



Council of the European Union
General Secretariat

**Interinstitutional files:
2025/0241 (COD)**

Brussels, 25 September 2026

WK 14277/2026 ADD 2

LIMITE

**AGRI
AGRIFIN
FIN
CADREFIN
CODEC
ENV
FORETS**

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CONTRIBUTION

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	ST 11733 2025 ADD 1 + ST 11733 2025 ADD 1 COR 1 + ST 11733 2025 INIT
Subject:	Regulation establishing the conditions for the implementation of Union support under the CAP - Comments from Latvia on the CAP post-2027 Regulation

Latvia's Proposal concerning Article 3 and Annex I, Part C of the CAP Regulation (Protective Practices)

We welcome the work undertaken by the CY and IE Presidencies on the provisions concerning **Farm Stewardship and Protective Practices (PP)** in documents 10367/26 and 11499/26.

However, we consider that further clarification and alignment of the wording of the **specific objectives of the PP in Annex I, Part C** is necessary.

The Commission has clarified, in its replies to Member States' questions on Farm Stewardship, that where similarities exist between the current GAECs and the corresponding PP, **there is no legal obligation to increase the level of ambition in the next programming period**. Against this background, the wording of the PP should not imply a broader scope than that of the corresponding current GAECs.

For example, under **PP1**, the wording "*Protection of carbon-rich soils, including peatlands and wetlands*" could be interpreted as requiring Member States to cover **other carbon-rich soils in addition to peatlands and wetlands**. The use of "*including*" suggests that peatlands and wetlands constitute only part of a broader category and could therefore extend the scope beyond that of the corresponding current GAEC.

Similar concerns arise regarding **PP2, PP5, PP6 and PP8**, where the proposed wording could likewise be interpreted as establishing a broader scope than that of the corresponding current GAECs.

Therefore, to ensure **legal clarity and consistency with the Commission's clarification**, Latvia considers that further adjustments to the wording of certain PP are necessary, so that **Annex I, Part C establishes a clear common minimum level of specific objectives**.

For ease of reference, the table below compares the current GAECs with the corresponding PP proposed for the next programming period. **Latvia's proposed amendments to Annex I, Part C are indicated by underlined text for additions and strikethrough for deletions**.

At the same time, **Member States should have flexibility to maintain or introduce additional or more ambitious PP at national or regional level**, considering their specific conditions and needs. This possibility should be **explicitly provided for in the Regulation**. Such approach in the current period is set out in **Article 13(2) of Regulation (EU) 2021/2115**.

Therefore, **Latvia proposes to maintain this approach and the following provision should be added to Article 3 of the new CAP Regulation**:

"In accordance with the general objectives laid down in Annex I, Part C, Member States may introduce additional Protective Practices at national or regional level, including practices going beyond the minimum level of specific objectives set out in that Annex, where appropriate, taking into account their specific national or regional conditions and needs in relation to those objectives. Such Protective Practices shall be non-discriminatory and proportionate and shall correspond to the needs identified.

Member States may determine the scope, level of ambition and specific requirements of such Protective Practices, provided that they contribute to one or more of the general objectives laid down in Annex I, Part C.

Member States shall not establish Protective Practices pursuing objectives other than the general objectives laid down in Annex I, Part C."

Comparison of Good agricultural and environmental conditions (GAEC), 2022–2027, and Protective Practices (PP), 2028–2034

2022-2027 Annex III			2028-2034 Annex I, Part C		
Main objective of the standard	Requirements and standards		General objectives set out in Article 3(4)	Specific objectives of the Protective Practices (PPs)	
General safeguard against conversion to other agricultural uses to preserve carbon stock	GAEC 1	Maintenance of permanent grassland	(a) Protection of carbon rich soils		
Protection of carbon-rich soils	GAEC 2	Protection of wetland and peatland		PP 1	Protection of ~~carbon-rich soils, including~~ peatlands and wetlands
Maintenance of non-productive features to improve on-farm biodiversity	GAEC 8	— Retention of landscape features — Ban on cutting hedges and trees during the bird breeding and rearing season — As an option, measures for avoiding invasive plant species		PP 2	~~Protection~~ <u>Retention</u> of landscape features; ~~including their retention~~
Protection of habitats and species	GAEC 9	Ban on converting or ploughing permanent grassland designated as environmentally-sensitive permanent grasslands in Natura 2000 sites	(b) Protection of soil health and resilience	PP 3	Protection of designated environmentally sensitive permanent grasslands in Natura 2000 areas
Minimum land management reflecting site specific conditions to limit erosion	GAEC 5	Tillage management, reducing the risk of soil degradation and erosion, including consideration of the slope gradient		PP 4	Protection of soil against erosion with site specific conditions
Protection of soils in periods that are most sensitive	GAEC 6	Minimum soil cover to avoid bare soil in periods that are most sensitive, as determined by Member States		PP 5	~~Preservation of the soil health, including~~ protection of soils in periods that are most sensitive
Maintenance of soil organic matter	GAEC 3	Ban on burning arable stubble, except for plant health reasons		PP 6	~~Maintenance of soil organic matter through crop residue management, including a ban on~~ burning stubble on arable land, except for plant health reasons
Preserving the soil potential	GAEC 7	Crop rotation in arable land, except for crops growing under water. Member States may in addition decide to allow farmers and other beneficiaries to fulfil this standard with crop diversification		PP 7	Preservation of soil potential through crop rotation or diversification
Protection of river courses against pollution and run-off	GAEC 4	Establishment of buffer strips along water courses	(c) Protection of water courses	PP 8	~~Protection of water courses against pollution and runoff, including through the~~ establishment of buffer strips along water courses