



Council of the
European Union

Brussels, 3 October 2016
(OR. en)

12856/16

AGRI 528
AGRIFIN 108

NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Joint statement of Member States on concerns regarding a proposal amending Delegated Regulation (EU) No 639/2014 related to greening - Information from Croatia, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia, Sweden and the United Kingdom

With a view to the "Agriculture and Fisheries" Council on 10 October 2016, delegations will find attached a Joint statement on concerns regarding a proposal amending Delegated Regulation (EU) No 639/2014 related to greening, submitted by the Croatian, Czech, Danish, Estonian, Finnish, French, Greek, Hungarian, Irish, Latvian, Lithuanian, Luxembourg, Polish, Portuguese, Romanian, Slovene, Swedish and the UK delegations to be presented under "Any other business".

**Joint statement on
concerns regarding a proposal amending Delegated Regulation (EU) No 639/2014 related to
greening**

supported by Croatia, Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovenia, Sweden and the United Kingdom

As announced the European Commission (EC) has put forward proposals amending Regulation No 639/2014 aiming at simplification of greening provisions. The proposals were discussed in detail during the Expert Groups for Direct Payments.

Within the proposed amendments, many solutions have received favorable opinion as they were in line with the proposals of the Member States. Therefore, basically, we welcome the greening simplification proposals initiated by the draft regulation in question.

However, bearing in mind that the discussion at the level of the Expert Group for Direct Payments has been finalised and that the EC doesn't foresee further meetings in this regard, we express our deep concerns that the new proposals that received unfavorable opinion from numerous Member States have been maintained instead of being deleted or amended. The proposals in question relate to:

- i. introduction of ban on using plant protection products on productive areas (land lying fallow, catch crops and nitrogen-fixing crops);
- ii. extension of minimum fallow period from 6 to 9 months and
- iii. introduction of obligatory 10-week period for catch crops.

The new proposals were supposed to streamline and simplify the implementation of greening provisions and not to tighten the existing requirements. The above-mentioned proposals substantially change the current legal provisions and directly limit the productive decisions of farmers. Furthermore, they are not in line with the idea of avoidance of unnecessary administrative burden and checks. These proposals would increase farmers' costs and administrative burden.

We would like to remark that the ban of use of plant protection products in the framework of greening has already been discussed at the level of the CAP reform and the political agreement was not foreseeing any limitations in this regard. Only, a specific, limited derogation from this principle was applied to short rotation coppice. Moreover, currently limitation or ban on using plant protection products can be supported within agri-environment-climate measure in the second pillar of the CAP as conducive to achieving the environmental objectives. The introduction of the ban in the framework of greening is an unjustified manner to increase the baseline for agri-environment-climate measure. The ban of plant protection products could imply that farmers are no longer so keen about these types of EFA and areas of e.g. nitrogen fixing crops and undersowing of a catch crop may decrease. However, they have environmental benefits even if plant protection products were used.

The minimum fallow period should not be extended from 6 to 9 months. In many Member States, setting a nine month period for land lying fallow will hinder the possibility of planting a winter crop after the fallow period. This will increase costs for farmers, while bringing only marginal benefits for the environment. The longer period would mean less plant cover in winter and that would mean even negative impacts on environment.

Therefore, we ask the EC to resign from the provisions on the ban of use of plant protection products on all of the productive areas and on the obligatory 10-week period for catch crops. Furthermore, we ask to maintain the current 6-month fallow period for land lying fallow.