRD financed interventions addressing the specific environmental- and climate-related objectives referred to in points (d), (e) and (f) of Article 6(1);

(b) up to 2 percentage points provided that the Member States use the corresponding increase in accordance with point (b) of Article 86(5).

2. The decisions referred to in the paragraph 1 shall set out the percentage referred to in paragraph 1, which may vary by calendar year.

3. Member States may, in 2023, review their decisions referred to in paragraph 1 as part of a request for amendment of their CAP Strategic Plans, referred to in Article 107.

allocation for EAFRD in financial years 2024 – 2027 to the Member State's allocation for direct payments set out in Annex IV for calendar years 2023 to 2026, ***provided that the corresponding increase is allocated to operations covered by Article 28.***

By way of derogation from point (b) of the previous sub-paragraph, Member States whose national average amount per hectare is below the EU average, may transfer up to 12% of the EAFRD allocations to their allocation for direct payments. The transfer shall however not be higher than the amount necessary to bring their national average amount per hectare in line with the EU average. It shall be entirely allocated to the interventions referred to in Article 28.

The allocations for direct payments transferred according to paragraph 1(a) of this article may be deducted from the share of the contribution under either Article 86 4(a) or 4(c) or a combination of both.

2. The decisions referred to in the paragraph 1 shall set out the percentage referred to in paragraph 1, which may vary by calendar year.

3. Member States may, in 2024, review their decisions referred to in paragraph 1 as part of a request for amendment of their CAP Strategic Plans, referred to in Article 107.

Member States shall communicate their decisions referred to in paragraph 1 along with their decision on the application of Article 15 and Article 26 to the

Commission by 31 December 2021.

Or. en

Amendment 11
Peter Jahr

Proposal for a regulation
Article 107 a (new)

Text proposed by the Commission

Amendment

Article 107 a

Review of the CAP Strategic Plans

By 31 December 2025 the Member States shall review their Strategic Plans to ensure that the Strategic Plans are aligned with applicable Union legislation on climate and the environment and submit to the Commission requests to amend their Strategic Plans accordingly.

Or. en

Amendment 12
Peter Jahr

Proposal for a regulation
Article 139 a (new)

Text proposed by the Commission

Amendment

Article 139 a

Mid-term review

1. By 30 June 2025, the Commission shall carry out a mid-term review of the CAP and submit a report to the European Parliament and the Council in order to evaluate the operation of the new delivery model by the Member States, to adjust weightings for climate tracking according to the new methodology referred to in Article 87(3), and where appropriate, the Commission shall submit legislative proposals.

2. In order to ensure that the Strategic Plans of the Member States are aligned with Union legislation on climate and the environment, the mid-term review referred to in paragraph 1 shall take into

account the relevant legislation then in force.

Or. en