

DRAFT LIST OF COPA AND COGECA'S SIMPLIFICATION PROPOSALS (not exhaustive)

Proposal number	Topic	Suggestion	Justification	Priority
1	Aid application	When reporting the intention of establishing catch crops for the purpose of EFA by submitting the number of hectares, it should be possible not to indicate the exact location in the LPIS.	Mapping, locating and calculating the size of crops and Ecological Focus Areas (EFA) should be facilitated. With the current rules the farmer can be punished if he establishes the catch crops in another field than the one declared in the application. The challenge for the farmer is that he will not know whether he will be able to establish the catch crop precisely on the field where intended in the spring when he made the application for direct payments. This is due to weather conditions and time of harvesting. This would also avoid over-declaration.	Quick fix
2	Aid application	Member States should be allowed to fix the final dates by which the single application, aid applications or payment claims shall be submitted after than 15 May for the 2015 claim year. This would require also to postpone the final date for late applications. If this is not possible, as a minimum, it should be possible to correct errors as part of the application process, even after the deadline for changes to the application.	The increasing amount of information requested will make the aid application more complex for farmers, in particular in 2015 due to the extremely short period of time available to them. Member States who face evident problems to comply with the application deadline, should be given this flexibility.	Quick fix
3	Aid application	It should be possible for the farmer to tick a box, indicating that he is using arable land for grazing / for forage production without losing the arable land status regardless the number of years grass / forage is grown.	A shift from arable land to permanent grassland in many cases results in a decrease in the land value or may stand against land tenure agreements. In order to avoid that land parcels that are currently "arable land" get the status of "permanent grassland", farmers are thus forced to grow arable crops latest every 5th year. Allowing farmers a specific declaration opens the possibility to increase the use of arable land for grassland with all its environmental benefits without impacting the economic value of the land. In addition it would not negatively affect the current surface of permanent grassland as all parcels that already have the status "permanent grassland" would not be compliant for such a declaration.	Quick fix
4	Controls and penalties	Greening rules and associated control procedures should not delay timely payments to beneficiaries.	The administration of the CAP and the increased number of controls will delay payments to farmers compared to previous years.	Quick fix

5	Greening - reduction of payments and penalties	An appropriate level of tolerance should be introduced for “force majeure and exceptional circumstances”, including adverse climatic conditions, as well as for minor infringements.		Quick fix
6	Greening - reduction of payments and penalties	There should be no deductions to the green payment in the first year, where the errors relate to delayed or retrospective guidance provided by the competent authority. In addition, a change in focus of the inspection system, away from investigation and enforcement through a penalty-driven regime into guidance and support visits in the first instance, is required.	Information relayed to producers has been slow to emerge, incomplete and sometimes inconsistent. Consequently, we have many reasons to believe that the risk of unintentional errors will be high in the first year of the reform, which will lead to reductions and even withdrawals of the green payment.	Quick fix
7	Payment entitlements	Member States may decide that, in case of expiring lease of a holding or part of it, farmers can transfer by private contract clause the corresponding payment entitlements to the new farmer/lessee. Such a lease shall not be considered as a transfer without land.	It appears that there is a legislative gap concerning transfers of entitlements in cases other than inheritance (e.g. transfer of entitlements between an outgoing tenant farmer and an incoming tenant farmer or a landowner taking back the holding or part of it under lease, and similar situations).	Quick fix
8	Voluntary Coupled Support	The Commission should not go beyond the legal text when providing guidance for the national implementation.	<p>The Commission has required that any animal not identified and registered in accordance with Regulations No 1760/2000 (bovine identification) or No 21/2004 (ovine and caprine identification) is excluded from the payment of coupled support for its lifetime, irrespective of who is responsible of the non-compliance with identification and registration requirements or if the failure has been corrected afterwards.</p> <p>The Commission justifies its assessment on the basis of art. 53(4) of the delegated Regulation No 639/2014. However, art. 53(4) simply states that: “Where the coupled support measure concerns bovine animals and/or sheep and goats, Member States shall define as an eligibility condition for the support, the requirements to identify and register animals provided for in Regulation (EC) No 1760/2000 of the European Parliament and of the Council or Council Regulation (EC) No 21/2004 respectively.”</p> <p>In addition, similar requirements were present in the past but then an exemption was foreseen –e.g. Regulation 73/2009 art. 117: “Nevertheless, an animal shall also be deemed eligible for the payments where the information laid down in the second indent of Article 7(1) of Regulation (EC) No 1760/2000 has been reported to the competent authority on the first day of the animal’s retention period...”.</p> <p>A similar approach must be applied to the aid applications for 2015.</p>	Quick fix

9	Aid application	Increase the tolerance of over-declaration of areas from 0.1 ha to 0.5 ha.	It will reduce the number of cases due to small area deviations, which are merely an administrative burden for both farmers and the paying agencies.	Short-term
10	Aid application	Allow Member States to decide on the level of detail (two decimal places) when identifying the agricultural parcels on the holding.	It would better adapt the accuracy required to the methods used by the Member States.	Short-term
11	Aid application	Set tolerance limits for measuring the maximum eligible area per reference parcel.	2% tolerance does not sufficiently take the high level of fragmentation of parcels into account.	Short-term
12	Aid application	Align the reference areas of the LPIS with the moment of the application, so that retrospective correction is avoided.		Short-term
13	Controls and penalties	Notify farmers of inspections on direct payments, cross-compliance and rural development at least 14 days prior to OTSC.	We are extremely worried that the number and extent of controls will increase as a consequence of the numerous direct aid schemes, the need to ensure that all eligibility conditions for greening are controlled at the appropriate moment and the higher control rate until all potential EFAs are mapped.	Short-term
14	Controls and penalties	The scope of the early warning system should be extended to cover all obligations under payment schemes.	A change in focus of the inspection system, away from investigation and enforcement through a penalty-driven regime into guidance and support visits in the first instance, is required	Short-term
15	Controls and penalties	Increase transparency along the whole inspection process. For example, cross compliance checklists must be easily accessible by the farmer.		Short-term
16	Controls and penalties	Apply a risk-based approach to controls on all payment schemes, so that the control rate can be reduced (or increased) according to the farmers' records.	We are extremely worried that the number and extent of controls will increase as a consequence of the numerous direct aid schemes, the need to ensure that all eligibility conditions for greening are controlled at the appropriate moment and the higher control rate until all potential EFAs are mapped.	Short-term

17	Cross compliance	There is an urgent need to simplify the checkpoints of cross-compliance and render the sanction regime more proportionate.		Short-term
18	Cross compliance	Harmonisation of cross compliance rules would provide a level-playing field across and within EU countries.	At present, we do not have common minimum requirements across the EU for cross-compliance: the implementation of various environmental legislation at national level sets the requirements farmers have to respect, but also the GAEC requirements vary considerably, both compiled in the checklists. This leads to very different situations in the EU for possible RD measures and the calculation of the payment.	Short-term
19	Greening - controls	There should be greater flexibility on the requirements for controls, such as the control periods to calculate the shares of different crops for crop diversification.	These requirements need to be reviewed in order to decrease the way the measure interferes with normal farming practices and crop rotation.	Short-term
20	Greening - controls	More types of evidence (other than crops growing or residues) should be accepted for crop diversification and EFA if the crop is no longer present. This could be documentation for purchase of seeds, and that the catch crop has been established according to normal farming principles.	It will significantly improve the legal certainty of the farmer. It will help the farmer, if the farmer has put sufficient efforts into establishing a crop (e.g. catch crop) and the crop fails due to conditions out of the farmer's control.	Short-term
21	Greening - controls	Check all greening requirements that can possibly be controlled at that moment during one inspection only.	We are extremely worried that the number and extent of controls will increase as a consequence of the numerous direct aid schemes, the need to ensure that all eligibility conditions for greening are controlled at the appropriate moment and the higher control rate until all potential EFAs are mapped.	Short-term

22	Greening - crop diversification	The conditions underpinning crop diversification should be clarified, such as the derogation with the 30 ha threshold for arable land.	The limit of 30 ha increases bureaucracy and is unclear.	Short-term
23	Greening - EFA	Evaluate the impact of conversion and weighting factors on farmers' decisions on the use of certain EFAs and streamline and harmonise whenever possible.	EFAs should be implemented in ways that to not require land to be taken out of production and that avoid unjustified losses in the income of farmers.	Short-term
24	Greening - EFA	Different management requirements for different EFAs should be streamlined.	Group together the different strips (buffer strips, strips of land along forest edges, field margins) into one system with simple and uniform requirements that can be integrated into the production. A standardisation of the rules of use, for example concerning grazing, is necessary.	Short-term
25	Greening - EFA	The level of details on EFA management requirements should be simplified/left to the Member States.	<p>The requirement of a seed mixture for catch crops to count as EFA is an unnecessary complication of the legislation which goes beyond the basic regulation. Single crop catch crops, such as oil radish, mustard or rye, offer a range of environmental benefits such as protecting soil against erosion, locking-in nitrogen, preventing nutrient loss, promoting biological activity and improving soil structure. Furthermore, this requirement significantly increases the risk of non-compliance for the farmer due to the rules of minimum presence of both species. In addition, it adds a disproportionately high burden of control: without this requirement, it would be possible to control more with remote sensing and therefore reduce the number of OTSC.</p> <p>Grazing of established catch crops by sheep or cattle should be seen as adding to biodiversity. It should not be seen as harvesting. Added to the requirement to grow catch crops for a minimum of ten weeks, means that sheep and cattle farmers have less options to graze their herd during (late) autumn which is raising their cost of production.</p>	Short-term

26	Greening - EFA	The level of details on EFA criteria should be simplified/left to the Member States.	<p>The very detailed criteria for hedges, trees and trees in line are very complicated, very expensive and very risky to administer. In real life hedges are very diverse, and it should be possible to handle them as EFA in a simple and administratively easy way.</p> <p>The criteria associated with defining which areas on farm are eligible for EFA is incredibly complex, for example including unnecessary restrictions around non-eligible uses adjacent to the features.</p>	Short-term
27	Greening - EFA	Due to the expected administrative burden, some national administrations are activating a limited number of EFA types, which restricts the options available to farmers and could potentially affect the environmental results.		Short-term
28	Greening - EFA	Label fallow land as arable land, independent of land cover	The current rules stipulating that fallow land covered by grass for five years or more can sometimes be used for EFAs and sometimes not create confusion.	Short-term
29	Greening - permanent grassland	It should be possible to maintain the status of temporary grassland (classified as arable land) even if the farmer decides to use this land for five years and more continuously as grassland.	The five-year definition of permanent grassland is creating problems for the classification of temporary grassland as arable land or permanent grassland. This would avoid farmers ploughing up their land just to avoid it becoming permanent grassland.	Short-term
30	Greening - reduction of payments and penalties	The whole sanctioning system of greening, including reduction of payments and administrative penalties, should be revised, since even minor infringements will result in disproportionately large reductions of direct payments.		Short-term
31	Active farmer	Assess the effectiveness of the "active farmer" rules.	Direct payments must target active farmers. However, the current regulatory framework is not satisfactory and will require additional complex administration. Because of this, there is a risk that farmers involved in agricultural production will be excluded and, contradictorily, those not involved in agricultural production may be included.	Medium-term