

Core Points of agreement – PRES Proposal – 27.05.2021

I. SPR

- 1) Transfers between pillars should not dilute the environmental ambition. It was agreed that the ring-fencing should be done after transfers.
- 2) All the rates set out in the Council mandate, which are in line with the European Council conclusions.
- 3) Ring Fencing for sectoral interventions on fruit and vegetables linked with climate and environmental objectives established at the level of 15%
- 4) At least 35% of the total EAFRD contribution to the CAP Strategic Plan shall be reserved for interventions addressing the specific environmental- and climate-related objectives, including ANC (article 86.2) and Animal Welfare (both with a weighting factor of 60 %).

5) Ring Fencing for eco-schemes:

25%, per year, for the whole period.

- a. - “Floor” of 18% with full flexibility to transfer unused funds above the floor to other decoupled direct payments (within the margins of the maximum unit amounts)
- b. “Rebate” system for eco-schemes as per CS General Approach.
- c. - For unused funds below the floor, option for MS:
 - i. either to transfer unused funds to other decoupled payments and compensate in subsequent years through increased planning of eco schemes, or
 - ii. lose the unused funds below the floor and no requirement to compensate in subsequent years.

6) Annex III – GAECs

a. GAEC 4 – Establishment of buffer strips along water courses

Footnotes:

The GAEC buffer strips along water courses shall respect minimum width of 3m without using pesticides and fertilizers. Member States may increase the minimum width of 3 meters in accordance with specific local circumstances.

The GAEC buffer strips shall respect, both within and outside vulnerable zones designated pursuant to Article 3(2) of Directive 91/676/EEC, at least the required width of the buffer strip and the requirements relating to the conditions for land application of fertiliser near

water courses, referred to in point A.4 of Annex II to Directive 91/676/EEC, to be applied in accordance with the action programmes of Member States established under Article 5(4) of Directive 91/676/EEC. If the minimum width established in accordance the referred action programme is different from 3m the width established on action programme should prevail.

In areas with significant dewatering and irrigation ditches, MS may adjust, if duly justified for those areas, the minimum width in accordance with specific local circumstances.

b. GAEC 7 – Minimum soil cover to avoid bare soil in periods that are most sensitive -

Text for the Footnotes:

In duly justified cases, Member States may adapt the minimum standards to take into account the short vegetation period resulting from the length and severity of the winter period.

c. GAEC 8 – Crop rotation in arable land, except for crops growing under water –

Text for the Footnotes:

Rotation shall consist in a change of crop at least once a year at land parcel level (except in case of multiannual crops, grasses and other herbaceous forage, and land lying fallow), including the appropriately managed secondary crops.

If Member State so decide it should be possible situations when change of crop happen every other year, or other practices aiming at preserving the soil potential, such as crop diversification, taking into account existing farming systems and the diversity of agro-climatic conditions.

Member States may exempt from the obligation under this standard holdings:

(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses;

(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses; or

(c) with a size of arable land up to 10 hectares.

Farmers certified in accordance with Regulation (EU) n° 2018/848 shall be deemed to comply with this GAEC standard.

d. GAEC 9 - Minimum share of agricultural area devoted to non-productive areas or features

- Minimum share of at least 4% of arable land at farm level devoted to non-productive areas and features, including land lying fallow.
- *Where a farmer commits to devote at least 5% of his/her arable land to non-productive areas and features, including land lying fallow, under an enhanced eco-*

scheme in accordance with Article 28(5a), the share to be attributed to compliance with this GAEC shall be limited to 3%.

- *Minimum share of at least 5% of arable land at farm level if include also catch crops or nitrogen fixing crops, cultivated without the use of plant protection products and fertilizers, of which 3% shall be land lying fallow or non-productive features. Member States should use the weighting factor of 0,3 for catch crops.*
- *A minimum share of arable area devoted to non-productive areas or features at least [x%] at Member State level.*
- *Retention of landscape features.*
- *Ban on cutting hedges and trees during the bird breeding and rearing season*
- *As an option, measures for avoiding invasive plant species.*

Text for the Footnotes:

(1) Member States may exempt from the obligation under this bullet point holdings:

(a) where more than 75 % of the arable land is used for the production of grasses or other herbaceous forage, is land lying fallow, is used for cultivation of leguminous crops, or is subject to a combination of those uses;

(b) where more than 75 % of the eligible agricultural area is permanent grassland, is used for the production of grasses or other herbaceous forage or for the cultivation of crops under water either for a significant part of the year or for a significant part of the crop cycle, or is subject to a combination of those uses; or
(c) with a size of arable land up to 10 hectares.

(2) Member States with more than 50 % of their total land surface area covered by forest may exempt from the obligation under this bullet point holdings located in areas designated by those Member States as areas facing natural constraints in accordance with point (a) or (b) of Article 32(1) of Regulation (EU) No 1305/2013, provided that more than 50 % of the land surface area of the unit referred to in the second sentence is covered by forest and the ratio of forest land to agricultural land is higher than 3:1. The area covered by forest and the ratio of forest land to agricultural land shall be assessed on an area level equivalent to the LAU2 level or on the level of another clearly delineated unit which covers a single clear contiguous geographical area having similar agricultural conditions.

7) Targeting of support

Mandatory redistributive payment with 10% of DP, with opt out for MS when duly demonstrated in the CAP strategic plan that the redistributive needs are addressed through other tools, including e.g. capping/degressivity, small farmers or internal convergence.

8) Internal convergence

- Each Member State shall ensure that, for claim year 2026 at the latest, all payment entitlements have a value of at least 85% of the planned average unit amount as referred to in Article 89(1) or, where applicable, of the maximum

planned unit amount, as referred to in Article 89(1a), for the basic income support for claim year 2026 as laid down in its CAP Strategic Plan for the Member State or for the group of territories as referred to in Article 18(2).

- The minimum rate of 85% internal convergence should prevail over article 20 (7).

9) Social Dimension

Text of the latest Commission Proposal with the inclusion of the part of PRES related with the sectorial interventions

10) Coupled Income Support

Council keeps the General approach

II. HRZ

- Without prejudice to the possibility that the Commission may adjust the amount of the agricultural reserve, this amount shall be EUR 450 million at the beginning of each year;
- Total unused amount of the crisis reserves available at the end of year 2022 to be rolled over to the year 2023 and if appropriations remain available after financing the agricultural reserve, these shall be reimbursed to the beneficiaries.
- Maintain status quo for initial pre-financing amount EAFRD: 1% in 2023, 2024 and 2025.
- Return to N+2 rule for automatic de-commitment EAFRD.

III. CMO Regulation

International Trade Policy concerns addressed under Joint Political Statements and no article 188a included in the CMO Regulation.

- Joint Statement by the Council of the European Union, the European Parliament and the European Commission concerning the application of EU health and environmental standards to imported agricultural products and including the concerns on imported tolerances for pesticides proposed by the European Parliament.
- Bilateral Joint Statement by the Council of the European Union and the European Parliament, concerning the application of EU health and environmental standards to imported agricultural products inviting the COM to present by the end of the first quarter of 2022 a report containing an assessment of the rationale and legal feasibility.

(must be put in legal form)

