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## **CONTRIBUTION**

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From:	General Secretariat of the Council
To:	Working Party on Horizontal Agricultural Questions (Post-2027 CAP)
N° Cion doc.:	ST 11733 2025 ADD 1 COR 1 + ST 11733 2025 ADD 1 + ST 11733 2025 INIT
Subject:	Regulation establishing the conditions for the implementation of Union support under the CAP - Comments from Portugal on block II

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## MFF 2028-2034

### Portuguese Comments

WP HAQ (Post-2027 CAP) – doc.11733/25, 17 July 2025

#### Block 2

#### Article 3 – Farm stewardship (+Annex I)

**(para.3)** When is the discussion of the Do No Significant Harm (DNSH) guideline with Member States expected to begin? What key elements will be included in this guideline?

**(para.5)** We stress the importance of clarifying the concept of “recommendations”. A recommendation under article 288.<sup>o</sup> of the Treaty isn’t binding, therefore, we request clarification on the wording “Member States shall take utmost account of the CAP national recommendations”.

Why is this obligation formulated specifically in relation to protective practices?

**(para.6)** Why is it necessary for the entire area of the farm to be certified as organic in order to comply with protective practices? If such practices are to be adapted to different land management systems, why should compliance be conditional on the whole farm rather than applied at parcel level?

We consider it should be applied at the parcel level. Applying compliance at parcel level provides flexibility and ensures proportionality.

Organic farming in conversion must also qualify as fulfilling the protective practices recognising the environmental benefits already generated during the organic conversion period.

#### Article 4 – Environment and climate priority areas

**(para.1)** It is stated that support must be established *at least* in the priority areas, from which it can be inferred that support may also be defined for areas beyond these. Can the Commission confirm this interpretation?

**(para.2)** Are the three types of intervention referred to (articles 9, 10 and 13) in this paragraph mandatory in all priority areas?

### **Article 8 – Payment for natural or other area-specific constraints**

**(para.2)** What was the basis for setting the value of 2% of UAA? Why is this threshold calculated on the basis of the UAA?

### **Article 9 – Support for disadvantages resulting from certain mandatory requirements**

**(para.2)** The article limits the potential beneficiaries of this support to farmers, forest holders and their associations. Why is it no longer possible to grant this support to other categories of land managers?

### **Article 10 – Agri-environmental and climate actions**

We believe that the environmental and climate ambition of the CAP can be achieved through a better balance between incentives and mandatory requirements.

Regarding the Member State contribution rate, we disagree with the absence of a maximum rate. This contradicts the common nature of the CAP and may lead to unequal treatment of farmers across the EU.

We also note the absence of any reference to the level of support being based on additional costs or income losses, unlike in Article 9. Is this because the Commission intends to introduce a more incentive-based approach to environment and climate measures? How does this approach relate to Article 40 of the NRPP Regulation concerning WTO rules applicable to CAP support?

**(para.1 and 2)** Member States should have subsidiarity to determine the most appropriate type of action to support organic farming and the extensification of livestock systems. We cannot agree with the obligation to provide, in the form of a transition plan, support for conversion to organic farming and for the extensification of livestock production.

**(para.1b and 4)** Voluntary transition plan – What does the transition action plan at farmer level consist of? Can it be compared to the installation plan for young farmers? This appears to be an administratively complex form of support, requiring case-by-case assessment of individual plans. Can the Commission clarify how it envisages this support to be implemented in practice?

Can such transition plans towards more resilient systems also include investment support?

**(para.3)** Does this support cover actions for the conservation of genetic resources?

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