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Ecological Focus Areas – Crucial for biodiversity in the agricultural landscape!

Position of the German Federal Agency for Nature Conservation (BfN), the German Federal Environment Agency (UBA) and the Agriculture Commission at the German Federal Environment Agency (KLU) on the issue of the national implementation of ecological focus areas

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Key points

- Pesticide and fertilizer applications: To ensure the usefulness and success of ecological focus areas, applications of pesticides or fertilizers on ecological focus areas (EFA) must explicitly be prohibited.
- Potential EFA types: Only EFA types yielding definite added value for nature conservation and environmental protection in the agricultural landscape must be eligible.
- Weighting factors: An EFA weighting matrix is useful in principle, especially for EFA subject to productive use. However, this must not result in an effective reduction of the share of EFA in the total arable area (i.e. no weighting factors >1).
- Farm-level approach: EFA must be established or maintained at the individual farm level, not on a regional or collective basis.
- Added value: EFA designed based on the above criteria will yield added value for both society and the farming sector.

1. Introduction

With its reform of the Common Agricultural Policy (CAP), the EU Commission strives for not only a fairer distribution of agricultural funds but, in particular, for a more environmentally friendly, a “greener” CAP. The dramatic decline in farmland biodiversity, persistently high nutrient deposition in soils and watercourses, and European as well as global biodiversity targets demonstrate the need for a stronger “greening” of the CAP. The core measure designed to meet this objective is the introduction of a “greening” component. Thirty percent of Pillar 1 supports are to be made conditional on compliance with these “agricultural practises beneficial for the climate and the environment”.

The “greening” is comprised of three measures, i.e. crop diversification, retention of permanent grassland, and ecological focus areas. The Federal Agency for Nature Conservation (BfN), the Federal Environment Agency (UBA) and the Agriculture Commission at the German Federal Environment Agency (KLU) are of the opinion that the establishment of ecological focus areas (EFA) is clearly the reform’s core measure to achieve the required protection and enhancement of biodiversity, water and soils in the agricultural landscape. Especially in intensive agricultural regions EFA can contribute to achieving the objectives of the EU Biodiversity Strategy as well as objectives in soil and water protection (e.g. under the EU Water Framework Directive).

BfN, KLU and UBA also wish to point out that rigorous protection of grasslands in Germany is of key importance to nature conservation, climate protection and environmental protection. As part of the CAP reform, any ploughing-up of grasslands in Natura 2000 sites, peatlands, river floodplains, habitat-mapped areas (habitat types and complexes of particular conservation concern) and on slopes must be prohibited. Moreover, the ploughing-up of grasslands must only be approved in exceptional circumstances and must be made conditional upon the establishment of equivalent grassland areas elsewhere.

EFA need to be subject to concrete criteria and requirements if they are to have the necessary impacts. Delegated acts will set out an EU-wide framework for these criteria and requirements. However, the success or otherwise of EFA will also crucially depend on the national implementation of the CAP in the Member States. The detailed design of the EFA measure must primarily be targeted at maintaining biodiversity, while additionally also serving water, climate and soil protection objectives. The proposals described below set out the necessary specifications at national level that are required to ensure the expedient design of EFA and thus ensure effective “greening”.

2. Context

From 2015, agricultural holdings with more than 15 hectares of arable land need to ensure that at least 5 % of their arable area is EFA. Amongst others, permanent crops and farms under certified organic management are exempted from the EFA requirement. This requirement may increase to 7 % after 2017, pending the outcome of a review by the European Commission. In their national implementation, EU Member States must select at least one EFA type

from an extensive list provided by the Commission which is still subject to further specification. This list includes a wide range of area types under low-input agricultural management (e.g. short-rotation coppice, catch crops, green cover crops and nitrogen-fixing crops) and areas not used for production (e.g. fallows, terraces, landscape features).

3. Minimum ecological criteria for EFA

EFA must meet certain minimum ecological criteria if they are to have the necessary impact in terms of maintaining biodiversity and natural resources. From the perspective of nature conservation and environmental protection, the extent, location, spatial configuration and quality of EFA are all crucial factors. It is therefore necessary that EFA are provided at farm level, that the areas are under the respective farmers' control, and that there is a spatial relationship between EFA and the remainder of the farms' arable land. This is the only way to ensure that EFA can have the necessary ecological impact, especially in intensively managed agricultural landscapes. The positive impact of fallows on a wide range of plant and animal

species for example has been proven. Given that the EU with its adoption of a 5 % EFA rule has fallen well short of what would be warranted from an ecological perspective, there is now a need to absolutely ensure that these 5 % EFA meet certain minimum ecological criteria. This is the only way to ensure that EFA have a positive impact on biodiversity and on the other environmental and natural resources (cf. Advisory Board on Biodiversity and Genetic Resources at the BMEL).

Regardless of the specific EFA types the following global ecological criteria must be met:

Global requirements of EFA

- No fertilizer or pesticide applications as a matter of principle (for the entire year).
- Specification and/or limitation of the timing and extent of management and harvesting or other form of utilization of ecological focus areas.
- Former permanent grassland converted in or after 2012 must not be eligible for meeting EFA requirements.
- EFA must be provided on the individual farm's own arable land or be under the control of the farmer making the application.

It is the view of the BfN and KLU (UBA) that the following EFA types contained in the EU list can only achieve positive outcomes for biodiversity and other environmental resources if the above minimum requirements are met.

3.1 Category 1 – Suitable area types: Actual benefits for nature conservation and environmental protection (Weighting factor 1.0 = fully eligible as EFA)

- *Fallows and sown wildflower strips*: spontaneous vegetation or cover sown using seed mixes to be specified;
- *Landscape features*: only cross compliance relevant landscape elements on or adjacent to arable land;
- *Terraces*: more specific explanations must be put forward by the COM and for the purposes of national implementation;
- *Unutilized or merely extensively managed buffer strips or riparian zones as well as strips alongside woodland margins*: 5 m minimum width, same conditions as for fallows; only lands that were declared as arable land in 2012 can be designated as extensively managed buffer strips;
- *Species-rich, linear short-rotation coppice comprised of woody species native to the site*: At least 5 tree species, maximum width of 10 m. Short-rotation coppice should not be situated in meadow bird breeding sites.

With a view to safeguarding ecologically important transhumant sheep herding systems, grazing of open land EFA should generally be permissible in the autumn and winter.

3.2 Category 2 – Area types in need of ecological enhancement: Benefits for nature conservation and environmental protection are limited and can only be achieved if conditions are attached (Weighting factor 0.3)

- Areas under nitrogen-fixing crops (Leguminosae):

The ecological benefits derived from legume crops are strongly dependent on management practices and on the legume species grown. While legumes generally increase structural diversity and have a positive impact on soil fertility, in the absence of mandatory management specifications no sufficient added value in terms of species diversity on arable land can be achieved that would warrant full and automatic eligibility as EFA. BfN, UBA and KLU do see the need

for higher proportions of legume crops to be produced in our agricultural landscapes but are of the opinion that this should be achieved by way of specifications for crop rotations and not through EFA. Should however, as part of the national implementation of the CAP, legume crops be declared eligible for EFA purposes, such a provision must only include feed legume crops (e.g. alfalfa, clover, vetch) receiving no fertilizer or pesticide applications whatsoever. Moreover, such areas should not be fully but only partially eligible for EFA purposes. If as part of the national implementation certain legume crops are declared eligible for EFA purposes, a weighting factor of 0.3 should be applied (meaning that for example 15 ha of legume crops would qualify as 4.5 ha EFA).

3.3 Category 3 – Area types to be excluded: Ineligible for EFA purposes from a conservation and environmental protection point of view

- *Catch crops and green cover crops*: These offer no added benefit for biodiversity. In some cases adverse impacts may even result from their cultivation (e.g. from ploughing, stubble incorporation, applications of pesticides). Moreover, the provision of catch crops and green cover crops is already covered by the rules on maintaining lands in Good Agricultural & Environmental Condition (GAEC) and is thus part of the cross compliance regime. They are therefore covered by the basic component of the single farm payment and are not part of the 'greening'.

BfN, UBA and KLU are of the opinion that in Germany's national implementation of the EFA measure, areas in this category should not be eligible for EFA purposes.

4. Ecological Focus Areas – Well remunerated added value for society at large!

In Germany, the share of the greening component in direct payments is about 90 Euro per hectare of a holding's arable land. In order to qualify for this payment component, an arable-only farm merely needs to demonstrate compliance with the crop diversification and EFA provisions. However, with the EFA only accounting for 5 % of the arable area it is reasonable to correlate the EFA premium with the actual area occupied by same (due to the lack of ambition in the EU provisions on crop diversification, a well managed holding is unlikely to occur any significant additional expense in complying with the crop diversification measure). If one converted the 90 Euro share paid for the "greening" to the actual area occupied by EFA (5 % of the arable area), a farmer would receive 1800 Euro per hectare EFA. This is more than the premia paid under very demanding agri-environmental schemes.

Moreover, one should consider that EFA contribute to sustainably safeguarding the basis of production and to sustaining ecosystem services in the agricultural landscape. This also entails agronomic benefits such as support for pollinators and beneficial organisms which in turn help with natural pest control. Improvements in soil quality and soil fertility, e.g. through erosion control, are yet other benefits which in the long term may improve the farms' economic bottom line. Moreover, EFA foster diversity in cultural landscapes and thus contribute to cultural identity and increase the scenic qualities of landscapes, e.g. for recreational use. In this manner EFA can contribute to non-farm incomes in rural areas.

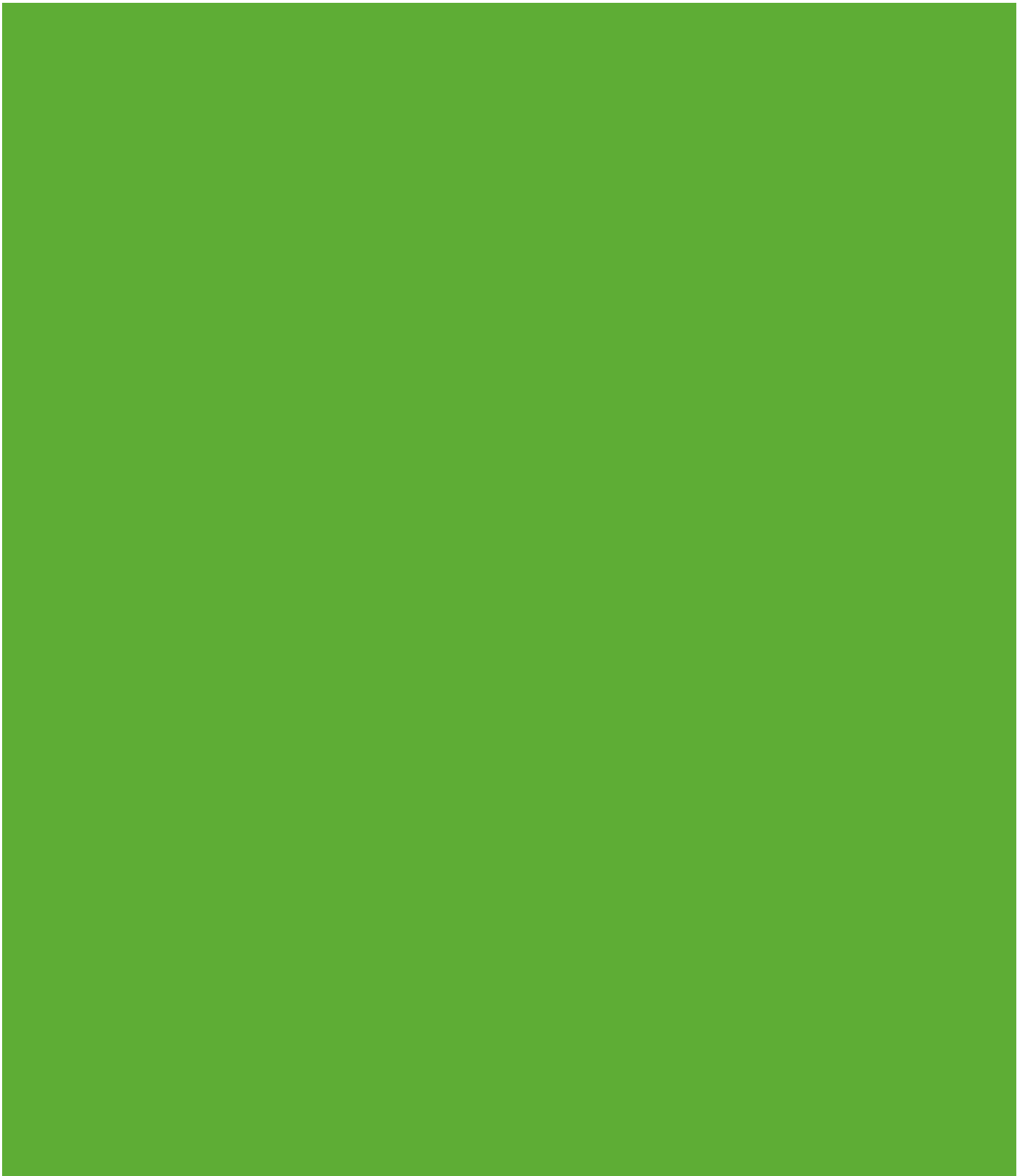
A further aspect that should not be overlooked is the fact that EFA designed in accordance with the ecological criteria given above have the capacity to mitigate adverse impacts on natural systems of applications of pesticides. In the medium term, such compensatory effects of EFA could potentially be considered in the context of licensing plant protection products.

5. Conclusions



Only the ecologically ambitious implementation of the reformed CAP in the Member States will ensure that European-level objectives for environmental and biodiversity protection will be achieved and the “greener CAP” intended by the EU Commission will become a reality. BfN, UBA and KLU are of the opinion that only those EFA types should be selected from the EU list which truly contribute to maintaining biodiversity and to the protection of water resources, soils and our climate and which can relatively easily be monitored.

By setting out the aspects given above, BfN, UBA and KLU endeavour to constructively support the national implementation of the EFA measure and the development of a set of relevant requirements. The agencies will continue to judiciously assist the discussions in this area.

The EU Commission’s evaluation of the EFA measure in 2017 will be the first assessment to show whether the selection of EFA types for Germany and the attendant provisions were suited to contributing to the vital maintenance and enhancement of biodiversity and the status of environmental and natural resources in agricultural landscapes, and thus putting Pillar 1 of the CAP on a new footing accepted by society at large. If this turns out not to be the case, defects must be remedied to ensure that the generally established tenet of “public money for public goods” is given increased weight.



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