Council of the European Union
General Secretariat

PUBLIC

Interinstitutional files:
2025/0241 (COD)

Brussels, 24 June 2026

WK 9074/2026 INIT

LIMITE

AGRI
AGRIFIN
FIN
CADREFIN
CODEC
ENV
FORETS

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

INFORMATION

From: To:	General Secretariat of the Council Delegations
N° Cion doc.:	ST 11733 2025 ADD 1 + ST 11733 2025 ADD 1 COR 1 + ST 11733 2025 INIT
Subject:	Working Party on Horizontal Agricultural Questions (Post-2027 CAP) on 1-2 July 2026 - Guiding questions on CAP post-2027 Regulation

ÉIRE2026 EU
IRELAND2026.EU

Guiding Questions

CAP Post-2027 Regulation: Discussion on Farmer, Active Farmer and related provisions

PUBLIC

Introduction

The Irish Presidency recognises that the definition of farmer is regarded by Member States as a core provision underpinning the Common Agricultural Policy (CAP). The definition is key for intervention targeting and design, as well as for controls aspects. Following the decision to leave it to the Agrifish stream to decide the farmer definition in the CAP Post-2027 Regulation, it is appropriate to progress the technical discussions in the Working Party for Horisontal Agricultural Questions (WP HAQ).

At the SCA on 8 June, the Cyprus Presidency presented a suggested text for the definition of 'farmer' and suggested to introduce an obligatory definition of 'active farmer' (doc. 10041/26). The definitions presented aimed to provide continuity with the CAP Strategic Plan Regulation (SPR). A majority of Member States agreed with the need to discuss the definitions of 'farmer' and 'active farmer' together, and many stated that they would not support any mandatory definition of "active farmer". The SCA tasked the WP HAQ to consider the definition of 'farmer' and the possible inclusion of a definition for 'active farmer'.

The Irish Presidency recognises the need to have clear definitions to ensure a clear workable legal framework to deliver on the policy objectives of the CAP.

Accordingly, at the WP HAQ on 1 and 2 July, the Irish Presidency will seek delegations' views on the following topics (1) Definition of farmer, (2) Definition of active farmer, (3) Interventions relevant to 'active farmer' and (4) The definition on eligible hectare part (a) only, as follows:

1. Definition of 'farmer':

The Irish Presidency considers that significant progress has been achieved in developing a balanced approach towards defining a farmer. This definition could provide continuity and stability for Member States and farmers by pursuing the current approach, as under the CAP Strategic Plan Regulation.

The suggestion from the Cyprus Presidency in Article 2a(1), doc. 10367/26) reads as follows:

"'Farmer' means: a natural or legal person, or a group of natural or legal persons, regardless of the legal status granted to such group and its members by national law, who has a holding as defined in Article 4(16) of NRPP regulation*, and who exercises an agricultural activity as determined by Member States in accordance with Article 2b(3) of this Regulation."*

Question 1:

Can your Member State support the above definition of farmer as suggested by the Cyprus Presidency?

2. 'Active farmer' considerations:

The definition of 'farmer' on its own may not facilitate sufficient targeting of support in certain interventions, nor help to meet the objective to provide income support to those actively engaged in agriculture. It is also important to ensure that part-time or pluri-active farmers, who are engaged in at least a minimum level of agricultural activity, are not excluded. Reverting to a 'farmer' definition similar to that in the current period may thus necessitate the re-inclusion of a separate 'active farmer' definition to ensure that certain interventions can be appropriately targeted at Member State level.

The current definition of 'active farmer' being implemented in the CAP Strategic Plan Regulation is as follows:

"'Active farmer' shall be determined in such a way as to ensure that support is granted only to natural or legal persons, or to groups of natural or legal persons, engaged in at least a minimum level of agricultural activity, while not necessarily precluding the granting of support to pluri-active or part-time farmers.

When determining who is an 'active farmer', Member States shall apply objective and non-discriminatory criteria, such as income tests, labour inputs on the farm, company object and inclusion of their agricultural activities in national or regional registers. Such criteria may be introduced in one or more forms chosen by Member States, including through a negative list disqualifying a farmer from being considered to be an active farmer. If a Member State considers to be 'active farmers' those farmers who did not receive direct payments exceeding a certain amount for the previous year, such an amount shall not be higher than EUR 5 000."

Question 2:

Can your Member State support a framework definition of 'active farmer', similar to the above definition that is currently being implemented in the SPR, and which would then be further established in Member State NRP Plans?

If not, what adjustments should be made to facilitate appropriate targeting of interventions at Member State level?

3. Interventions of relevance to the 'active farmer' definition

In the current period, the 'active farmer' definition applies to decoupled and coupled direct payments, natural or other area-specific constraints interventions and risk management tools.

Question 3:

If an 'active farmer' definition is introduced in the CAP Post-2027 Regulation, which interventions should the 'active farmer' definition apply to?

4. Definition of 'active farmer' and 'eligible hectare' part (a)

The incoming Irish Presidency notes the concerns raised by a number of Member States on the inclusion of certain elements of the 'eligible hectare' definition, namely agricultural areas being under the farmer's control in terms of management, benefits and financial risks. These elements appear to be closely related to the type of elements that could be encompassed at Member State level, in the context of establishing an 'active farmer' definition, or which may be established within the eligibility criteria or commitments of certain interventions, and hence warrant consideration in the context of 'farmer' and 'active farmer' discussions.

The current suggestion for eligible hectare, Article 2b(5)(a), doc. 10367/26 is as follows:

"'Eligible hectare' shall be determined in such a way as to comprise only areas which are at the farmers' disposal and which comprise:

(a) agricultural areas on which an agricultural activity is ***performed under the farmer's control in terms of management, benefits and financial risks****. If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant;....."*

Question 4

i. What are your Member State views on the inclusion of the elements highlighted in bold above, from part (a) of the proposed definition of eligible hectare?
ii. Would these provisions be needed if an active farmer definition, as discussed under point 2 and 3 above, is introduced?
iii. Would such requirements be better addressed by placing them in the relevant interventions themselves?