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CONTRIBUTION

From:	General Secretariat of the Council
To:	Working Party on Horizontal Agricultural Questions (Post-2027 CAP)
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Subject:	Regulation establishing the conditions for the implementation of Union support under the CAP - Comments from Malta on block II

Malta's Written comments on the *Proposal for a regulation establishing the conditions for the implementation of the Union support to the Common Agricultural Policy for the period from 2028 to 2034 (CAP post-2027)*

Block 2 – Green architecture

Article 3 + Annex I – Farm Stewardship

Malta is of the strong opinion that social conditionality should be removed completely from farm stewardship. Farmers are already subject to Labour Laws and Occupational Health and Safety Laws. Adding further requirements for social conditionality under Farm Stewardship would reduce clarity and increase the administrative burden for farmers. Therefore, drafting suggestions to Article 3 (1) and (3) are being submitted as follows:

1. Farm stewardship shall comprise statutory management requirements listed in Annex I, Part A [Annex with SMRs], protective practices defined by Member States in the NRP Plan in accordance with paragraph 4 of this Article and Annex I, Part C, ~~and the social conditionality system which comprises the statutory management requirements listed in Annex I, Part B.~~

...

3. Support subject to the farm stewardship conditions shall be deemed to comply with the principle of 'do no significant harm' in accordance with Article 33(2), point (d), of Regulation (EU, Euratom) 2024/2509. For the purposes of this Article, 'statutory management requirement' means each individual requirement listed in Annex I, Parts A ~~and B~~, set out within a given legal act listed in Annex I, Parts A ~~and B~~, differing in substance from any other requirement in the same act. The legal acts listed in Annex I concerning the statutory management requirements shall apply in the version that is applicable and, in the case of Directives, as implemented by the Member States. Acts implementing directives may however not have the purpose or effect of an exemption of farmers or other beneficiaries from the statutory management requirements listed in Annex I, Parts A ~~and B~~.

We also suggest deletion of Annex I, Part B.

Article 4 - Environment and climate priority areas

The CAP proposal stipulates that MS that have Nitrate Vulnerable Zones must provide support to farmers for the extensification of livestock systems. Similarly, this is also mentioned under Coupled Income Support. This is problematic for Malta, as this clearly applies to farms with grazing land, and ignores the Maltese context where livestock is reared in covered structures or indoors. There should be legal recognition for situations such as Malta's, and this position is a red line for Malta.

In this regard, we propose the following drafting suggestions.

Second paragraph of Article 4 (1):

*Member States with areas affected by water pollution due to nitrate surplus shall **may** provide support to farmers for extensification of livestock systems or for diversification to other agricultural activities.*

And Article 11 (4):

*For support granted as a payment per animal to the livestock sectors, Member States shall take into account environmental impacts, including by setting a maximum livestock density criteria in nitrate vulnerable zones, **unless livestock is reared in covered structures or indoors.***

From a programming perspective, better visibility is required on how these 6 priority areas will feature within the intervention logic of the CAP and how these will link to the Specific Objectives outlined in the NRP proposal.

Article 8 - Payment for natural or other area-specific constraints

Paragraph 2 (a) of Article 8 states that payments for ANC may be provided in respect of areas that were designated pursuant to Article 32 of Regulation (EU) 1305/2013. The last sub-paragraph of Article 32 paragraph 4 provides for a derogation for Malta, whose territory is all classified as ANC. The understanding is that Article 8 para 2 (a), linking the new proposal to Regulation (EU) 1305/2013, covers this derogation. Malta requests assurance from the CION that this derogation will remain in place for the post-2027 CAP, thus rendering all agricultural land in the Maltese Islands eligible for support for natural or area-specific constraints.

Article 10 - Agri-environmental and climate actions

With respect to the first and second paragraphs, we reiterate that extensification of livestock production is not feasible for Malta, since, as mentioned under our comments for Article 4, in the Maltese context livestock is reared indoors or in covered structures. Therefore, this should not be applicable for Malta.

Paragraph 1, states that Member States shall provide incentives in a number of areas including sustainable forestry. With regards to the latter, as the article is currently drafted, at planning stage, Malta, who does not have a forestry sector, would probably need to justify why it is not programming any schemes related to 'sustainable forestry'.

Drafting suggestion:

1. Member States shall provide incentives for the following actions beneficial for the climate, environment, animal health and welfare and sustainable forestry, **where applicable**.

With regards to organic farming, we take note that such an intervention has to be programmed, however targets established at the level of the Plan need to be commensurate to the existing reality on the ground in the respective Member State.

On paragraph 4, requesting a transition action plan drawn up by the farmer especially with regards to organic farming, this will increase the administrative burden for farmers and will make such a scheme less attractive. From experience of the past two programming periods, supporting conversion to and maintenance of organic farming in Malta is already difficult, as has been discussed with the Commission on several occasions, within various fora, including bilaterally. Adding further requirements within this context will only increase the administrative hurdles for farmers, resulting in low uptake. Malta can suggest that such transition action plans should apply when the total size of the farmer's holding exceeds 10.

Malta welcomes the possibility of offering annual or multiannual management commitments, as stated in paragraph three.

In general, Malta welcomes the introduced flexibility and simplification, particularly the removal of the multi-annual commitment obligation. Farmers are entrepreneurs and they play a very important role in the green transition, however, to support and motivate them to be active participants in this transition we should move away from the income foregone or lost approach. The design of such interventions must include an incentive element with a significant markup, otherwise uptake by farmers will be lacking. Even then, they must be complemented with adequate market recognition. Our understanding is that this is now going to be possible for all actions under Article 10. We would appreciate confirmation on that point.