

5 April 2024

Dear MEP, member of the BUDG Committee,

With this letter **we urge you to reject the unlawful and undemocratic attempt to adopt a major reform of the Common Agricultural Policy (CAP) via the application of an urgent procedure**. The process that led to this reform proposal, amending two CAP regulations, did not respect basic EU standards of transparency, public participation and evidence-based decision-making. The Commission failed to involve all relevant stakeholders as well as the public at large, thus disregarding EU legal principles and its own Better Regulation Guidelines. As expressly mentioned in the introductory paragraphs of the proposal, this CAP reform was developed following an “*ad-hoc consultation process that lasted one week*” and involved only “*four main EU-level farming organisations*”. In addition, the Commission itself reported in a non-paper that two of these unions - the European Coordination Via Campesina (ECVC) and IFOAM EU - urged the Commission “*not to reduce the ambition of the CAP*”. The legitimacy of the Commission’s proposal is also undermined by the lack of any prior impact assessment, a worrying approach that seriously jeopardises the legitimacy of the EU decision-making process by stripping it of its evidence- and science-based foundations. Moreover, no evidence nor valid arguments are provided that justify the need to immediately remove basic environmental requirements from the CAP as a way to meet farmers’ demands.

The proposed reform is falsely presented as a limited simplification process maintaining a high level of environment and climate ambition. In fact it radically amends two EU regulations removing the environmental baseline of the CAP. By significantly weakening many of the ‘good agricultural and environmental conditions’ (GAEC) that CAP beneficiaries must respect in order to receive public subsidies, the Commission’s proposal would radically reduce the green ambition of the CAP, undermining its mandatory contribution to basic EU environmental and climate objectives. Under the current CAP, farmers are positively incentivised to apply practices that boost biodiversity, but if the proposal becomes law, farmers would be permitted, among other things, to: grow crops and use agrochemicals on the 4% of their land originally reserved to biodiversity; leave their land bare instead of cultivating cover crops to protect the soil; and choose not to rotate their crops, with no changes to the public subsidies they already get. In addition, Member States would be given the flexibility to grant various derogations to GAEC rules that have long been in place, jeopardising the protection of valuable grasslands in Natura 2000 areas, for instance. Moreover, the Commission proposes to exclude farms cultivating less than 10 hectares from controls and penalties for these basic environmental standards. [Experts stress](#) that this would exclude 16.9 million hectares of land across the EU (the equivalent of all of Germany’s agricultural land!) from any kind of control.

These changes seriously jeopardise the commitment of the EU to dedicate at least 30% of its budget to the fight against the climate crisis as well as jeopardising its ambition of dedicating 10% of the EU budget to biodiversity. The CAP budget was labelled as a large contributor to both objectives largely because of the ‘reinforced conditionality’ introduced in 2023 which the proposed reform literally wipes out.

Not only is the Commission reinforcing the false narrative that farming and the environment are in opposition, when evidence clearly shows that they depend on each other, but it also undermines the very jobs that the CAP is meant to support and secure in the medium and long term. While recognising the “*growing frequency of extreme meteorological events*” and acknowledging the destructive impact they have on farmers and their livelihoods, the Commission gives no regard to the major environmental and climate impacts that the proposed measures will cause if adopted. The Commission also failed to assess the consistency of the proposal with the EU’s climate-neutrality objective and 2030 targets, in breach of its own obligations under the EU Climate Law, and despite

the most recent scientific evidence<sup>1</sup> underlining that the transition to sustainable farming should be a priority for EU efforts to tackle climate change.

The proposal also provides no real economic benefit for farmers, as it is drafted only to satisfy the electoral needs of conservative and far-right political parties, rather than addressing the negative socio-economic structural issues that affect farmers' incomes and livelihoods. This is made clear by the lack of any scientific evidence or detailed arguments explaining how removing basic environmental conditions from the CAP is supposed to guarantee better livelihoods and income for farmers. The Commission only refers to a vague "*political urgency*" that would justify deviating from democratic rules governing the EU decision-making process. It is also unclear exactly how and to what extent the Commission proposal is relevant from the perspective of reducing bureaucracy and administrative burden, as reporting obligations won't be eliminated and some new ones may arise due to the new exemptions. As such, this proposal risks actually increasing the administrative burden for Member States due to the need to amend CAP Strategic Plans and adapt other related implementing tools, which also goes against stability and predictability.

Following the flawed Commission approach, the European Parliament AGRI Committee requested the application of the urgency procedure without providing any evidence or justification as to there being a valid reason for the immediate removal of basic environmental requirements from the CAP as a constructive way to meet farmers' demands.

For all the above mentioned reasons, **we count on you to oppose the unsubstantiated and dangerous urgency procedure and act as guardians of democracy, the rule of law, transparency and evidence-based EU decision-making.** In the few remaining weeks before the European Elections we hope you will fully and truly represent the interests of citizens and society as a whole.

Yours sincerely,

**Ariel Brunner**, Regional Director, BirdLife Europe and Central Asia

**Faustine Bas-Defosse**, Director for Nature, Health and Environment, European Environmental Bureau

**Marco Contiero**, EU Policy Director on Agriculture, Greenpeace European Unit

**Anaïs Berthier**, Head of ClientEarth Brussels office

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<sup>1</sup> EEA (2024), [Report on the European Climate Risk Assessment](#); European Scientific Advisory Board on Climate Change (2024), [Assessment report](#).

## Annex

### Issues related to the EU's budget

- ❖ Article 2(1) and (2) of the proposal amend Regulation (EU) 2021/2116 with the effect of exempting holdings not exceeding 10ha from controls of compliance with conditionality and related penalties. Conditionality includes all the GAEC standards and Statutory Management Requirements (which aim to preserve public health, water quality, animal welfare and biodiversity). The proposal therefore incentivizes the majority of farms to disregard the basic common conditions supposed to govern the spending of almost 1/3 of the EU budget.

- ❖ Climate and biodiversity mainstreaming:

The EU has committed to spending at least 30% of its budget on climate objectives under the MFF 2021-2027. Several sectoral policies are used to reach this overarching target, with the CAP representing a key instrument to achieve said target, given that it represents over 30% of the total EU budget. That is why *"40% of the CAP budget has to be climate-relevant"*<sup>2</sup>. In order to reach that 40%, it is calculated that 40% of pillar 1 expenditure must be climate friendly. This represents double the percentage fixed under the previous CAP, and was justified by the 'strengthening' of conditionality. The significant weakening of conditionality elements as proposed now would therefore considerably jeopardise the legitimacy of that claim.

Additionally to climate action, the EU decided that biodiversity should be mainstreamed in EU programmes and budget to allocate at least 7.5% of annual spending to biodiversity objectives in 2024 and 10% in both 2026 and 2027, in line with European Green Deal objectives. The CAP 2023-2027 is therefore committed to "strongly support the general commitment to dedicate 10% of the EU budget to biodiversity objectives by the end of the EU's multiannual financial framework (MFF) period". The recent proposal sets the EU off track from meeting its commitment, as the achievement of the biodiversity objective for direct payments is "subject to conditionality"<sup>3</sup>. Clearly, an effective deletion of GAEC 8 and exemptions to GAEC 9, would result in the CAP not making the expected contribution to EU spending on biodiversity.

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<sup>2</sup> See Recital 94, CAP SPR: "Actions under CAP are expected to contribute to 40% of the overall financial envelope of the CAP to the achievement of climate-related objectives".

And Article 100(2), CAP SPR: "40% for the expenditure under the basic income support and the complementary income support to count as climate expenditure".

<sup>3</sup>

[https://ec.europa.eu/environment/nature/biodiversity/pdf/Biodiversity\\_tracking\\_methodology\\_for\\_each\\_programme\\_2023.pdf](https://ec.europa.eu/environment/nature/biodiversity/pdf/Biodiversity_tracking_methodology_for_each_programme_2023.pdf)