

Basic information

2011/0280(COD)

COD - Ordinary legislative procedure (ex-codecision procedure)
Regulation

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

Repealing Regulation (EC) No 637/2008 [2007/0242\(CNS\)](#)

Repealing Regulation (EC) No 73/2009 [2008/0103\(CNS\)](#)

See also [2013/2528\(RSP\)](#)

Repealed by [2018/0216\(COD\)](#)

Amended by [2013/0117\(COD\)](#)

Amended by [2016/0282B\(COD\)](#)

Amended by [2018/0414\(COD\)](#)

Amended by [2019/0253\(COD\)](#)

Amended by [2019/0254\(COD\)](#)

See also [2011/0282\(COD\)](#)

See also [2011/0285\(COD\)](#)

See also [2011/0286\(COD\)](#)

See also [2011/0288\(COD\)](#)

Subject

3.10.14 Support for producers and premiums

Procedure completed

Key players

European
Parliament

Committee responsible

AGRI

Agriculture and Rural Development

Rapporteur

CAPOULAS SANTOS Luis
Manuel (S&D)

Appointed

26/09/2011

Shadow rapporteur

MCGUINNESS Mairead
(PPE)

LYON George (ALDE)

HÄUSLING Martin (Verts
/ALE)

WOJCIECHOWSKI Janusz
(ECR)

LE HYARIC Patrick (GUE
/NGL)

AGNEW John Stuart (EFD)

Committee for opinion

DEVE

Development

Rapporteur for opinion

SCHNIEBER-JASTRAM
Birgit (PPE)

Appointed

07/11/2011

BUDG

Budgets

LA VIA Giovanni (PPE)

06/02/2012

CONT


Budgetary Control

HOHLMEIER Monika (PPE)

24/11/2011

	EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
	ENVI Environment, Public Health and Food Safety	JØRGENSEN Dan (S&D)	23/11/2011
	REGI Regional Development	GRÈZE Catherine (Verts /ALE)	23/11/2011
Council of the European Union	Council configuration	Meetings	Date
	Agriculture and Fisheries	3161	2012-04-26
	Agriculture and Fisheries	3285	2013-12-16
	Agriculture and Fisheries	3234	2013-04-22
	Agriculture and Fisheries	3253	2013-07-15
	Agriculture and Fisheries	3123	2011-11-14
	Agriculture and Fisheries	3202	2012-11-28
	Agriculture and Fisheries	3249	2013-06-24
	Agriculture and Fisheries	3232	2013-03-19
	Agriculture and Fisheries	3257	2013-09-23
	Agriculture and Fisheries	3193	2012-10-22
	Agriculture and Fisheries	3212	2012-12-18
	Agriculture and Fisheries	3176	2012-06-18
	Agriculture and Fisheries	3225	2013-02-25
	Agriculture and Fisheries	3120	2011-10-20
	Agriculture and Fisheries	3165	2012-05-14
	Agriculture and Fisheries	3237	2013-05-13
European Commission	Commission DG	Commissioner	
	Agriculture and Rural Development	CIOLO Dacian	
European Economic and Social Committee			

Key events			
Date	Event	Reference	Summary
12/10/2011	Legislative proposal published	COM(2011)0625 	Summary
20/10/2011	Debate in Council		Summary
25/10/2011	Committee referral announced in Parliament, 1st reading		
14/11/2011	Debate in Council		
26/04/2012	Debate in Council		Summary
14/05/2012	Debate in Council		Summary

18/06/2012	Debate in Council		Summary
22/10/2012	Debate in Council		Summary
28/11/2012	Debate in Council		
18/12/2012	Debate in Council		
25/02/2013	Debate in Council		Summary
19/03/2013	Debate in Council		
22/04/2013	Debate in Council		
13/05/2013	Debate in Council		
24/06/2013	Debate in Council		
15/07/2013	Debate in Council		
23/09/2013	Debate in Council		
30/09/2013	Vote in committee, 1st reading		
05/11/2013	Committee report tabled for plenary, 1st reading	A7-0362/2013	Summary
20/11/2013	Decision by Parliament, 1st reading	T7-0493/2013	Summary
20/11/2013	Results of vote in Parliament		
20/11/2013	Debate in Parliament	CRE link	
16/12/2013	Act adopted by Council after Parliament's 1st reading		
17/12/2013	Final act signed		
17/12/2013	End of procedure in Parliament		
20/12/2013	Final act published in Official Journal		

Technical information	
Procedure reference	2011/0280(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 637/2008 2007/0242(CNS) Repealing Regulation (EC) No 73/2009 2008/0103(CNS) See also 2013/2528(RSP) Repealed by 2018/0216(COD) Amended by 2013/0117(COD) Amended by 2016/0282B(COD) Amended by 2018/0414(COD) Amended by 2019/0253(COD) Amended by 2019/0254(COD) See also 2011/0282(COD) See also 2011/0285(COD) See also 2011/0286(COD) See also 2011/0288(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 043-p2 Treaty on the Functioning of the EU TFEU 042-p1
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	AGRI/7/07515







Documentation gateway
European Parliament




Document type	Committee	Reference	Date	Summary
Committee draft report		PE474.052	30/05/2012	
Committee opinion	DEVE	PE485.891	25/06/2012	
Amendments tabled in committee		PE491.238	18/07/2012	
Amendments tabled in committee		PE492.791	19/07/2012	
Amendments tabled in committee		PE492.792	19/07/2012	
Amendments tabled in committee		PE492.793	20/07/2012	
Amendments tabled in committee		PE494.483	23/07/2012	
Amendments tabled in committee		PE494.487	24/07/2012	
Amendments tabled in committee		PE494.491	24/07/2012	
Amendments tabled in committee		PE494.604	25/07/2012	
Committee opinion	ENVI	PE483.719	24/09/2012	
Committee opinion	CONT	PE480.659	10/10/2012	
Committee opinion	BUDG	PE491.199	16/10/2012	
Committee opinion	REGI	PE494.613	17/10/2012	
Amendments tabled in committee		PE497.986	18/10/2012	
Amendments tabled in committee		PE500.765	18/12/2012	
Committee report tabled for plenary, 1st reading/single reading		A7-0362/2013	05/11/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0493/2013	20/11/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00095/2013/LEX	17/12/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2011)0625 	12/10/2011	Summary
Document attached to the procedure	SEC(2011)1153 	12/10/2011	
Document attached to the procedure	SEC(2011)1154 	12/10/2011	
Supplementary legislative basic document	COM(2012)0552 	25/09/2012	Summary
Commission response to text adopted in plenary	SP(2014)87	30/01/2014	
Follow-up document	SWD(2016)0218 	23/06/2016	Summary
Follow-up document	COM(2017)0152 	29/03/2017	Summary
	SWD(2017)0121		

Follow-up document		29/03/2017	
Follow-up document	SWD(2018)0478 	23/11/2018	
Follow-up document	SWD(2018)0479 	23/11/2018	

National parliaments

Document type	Parliament/Chamber	Reference	Date	Summary
Contribution	RO_SENATE	COM(2011)0625	12/12/2011	
Contribution	LU_CHAMBER	COM(2011)0625	15/12/2011	
Contribution	PT_PARLIAMENT	COM(2011)0625	15/12/2011	
Contribution	BG_PARLIAMENT	COM(2011)0625	16/12/2011	
Contribution	DE_BUNDESRAT	COM(2011)0625	20/12/2011	
Contribution	CZ_SENATE	COM(2011)0625	29/03/2012	
Contribution	PL_SENATE	COM(2011)0625	11/04/2012	
Contribution	IT_SENATE	COM(2011)0625	02/05/2012	
Contribution	CY_PARLIAMENT	COM(2011)0625	06/06/2012	
Contribution	IE_HOUSES-OF-OIREACHTAS	COM(2011)0625	21/06/2012	
Contribution	IT_CHAMBER	COM(2011)0625	20/08/2012	
Contribution	UK_HOUSE-OF-LORDS	COM(2011)0625	04/09/2012	
Contribution	IT_SENATE	COM(2012)0552	16/11/2012	
Contribution	PT_PARLIAMENT	COM(2012)0552	28/11/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N7-0044/2012 OJ C 035 09.02.2012, p. 0001	14/12/2011	Summary
CofR	Committee of the Regions: opinion	CDR0065/2012	04/05/2012	
EESC	Economic and Social Committee: opinion, report	CES2435/2012	12/12/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32013R1307R(01)
OJ L 130 19.05.2016, p. 0008

Regulation 2013/1307
OJ L 347 20.12.2013, p. 0608

[Summary](#)

Delegated acts

Reference	Subject
2014/2658(DEA)	Examination of delegated act
2015/2640(DEA)	Examination of delegated act
2015/2726(DEA)	Examination of delegated act
2014/2909(DEA)	Examination of delegated act
2015/3002(DEA)	Examination of delegated act
2015/3009(DEA)	Examination of delegated act
2014/2770(DEA)	Examination of delegated act
2017/2571(DEA)	Examination of delegated act
2018/2798(DEA)	Examination of delegated act
2020/2618(DEA)	Examination of delegated act
2018/2933(DEA)	Examination of delegated act
2018/2608(DEA)	Examination of delegated act
2017/2987(DEA)	Examination of delegated act
2020/2716(DEA)	Examination of delegated act
2021/2962(DEA)	Examination of delegated act
2022/2893(DEA)	Examination of delegated act

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 25/09/2012 - Supplementary legislative basic document

PURPOSE: to amend the Commission proposal for a regulation establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

BACKGROUND: on 19 October 2011, the Commission adopted its proposal for a regulation establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

The accession of Croatia to the EU is scheduled for 1 July 2013. Although the Act of Accession has not yet been ratified by all Member States, the Commission has recently updated its [Multi-Annual Financial Framework proposals](#) to take into account Croatia's accession. A similar adjustment exercise should be prepared for the CAP reform proposals to ensure that once they are adopted, Croatia will be fully covered as a new Member State .

IMPACT ASSESSMENT: there was no need for consultation of interested parties or an impact assessment since these adjustments follow from the Act of Accession, in the case of Croatia, and for what concerns the voluntary modulation for the UK, the adoption of Regulation (EU) No. 671/2012.

CONTENT: the adjustment will take the form of an amendment to the proposal for a regulation establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy, to include in the proposal those provisions specific to Croatia which are already in the Accession Treaty. The main changes relate to the inclusion of provisions on:

- the gradual introduction of direct payments in Croatia (phasing-in);
- the possibility of granting complementary national direct payments (CNDPs) to complement those support schemes listed in Annex I which Croatia will implement following the reform;

- certain financial aspects (national envelopes in Annex II, net amounts after capping in Annex III, maximum amount of CNDPs that may be granted in Annex V); and
- the implementation of the special national de-mining reserve in Croatia. That de-mining reserve relates to de-mined land which has returned to use for agricultural areas.

BUDGETARY IMPLICATIONS: the amendment has no budgetary implications, apart from those already set out in the explanatory memorandum for the updated proposals for the [Multiannual Financial Framework](#).

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 22/10/2012

Ministers held **three orientation debates** within the framework of the common agricultural policy (CAP) reform. The discussions focussed on specific issues in:

- the **proposal for a regulation** establishing rules for direct payments to farmers within the framework of the reform of the CAP (Direct Payments Regulation);
- the [proposal for a regulation](#) establishing a common organisation of the markets in agricultural products (Single CMO Regulation).

The **debate on direct payments** revolves around the two following aspects of the proposal:

1. The issue of internal convergence (achieving a uniform level of direct payments at regional or national level by 2019).

The Presidency noted the concerns of many Member States applying the Single Payment Scheme about the difficulties in achieving a uniform level of distribution of direct support at national or regional level (internal convergence) by 2019. It also noted the Commission's openness to address these concerns and to consider suggestions for some flexibility in the rhythm and methodology of progress, without prejudice to the principle of achieving internal convergence.

The Presidency addressed a **questionnaire** on internal convergence to the delegations with a view to structuring the debate held in the Agriculture and Fisheries Council meeting on 22 and 23 October 2012.

- Many delegations confirmed their view that a direct payment system based on purely historical payment levels was outdated and that Member States applying the single payment scheme (SPS) should achieve significant and irreversible progress towards internal convergence by 2019.
- While some delegations supported the rhythm and methodology proposed by the Commission, most delegations requested adjustments, particularly a smaller first step in 2014, taking account of greening payments, a longer transition period (beyond 2019) and a parallel approach on internal and external convergence.
- Some delegations, however, expressed the view that any flexibility on internal convergence should imply less generous possibilities for coupled aid.
- Lastly, a number of Member States applying the Single area payment scheme (SAPS) made clear that their support for the flexibility requested by Member States applying the Single payment scheme was conditional on a satisfactory reply to their request for some recent historical elements (national top-ups, coupled support) to be taken into account in their transition to the new payment scheme.

2. The young farmers' scheme proposed to address the issue of the ageing farm population.

The CAP reform proposals of the Commission provide for a young farmers scheme under both pillars of the CAP. The scheme under the first pillar was designed to be of mandatory nature. However, the Progress report drawn up under the Danish Presidency noted that "while the special scheme for young farmers is broadly welcomed, a majority of delegations want a voluntary scheme, leaving Member States to decide whether to operate the scheme and how to shape it according to their needs, while other delegations could support the proposed mandatory scheme."

A new proposal was recently debated at Working Party level that in effect implies that Member States would be required to implement a scheme in favour of young farmers either under the first or under the second pillar.

Given the highly political nature of this topic, the Presidency addressed a **questionnaire** on the nature of the young farmers' scheme with a view to a debate to be held in the course of the Agriculture and Fisheries Council meeting on 22 and 23 October 2012.

Concerning the scheme for young farmers, almost all delegations acknowledged that ageing of the farming population is an issue which Member States have to address in an effective and appropriate manner. While many delegations had an open position on how best to achieve this, there was **insufficient support** for a mandatory 1st pillar scheme alongside the voluntary second pillar scheme (as proposed by the Commission), or for the alternative suggestion of a mandatory 1st pillar scheme with an opt-out for Member States supporting young farmers under the second pillar.

The Council is expected to adopt a partial general approach on the single CMO and on the other CAP reform proposals **by the end of the year** under the Cypriot Presidency.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 25/02/2013

Ministers held two policy debates within the framework of the common agricultural policy (CAP) reform. The discussions focused on:

- the **proposal for a Regulation** establishing rules for direct payments to farmers (Direct Payments Regulation);
- the [proposal for a Regulation on the financing, management and monitoring of the CAP \(Horizontal Regulation\)](#).

The **specific issues examined** concerned the basic payment scheme and transparency on CAP payment beneficiaries.

- **Direct payments:** in order to address a number of important concerns raised by delegations on the operation of the basic payment scheme, the Special Committee on Agriculture (SCA) considered a package of Presidency suggested amendments at its meeting on 18 February 2013. In the light of the SCA discussion and the written contributions received thereafter, the Presidency made a number of adjustments to this package as follows:

- **Flexibility on the level of payments and on the total area coming into the basic payment scheme:** the suggested amendments aim to allow Member States (i) to limit the number of payment entitlements for new hectares coming into the system; (ii) to apply a reduction coefficient in respect of permanent grassland; and (iii) to exclude land exclusively used for wine production.

- **Additional flexibility on internal convergence:** the suggested amendments aim to provide Member States applying the Single Payment Scheme and Member States applying the Single Area Payment Scheme with additional flexibility by allowing them to reach partial rather than full convergence.

- **Value of payment entitlements and convergence:** the Presidency has introduced an amendment to Article 22(2) and 22(3a) reducing to 10% the amount to which the calculation of the unit value of entitlements may be limited in the first year of operation of the scheme.

- **Value of payment entitlements and convergence:** the amendment aims at extending the scope of Article 22(3) (convergence) to include those Member States that have chosen to retain their existing payment entitlements.

Other Presidency amendments seek to:

- address the convergence possibilities for those farmers that hold special entitlements not linked to hectares;
- provide that a Member State may take into account the production level on farms in a recent year (not later than 2011) when fixing the pace of convergence in order to speed up convergence in certain circumstances;
- fund the establishment of a national reserve by applying a linear reduction of maximum 3% to their basic payment ceilings;
- make explicit provision for the use of the national reserve to take account of ongoing land restructuring in certain Member States;
- introduce a voluntary 'redistributive payment' which would allow Member States to grant a top-up on the basic payment for the first hectares of each farm and in so doing take account of the greater labour intensity on smaller farms and the economies of scale of larger farms.

The **Council broadly supported the thrust of the Presidency's compromise package** on the basic payment scheme. Some delegations noted, in this regard, that the principle of there being no agreement until there is agreement on everything should be applied.

Internal convergence: most delegations welcomed the greater flexibility offered for Member States applying the single payment scheme (SPS) or the single area payment scheme (SAPS). However, certain Member States applying the SAPS made their support for the Presidency's compromise conditional on the possibility to progressively abolish the transitional scheme over a longer period.

Coupled aid: delegations had mixed view with some considering that flexibility in regard to internal convergence could result in less generous coupled aid conditions, while others considered that coupled aid could facilitate internal convergence.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 05/11/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Agriculture and Rural Development adopted the report by Luis Manuel CAPOULAS SANTOS (S&D, PT) on the proposal for a regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy.

The committee recommended that the Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal. The main amendments were as follows:

Scope: specific rules should concern: (i) 'the basic payment scheme' and a transitional simplified scheme ('the single area payment scheme'); (ii) a voluntary redistributive payment ('the redistributive payment'); (iii) voluntary transitional national aid for farmers.

Active farmer: direct payments should only be granted to active farmers. Member States may decide that no direct payments are to be granted to natural or legal persons, or to groups of natural or legal persons: whose agricultural activities form only an insignificant part of their overall economic activities, and/or whose principal activity or company objects do not consist of exercising an agricultural activity. No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, who operate airports, railway services, waterworks, real estate services, permanent sport and recreational grounds.

The power to adopt certain acts should be **delegated** to the Commission in respect of establishing the minimum activities to be carried out on areas naturally kept in a state suitable for grazing or cultivation.

Payment reductions: Member States should reduce the part of the basic payment/single area payment to be granted to farmers which **exceeds EUR 150 000 by at least 5 %**. Member States may decide to take into account salaried labour intensity when applying the mechanism.

Flexibility between pillars: with a view to strengthening their **rural development policy**, Member States may decide to make available as additional support for measures under rural development programming financed under the EAFRD, up to **15 %** of their annual national ceilings for calendar years 2014 to 2019. At the same time, Member States should be given the possibility to transfer funds from their support assigned for rural development to their direct payments ceiling.

Transitional period: Member States applying in 2014 the single area payment scheme may, under the conditions set out in this Regulation, continue the application of that scheme until 31 December 2020 at the latest. The Member States applying the single area payment scheme may decide to grant **transitional national aid in 2015-2020**.

Specific provisions are provided for the first allocation of payment entitlements and the calculation of the value of payment entitlements.

Taking into account that the unitary support to farmers with **smaller holdings** has to be sufficient in order to achieve the objective of income support effectively, Member States should be allowed to redistribute direct support between farmers by granting them an **extra payment for the first hectares** on which they activate payment entitlements.

Greening: besides the three greening measures established in the present Regulation, practices covered by **agri-environment-climate measures** or certification schemes that are similar to greening and that yield an equivalent or higher level of benefit for the climate and the environment. These practices should be laid down in an Annex to this Regulation.

Permanent grassland: for the sake of environmental protection of permanent grassland and in particular carbon sequestration, provisions should be made for the maintenance of permanent grassland. This protection should consist of a ban on ploughing and conversion on environmentally most sensitive areas in "Natura 2000" areas, and of a more general safeguard, based on a ratio of permanent grassland, against conversion to other uses.

Ecological focus areas: these should be established, in particular, in order to safeguard and improve biodiversity on farms. These areas should therefore consist of areas directly affecting biodiversity such as land lying fallow, landscape features, terraces, buffer strips, afforested areas and agro-forestry areas or indirectly affecting biodiversity through a reduced use of inputs on the farm.

Payment for young farmers: a compulsory European mechanism is provided in order to grant farmers who are no more than 40 years of age an addition payment of **25% for their first 25 – 90 hectares**.

Member States shall set the amount of the annual payment for each farmer participating in the small farmers scheme. The amount shall not be higher than an amount fixed by the Member State between EUR 500 and EUR 1 250.

Coupled support: Member States should be allowed to use part of their national ceilings for direct payments for coupled support in certain sectors or regions in clearly defined cases. The resources that may be used for any coupled support should be limited to an appropriate level, while allowing such support to be granted in Member States in their specific sectors or regions facing particular situations where specific types of farming or specific agricultural sectors are particularly important for economic, environmental and/or social reasons. Member States should be allowed to use up to **8 %** of their national ceilings for this support, or **13 %** in case their level of coupled support in at least one of the years of the period 2010- 2014 exceeded 5 %.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 20/11/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 440 votes to 238 with 10 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy (CAP).

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission proposal as follows:

Scope: specific rules should concern: (i) 'the basic payment scheme' and a transitional simplified scheme ('the single area payment scheme'); (ii) a voluntary redistributive payment ('the redistributive payment'); (iii) voluntary transitional national aid for farmers.

Active farmer: direct payments should only be granted to active farmers. To ensure that **support is better targeted**, no direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, who operate airports, railway services, waterworks, real estate services, permanent sport and recreational grounds, unless such persons can demonstrate that their agricultural activity is not marginal. Member States should also have the option of not granting direct payments to other natural and legal persons whose agricultural activity is marginal.

Payment reductions: the amount of direct payments to be granted to a **farmer will be reduced by at least 5 % for the part of the amount exceeding EUR 150 000**. Before applying this provision, Member States may subtract the salaries linked to an agricultural activity actually paid and declared by the farmer in the previous year, from the amount of payments to be granted to a farmer in a given calendar year.

Flexibility between pillars: with a view to strengthening their **rural development policy**, Member States may decide to make available as additional support for measures under rural development programming financed under the EAFRD, up to **15 %** of their annual national ceilings for calendar years 2014 to 2019. At the same time, Member States should be given the possibility to transfer funds from their support assigned for rural development to their direct payments ceiling.

Member States will be given the opportunity to review their initial decision once with effect as from claim year 2018 provided such review does not entail any decrease in the amounts assigned for rural development.

Transitional period: Member States applying in 2014 the single area payment scheme may, under the conditions set out in this Regulation, continue the application of that scheme until 31 December 2020 at the latest. The Member States applying the single area payment scheme may decide to grant **transitional national aid in 2015-2020**.

Specific provisions are provided for the first allocation of payment entitlements and the calculation of the value of payment entitlements.

Support for smaller holdings: to support to farmers with **smaller holdings**, Member States should be allowed to redistribute direct support between farmers by granting them an **extra payment for the first hectares** on which they activate payment entitlements.

A greener CAP: besides the three greening measures established in the Regulation, there were provisions recognizing practices covered by **agri-environment-climate measures** that yield an equivalent or higher level of benefit for the climate and the environment.

The agricultural practices beneficial for the climate and the environment shall be:

- **crop diversification:** obligations under this measure should be applied in a way that takes into account the difficulty of diversifying for smaller farms, while still leading to an enhanced environmental protection, and in particular the improvement of soil quality;

- **maintaining existing permanent grassland:** for the sake of environmental protection of permanent grassland and in particular carbon sequestration, provisions should be made for the maintenance of permanent grassland. This protection should consist of a ban on ploughing and conversion on environmentally most sensitive areas in "Natura 2000" areas, and of a more general safeguard, based on a ratio of permanent grassland, against conversion to other uses;
- **having ecological focus area on the agricultural area:** these should be established, in particular, in order to safeguard and improve biodiversity on farms. These areas should therefore consist of areas directly affecting biodiversity such as land lying fallow, landscape features, terraces, buffer strips, afforested areas and agro-forestry areas or indirectly affecting biodiversity through a reduced use of inputs on the farm.

Payment for young farmers: a compulsory European mechanism is provided in order to grant farmers who are no more than 40 years of age an addition payment of **25% for their first 25 – 90 hectares**.

Member States shall set the amount of the annual payment for each farmer participating in the small farmers scheme. The amount shall not be higher than an amount fixed by the Member State between EUR 500 and EUR 1 250.

Coupled support: Member States should be allowed to use part of their national ceilings for direct payments for coupled support in certain sectors or regions in clearly defined cases. The resources that may be used for any coupled support should be limited to an appropriate level, while allowing such support to be granted in Member States in their specific sectors or regions facing particular situations where specific types of farming or specific agricultural sectors are particularly important for economic, environmental and/or social reasons. Member States should be allowed to use up to **8 %** of their national ceilings for this support, or **13 %** in case their level of coupled support in at least one of the years of the period 2010- 2014 exceeded 5 %.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 17/12/2013 - Final act

PURPOSE: to lay down new rules on the Common Agricultural Policy (CAP) for the period 2014-2020 (direct payments).

LEGISLATIVE ACT: Regulation (EU) n° 1307/2013 of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009.

CONTENT: this Regulation is part of a series of measures aiming to **reform the Common Agricultural Policy (CAP)**. The CAP reform package contains four main legal texts:

- this Regulation establishing **rules for direct payments** to farmers;
- [the Regulation](#) on the common organisation of the market in agricultural products;
- [the Regulation](#) on support for rural development;
- [the Regulation](#) on the financing, management and monitoring of the CAP (horizontal Regulation.)

The package also includes a [transitional Regulation](#) for 2014.

The main objectives of the reform are to **make the CAP greener, more equitable and better targeted**. The reformed CAP remains a strong common policy structured around its **two complementary pillars**: direct payments and market management (first pillar) and rural development (second pillar).

This Regulation provides the **basic rules for granting direct income support to farmers** in order to reward them for the provision of public goods and services. It also contains a number of specific support schemes and rules for granting a limited amount of coupled support (linked to production).

The main points are as follows :

Greening of the CAP : a new payment linked to a greening component is established : in future, **30% of direct income support** for farmers will be granted only if they observe certain farming practices that are beneficial for the environment and the climate, and in particular :

- **crop diversification** (growing at least three different crops on arable land);
- maintaining a minimum area of **permanent grassland**; and
- keeping an **ecological focus area**, corresponding to at least 5 % of the arable land of the holding where the arable land of a holding covers more than 15 hectares, (e.g land lying fallow, terraces, landscape features, buffer strips, afforested areas).

Reduction of payments for large farms: in order to allocate direct payments in favour of farmers who have the greater need, the Regulation provides for a **mandatory reduction of 5%** of the part of the basic payment to be granted to farmers which exceeds EUR 150 000.

Redistributive payment: in order to increase the support received by smaller farmers, Member States may use up to **30 % of the annual national ceiling** to increase the support received by smaller farmers by granting them a **higher amount on the first hectares** activated by the farmer (not to be higher than 30 hectares or the average size of agricultural holdings if that average size exceeds 30 hectares in the Member State concerned.)

Progressive adjustment of direct support: to ensure a more equal distribution of direct support, and to reduce the link with historical references, the levels of direct support per hectare shall be progressively adjusted. Member States that have direct payments below the level of 90 % of the Union average should close one third of the gap between their current level and this level, with all Member States arriving at a minimum level by financial year 2020. All Member States that have direct payment levels above the Union average level should finance this convergence, called '**external convergence**' proportionally.

At the same time, there will be a progressive rebalancing of direct payments levels at national or regional level by 2019 (internal convergence).

Coupled support: Member States will also be able to grant a greater portion of their direct payments envelopes in the form of **coupled support (linked to production)** to farmers in sectors or regions which face particular difficulties and where farming activity is important for economic, environmental and/or social reasons.

Member States will be allowed to use up to **8 %** (2 % for protein crops) of their national ceilings for this support, or 13 % where their level of coupled support exceeds 5 % in at least one of the years of the period 2010-2014.

Financial discipline: the existing mechanism (which provides for the possibility of making linear cuts to the direct payments received by farmers) will be **maintained** in order to ensure that the CAP budget does not exceed the established budgetary ceiling. However, farmers whose direct income support does not exceed EUR 2000 will be exempt.

Single area payment scheme (transitional period): Member States applying in 2014 the single area payment scheme may decide to continue to apply that scheme **until 31 December 2020 at the latest**. Member States applying the single area payment scheme may decide to grant transitional national aid in the period 2015-2020.

Active farmer: in order to ensure better **targeting of support**, direct payments will only be made to active farmers whose main business is agriculture. No direct payments shall be granted to natural or legal persons, or to groups of natural or legal persons, who operate airports, railway services, waterworks, real estate services, permanent sport and recreational grounds, unless they can show that their agricultural activity is not marginal.

Support for young farmers : the new CAP also contains a mandatory support scheme in favour of young farmers (for which Member States may use **up to 2%** of their direct payments envelopes).

A supplementary payment will be made to farmers below the age of 41 of 25% for 25 to 90 hectares.

Member States may also put in place a simplified regime for small farmers whose support is not less than EUR 500 and does **not exceed EUR 1250**.

Flexibility between pillars: in order to strengthen their rural development policy, Member States may decide to make available, as additional support for measures under rural development programming financed under the EAFRD as specified under Regulation (EU) No 1305/2013, **up to 15 % of their annual national ceilings** for calendar years 2015 to 2019.

ENTRY INTO FORCE: 20.12.2013. The Regulation is applicable from 01.01.2015 (with the exception of certain provisions that are applicable from the date of entry into force of the Regulation).

DELEGATED ACTS: the Commission may adopt delegated acts in order to supplement or amend certain non-essential elements of this Regulation. The power to adopt such acts is conferred on the Commission for a period of **seven years from 1 January 2014**. The European Parliament or the Council may raise objections with regard to a delegated act within two months of the date of notification (which may be extended by two months). If Parliament or Council raise objections, the delegated act will not enter into force.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 14/12/2011

Opinion of the European Data Protection Supervisor on the legal proposals for the common agricultural policy after 2013.

On 12 October 2011, the Commission adopted a package of seven proposals on the common agricultural policy (CAP) after 2013 that were sent to the EDPS for consultation on the same day.

The Proposals aim at providing a framework for (1) viable food production, (2) sustainable management of natural resources and climate action, and (3) balanced territorial development. To this end, they establish several support schemes for farmers as well as other measures to stimulate agricultural and rural development.

In the course of these programmes, personal data — mainly relating to aid beneficiaries but also to third parties — are processed at various stages (processing of aid applications, ensuring the transparency of payments, control and fight against fraud, etc.) While the bulk of the processing is carried out by and under the responsibility of the Member States, the Commission is able to access most of these data. Beneficiaries and in some instances third parties (-e.g. for the purpose of fraud checks — have to provide information to the designated competent authorities.)

The EDPS welcomes that references to the applicability of Directive 95/46/EC and Regulation (EC) No 45/2001 are included in the preambles of the **proposed Regulation on direct payments**, the [proposed Regulation establishing a common organisation of the markets in agricultural products](#), the [proposed Regulation on rural development](#) and the [proposed "horizontal" Regulation](#).

The goal of this Opinion is not to analyse the whole set of proposals, but to offer input and guidance for designing the processing of personal data necessary for the administration of the CAP in a way that respects the fundamental rights to privacy and data protection.

To this end, the present Opinion is structured in two parts: a first, more general part includes analysis and recommendations relevant for most of the proposals. This mostly refers to comments on delegated and implementing powers for the Commission. A second part then discusses specific provisions contained in several of the proposals and gives recommendations to address the issues identified therein.

Delegated and implementing acts: in general, it is observed that many questions central to data protection are not included in the present proposals, but will be regulated by implementing or delegated acts. This applies, for example, to measures to be adopted regarding the monitoring of aid, the establishment of IT systems, transfers of information to third countries and on-the-spot checks.

However, The EDPS considers that the central aspects of the processing envisaged in the proposals and the necessary data protection safeguards cannot be regarded as 'non-essential elements', as required by Article 290 of the Treaty on the Functioning of the EU. Therefore, **at least the following elements should be regulated in the main legislative texts** in order to increase legal certainty:

- the specific purpose of every processing operation should be explicitly stated. This is especially relevant as regards publication of personal data and transfers to third countries;
- the categories of data to be processed should be specified;
- access rights should be clarified, in particular as regards access to data by the Commission. In this regard, it should be specified that the Commission may only process personal data where necessary, e.g. for control purposes;
- maximum retention periods should be laid down, as in some cases only minimum retention periods are mentioned in the proposals
- the rights of data subjects should be specified, especially as regards the right of information; while beneficiaries might be aware of their data being processed, third parties should also be adequately informed that their data could be used for control purposes;
- the scope and the purpose of transfers to third countries should also be limited to what is necessary and end should be fixed in an appropriate manner in the proposals.

Once these elements are specified in the main legislative proposals, delegated or implementing acts might be used to implement in more detail these specific safeguards. The EDPS expects to be consulted in this regard.

Rights of data subjects: the rights of data subjects should be specified, especially as regards the right of information and the right of access. This is especially relevant as regards the horizontal regulation, according to which commercial documents of beneficiaries, but also of suppliers, customers, carriers and other third parties can be checked. While beneficiaries might be aware of their data being processed, third parties should also be adequately informed that their data could be used for control purposes (e.g. by a privacy notice to be given at the moment of collection and information provided on all relevant websites and documents). The obligation to inform data subjects, including third parties, should be included in the proposals.

Security measures: in addition, security measures should be provided at least by implementing or delegated acts, especially as regards computerised databases and systems. The principles of accountability and Privacy by Design should also be taken into account.

Prior check: lastly, taking into account that in some cases data relating to (suspected) offences may be processed (e.g. related to fraud), a prior check by the competent national DPAs or the EDPS may be needed.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 26/04/2012

Ministers held a **public debate on direct payments** within the framework of the common agricultural policy (CAP) reform.

(1) The first part of the debate focused on special measures proposed to support particular categories of farmers: young farmers, small farmers and farmers in areas with natural constraints.

With regard to scheme for young farmers:

- Member States broadly agreed on the need to increase the support to this category of farmers, as currently only 6 % of all farmers across the EU were under the age of 35, raising concerns for the future of farming. Most delegations however preferred a voluntary scheme, with the possibility to set additional conditions at national level.
- Several delegations suggested a better articulation between first and second pillar criteria for young farmers.

Measures relating to small farmers scheme:

- Although delegations agreed in general on the proposal for measures relating to small farmers scheme as a genuine simplification, a majority of Member States nevertheless preferred the scheme to be voluntary.
- A number of Member States would not like small farmers to be completely exempted from cross compliance and greening requirements.

For farmers in areas with natural constraints, Member States could accept the possibility of increased support, but wanted to look into how it would fit in with a similar programme under the rural development provisions. The delegations agreed with the Commission that this type of measure should stay voluntary.

Voluntary coupled support:

- Several Member States highlighted the importance of this support for specific farming sectors or regions as a response to economic, social and environmental difficulties.
- Some delegations regretted that this proposal went against past trend of CAP reform, to decouple support, while some others wanted the list of coupled sectors to be extended.

The diverging views expressed by ministers led the Presidency to conclude that the Commission proposal seemed to strike a balance.

(2) The second round table was organised on the definition of active farmer, the capping of direct payments to large farms and the internal redistribution of direct payments.

The 'active farmer' concept:

There was broad support for the Presidency's suggestion to avoid undue administrative burdens, by not requiring Member States to control the proportion of direct payments in the farmer's total income and to allow member states a greater margin of discretion.

Many delegations were prepared to examine a Commission suggestion to establish an additional "negative list" of certain landowners who would be excluded unless they could prove that they were engaged in agricultural production.

The capping of the direct payments received by the largest farms in the EU is one of the issues in the current negotiations on the multiannual financial framework for 2014-2020. In respect of the technical aspects of capping, several delegations called for a simpler approach to calculation, while some Member States remained opposed to the principle.

Internal redistribution: the Commission proposed that Member States achieve a uniform level of direct payments at regional or national level by 2019. A considerable number of ministers had concerns about the impact of this proposal and underlined the need to proceed carefully. The need for greater flexibility and appropriate transitional periods was also highlighted. The presidency conclusions from March 2011 already identified the need for flexibility at national/regional level, with appropriate transitional periods to avoid disruptive financial consequences.

It should be recalled that the Council had already held policy debates on the CAP reform relating to the proposals for regulations on direct payments, rural development and on the single common market organisation during the three last Agriculture Council meetings in November and December 2011 and January this year. In March this year ministers debated the simplification of the CAP.

The Presidency intends to organise further policy debates on thematic issues such as the greening of the CAP in May and the rural development policy in June 2012.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 14/05/2012

Ministers held an **orientation debate on the greening of the common agricultural policy (CAP)** within the framework of the CAP reform. The debate covered provisions contained in three of the main proposals of the CAP reform package:

- **Regulation for direct payments to farmers;**
- [Regulation](#) on the financing, management and monitoring of the CAP (the "horizontal" regulation);
- [Regulation for rural development.](#)

While **broadly supporting the principle** of greening the CAP for the period 2014-2020 under the pillar I, delegations nonetheless made clear that, in order to achieve this ambition, an **adjustment of the modalities** proposed by the Commission was required.

Most delegations stressed that any additional greening measures had to be consistent with their specific objective circumstances be easy to apply and monitor, with the implementation costs remaining proportional and avoiding unnecessary red tape. A **more flexible approach** would help to take into account the diversity of agricultures in the EU and would avoid a "one size fits all" approach.

Many Member States considered that the scope of farming practices that are "**green by definition**" had to be widened to include pillar II agri-environment practices, as well as practices under national or regional environmental certification schemes. The Commission expressed openness to consider an adjustment of its proposal to take this into account.

On the **three mandatory greening measures**, a number of adjustments were suggested by delegations:

- **on crop diversification** : most delegations considered that there was a **need to increase the minimum threshold**, the minimal number of crops requested and to adjust the definition of crop. Moreover land predominantly covered by permanent grassland needed to be taken into account.
- **on the retention of permanent grassland**, and to maintain the management of these areas at regional or national level instead of farm level as proposed by the Commission,
- **on the Ecological focus area (EFA) and the 7% requirement** : most delegations wanted more flexibility and suggested a minimum farm area threshold; , areas under pillar II agri-environment schemes with high benefits for the environment and climate needed to be taken into account.

Instead of the three mandatory greening measures as proposed by the Commission (crop diversification, permanent grassland and EFAs), some delegations would prefer a "menu" approach where member states could choose from a list of measures.

Other Member States would prefer to build greening upon existing instruments, especially cross compliance in pillar I and agri-environment schemes in pillar II.

Lastly, a large majority of delegations estimated that the **level of sanctions** applicable when the greening objectives are not met should not go beyond the level of the greening payment and therefore should not affect the basic payment itself.

Timetable:

- The Council already held policy debates on the proposals for regulation on direct payments, rural development and on the single common market organisation during the three last Agriculture Council meetings in November and December last year and in January this year.
- In March 2012, Ministers held a debate on the simplification of the CAP.
- During its last meeting in April 2012, the Council held an orientation debate on young farmers, small farmers, voluntary coupled support and top ups for farmers in areas with natural constraints, as well as on internal distribution, active farmer and capping of support to large farms.

In June, the Danish Presidency intends to organise an orientation debate on the proposal on rural development and to present a progress report on the CAP reform.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

The Presidency presented to the ministers its progress report on the reform of the common agricultural policy (CAP) (8949/12).

Member states broadly welcomed the progress report and overall considered it a fair and accurate reflection of the debate in the Council, which would it lay a solid foundation for the next steps in the process under the Cypriot and Irish Presidencies. They also noted that the next presidencies had to deepen discussions on the open issues. Some delegations commented on issues of importance to them, particularly in relation to **capping, convergence of direct payments and greening**.

This progress report highlights the progress achieved during the first half of 2012 on the CAP reform proposals. It has been drawn up under the responsibility of the Presidency on the basis of the positions expressed within the Council and its preparatory bodies during this semester. It makes clear that nothing is agreed until everything is agreed.

The report highlights the efforts made by the Presidency, especially on increased flexibility, simplification and greening. It indicates the main amendments suggested to the Commission proposals and on which the Presidency has noted broad support from delegations.

The Presidency's suggested amendments aim to resolve a number of issues raised by delegations, particularly with a view to ensuring that future CAP legislation is workable in practice and can be implemented in a cost-effective manner.

This report also identifies for each of the proposals the key issues which remain outstanding as at June 2012, including issues contained in the negotiating box for heading 2 of the Multiannual financial framework (MFF).

The report distinguishes between three categories of issues:

- issues on which there is broad support among delegations for the amendments suggested by the Presidency to the Commission proposals;
- issues which remain outstanding as at June 2012;
- issues which are included in the negotiating box of the Multi-Annual Financial Framework and which the European Council will ultimately decide upon.

Direct payments proposal: the key issues raised on the proposal are :

- convergence of direct payments between Member States,
- better targeting,
- 'greening' of direct payments,
- simplification of direct payments for small farmers,
- the establishment of a new basic payments scheme,
- reaching a uniform level of direct payments within Member States and the possibility of transfers of funding between pillars.

The issue of convergence of direct payments between Member States is included in the Negotiating Box for Heading 2 of the Multiannual Financial Framework (MFF). The Presidency has noted broad support for the principle of some convergence. Delegations' views however differ on the model of convergence. Some delegations support the model proposed, others find the model too limited and others consider the model goes too far suggesting ceilings on losses, linear financing etc. Several delegations considered that this issue should be seen together with the future allocation of rural development funds, while others take the opposite view.

The Commission proposes a number of measures to **better target direct payments**:

- special schemes for **young farmers**,
- **small farmers** and **farmers in areas with natural constraints**,
- limiting direct payments to '**active farmers**',
- **capping** of direct payments for large farms and granting **voluntary coupled support** under certain conditions.

While the special scheme for **young farmers** is broadly welcomed, a majority of delegations want a voluntary scheme, leaving Member States to decide whether to operate the scheme and how to shape it according to their needs, while other delegations could support the proposed mandatory scheme. Delegations support the proposed voluntary scheme for support to **farmers in areas with natural constraints**. On the definition of '**active farmer**', there is broad support to focus eligibility more on the land than on the applicant. Applicants should carry out the minimum activity on their areas which are naturally kept in a state suitable for grazing or cultivation to qualify for direct payments. There is also broad support to allow Member States to go further in order to exclude those applicants who are economically only marginally engaged in agricultural activity either on the basis of a negative list partly decided at EU level or to use their own objective and nondiscriminatory criteria. Nevertheless, a few delegations prefer mandatory EU criteria to be established.

The principle of **capping** of direct payments for large farms is included in the Negotiating Box for Heading 2 of the Multiannual Financial Framework (MFF). Some delegations oppose the principle of capping.

While the special scheme in favour of **small farmers** is broadly welcomed as a major simplification, a clear majority of delegations want a voluntary scheme, leaving Member States to decide whether to operate it and how to shape it according to their needs. A few delegations find the allocation of 10 % to the scheme insufficient. A number of delegations question whether small farmers should be completely exempt from cross compliance requirements.

The principle of "**greening**" and the proposed 30 % proportion of direct payments subject to greening is included in the Negotiating Box for Heading 2 of the Multiannual Financial Framework (MFF). Some delegations asked for a lower level than 30 %.

All delegations have called for a flexible and cost-effective approach to greening, so as to achieve maximum environmental benefits while preserving the economic viability of holdings and keeping the administrative burden and control requirements to a minimum, and to respond to different environmental and agronomic circumstances in individual Member States.

A large number of delegations consider **7 % ecological focus area too high**. A number of delegations requested to widen the scope of the ecological focus area for example by taking landscape features on permanent grassland into account. Generally, there is broad support that most of the Presidency's suggested amendments are a step in the right direction towards

improving the Commission's proposed approach on greening, while some of the suggested amendments require further discussion. Delegations also welcomed as a step in the right

direction the additional flexibility envisaged by the Commission with regard to the application of greening.

The Presidency has noted broad support for its suggested amendments concerning the **basic payment scheme**, particularly those giving Member States flexibility on the reference year and thus eligibility for farmers to participate in the scheme and those aiming to allow Member States with a regional model to continue with existing payment entitlements, to exclude certain surface areas and to limit the risk of unused funds and flexibility in the use of the national reserve. A few delegations with concerns about the impact of the end of the special payment entitlements on livestock farmers, request a transitional arrangement. Some delegations request to exclude more areas from the basic payment scheme.

Most delegations from Member States applying the **Single Area Payment Scheme** (SAPS) want to continue with this system after 2013. In case of a shift to a new direct payments scheme, most of these delegations would like to have the possibility to establish differentiated payment entitlements on the basis of their coupled payments, specific support payments,

separate payments and national top-up payments in their future payments.

On the proposed aim to reach a **uniform level (or value) of payment entitlements** under the basic payment scheme at national or regional level by 2019, a number of delegations question the overall objective of the proposal in an almost fully decoupled system and request flexibility. Several delegations have concerns about the impact of reallocation of decoupled funds on individual farms as well as on sectors and regions and suggest a mechanism limiting the extent of gains and losses to individual farms. Some delegations want a possibility to differentiate the value of payment entitlements based on arable land and permanent grassland. Most delegations applying a historic or hybrid model want a much more gradual and back-loaded adjustment process and a later end date than 2019.

The issue of **flexibility between pillars** is included in the Negotiating Box for Heading 2 of the Multiannual Financial Framework (MFF). This instrument is broadly welcomed by delegations. Several delegations want the funds transferred from Pillar I to Pillar II to be without national co-financing with some Member States considering the possibility of an annual transfer. Some Member States with low direct payments reject the possibility to transfer from Pillar II to Pillar I.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 20/10/2011

Ministers held an **exchange of views** on the common agricultural policy (CAP) reform package thus launching within the Council the debate on the future of the CAP for the months ahead:

Direct payments: several Member States raised concerns or stated their opposition to the proposed redistribution of payments between Member States.

- On the proposed greening of the first pillar while they generally could agree with the introduction of "greening" measures in the first pillar, several questioned the compulsory character of the proposed measures or challenged the proposed 30% proportion of direct payment envelopes devoted to this "greening".
- In addition some delegations expressed their opposition to progressive reduction and capping of direct payments amounts.
- The proposed definition of "active farmer" also raised many questions.
- Actions proposed in favour of small farms and young farmers were generally well received.

Moreover, a vast majority of delegations raised concerns that the **direct payments and rural development** proposals seemed to run counter to the important objective of simplification of the CAP.

Market management mechanisms: most of the Member States acknowledged the measures proposed by the Commission. They noted in particular the importance of extending the existing possibilities to allow the Commission to take emergency measures.

- Some Member States regretted the Commission's intention to stick to the abolition of the sugar quota system for 2015, while others welcomed the confirmation that the sugar sector would be liberalised after 2015.
- Several delegations welcomed the proposals to strengthen the role of the farmer in the food supply chain with mandatory recognition of producers and interbranch organisations, while others were concerned that this would imply the risk of competition distortion.

The Council will hold **two more policy debates** on the CAP reform proposals before the end of the year: one on **direct payments in November and another on rural development in December 2011**.

It should be noted that the Commission prepared the CAP reform package following the interinstitutional debate initiated by its [communication](#) The CAP towards 2020: Meeting the food, natural resources and territorial challenges of the future and on the basis of impact assessments for the various policies. The new rules should enter into force on 1 January 2014.

In March 2011, the Council took note of the Presidency conclusions on the Commission communication supported by a very large number of Member States. These conclusions on the communication followed an initial exchange of views and three policy debates focusing on the three main objectives of the future CAP identified in the Commission communication, namely: (i) **viable food production**; (ii) **sustainable management of natural resources and climate action**, and (iii) **balanced territorial development**.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 12/10/2011 - Legislative proposal

PURPOSE: to reform the Common Agricultural Policy (CAP) after 2013 (direct payments).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the Commission presents a set of regulations laying down the **legislative framework for the CAP in the period 2014-2020**. The current reform proposals are based on the [Communication on the CAP towards 2020](#) that outlined broad policy options in order to respond to the future challenges for agriculture and rural areas and to meet the objectives set for the CAP, namely (1) **viable food production**; (2) **sustainable management** of natural resources and climate action; and (3) **balanced territorial development**.

A common theme that has emerged throughout this process is the need to promote resource efficiency with a view to smart, sustainable and inclusive growth for EU agriculture and rural areas in line with the Europe 2020 strategy, keeping the structure of the CAP **around two pillars** that use complementary instruments in pursuit of the same objectives.

- **Pillar I** covers direct payments and market measures providing a basic annual income support to EU farmers and support in case of specific market disturbances.
- **Pillar II** covers rural development where Member States draw up and co-finance multiannual programmes under a common framework.

The framework set out in the [Commission proposal for the multiannual financial framework for the years 2014-2020 \(MFF\)](#) proposal foresees that the CAP should maintain its two-pillar structure with the budget for each pillar maintained in nominal terms at its 2013 level and with a clear focus on delivering results on the key EU priorities.

- Direct payments should promote sustainable production by assigning 30% of their budgetary envelope to mandatory measures that are beneficial to climate and the environment.
- Payment levels should progressively converge and payments to large beneficiaries be subject to progressive capping.
- Rural development should be included in a Common Strategic Framework with other EU shared management funds with a reinforced outcome-orientated approach and subject to clearer, improved ex-ante conditionalities.
- Finally, on market measures the financing of the CAP should be reinforced with two instruments outside the MFF: (1) an emergency reserve to react to crisis situations; and (2) the extension of the scope of the European Globalization Adjustment Fund.

On this basis, the main elements of the legislative framework for the CAP during the period 2014-2020 are set out in the following regulations:

- [Proposal for a Regulation](#) of the European Parliament and of the Council establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy ('the direct payments regulation');
- [Proposal for a Regulation](#) of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products (Single CMO Regulation) ('the Single CMO regulation');
- [Proposal for a Regulation](#) of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) ('the rural development regulation');
- [Proposal for a Regulation](#) of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy ('the horizontal regulation');
- [Proposal for a Council Regulation](#) determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products;
- [Proposal for a Regulation](#) of the European Parliament and of the Council amending Council Regulation (EC) No 73/2009 as regards the application of direct payments to farmers in respect of the year 2013;
- [Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation \(EC\) No 1234/2007 as regards the regime of the single payment scheme and support to vine-growers](#).

The rural development regulation builds on the proposal presented by the [Commission on 6 October 2011](#) that sets out common rules for all funds operating under a Common Strategic Framework. A regulation will follow on the scheme for most deprived persons, for which funding is now placed under a different heading of the MFF.

In addition, new rules on the publication of information on beneficiaries taking account of the objections expressed by the Court of Justice of the European Union are also under preparation with a view to finding the most appropriate way to reconcile beneficiaries' right to protection of personal data with the principle of transparency.

IMPACT ASSESSMENT: the **three scenarios** elaborated in the impact assessment are:

- **an adjustment scenario** that continues with the current policy framework while addressing its most important shortcomings, such as the distribution of direct payments;
- **an integration scenario** that entails major policy changes in the form of enhanced targeting and greening of direct payments and reinforced strategic targeting for rural development policy in better coordination with other EU policies, as well as extending the legal base for a broader scope of producer cooperation; and
- **a refocus scenario** that reorients the policy exclusively towards the environment with a progressive phasing out of direct payments, assuming that productive capacity can be maintained without support and that the socio-economic needs of rural areas can be served by other policies.

The impact assessment concludes that the **integration scenario** is the most balanced in progressively aligning the CAP with the EU's strategic objectives. It will also be essential to develop an evaluation framework to measure the performance of the CAP with a common set of indicators linked to policy objectives.

LEGAL BASIS: Article 43(2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed Regulation lays down common rules for the basic payment scheme and related payments. It seeks to better target support to certain actions, areas or beneficiaries as well as to pave the way for convergence of the level of support within and across Member States. The regulation also includes a section on coupled support.

(1) **A single scheme across the EU, the basic payment scheme**, replaces the Single Payment Scheme and the Single Area Payment Scheme as from 2014. The scheme will operate on the basis of payment entitlements allocated at national or regional level to all farmers according to their eligible hectares in the first year of application.

(2) The definition of **active farmer** further enhances targeting on farmers genuinely engaged in agricultural activities, and thus legitimizes support. In addition, the progressive reduction and capping of support for large beneficiaries is foreseen while taking due account of employment.

(3) The following **payments** are also provided:

- a payment (30% of annual national ceiling) for farmers following **agricultural practices beneficial for the climate and the environment**: crop diversification, maintenance of permanent pastures and ecological focus areas. Organic farming automatically benefits from this payment, while farmers in Natura 2000 areas will have to comply with the relevant requirements to the extent that they are consistent with the Natura 2000 legislation;
- a voluntary payment (up to 5% of annual national ceiling) for **farmers in areas facing specific natural constraints** (areas delimited in the same manner as for rural development purposes); this payment recognizes the need for income support to maintain presence in areas facing specific natural constraints and complements existing support under rural development;
- a payment (up to 2% of annual national ceiling) for **young farmers** in their installation, which may be complemented by setting up aid under rural development.

At the same time, the Regulation:

- lays down a **simplified scheme for small farmers** (up to 10% of annual national ceiling), who may thus receive a lump sum payment replacing all direct payments and producing administrative simplification with an easing of such farmers' obligations related to greening, cross compliance and controls;
- provides a **voluntary coupled support scheme** for specific types of farming or specific agricultural systems which are experiencing certain difficulties and which are particularly important for economic and/or social reasons; support is provided to the extent necessary to maintain current levels of production (up to 5% of annual national ceiling with the possibility to go beyond this in particular cases);
- maintain the possibility for Complementary National Direct Payments for **Bulgaria** and **Romania** and includes a specific payment for cotton.

In terms of **simplification**, the new direct payments system will be based on a single type of payment entitlements and streamline transfer rules, thereby simplifying its management.

BUDGETARY IMPLICATION: in current prices, it is proposed that the CAP should focus on its core activities with **EUR 317.2 billion allocated to Pillar I and EUR 101.2 billion to Pillar II** over the 2014-2020 period.

The Pillar I and Pillar II funding is complemented by **additional funding of EUR 17.1 billion** consisting of:

- EUR 5.1 billion for research and innovation,
- EUR 2.5 billion for food safety and
- EUR 2.8 billion for food support for the most deprived persons in other headings of the MFF,
- EUR 3.9 billion in a new reserve for crises in the agricultural sector,
- up to EUR 2.8 billion in the European Globalization Adjustment Fund outside the MFF, thus bringing the total budget to EUR 435.6 billion over the 2014-2020 period.

The total budget to **EUR 435.6 billion over the 2014-2020 period**.

Distribution of support among Member States: it is proposed that all Member States with direct payments below 90% of the EU average will see one third of this gap closed. The national ceilings in the direct payments regulation are calculated on this basis.

Rural development aid: this is based on objective criteria linked to the policy objectives taking into account the current distribution. As is the case today, less developed regions should continue to benefit from higher co-financing rates, which will also apply to certain measures such as knowledge transfer, producer groups, cooperation and Leader.

Lastly, some **flexibility** for transfers between pillars is introduced (up to 5% of direct payments): from Pillar I to Pillar II to allow Member States to reinforce their rural development policy, and from Pillar II to Pillar I for those Member States where the level of direct payments remains below 90% of the EU average.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 23/06/2016 - Follow-up document

The Commission presents a staff working document reviewing the green direct payment scheme under the reformed common agricultural policy (CAP), implementation of which began in 2015. The review aims at assessing how the system was applied in the first year and adjusting where necessary regulatory arrangements governing green direct payments in secondary legislation.

When the reform was adopted, the Commission committed itself in [a declaration](#) to review one feature of the green direct payment scheme — ecological focus areas (EFA) — in the light of the experience gained after the first year of its implementation. This review covers issues of policy efficiency and administrative simplification, and also covers all aspects of green direct payments.

To recall, the **objective of the green direct payment** is to enhance the environmental performance of the CAP through payments for practices beneficial for the environment and climate change, including: (a) ecological focus area (EFA) covering 5 % of arable area, with a view to improving biodiversity on farms; (b) crop diversification; and (c) maintenance of permanent grassland.

Main findings: obligations under the green direct payment scheme **cover most of the agricultural area in the EU**: agricultural land subject to at least one green direct payment obligation amounts to 72 % of the total EU agricultural area. This wide coverage demonstrates the potential of green direct payments in delivering environmental and climate benefits on a large share of EU farmland, including areas that are not covered by agri-environmental and climate measures under rural development programmes.

However, the actual impact on environmental outcomes depends — for certain aspects — on the **choices made by Member States and farmers**. This is the case particularly for **ecological focus areas** where nitrogen-fixing and catch crops are the predominant declared EFA types (the requirements for crop diversification and maintenance of permanent grassland are fixed at EU level). When corrected by their **weighting factors**, the

share and order of each declared EFA type are: nitrogen-fixing crops (39.4 % of the weighted area), land lying fallow (38 %), catch crops (15 %), landscape features (4.8 %) and buffer strips (less than 2 %). While nitrogen-fixing crops remain the most common declared EFA type in the EU, the share of fallow land ranks second.

Few Member States made use of the possibilities of limiting the use of pesticides and fertilisers in these areas. **Landscape features, which are particularly important for the protection of biodiversity, were not among the most declared EFA types.** Thus, the current pattern of EFA types tends to limit the intended contribution of this instrument as regards the improvement of biodiversity on farms. In contrast, the **expansion of land lying fallow** represents a positive development in this context.

The review shows the implementation of the green direct payment scheme was achieved not only with **very limited impact on production levels and markets**, but also with **no significant impact on the level playing field for farmers across Member States.** However, some specific **weaknesses** have been identified that prevent full exploitation of the potential of the scheme. Many of these issues can be addressed by regulatory changes in secondary legislation:

- better specification or clarification of what is required from farmers and national administrations, especially as regards landscape features;
- eliminating some burdensome technical requirements without lowering environmental benefits: revisions of certain aspects (e.g. species to be used, allowing more mixtures) could be considered in order to make some EFA types more attractive and increase environmental benefits;
- providing more flexibility or alternative options where this increases the environmental and climate benefits of greening: certain eligibility rules for landscape features have been shown to be too restrictive for ecological focus areas, in particular as regards their size and their location in the parcel of land;
- additional harmonisation of some requirements and conditions, including the modification of weighting factors could and the harmonisation of some management requirements.

The Commission will make a more in-depth assessment of the environmental achievements of green direct payments once new information on the state of natural resources becomes available.

Common agricultural policy (CAP): direct payments to farmers under support schemes 2014-2020

2011/0280(COD) - 29/03/2017 - Follow-up document

In accordance with Regulation (EU) No 1307/2013, the Commission presents a report on the implementation of the ecological focus area obligation under the green direct payment scheme.

The 2013 reform of the common agricultural policy (CAP) introduced a green direct payment scheme ('greening'). The greening of the CAP requires farmers to reserve 5% of their arable land for ecological focus areas (EFAs). The EFA requirement's objective is to safeguard and improve biodiversity on farms.

Focusing on **2015 and 2016**, this report fulfils a legal requirement for the Commission to examine progress in implementing the EFA obligation.

Analysis of implementation: the EFA obligation covers the **vast majority of EU arable land (70%)**. Land coverage seems to be stable between 2015 and 2016 (69% in 2016.)

2016 was the second year of application of the EFA obligation. The data collected so far from 19 Member States suggests that **there was little change in the second year in the proportion of land under EFA**, the overall areas that farmers declared as EFA and the share of different EFA types in these areas.

The overall percentage of declared EFAs on arable land is **nearly double the 5% required at farm level**. In 2015, 8 million ha of land was declared as EFA, which accounted for 13% of the arable land falling under the obligation. In 2016 the figure was **15%**, with a slight increase of 130 000 ha. This has been achieved by **relying mostly on productive and potentially productive EFAs:** nitrogen-fixing crops, catch crops and land lying fallow. Other EFAs, including landscape features, contributed only slightly to the overall declared EFAs.

Analysis of **EFA composition** at Member State level and at NUTS-3 region level reveals several patterns:

- a substantial share of landscape features and buffer strips is found only in Ireland, the United Kingdom and Malta;
- land lying fallow is more present in Mediterranean countries like Spain, Portugal and Cyprus and in Member States located in the boreal biogeographical region, like Finland and Latvia;
- nitrogen-fixing crops are prevalent in Croatia, the Czech Republic, Italy, Poland and Romania;
- catch crops are more widespread in Belgium, Denmark, Germany, Luxembourg and the Netherlands.

EFAs' potential environmental and climatic effects: the assessment shows that landscape features and land lying fallow seem to be the most beneficial for biodiversity. Landscape features provide best results in terms of their potential positive impact on ecosystem services.

Other EFA types may have some positive impact on some ecosystem services, (catch crops, land lying fallow, nitrogen-fixing crops) especially **if certain management rules are put in place** and if the **choice of species sown** meets specific requirements.

From a climate adaptation perspective, the introduction of EFA could help farms' climate resilience, for example, through the increased provision of landscape features.

Way forward: the Commission put forward several changes to [secondary greening legislation](#), focusing mostly on **ecological focus areas**. These aimed to streamline and clarify the relevant rules while increasing their environmental effect. They should become applicable at the latest in 2018.

This report should contribute to the **wider evaluation of greening**, including the environmental benefits of EFAs, due for completion by the end of 2017 or early 2018. The evaluation will then feed into the next phase of modernising and simplifying the CAP.

On the basis of the above considerations, the Commission **does not propose to amend Regulation (EU) No 1307/2013** by increasing the percentage of EFA.