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WORKING PAPER

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NOTE

From:	Presidency
To:	Special Committee on Agriculture (SCA)
N° Cion doc.:	9645/18 + COR 1 + ADD 1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council - Explanations of the drafting suggestions on "arable land"

With a view to the meeting of the Special Committee on Agriculture on 5 October 2020, delegations will find attached a note explaining the suggested amendment of the definition of "arable land", as included in the Presidency drafting suggestions (11287/20).

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Amendment of the definition of arable land (Doc. ST 11287/20)

Version of Document ST 8409/1/20 REV1

- (i) 'arable land' shall be land cultivated for crop production or areas available for crop production but lying fallow, and include areas set aside in accordance with Articles 22, 23 and 24 of Council Regulation (EC) No 1257/1999, with Article 39 of Council Regulation (EC) No 1698/2005, with Article 28 of Regulation (EU) No 1305/2013 or with Article 28 or Article 65 or GAEC standard 9 listed in Annex III of this Regulation;

The text marked in yellow is an enumeration of set aside provisions. During a previous presidency, among other Article 28 has been introduced into that enumeration. Our concern was as follows: Whereas all other listed categories can only be arable land, when set aside, eco-schemes under Article 28 may also include the set aside of permanent grassland. For the improvement of the biodiversity, it might be useful to set aside permanent grassland for at least a specific time period (e. g. no mowing on the total or on a part of a parcel of permanent grassland for one year). The amendment shall make clear that such permanent grassland would not be considered as arable land.

To make that clear we wanted to clarify this by simply saying “... *and include areas set aside as arable land* in accordance with ... “. However, for the sake of legal clarity Article 28 was taken out of the enumeration and put in an extra sentence, saying the same: clarification that permanent grassland set aside under Article 28 will not become arable land:

- (i) 'arable land' shall be land cultivated for crop production or areas available for crop production but lying fallow, and include areas set aside in accordance with Articles 22, 23 and 24 of Council Regulation (EC) No 1257/1999, with Article 39 of Council Regulation (EC) No 1698/2005, with Article 28 of Regulation (EU) No 1305/2013 or with Article 65 or GAEC standard 9 listed in Annex III of this Regulation; it shall also include areas set aside in accordance with Article 28 of this Regulation under the condition that the areas were land cultivated for crop production or areas available for crop production but lying fallow at the time they were set aside in accordance with that Article;