

**To: Agriculture Ministers of EU Member States**  
**Cc: Executive Vice-President for the European Green Deal and Commissioners for Environment, Health & Food Safety and Agriculture, and the Chairs of the European Parliament Agriculture and Environment Committees**

Brussels, 23<sup>rd</sup> September 2022

**Re: Input to the EU Agriculture and Fisheries Council Meeting, 26 September**

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 26 September Council Agenda while focusing on the elements within our expertise.

**1. Industrial Emissions Directive – environmental impacts of the Commission’s proposal for agriculture**

The Industrial Emissions Directive (IED) is the most important EU instrument to prevent pollution at source in an integrated way. It has the potential to deliver on the Zero Pollution ambition as well as to contribute to better health and reduce the current €433 billion in air pollution costs related to industrial emissions to air.

The Commission’s proposal for a revised IED increased the scope related to livestock to include a small share of the largest livestock farms that are responsible for a major part of emissions. However, it missed to include aquaculture, despite the significant environmental pressures related to the sector, including emissions of nutrients and antimicrobials to water as well as resource use (wild fish). The proposal also introduced a special ‘lighter permitting regime’ which is supposed to reduce the administrative burden, but does so at the cost of meaningful pollution prevention. This new regime is particularly problematic in that it could lead to regulatory backtracking for the most intensive farms already covered by the IED, it hollows out the basic obligations, permitting requirements, and compliance rules, and it is based on vaguely defined “Operating Rules” which are a mere empty shell.

***We therefore call upon the Agriculture Council to:***

- Support the inclusion of cattle and the new threshold of 150 LSU that would address the 13% largest livestock farms while covering 60% of ammonia and 43% of methane emissions from the livestock sector;
- Add aquaculture under the scope of the IED, in recognition of the significant environmental pressures related to this activity, which is already subject to reporting under the E-PRTR;

- Reject any regulatory backtracking, by ensuring Chapter II provisions apply for the most intensive farms which are already covered by the IED as well as large cattle farms e.g. above 300 LSU;
- Strengthen the basic obligations (incl. on inspection and monitoring) and permitting rules for all livestock farms covered by the IED to ensure appropriate pollution prevention;
- Establish within the Directive adequate rules for public participation in the development of the Operating Rules and define minimal pollution prevention measures for livestock covered by the IED, ensure full compliance with environmental quality standards and respect of carrying capacity of receiving environment / impacted areas (e.g. nutrients surplus)
- Lower the administrative burden for enforcement and permitting authorities by requiring operators to make key information (e.g. permit conditions and compliance report) directly accessible through the industrial Emissions Portal through electronic reporting.

## 2. Agricultural market situation, following Russia's war – Temporary state aid

Russia's war in Ukraine has highlighted the urgency to reduce our agri-food system's dependency on imports of mineral and synthetic fertilisers, fossil fuels and grains and oilseeds for feed. This summer, many farmers suffered the effects of severe drought and are also exposed to volatile markets.

Soaring gas prices have led to curtailments or shut down of fertiliser production. This sector is now receiving public support via the Temporary State Aid Framework without any environmental conditionality. While it is important to support workers and farmers impacted by the situation, the main focus must be to strive for a reduction of our import dependency. Channeling large investments into a sector that is driven by fossil gas ruins the opportunity for the necessary transition.

In president von der Leyen's words 'The less fossil fuel based fertilizers we use, the less dependent we are on fossil fuel imports'. A transition towards organic and agro-ecological farming practices would also reduce our dependency on imports of phosphate fertiliser and animal feed, while reducing climate impact and biodiversity loss, which are the real threats to long-term food security.

### ***We therefore call upon the Agriculture Council to:***

- Ensure that State Aid is channeled towards long-term sustainable agricultural practices, grounded in the principles of organic and agro-ecological farming;
- Accelerate the move towards circular nutrients management, in line with the Circular Economy Action Plan, and via the upcoming Integrated Nutrient Management Action Plan, by supporting farmers to reduce, and eventually phase out, the use of synthetic fertilisers, substituting them with safe organic fertilisers and compost, as well as wide crop rotation, leguminous crops, and green manures; and by rapidly halving food waste at all levels of supply chains;
- Facilitate a just and speedy transition away from industrial animal farming and towards extensive and mixed farming systems, and 'less and better' meat, dairy and egg consumption, to reduce the demand for imported cereals as feed.

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For more information: [EEB comments on the European Commission's initiative to develop an Integrated Nutrient Management Action Plan](#)

### 3. Maintenance of permanent grasslands (CAP GAEC 1)

The protection and sustainable management of grasslands is critical for both the protection of biodiversity and climate. Yet, grasslands in the EU are under serious threat, mostly from intensification, but also from abandonment and conversion to other uses. CAP subsidies must be conditional upon strict rules for the maintenance of permanent grasslands and should also better support nature- and climate-friendly grassland management.

A [study by Öko-Institut](#) found that maintaining GAEC 1 at its current level (i.e. allowing up to 5% of permanent grasslands to be converted), could lead to a small increase in GHG emissions. This is not in line with the climate commitments made by every EU country under the Paris Agreement, which require rapid and drastic reductions in GHG emissions. Allowing any further flexibility or derogation under this standard should therefore not be considered, instead EU countries should implement this measure as strictly as possible to be coherent with their climate targets.

#### ***We therefore call upon the Agriculture Council to:***

- Express strong support for the strictest application of GAEC 1 in the new CAP to strongly limit the share of grasslands which can be converted.

[For more information:](#) EEB & BirdLife Europe briefing (2022), Grasslands in the new CAP: bad news for biodiversity and climate

### 4. Rise of carnivores in the EU and the challenges this represents to the agricultural sector

Large carnivores, such as wolves, bears, wolverines and lynx, are legally protected species in the European Union by the EU Habitats Directive and by the Bern Convention. The implementation of these pan-European nature conservation instruments brought large carnivore species back from the brink of extinction in certain areas of Europe, allowing for their slow recovery. However, in highly populated continents like Europe, the coexistence with large carnivores can cause conflicts with human socio-economic interests.

Large carnivores belong to the European biodiversity heritage that the EU has committed to protect and restore. Different wolf populations in the EU have varying conservation statuses, and many did not yet reach a Favourable Conservation Status. According to the Rulings of the European Courts of Justice for Article 6 of the Habitats Directive<sup>1</sup>, Member States have to do more than to simply prevent the further deterioration of protected species and habitat types. They must also undertake positive management measures to ensure their populations are maintained at, or restored to, a Favourable Conservation Status throughout their natural range within the EU.

European Union Guidelines for State Aid in the agricultural sector allow Member States to grant full compensation to farmers for damages caused by protected animals, such as wolves. They also make it

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<sup>1</sup> [http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ\\_rulings%20Art\\_%206%20-%20Final%20Sept%202014-2.pdf](http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf)

possible to fully reimburse costs of investments made to prevent such damages, for example installing electric fences or acquiring guard dogs. In addition, rural development funds also have the potential to support coexistence, notably via investments (distribution of livestock guarding dogs, alert systems) and increased agro-environmental area payments for areas where the presence of large predators might prevent delivery of environmentally beneficial grazing practices.

***We therefore call upon the Agriculture Council to:***

- Ensure that farmers have access to EU funds and agree on a coordinated livestock strategy that takes the continued presence of large carnivores into account, instead of calling for decreasing the protection of carnivore species that have not yet reached a Favourable Conservation Status in many of their populations.
- Avoid mitigation of conflicts between large carnivores and livestock through lethal management since presently it lacks evidence for functional effectiveness<sup>2</sup>. Hunting indiscriminately will not reduce conflicts overall, whilst the existing possibility in article 16 in the Habitats Directive provides the possibility to remove specific individuals.
- There is a growing and significant need to implement Action 7 in the “EU Action Plan for nature, people and the economy” to “Further support stakeholder platforms/fora to promote dialogue, including at biogeographical level and within the framework of international Conventions and Agreements, to exchange experience, knowledge and co-operate in addressing conflicts between people and protected species”. Sharing of experience, specific recommendations and working across borders should be further developed through the EU Platform on Coexistence between People and Large Carnivores.

Thank you in advance for your consideration of these points that supports the ambition 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 on the eyes of the public which broadly supports increased action at EU level to protect the environment.

We also believe that in the current context of Russia’s war in Ukraine and subsequent manipulation of the EU energy market, it is essential for the EU to direct effort to transition of the agri-food system towards a self-sustaining agricultural system that fosters soil health for long-term productivity and reduces our dependency of imports, while protecting our environment and our health.

Yours sincerely,



Patrick ten Brink  
Secretary General

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<sup>2</sup> <https://esajournals.onlinelibrary.wiley.com/doi/10.1002/fee.1312>