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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 the Netherlands on block III

BLOCK 3 – questions from the Netherlands

Article	Question
6 – Degressive area-based income support	<ol style="list-style-type: none"> 1. With the promise that this regulation will reduce administrative burdens, we should have fewer complex instruments. How does that align with the differentiation between and prioritization of farmers who need it the most, and how can this be determined independently? Which types of farmers or sectors do we target, and how can differentiation be designed in a neutral and fair manner? I.e. how are the “objective and non-discriminatory criteria” defined? 2. How do we register and monitor this in a way that is EU-audit proof, since the applicability for farmers can change from year to year based on the sometimes volatile market situation and the yearly registration of farmers? 3. If farm income is to serve as the basis for differentiation, then who shall be rewarded? Should the CAP primarily support farmers with lower market income, or rather those who already generate higher levels of market income and thus might contribute more significantly to food security? 4. Is the amount that will be withheld because of the capping and degressivity within the bandwidth? 5. Article 6, paragraph 2 states “... on the basis of objective and non-discriminatory criteria, ...” and “... based on farmers’ income...”. We have difficulties interpreting this in terms of how they relate to each other. Can the Commission explain how this paragraph must be interpreted? 6. What is the reason to mention small farmers in article 6, whilst there is article 7 which defines payments exclusively for small farmers? 7. What is the reason for the focus on a contribution to solely food security, and not for example the green goals or biobased agriculture? Is there some flexibility? 8. Article 6, paragraph 5 states “The Member States shall ensure that the support under this Article is ‘primarily’ directed towards farmers who exercise an agricultural activity on their hold and actively contribute to food security.” What is meant with ‘primarily’?

9. Concerning the retirement age: what effects does the Commission expect from no longer supporting farmers who have reached retirement age? How will this work in farms with partnership? Can this be carried out with low administrative pressure?
10. Concerning paragraph 7 (a), what exactly is the purpose of this paragraph? And how does it relate to article 4, paragraph 22 (c) of Regulation (EU) NPPR? Is it in substance identical with the definition and concept applied in the programming period 2023 – 2027 (see article 4, paragraph (4) of Regulation (EU) 2021/2115)?
11. In paragraph 2, what is meant with “farmers in areas with natural or other area-specific constraints determined in accordance with Article 8”? Will the area/surface for natural handicaps also be limited under this article, as mentioned in Article 8? Or can you prioritize farmers outside of the designated areas under article 8 as well?
12. The word ‘**shall**’ is frequently used in this article, can the Commission explain what exactly is meant with the word ‘**shall**’ and what the range/width of this word is? Could it for example be used for 1 category, or for all?
13. The proposal emphasizes neutrality and independence in implementation. Yet it still identifies certain target groups – e.g. “active farmers” (paragraph 5). Is this definition and concept in substance identical with Article 4, paragraph (5) of Regulation (EU) 2021/2115 established under programming period 2023 – 2027?
14. In addition, does it entail a *de facto* recognition as “active farmers” as established in subparagraph 2 of Article 4, paragraph (5) of Regulation (EU) 2021/2115 (with benchmark EUR 5 000 of direct payments)? And if so, what is the benchmark and to what types of intervention does it apply?
15. What is the benchmark of “actively contribute to food security” as to ensure that this can be complied with when designing the DABIS?

16. To what extent can Member States determine who qualifies as an “active farmer” (paragraph 5)? What precisely is intended by this definition, and why is it included in this part of the proposal? And how does then it relate to the definition in article 4, paragraph 3 (c) of Regulation (EU) NPPR?
17. Is paragraph 5 of Article 6 of Regulation (EU) CAP and/ or article 4, paragraph (3) (c) of Regulation (EU) NPPR exclusively applicable to DABIS or also to other area-based support types of intervention? If so, can the Commission indicate to which types of intervention listed under article 5?
18. Is it in substance identical with the definition and concept applied in the programming period 2023 – 2027 (see article 4, paragraph 4 of Regulation (EU) 2021/2115)? How much discretion will Member States have in applying this concept?
19. What is the definition of applicant in respect of para 6 (retirement age)? If the applicant is a legal person, or consist of a group of farmers in which one is below and one is above the retirement age, what is the foreseen elaboration of this requirement then?
20. As the retirement age differs between Member States, how does this affect the EU level playing field?
21. Is 7.a of Article 6 of Regulation (EU) CAP and/ or article 4, paragraph 22 (c) of Regulation (EU) NPPR exclusively applicable to the DABIS? Or is it applicable also to other area-based support types of intervention? If so, can the Commission indicate to which types of intervention listed under article 5?
22. On a general note, can the Commission indicate which of the in the programming period 2023 – 2027 established definitions stipulated in article 4 of Regulation (EU) 2021/2115 are in concept identical with the definitions set-out in Regulation (EU) CAP and article 4, paragraph 22 (c) of Regulation (EU) NPPR? If there are changes in definitions in the proposal compared to the programming period 2023 – 2027, can the Commission indicate them and detail the reasoning?

	<p>23. With regard to the bandwidth of the DABIS, can the Commission confirm that the 130 and 240 euros per hectare is an average? Can the Commission in that respect also confirm that it remains possible to pay in certain areas more than 240 and less than 130 euro per hectare as long as the average payment of the DABIS remains between the proposed bandwidth?</p> <p>24. Can the Commission clarify what the justification is of the minimum of 130 and maximum of 240 euros per hectare? Does the Commission have a scientific justification for this level of support?</p> <p>25. Did the Commission make an estimate how much budget will go into the small farmers scheme when calculating and proposing this bandwidth?</p> <p>26. Is it correct that the budget to be reserved for SFS needs to be included in the calculation of the bandwidth?</p> <p>27. Can the commission clarify what the leeway's s for Member States with regard to the DABIS? How should this average level of payment per hectare be calculated?</p> <p>28. Is it possible to exclude areas from the DABIS and even more crucial should areas not receiving DABIS be included in the calculation of this average?</p> <p>29. Why does the Commission opt for a generic approach, by proposing a bandwidth to be applied across the EU for all farmers? How does the Commission justify this level of support when a farmer makes a profit of, as an example, 200.000 euros? Why should such a farmer still receive DABIS up to 100.000 euros?</p>
7 – Payment for small farmers	<ol style="list-style-type: none"> 1. The word 'shall' is used in this article, can the Commission explain why the word 'shall' is used here, and why it is therefore made an obligation? In the Netherlands we do not use this and we do not see the purpose of this obligation. 2. Paragraph 1 states that "The Member States shall ensure that the support under this article is primarily directed towards farmers who exercise an agricultural activity on their holding and

	<p>actively contribute to food security". Why primarily, and what does the Commission allow under this?</p> <ol style="list-style-type: none"> 3. Can we consider to add a low cut-off value, opposed to the top cut-off of 3000 EUR, so to exclude very small farms to <i>increase simplicity</i>?. Do we understand correctly that the Member State can introduce this? 4. Do the principles set out in paragraph 2 of article 6 apply as to differentiate support as indicated in paragraph 2 of article 7? 5. As the SFS replaces the DABIS (and coupled support and ANC payments) can the Commission clarify whether or not budget of the SFS is included in the proposed bandwidth of the DABIS in the NRPP Regulation. What is the reasoning of the Commission to include it or to not include in the bandwidth? 6. Why does the proposal of the Commission require support to be granted to small farmers, and what is the intended goal? 7. Under this article, is registration and subsequent controls of the land under management still required?
11 – Coupled income support	<ol style="list-style-type: none"> 1. To which extent can paragraph 3 effectively be complied with as to avoid internal market distortions. [<i>"When planning the support referred to in paragraph 1, Member States shall minimize the potential impact of their support decisions on the internal market."</i>}] 2. Annex I of Regulation (EU) No 1308/2013 is very long and contains a lot. Isn't this too broad? 3. Can the Commission clarify why it is proposed to make coupled support mandatory for Member States? 4. Is our understanding correct that in the case the Member State considers that it has no sectors in difficulty, it is not obliged to set up an intervention under this Article?

	<ol style="list-style-type: none"> 5. As regards the last subparagraph of paragraph 1 is it correct that this limitation can be circumvented by providing support to an animal sector per hectare? 6. What is the reason to increase the maximum towards 20%? 7. Does the Commission believe that spending 20% of the EU CAP budget to production stimulation subsidies is justified? 8. Can the Commission clarify the rationale behind the increase of the minimum spending to 20% of the budget with a view to the WTO? 9. How does the EU safeguard level playing field in the EU while having so much leeway on this highly debatable (doubtful) intervention?
<p>12 – Support for participation in risk management tools</p>	<ol style="list-style-type: none"> 1. In general is the Netherlands critical on the high number of mandatory interventions for Member States of the CAP toolbox. That is also the case for this intervention. Although we currently apply a broad weather insurance scheme under the CAP and we support risk management we do not see the need to make such an intervention obligatory for Member States. Hence, we appreciate the opt out clause but wonder why in all Member States public support either from national budget or from NRPP budget should be provided mandatory. 2. As an exploratory technical question: should a support scheme for a weather insurance that gives a higher subsidy percentage to a farmer on a premium with a discount percentage by the insurance company because of application of a specific climate adaptation measure in a specific crop, meet the Commission’s consideration number 11, that a proactive approach to risk management reinforcing the sector's resilience should be promoted by fixing appropriate maximum support rates with incentives for farmers who implement risk preventive measures?
<p>13 – Support for investments for farmers and forest holders</p>	<ol style="list-style-type: none"> 1. Can the Commission confirm that support may be granted to groups of farmers? Can the Commission clarify moreover, if that is the case, whether support to groups of farmers should fall

under the CAP ringfencing or under the NRPP on top of ringfencing or if groups of farmers are eligible under both options?

2. In general, we have some worries on the EU level playing in particular in respect of the productive investments. How does the Commission safeguard the EU level playing field now Member States are allowed to provide much support for productive investments.
3. Moreover, does the Commission have any evaluations (analysis) on the effect of support for productive investments on the prices of the subsidized investments? In other words, will the farmer benefit or will the dealer benefit of the subsidy?
4. Paragraph 1: can the Commission clarify what is meant by an appropriate overall contribution?
5. NL is positive that support for investments in particular should contribute to climate and water resilience. However, support for investments is not the only intervention which can contribute. Can the Commission confirm that although investment support is mandatory for Member States, Member States do not necessarily need to provide support to forest holders. Farmers and groups of farmers should be sufficient.
6. Paragraph 5: Can the Commission clarify the rationale for this paragraph?