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Director-General Agriculture
European Commission
Rue de la Loi 130
BE – 1049 Brussels



cc. Mr Karl Falkenberg
Director-General Environment

Madrid, 2 September 2015

CAP implementation discriminates against farmers using pastures with trees and shrubs in Spain and threatens to degrade biodiversity and increase the wildfire hazard

Dear Director-General,

The organisations and individuals represented by EFNCP¹ and the Spanish *Plataforma por la Ganadería Extensiva y el Pastoralismo*² are very concerned that the application of CAP eligibility rules to pastures with trees and/or shrubs in Spain is causing severe problems for farmers using such pastures. The importance of this issue cannot be over-emphasised, as pastures with trees and/or shrubs cover 16 million hectares in Spain according to the national Land Parcel Identification System (LPIS 2013), making up 86% of all pastures and corresponding in many cases with Annex 1 habitats (EU Habitats Directive).

Under the implementation of the new CAP, large areas of these pastures in active farming use are having their eligibility for direct payments reduced or eliminated, against all agronomic and environmental logic, and against the wording and spirit of the new CAP definition of Permanent Grassland, which allows for non-herbaceous pastures to be fully eligible. Farmers have described this process as turning actively grazed pastures into “dead land” where there is no incentive to keep farming.

The eligibility system is being used to penalise land that is perceived as marginal, when in reality these pastures form part of productive (though extensive) forage systems and most are highly productive in terms of ecosystem services. By penalising such land, the eligibility system is increasing the likelihood of abandonment, whereas one of the aims of Pillar 1 payments is to prevent abandonment.

The pastures in question are of high environmental value, including Natura 2000 habitats that require active grazing for their conservation. Taking this land out of Pillar 1 and out of grazing threatens to cause a widespread increase in wildfire hazard, with accompanying carbon release and soil erosion. The 2015 wildfires in Spain, such as the one affecting over 8000 ha in *Sierra de Gata*³, illustrate the severity of the phenomenon. Furthermore, in order to avoid losing eligibility, farmers may be driven to clear tree and shrub habitats from their pastures, thus losing productivity and degrading the environmental value of these pastures.

We attach an extract of the report recently produced for the *Fondo Español de Garantía Agraria* (FEGA) in which we describe a range of pasture types with trees and/or shrubs that are widespread

¹ European Forum on Nature Conservation and Pastoralism, <http://www.efncp.org>

² Spanish Platform for Extensive Livestock Systems and Pastoralism <http://www.ganaderiaextensiva.org>

³ See for instance: <http://www.bbc.com/news/world-europe-33818276>

in Spain⁴. The report describes their established farming uses and shows that the overall forage value of pastures with trees and/or shrubs is often greater than that of some purely herbaceous pastures, especially taking account of the forage provided by trees and shrubs at critical times of the year when grass is not available.

The report presents many situations from different regions in which productive pastures with trees and/or shrubs and with clearly established farming use and exceptional environmental values are being penalised by the system of eligibility being applied by the Spanish authorities. We draw your attention to the following specific problems with the implementation of CAP eligibility rules in Spain:

- The Spanish authorities are reclassifying many LPIS parcels of pastures with trees/shrubs (LPIS codes PA and PR) as Forest (FO), thus removing CAP Pillar 1 eligibility from these parcels. The authorities' own guidance states explicitly that the farming use of the parcel should NOT be taken into account in this process; the only criterion is the land cover as interpreted from aerial photography. DG AGRI auditors are reported to encourage this process. Our report reveals many cases of parcels where active grazing is the main use, where the vegetation is predominantly accessible to grazing, yet the parcel has been reclassified as FO without consulting the farmer.
- The methods of pro-rata Reduction Coefficient being applied in Spain do not distinguish forage species of trees/shrubs from non-forage species; nor do they take account of the vegetation layer (grass and/or shrubs) below the tree canopy, that is often in active forage use. The actual grazing and grazability of the vegetation are not considered and the system disregards the capacity of goats and other native livestock to browse dense shrubby vegetation. The method used in most regions also penalises pastures on slopes without agronomic justification. Our report reveals many cases of parcels with active grazing comparable to that on a purely herbaceous pasture, yet where the pro-rata system has reduced the eligible area against all agronomic and environmental logic, in some cases to zero.

The EU regulations and LPIS Guidance make very clear that all vegetation, whether herbaceous or ligneous, is fully eligible for CAP direct payments if the vegetation is grazable and accessible to grazing; and that a pro-rata system should only deduct non-productive elements from a parcel's eligible area. There is no justification for deducting vegetation that is well-documented as productive forage; nor for reducing the eligibility of pasture on slopes as such land is not by definition non-productive; nor for excluding from Pillar 1 eligibility parcels of land with significant tree cover by reclassification as FO, without taking account of the forage use of the trees and of the understory vegetation.

We are aware that Auditors from your Directorate General are following closely the application of eligibility rules to pastures in Spain. We believe the DG AGRI Auditors are partly responsible for the very negative situation described above because they are insisting that the Spanish authorities take a very restrictive approach to eligibility of pastures with trees and/or shrubs, based on poorly adapted land-cover criteria. DG AGRI Auditors seem unwilling to take into account the specific conditions of Spanish pastures with trees and/or shrubs and of the extensive grazing systems that use them. There seems to be an ingrained prejudice against some types of farmland merely because of the presence of trees and/or shrubs, against the spirit and wording of the EU regulations and LPIS Guidance.

We request that the European Commission urgently tackles these perverse effects of poor policy design and implementation, by ensuring that:

⁴ The full report is available online: <http://www.ganaderiaextensiva.org/InformeElegibilidadPastos.pdf>

- DG AGRI Auditors do not encourage a discriminatory system of eligibility to pastures with trees and/or shrubs in Spain, and that they work with Spanish authorities to establish appropriate rules and methods that take account of extensive grazing systems.
- All land that complies with the Permanent Grassland definition and is in active grazing use, as defined by national/regional authorities, is fully eligible for CAP direct payments; and only truly non-productive elements are deducted from the eligible area. The presence of trees and/or shrubs *per se*, even at high densities, should not put into question the eligible area of a parcel if the land is being used for active grazing as part of a productive livestock holding.
- An urgent evaluation is undertaken of the impacts of the new CAP eligibility rules for permanent pastures, their coherence with wider CAP and environmental policy goals, and options for improving the system in order to ensure equal treatment for all pasture types and farming systems and to maximise public benefits from direct payments.

The European Commission claims that the new CAP is greener and more sensitive to the conservation of natural resources, and the EU Biodiversity Strategy aims to conserve Natura 2000 habitats and to restore ecosystems and their services, including pastures with trees and/or shrubs. European Commission reports⁵ highlight the abandonment of extensive pastoral systems as a key threat to Natura 2000 and we believe these goals will not be achieved unless pastures with trees and/or shrubs are fully supported by CAP direct payments.

Indeed, the implementation of CAP eligibility rules to pastures with trees and shrubs in Spain goes against the overall objectives of both the CAP and EU environmental policies and calls fundamentally into question the coherence and integration between these two policy areas.

Yours sincerely,

EFNCP and the *Plataforma por la Ganadería Extensiva y el Pastoralismo* on behalf of 60 signatories, Spanish farming, rural, research and conservation organisations.



⁵ Olmeda C., Keenleyside C., Tucker G. M. y Underwood E. (2013) *Farming for Natura 2000. Guidance on how to integrate Natura 2000 conservation objectives into farming practices based on Member States good practice experiences*. Bruselas, Bélgica: Comisión Europea.



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FULL LIST OF SIGNATORIES

Algarrobas del Sur 2002

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Ardea-Ecologistas en Acción Sierra de Ayllón

Asociación Balear de Entidades de Caza

Asociación Concejo de la Mesta

Asociación Concejo Tres Mares

Asociación de Amigos del Parque Natural de los Alcornocales

Asociación de Criadores de Ovino y Caprino de Galicia

Asociación de Educadores Ambientales de Madrid

Asociación de Fundaciones para la Conservación de la Naturaleza

Asociación de Ganaderías de Lidia

Asociación de Ganaderos 19 de Abril

Asociación de Ganaderos Alto Águeda

Asociación de Gestores de la Dehesa de Extremadura

Asociación de Tecors del Parque Natural Baixa Limia Serra do Xurés

Asociación Forestal de las Comarcas de Tarragona

Asociación La Raya

Asociación para la Conservación de la Naturaleza y la Caza de Extremadura

Asociación Pastores por el Monte Mediterráneo

Asociación Trashumancia y Naturaleza

Asociación Tudanca

Asociación Salmantina de Agricultura de Montaña

Asociación Vecinal de Puebla de la Sierra

Associació Ramadera Eco-Social La Gaiata

Ayuntamiento de Somiedo

Belardi Consultoría

Campo Adentro

Confederación de Organizaciones de Selvicultores de España

Consorci Forestal de Catalunya

Consultoría Ferrán Pauné

CSIC- Grupo de Pastos y Sistemas Silvopastorales Mediterráneos

Ecologistas en Acción

Escuela de Pastores de Asturias

European Forum on Nature Conservation and Pastoralism

European Shepherd Network

Federación de Asociaciones Forestales de Castilla y León

Federación Española de la Dehesa

Forest Sciences Centre of Catalonia

Foro Asturias Sostenible para el conocimiento y desarrollo del medio rural

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Fundación Entretantos

Fundación Global Nature

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Fundación para la Conservación del Quebrantahuesos

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Fundación Tierra Ibérica

Ganadería Salvador Gavira

Iniciativa Comunales

Life-Montserrat

Observatorio para una Cultura del Territorio

Plataforma por la Ganadería Extensiva y el Pastoralismo

Red de Huertos Urbanos Comunitarios de Madrid

Red Española de Queserías de Campo y Artesanas

Selvitrac

Sociedad Española para el Estudio de los Pastos

SOS Coello de Monte de Galicia

Unión de Tecores de Galicia

Unión Nacional de Asociaciones de Caza

And eight further individual signatories, including from research and governmental agencies.