

To: Agriculture Ministers of EU Member States

Cc: Executive Vice-President for the European Green Deal and Commissioners for Environment, Energy, Industry, Agriculture, Health and Food Safety and the Chair of the European Parliament Environment Committee

Re: Input to the EU Agriculture and Fisheries Council Meeting, Luxembourg, 11-12 October 2021

Brussels, 5 October 2021

Dear Minister,

On behalf of the European Environmental Bureau, I am writing to share with you our views on some of the issues on the agenda of the forthcoming EU Agriculture and Fisheries Council. I invite you to take our concerns into account during final official level preparations as well as at the meeting itself. We have structured the letter according to our understanding of the 11-12 October Council Agenda while focusing on the elements within our expertise.

1. Preparation of CAP strategic plans

The agriculture sector is at the heart of the climate and biodiversity crises, both as a major contributor to them, and as one of the most impacted sectors. Action to address these crises is therefore most urgently needed and the Common Agricultural Policy (CAP), as the world's largest farm subsidy scheme, must be a major driver for change. While we consider that the framework for the new CAP agreed at EU level is not environmentally ambitious enough, Member States still have the opportunity to shape national CAP Strategic Plans (SPs) so as to deliver a just, green transition in the agriculture sector.

Transparency and meaningful public participation are the building blocks of democratic and effective policymaking. Yet, national NGOs from across Europe have raised concerns around the lack of information they are receiving about draft CAP SPs and about their input not being taken into account. This is a lose-lose situation as crucial environmental expertise is not utilised and the democratic legitimacy of the new CAP is undermined.

We therefore call upon the Agriculture and Fisheries Council to:

- Commit to high environmental and climate ambition in CAP Strategic Plans so as to steer and support farmers in the transition to agroecology;
- Support full transparency in the next steps of the CAP reform at EU level (livestreaming of all Council discussions on CAP SPs, publication and translation of draft SPs submitted to the Commission, publication of observation letters);
- Commit to facilitate meaningful participation of environmental authorities and stakeholders in the development of CAP SPs, including by increasing transparency (e.g. timely publication of draft elements of CAP SPs) and by genuinely integrating their input in CAP SPs.

For more details, please see our [NGOs assessment of the final CAP deal against 10 tests for a Green Deal-compatible EU Farming Policy](#).

2. Communication on the New EU Forest Strategy for 2030

Forests play a crucial role in bending the curve of biodiversity loss and also bring significant potential for climate mitigation and adaptation and for enhancing resilience against climate-induced extreme weather events. The European Commission's proposals in the new EU Forest Strategy for 2030 include encouraging commitments to protect and improve the health and resilience of the EU's forests, such as a focus on strictly protecting old growth and primary forests or shifting to closer to nature forestry. Unfortunately, the Strategy is rather timid in addressing the drivers of forest destruction and biodiversity loss, such as unsustainable bioenergy, and mainly relies on voluntary targets and actions. The commitments relating to the protection of old-growth forests, the promotion of closer-to-nature-forestry or to restoration of forests have already been endorsed in the Council Conclusions on the EU's Biodiversity Strategy for 2030. It is thus important to ensure a consistent and coherent approach through the close collaboration with Environment Ministers which would best be served through joint Council Conclusions of the agriculture and environment formations.

The EU has a strong mandate to act on the protection of forests and the Strategy fully respects the principle of subsidiarity. There is a long history of EU measures supporting certain forest-related activities in coordination with Member States. Art. 191 of the Treaty on the Functioning of the European Union (TFEU) provides clear competence for the EU to take environmental protection measures which also provides for competence when the proposed measures also touch upon forestry issues, as clarified by the Court of Justice of the EU in 1999.¹ The Strategy further fully complies with the principle of subsidiarity as set out in Art. 5(3) of the Treaty of the European Union (TEU) as the environmental protection objectives cannot be sufficiently achieved at the Member State level alone given the necessary EU-level scale of the actions as well as the heightened effectiveness of addressing the monitoring and protection of forests at the EU level.

We therefore call upon the Agriculture and Fisheries Council to:

- Collaborate closely with Environment Ministers and the environment formation of the Council to ensure coherency, consistency and an integrated approach to overlapping commitments of the Forest and Biodiversity Strategies;
- Fully support the commitment for a legislative proposal on EU Forest Observation, Reporting and Data Collection given the importance of adequate monitoring and data availability for effective forest protection measures;
- Welcome the development of additional indicators and thresholds for sustainable forest management, ensuring that biodiversity needs are fully included in it;
- Support broader stakeholder consultation in the Standing Forestry Committee;
- Continue to fully support the work on the definition, mapping and strict protection of old-growth forests.

For more details, please see our [Letter on the EU's New Forest Strategy for 2030 and the upcoming Council Conclusions](#).

¹ Court of Justice of the European Union, Judgment of 25 February 1999 in joined cases C-164/97 and C-165/97, para 16.

3. Fit for 55: Contribution of Agriculture and Forestry

The proposal on the Effort Sharing Regulation (ESR) aims to increase the national binding targets for Member States to contribute to an EU-wide ESR target that has been increased to 40% emissions reductions by 2030. The proposal does not lead to the changes in the ESR that are required to limit global warming to +1.5°C compared to pre-industrial levels. Concerning agriculture, the sector has only contributed 1% of the former 30% reduction target of the ESR, until today. The Commission's proposal provides another free pass for non-CO₂ agricultural emissions by not setting sectoral targets for each sector covered by the ESR. Only a sectoral target for non-CO₂ agricultural emissions, accompanied by the development of sectoral climate neutrality roadmaps, will provide the right incentive for a transformative agenda in agriculture.

The proposed revision of the LULUCF Regulation will progressively change the architecture and scope of the Regulation with small positive elements. The European Commission suggests reaching an overall EU target of net GHG removals of 310 million tonnes of CO₂ equivalent that will be distributed between Member States as annual national targets for the period of 2026-2030. While the introduction of annual national targets from 2026 is a good direction to increase removals in the LULUCF sector, we regret the timid level of the Union target. Managed croplands and grasslands accounted for more than 54 million tonnes of CO₂ equivalents in the EU-27 in 2019. These emissions could be brought to net-zero by 2030 by promoting agroecological practices, restoring peatlands, deploying hedges and agroforestry on croplands and grasslands.

From 2031 onwards, the scope of the Regulation will be expanded to include non-CO₂ emissions from the agriculture sector. It will become a *de facto* new Agriculture, Forestry and Land Use (AFOLU) policy instrument. The Commission expects Member States to take the necessary measures in the AFOLU sector by 2035, aiming towards the collective achievement of climate neutrality in the EU. This must not allow the agricultural sector to free-ride on the large forest sink and to avoid reducing its own emissions.

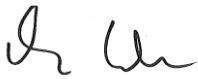
We therefore call upon the Agriculture and Fisheries Council to:

- Support an increase of the EU-wide ESR target to align it to the effort needed to meet the 1.5°C climate target;
- Support the establishment of sectoral targets under the ESR, including a new binding EU-level target to cut non-CO₂ agricultural emissions by at least 20% by 2030 compared to 2005 levels;
- Set out binding sectoral decarbonisation roadmaps in the sectors covered by the ESR, including agriculture, to reach climate neutrality by 2050;
- Promote a higher EU target of net GHG removals to be achieved by 2030 under the LULUCF regulation, including a new binding EU-level target to bring agriculture-related land use emissions down to net-zero by 2030;
- Promote the introduction of EU national binding targets specific to agriculture, accompanied by governance firewalls with the forestry sector under the new AFOLU policy instrument to avoid offsetting agriculture-related emissions by the forestry sector.

For more details, please see our position paper [Beyond Net Zero Emissions in Agriculture](#).

Thank you in advance for your consideration of these points which support the ambitions of the European Green Deal and will help catalyse progress in meeting the environmental and agricultural challenges facing Europe and the planet. This will respond to scientific evidence and also support EU and national legitimacy in the eyes of a public which broadly supports increased action at EU level to protect the environment.

Yours sincerely,



Jeremy Wates
Secretary General