



European Commission
Agriculture and Rural Development



Cross-compliance in the Health Check

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Workshop on GAEC and FAS implementation – Ispra 24-26 November 2008

Overview :

- **Reminder: cross compliance ?**
- **Background: the Communication on the Health Check:**
 - **Qualifying the scope of cross compliance**
 - **Addressing the new challenges**
 - **Harmonising the rules**
- **Legal proposals: the agreement**



PAYMENTS

Direct payments :

- Single Payments Scheme
- Single Area Payment scheme
- All other coupled direct payments

Rural development:

- Payments to farmers in mountain and other handicap areas
- Natura 2000 payments both in farm and forest land
- Payments linked to the Water Framework Directive
- Agri-environment
- Animal welfare payments
- First afforestation of agricultural land
- Forest-environment payments

Wine :

- Grubbing-up premium
- Restructuration payments
- Green harvesting payments

SCOPE

Statutory Management Requirements (SMR)

- Natura 2000 Directives (birds-habitats)(2)
- Nitrates and Groundwater Directives (2)
- Sewage Sludge Directive (1)
- Animal Identification-Registration (4)
- Pesticides Directive (1)
- Hormones ban Directive (1)
- General Food Law (1)
- Notification of diseases Directives (4)
- Animal welfare Directives (3)

Good Agricultural and Environmental Conditions (GAEC)

- Minimum soil cover
- Minimum land management
- Retain terraces
- Crops rotations
- Arable stubble
- Appropriate machinery use
- Management livestock stocking rates
- Permanent Pasture protection
- Retention landscape features
- Unwanted vegetation
- Olive groves

Permanent Pasture Ratio

Farm Advisory System



Background

- **Qualifying the scope of cross compliance**
- *“The Health Check will address the scope of cross compliance in the following areas:*
 - ***qualify the SMR*** by excluding provisions which are not directly relevant to the stated objectives of cross-compliance;
 - ***examine, and where appropriate amend, the present list of SMR and GAEC*** in order to improve the achievement of the objectives of cross-compliance.”



Background

- **Responding to new challenges**
- *“climate change and better water management objectives could be achieved also through cross-compliance, either under SMR or under GAEC.”*



Background

- **Harmonising the rules between pillars**

Legal proposal: the political agreement

- The scope of cross compliance
- The new challenges
- Harmonising the rules between pillars
- Others

Legal proposal: the political agreement

The scope of cross compliance

Netting-out of SMRs not relevant for cross compliance

- Principles underlying cross compliance:
 - concerns only the farming activity and farmland
 - Concerns only action or omission under the farmer's responsibility

Legal proposal: the political agreement

The scope of cross compliance

Netting-out of SMRs not relevant for cross compliance

- On the basis of these principles the following provisions have been removed from the scope of cross compliance:
 - Natura 2000 provisions concerning non farming activity (hunting, keeping, etc. protected species)
 - Provisions of hormone use for aquaculture
 - Provisions legally already repealed

Legal proposal: the political agreement

The scope of cross compliance

Specification of the GAEC framework

- The new framework distinguishes between the compulsory standards and the optional standards

Legal proposal: the political agreement

The scope of cross compliance

Specification of the GAEC framework

- Standards under this last category must however be defined by MSs when:
 - such standard are already defined before 1 January 2009

Legal proposal: the political agreement

The scope of cross compliance

Specification of the GAEC framework

- Standards under this last category must however be defined by MSs when :
 - rules addressing the standard are applied in the Member State in accordance with national provisions

Legal proposal: the political agreement

The scope of cross compliance

Specification of the GAEC framework

- Member States may not define minimum requirements which are not foreseen in this framework

Legal proposal: the political agreement

Addressing the new challenges

Water issues

- Two new GAEC standards are added to the compulsory framework:
 - A standard on the use of water for irrigation with a management objective

Legal proposal: the political agreement

Addressing the new challenges

Water issues

- Two new GAEC standards are added to the compulsory framework:
 - A standard on the setting up of buffer strips along water courses with an objective of prevention of pollutions and run-off.

Legal proposal: the political agreement

Addressing the new challenges

Water issues

- Two new GAEC standards are added to the compulsory framework:
 - The setting up of buffer strips is specified in relation to the buffer strips defined under the Nitrates Directive

Legal proposal: the political agreement

Addressing the new challenges

A contribution to address the environmental consequences of the abolition of set aside

- The existing standard on retention of landscape features is further specified.
- The list includes where appropriate hedges, ponds, ditches, trees in line, in group or isolated and field margins.

Legal proposal: the political agreement

Addressing the new challenges

A contribution to address the environmental consequences of the abolition of set aside

- A new GAEC standard are added to the optional framework:
 - Establishment and/or retention of habitats

Legal proposal: the political agreement

Harmonising the rules between pillars

Allow an exemption of reduction for minor cases of non-compliance

- These cases are indeed infringements but are defined by the Member States as not triggering the 1% reduction (they are between 0% and 1%). No reduction will be applied.
- A warning letter will be sent
- Follow-up outside the regular control sample
- Repetition factor (x3) would apply where appropriate

Legal proposal: the political agreement

Harmonising the rules between pillars

Allow a de minimis rule for applying the reductions

- The infringement is found and notified to the farmer but no reduction will be applied below a certain amount (e.g. €50) as an administrative tolerance
- A warning letter will be sent
- Follow-up outside the regular control sample
- Repetition factor (x3) would apply where appropriate

Legal proposal: the political agreement

Harmonising the rules between pillars

“liability rule”

- The farmer claiming the support and declaring the land is liable under cross compliance for the calendar year of the claim and for the land declared, which should be the whole farm.
- This farmer remains liable even if he transfers the land during that calendar year to another person (which may not be a farmer under cross compliance obligations).
- However and by derogation to that rule, if the transferee is a farmer under cross compliance obligation, then the transferee is liable after the transfer.

Legal proposal: the political agreement

Phasing-in period for the introduction of SMRs under cross compliance for MS applying the SAPS

- The 10 MSs which applied the SAPS will introduce the SMRs on animal welfare only in 2013 (2016 for BG and RO)

Legal proposal: the political agreement

Others

- The legal wording is specified to make clear that cross compliance is limited to farming activity and farmland

Legal proposal: the political agreement

Others

- **The Commission is committed to continue the efforts of simplification of cross compliance for farmers as well as national administrations**

Legal proposal: the political agreement

Others: FAS

- **The management of the farm advisory system will be made easier: MSs can decide to which farmers they can give priority.**

Legal proposal: the political agreement

Others: FAS

- The 2010 report on the farm advisory system will not necessarily have “a view to rendering it compulsory”.

Next steps

- **The political agreement of 19-20 November 2008 shall be translated into legal drafting to be formally adopted by the Council.**
- **Implementing rules may be necessary**



Next steps

- **Changes to the cross compliance system are applicable as from 2009.**

Next steps

- **However the new GAEC standards will be applicable only in 2010:**
 - **The new compulsory standards on use of water for irrigation**
 - **The specification of the standard on landscape features.**
 - **The new facultative standard on habitats**
- **The new compulsory standard on buffer strips will be applicable only before 2012**



Thank you for your attention

Information :

http://ec.europa.eu/agriculture/simplification/crosscom/index_en.htm