



# Bavaria's 44 proposals

for the reduction of bureaucracy  
in the Common Agricultural Policy



## Foreword

The Common Agricultural Policy (CAP) is one of the most communitarised aspects of policymaking in the European Union (EU) and has a major impact on rural areas. The CAP has made the biggest contribution to European integration and is perceived by citizens as the true face of the EU.



It has been agreed that all farmers who actively cultivate their areas of land, produce food, animal feed and renewable raw materials, or treat their areas e.g. with agri-environmental measures, should receive direct payments for their services, i.e. public money for public services. This is also accepted by EU citizens.

The payment of public monies calls for a proper and efficient administrative procedure, and is therefore associated with bureaucratic and administrative burdens. However, in trying to create the perfect system, the process has been over-complicated and become too unwieldy for either the farmers or authorities to handle effectively.

Over-regulation and unnecessary bureaucracy cost time and money, consume resources, and hamper the competitiveness and entrepreneurial development of our agricultural and food industries. Therefore, the upcoming reform of the CAP must be used to ensure a decisive reduction of bureaucracy.

For this purpose, I consulted with administrative officials, agricultural experts and association representatives to draw up 44 specific proposals to be incorporated into the discussion. The proposals were presented at an international conference in Freising near Munich on 14 March 2011. Participants included Dacian Cioloş, EU Agriculture Commissioner, Edmund Stoiber, Chairman of the High Level Group of Independent Stakeholders on Administrative Burdens, and agriculture ministers from Germany and abroad.

I would be glad, if you will support the implementation of these proposals.



Helmut Brunner  
Bavarian State Minister  
of Food, Agriculture and Forestry



# 1. Reduction of control rates under IACS from the current 5 % to 2.5 %

## Justification

- ◆ In future, successful computer-based management and control systems (GIS, Identification and Registration System for Bovine Animals) should be appreciated.
- ◆ If substantial anomalies occur, the number of control has to be raised in line with the applicable rules anyway.

# 2. Reduction of control rates under Cross Compliance from the current 1 % to 0.5 %

## Justification

- ◆ Successful control systems should be appreciated.
- ◆ If substantial anomalies occur, the number of checks has to be raised in line with the applicable rules anyway.
- ◆ Many legal acts contain a supplementary system of checks based on pertinent rules.

In future, successful management and control systems should be appreciated, e.g. by significantly reducing the number of on-the-spot checks or the number of audits carried out by EU bodies. In view of the effective checks, computer-based systems (GIS, Identification and Registration System for Bovine Animals), etc. and the low number of anomalies in EU audits, **a reduction from 5 % at present to 2.5 % for checks under IACS and from 1 % at present to 0.5 % for checks under Cross Compliance appears appropriate and possible** at least in Member States with low levels of infringements, such as Germany. If substantial anomalies do occur, the number of checks has to be raised in line with the applicable rules anyway. For Cross Compliance, many legal acts contain a supplementary system of checks based on pertinent rules.

### 3. Considerable reduction of Cross Compliance acts and standards

#### Justification

- ◆ Experience shows that it is difficult to systematically control some standards and that only very few infringements have been found.
- ◆ It is much easier to check for infringements by means of targeted controls conducted in line with the pertinent legislation.

**Among others we demand the deletion of the sewage sludge, animal diseases, habitats, bird protection and groundwater standards.** The prerequisites should be reduced to a manageable level and the burden for farmers and administrative bodies caused by controls and red tape should be reduced.

### 4. Replacement of the current Cross Compliance system with a minimal number of key criteria valid EU-wide as the sole test parameter for Cross Compliance

#### Justification

- ◆ At present, Cross Compliance consists of the 18 legal acts of Annex II and of Annex III of Regulation (EC) No. 73/2009, which is to be developed by the Member State. Each legal act imposes several test parameters that require elaborate verification.

**In contrast to the current system, we are calling for significantly fewer key criteria (e.g. 50 criteria) that are clear, comprehensible and applied EU-wide.** Consequently, all requirements under Annex III of Regulation (EC) 73/2009, implemented by national law, would have to be abolished or corresponding standards anchored in EU primary legislation.

Introducing as few EU-wide key criteria as possible would prevent competition distortion among Member States, cut the administrative burden considerably and increase acceptance among farmers and the public.

## 5. Observance of a reasonable balance between the burden for controls and the benefits they bring, especially with regard to the further development of the CAP after 2013

### Justification

- ◆ The “cost/income ratio” must be reasonable and cost-effective.

A reasonable balance must be achieved between the burden for controls and the benefits they bring (income from recoveries and sanctions). If the evolution of the CAP should lead to considerable reductions in financial contributions, the administrative burden and the burden for controls will have to be cut proportionally.

## 6. Observance of the “one in – one out” principle

### Justification

- ◆ Due to the extreme complexity of Cross Compliance, it is already unmanageable for both farmers and experts. This results in severe difficulties in meeting obligations.
- ◆ The total administrative and bureaucratic burden must not be increased.

However, if expansion of Cross Compliance is considered politically unavoidable, it is imperative that **an equivalent standard/legal act is abolished for each new standard/legal act that is introduced.**

## 7. Introduction of adequate tolerance levels for IACS and Cross Compliance

### Justification

- ◆ Minor discrepancies in area size, particularly those of a technical nature, are often unavoidable, cause a substantial administrative burden and cause incomprehension among farmers.

In line with the provisions of IACS Regulation (EC) No. 73/2009, the farmer's specifications on the size of the areas in hectare with two decimal places have to be checked. If discrepancies with regard to the stated area are found, the premium amount has to be reduced. If the discrepancies also apply to previous years, recoveries have to be initiated.

Minor discrepancies in area size, particularly those of a technical nature, should be tolerated. For this reason, tolerance levels corresponding to the extent of the error occurring in practice are necessary. **Considering Bavarian conditions, a tolerance level of at least 1.0 m x circumference of the area is required. If different measuring techniques are applied, the same tolerance level should be adopted** in order to keep the procedure simple for the farmer and administrative body and to avoid misunderstandings. Minor differences (e.g. up to 0.1 hectare) in the area data of previous years should not lead to recoveries. Furthermore, national results should be recognized and endowed with practical tolerance levels.

## 8. Recognition of consultative controls or certificates issued by private agencies for the Cross Compliance check

### **Justification**

- ◆ There are now a number of widespread certification systems conducted by private agencies that cover a large portion of Cross Compliance requirements.
- ◆ In contrast to the current possibility of considering certified farms as low risk during the selection of farms for on-the-spot checks, these farms should be included as normal in the risk selection process.

**On-the-spot checks should be limited to those areas that are not covered by the certificate.** Recognizing these systems will considerably reduce the bureaucratic burden and the burden for controls.

## 9. Clear definition of eligible areas

### **Justification**

- ◆ Particularly in the case of very extensively cultivated areas, the current definition of eligible areas gives rise to delimitation problems (Regulation (EC) No. 73/2009 Art. 2 h and 34).
- ◆ This legal uncertainty leads to recoveries, which in turn cause resentment among farmers.

**We therefore demand a clear definition of eligible areas.**

## 10. Compliance with the proportionality principle if divergences or infringements are uncovered

### Justification

- ◆ The proportionality principle between the infringement and the amount to be recovered is not applied with respect to the existing system of sanctions.

In accordance with Art. 80 (1) Regulation (EC) No. 1122/2009 or Art. 5 (1) Regulation (EC) No. 65/2011, EU law prescribes repayment obligations in the case of unlawfully received state aid. The strict EU provisions only permit exceptions in the event of an administrative error or statute of limitation. A recovery can lead to results that are simply untenable in other instances, too. Particularly in the case of very minor infringements or in cases where economic existence is at stake, the disadvantages associated with recovery bear no relation to the objectives pursued. **However, as the proportionality principle is inherent in national rules of law, it should be clarified equivalently that this principle must always be applied as a limited corrective in individual cases shaped by exceptional circumstances.**

## 11. Redefinition of the scope

### Justification

- ◆ In certain areas of application, the administrative burden and the burden for controls involved in selecting the holdings to be checked via risk analysis and on-the-spot check is in no way commensurate with the findings.

The Cross Compliance requirements for the wine sector in particular (Cross Compliance must be ensured for three years, starting with the first calendar year after the approval) are complicated for both administrative bodies and

applicants, as these holdings generally do not apply for direct payments and 2nd pillar payments, and therefore do not present a collective application. This situation is exacerbated by the fact that premium in the wine sector are not classic area payments, but investment state aids. A similar situation applies in the forestry sector.

**Wine, forest areas and areas for which no payments are claimed should no longer be controlled under Cross Compliance.**

## **12.** Criteria to be fulfilled in line with different legal acts should be examined on the basis of one standard only

### **Justification**

- ◆ Some Cross Compliance requirements have to be checked twice, because they are governed by different legal acts (e.g. conservation of landscape features according to the Birds Directive and Annex III of Regulation (EC) No. 73/2009).
- ◆ Infringements are therefore punished more strictly.

**We demand that criteria are checked on the basis of one standard/legal act only.** This will simplify the administrative procedure and increase the clarity of the laws.

## 13. Abolition of systematic controls for relatively insignificant documentation duties under Cross Compliance

### Justification

- ◆ The documentation duties to be fulfilled by the farmer regarding pest management and fertilization involve considerable bureaucratic burden even though as “self controls” they are ineffective and of little relevance.

It would be conceivable to **replace these documentation duties with a certificate of corresponding and regularly implemented qualification measures** so as to reduce the bureaucratic burden and make the controls more useful and effective.

## 14. A decision on whether control rates ought to be increased should be implemented based solely on the random component of the risk analysis

### Justification

- ◆ The process of making selections based on an equal weighting of random selection and risk factors punishes highly effective risk analyses.

The Commission stipulates in Regulation (EC) No. 1122/2009 Art. 50 (3) in conjunction with its Working Document DS/2009/28 that, in the decision on whether control rates should be increased due to a higher number of infringements, the holdings selected on the basis of risk factors and those selected randomly should be weighted equally. This decision punishes highly effective risk analyses (RIA), as the more efficient the RIA is, the more infringements are found and the sooner the control rate must be increased. **A fair decision regarding the increase of control rates has therefore to be**

**implemented solely on the basis of the infringements identified within the randomly selected part of the sample.**

## **15.** With Cross Compliance, follow-up checks for recoveries of up to EUR 100 (de minimis rule) should be abolished

### **Justification:**

- ◆ With Cross Compliance, reductions of up to EUR 100 should not be applied if a corresponding follow-up check takes place the following year (Art. 23 Regulation (EC) 73/2009).
- ◆ The time and administrative burden involved in pursuing follow-up checks currently hampers the application of this applicable de minimis rule. In this case, the applicant must be informed in writing (only possible at the accounting date) that a reduction can be avoided if the applicant implements corresponding remedial measures; these measures usually have to be controlled afterwards by an on-the-spot check.
- ◆ Furthermore, the limit of EUR 100 is applied for all 1st and 2nd pillar measures. In individual cases, it can take one and a half years from the initial control (last payment for the year under review) to ascertain whether the de minimis amount is exceeded or not.

### **It is worth striving for a specific date for the on-the-spot check.**

Time-consuming follow-up checks involving a high administrative burden should be avoided.

This would require an amendment of Art. 23 of Council Regulation (EC) No. 73/2009 and Art. 51 of Council Regulation (EC) No. 1698/2005 and, in a following step when indicated, of the corresponding Commission Regulations.

## 16. Considerably simplified calculation of sanctions under Cross Compliance

### **Justification**

- ◆ In the case of several Cross Compliance infringements, repeated infringements or negligent and intentional infringements, the calculation of the sanction rate is so complex that it is even incomprehensible to experts across Europe (Regulation (EC) No. 1122/2009 Art. 70-72).

**We demand a considerable simplification of the calculation of sanctions under Cross Compliance.**

## 17. Extension of the simplified application of the de minimis amount of EUR 100 per year for pursuing recoveries for state aid measures to Cross Compliance

### **Justification**

- ◆ The administrative expenses for implementing this de minimis rule under Cross Compliance by far exceed the amount whose recovery can be waived.

Art. 1 Regulation (EC) 1034/2008 stipulates that it is possible to waive the recovery of claims up to EUR 100 as part of state aid measures (single farm payment, payment for less favoured areas (LFA) and agri-environmental measures). A follow-up check as provided for Cross Compliance in Art. 23 Regulation (EC) 73/1009 is not required here.

However, this (user-friendly) rule does not apply to recoveries established within Cross Compliance. As the administrative burden for implementing the de minimis rule that is applied separately for Cross Compliance is very high (see

No. 15), the rule in place for state aid measures should be extended to Cross Compliance.

**We demand that the simplified application of the de minimis amount of EUR 100 for recoveries per year and per action is extended to Cross Compliance.**

## **18.** Replacement of Annex III of Regulation (EC) No. 73/2009 “Conservation of the areas in good agricultural and environmental condition” to be drafted by the Member States in favour of fewer standardised EU-wide Cross Compliance regulations

### **Justification**

- ◆ Differently drafted standards in the Member States lead to a lack of transparency and to distortion of competition.



## 19. Cross Compliance should be limited to 1st pillar of the CAP

### Justification

- ◆ While in the case of EU direct payments, the Cross Compliance requirements represent part of the legitimization to retain these, the EAFRD measures compensate the “loss of benefits” (lower yields and higher costs).

**Therefore, it is also necessary to check Cross Compliance requirements, e.g. for agri-environmental measures, as these are not eligibility conditions for agri-environmental measures.** Furthermore, nearly all applicants for area-referred payments of the 2nd pillar participate in EU direct payments, too. Limiting Cross Compliance to the 1st pillar will reduce the burden for controls considerably.

## 20. Abolition of payment entitlements if standardised area payments are introduced at a regional level in the 1st pillar of the CAP

### Justification

- ◆ The introduction of regionally standardised premium, as implemented e.g. in Germany from 2013, would make it possible to dispense with the existing system of payment entitlements, which is extremely bureaucratic.

Within the scope of the CAP reform of 2005, payment entitlements were allocated to the farmer individually according to the size of the farmed areas in 2005 and the payments received in the past. In order to receive payments for the eligible area, the farmer’s payment entitlements must match the area he has.

**The area certificate (ownership or lease) is sufficient for activating the payment entitlements. It should be possible to approve lease payment entitlements even without a simultaneous lease of agricultural areas if payment entitlements are to be maintained.**

This simplifies the administrative burden and increases flexibility regarding the lease of agricultural areas.

## **21.** Additional regulations aimed at a “greener agricultural” policy should be kept to a minimum; setting limits for crop rotations or “green cover” should be avoided; preparatory effort for agri-environmental measures should be taken into account

### **Justification**

- ◆ Additional funding conditions in the 1st pillar of CAP increase the bureaucratic and administrative burden significantly and limit funding and design freedom in the 2nd pillar.
- ◆ In this way, regions that are already strongly and voluntarily engaged in the agri-environmental sector are disadvantaged.

**With regard to the further development of the CAP after 2013, we demand that additional regulations aimed at a “greener agricultural policy” are kept to a minimum and that preparatory efforts are taken into account.**



## 22. Do not mix Cross Compliance requirements with eligibility conditions; Regulation (EC) No. 1975/2006 to remain in force instead

### **Justification**

- ◆ The reduction rate would have to be calculated separately for each sub-measure. This would not even be possible with computer-aided calculations.
- ◆ The control rate is increased significantly for Cross Compliance requirements that are part of the baseline.

The obligatory basic requirements (baseline) have never been an eligibility condition for agri-environmental measures. Defining the baseline for the individual sub-measures simply establishes that payments are to be made exclusively for obligations exceeding the baseline. Therefore, infringements of the baseline have thus far been sanctioned under Cross Compliance.

If the baseline – which is different for every sub-measure of the agri-environmental measures – is used as an eligibility condition as stipulated in the draft of Regulation (EC) No. 1975/2006, Art. 18, the reduction rate for each sub-measure would have to be calculated separately.

In addition, Cross Compliance requirements that are part of the baseline for a sub-measure, would be subject to a 5 % control rate instead of the current 1 % rate. Standardised control requirements and control reports under Cross Compliance would no longer be possible in the 2nd pillar, because the Cross Compliance requirements would have to be adjusted individually for every farm.

**We demand that Cross Compliance requirements are not mixed with eligibility conditions.**

## 23. Maintain a max. of 50 % control rate of affected areas and reject expansion to 100 % regarding the commitments for agri-environmental measures

### **Justification**

- ◆ Administrative costs will rise as a result of the expansion to 100 %.
- ◆ Little chance to use remote sensing.

The Commission confirmed that on-the-spot checks currently only checked 50 % of the affected areas, whereas the commitments for e.g. with agri-environmental measures would require 100 % controls (Draft of Regulation to replace Regulation (EC) No. 1975/2006, Article 15). The Commission justified this different handling of purely determining area size and commitments by pointing out that the size of the areas could already be sufficiently validated within the framework of administrative controls. However, compliance with commitments could only be checked by on-the-spot checks.

**We demand that the control rate of 50% should be maintained for areas – and that it should be applied to agri-environmental measures, as well.**

## 24. Simplification of programme development and implementation

### Justification

- ◆ Currently, an additional national strategy plan is required to define the priorities of the Member States and take into account the strategic Community guidelines.

As the planning documents already include descriptions of the pursued strategies, this additional “national strategy plan” can be scrapped along with the associated monitoring and evaluation processes.

- ◆ **The number of planning levels (EU, federal government, state) ought to be reduced.**
- ◆ **The number of indicators for measuring the fulfilment of the programme objectives should be significantly reduced (there are currently nine indicators per measure code).**
- ◆ **The reporting and evaluation duties ought to be simplified.**
- ◆ **The monitoring system should be certain at the beginning of the programming period.**
- ◆ **The monitoring efficiency for the support and evaluation of the measures should be improved (evaluation after 60% completion).**
- ◆ **For measures with a low financial volume, case studies ought to be accepted alternatively.**
- ◆ **State Aid eligibility approval for EAFRD measures should be issued together with the programme planning.**

These measures will significantly reduce the bureaucratic burden while making programme development and implementation more transparent and efficient.

## 25. A more flexible handling of the commitment period of 5 years for agri-environmental measures provided that the environmental targets are met

### **Justification**

- ◆ With certain measures, the desired environmental effects can sometimes be met within shorter periods, e.g. cultivation of intermediate crops, green cover, annual wild flower strips, varied crop rotation, intercropping, liquid manure injection etc.

**A more flexible handling of the 5-year commitment period significantly eases the implementation of the measures, avoiding transition problems from one funding period to the next.** This approach makes it possible to respond to new challenges faster and it encourages the acceptance among farmers.

## 26. Introduction of a simpler approval process for agri-environmental measures provided that the premium range within a corridor specified by the EU

### **Justification**

- ◆ The calculation of premium, e.g. for agri-environmental measures and their regular controls, involves an extremely high administrative burden.

This administrative and bureaucratic burden (e.g. for organic farming) could be reduced significantly by defining certain corridors for subsidizing standardizable measures.

**We demand that only premium exceeding the specified corridor require individual justification as hitherto.**

## 27. Abolition of plausibility check for proposed costs before approving measures for individual farm investment aid

### **Justification**

- ◆ Practical experience from a large number of checked cases shows that the administrative burden exceeds the savings potential.

Due to the different building or renovation solutions found in practice, the required plausibilization of the proposed costs before approval is very burdensome for both the applicant and the administrative body (Regulation (EC) No. 1975/2006 Art. 26 (d)). Furthermore, in Bavaria the upper limits of the EAFRD support rates (the aid percentage tends to range from 20 to 30 %) are far from being fully utilized, so it is in the interest of applicants that implementation is cost-effective.

**We demand the abolition of the plausibility check for proposed costs before approving measures for individual investment aid.**



## 28. Increase of the de minimis threshold for industry

### Justification

- ◆ The de minimis threshold is currently EUR 200,000.

For measures with a limited subsidy value and therefore a low impact on competition, the de minimis rule makes it possible to dispense with the otherwise standard aid notification process. This helps significantly reduce the administrative burden.

**We therefore demand that the de minimis threshold for industry be increased to EUR 500,000.** This will simplify the administrative workload and ease the implementation of funding measures.

## 29. Renunciation of the sanction scheme for Leader measures with investment character

### Justification

- ◆ Sanctions are suitable for standardised measures such as animal and area premium, but not for Leader and investment measures.

With innovative Leader measures, it is very difficult for beneficiaries to distinguish between eligible and non-eligible project costs. **Determining the premium based on the concluding certificate of expenditure provides adequate protection of EU interests.**

## 30. The typical slow starting phase for Leader must be factored into the financial planning process if Leader is to be financed outside of EAFRD as an autonomous measure

### Justification

- ◆ The process of setting up local action groups and initiating and planning measures delays the budget commitment and therefore makes it more difficult to plan the call for funds.

**We demand that the slow starting phase typical of Leader be taken into account in the financial planning.** This will increase acceptance among applicants.

## 31. Approval of simpler control mechanisms for de minimis threshold, at least for flat-rate forestry investment measures

### Justification

- ◆ The administrative controls for investments include e.g. at least one on-the-spot check of the funded project in order to check the implementation (Regulation (EC) No. 1975/2006 Art. 26 (4)).

Although Member States can disregard these visits, the decision and its justification must be recorded. **Therefore the Member States should be free to renounce all on-the-spot checks for certain measures up to a specific investment volume (e.g. EUR 5,000 or EUR 10,000).** The individual justification process should be dropped. This would significantly reduce the administrative burden and the burden for controls.

## 32. Renunciation of specific scheduling

### **Justification**

- ◆ Under Art. 27 of Regulation (EC) No. 1975/2006, Member States carry out on-the-spot checks before payment as far as possible.

**The Member States should be free to determine the date on which they intend to check specific measures (e.g. forestry measures) in accordance with the given details.** This would free up time for the implementation of controls in the case of seasonally concentrated funded ventures.



## 33. Further simplification of funding through standardised provisions in the state aid law and reintroduction of the premature commencement of measures

### Justification

- ◆ In accordance with the framework for state aid in the agricultural and forestry sector 2007 – 2013 and Regulation (EC) No. 1857/2006 concerning the Agricultural Block Exemption Regulation, support can be granted only if the initiatives are carried out after the commitment of the state aid by the competent authority.

According to Art. 8 of the General Block Exemption Regulation (EC) No. 800/2008, the incentive effect is already satisfied if the beneficiary applies for state aid before starting the project.

**Standardising the state aid requirements for the General Block Exemption Regulation would simplify the funding procedure significantly.** This would give farmers greater freedom to start measures early, which, in turn, would lead to greater flexibility and thus lower expenses at the start of the process.

## 34. Increase of the de minimis threshold for the agricultural production sector

### Justification

- ◆ For measures with a low subsidy value and therefore a low impact on the competition, the de minimis rule makes it possible to dispense with the otherwise standard state aid notification process. This helps significantly reduce the administrative burden.

**We demand the introduction of a general rise of the de minimis threshold for the agricultural production sector up to EUR 15,000 within three years.** Raising the de minimis threshold will lead to greater flexibility for the Member States.



## 35. Reintroduction of a minimum ceiling for all EU measures

### Justification

- ◆ The minimum ceiling was in force until 2009.
- ◆ Interest payments were waived if the amount did not exceed EUR 50 per holding.

**We demand a reintroduction of the minimum ceiling for waiving interest payments not exceeding EUR 50 per holding for all EU measures.** Doing so would simplify the administrative process and make it more efficient.

## 36. Return to holding identification for sheep and goats

### Justification

- ◆ The workload associated with individual animal identification (registration when the tag is inserted, various reporting obligations) is disproportionate to the information gained.
- ◆ The heavier weight of the tags and the double number of ear tags per animal can cause problems regarding animal welfare (tearing out, inflammation).

**The currently prescribed individual animal identification should be replaced by a uniform ear tag showing the district code and a four-digit holding number.**

## 37. EU Regulation for the welfare of animals during transport: farmers should be allowed to carry out transports without authorization and certificate of competence again

### **Justification**

- ◆ In line with the EU-wide regulation for animal welfare during transport – in force since 2007 – anyone transporting animals (further than 65 km) requires authorization as a forwarding agent and a certificate of competence (EU Regulation for the protection of animals during transport (EC) 1/2005).

Farmers with a qualification in agriculture completed after 2007 can apply for the certificate of competence by submitting their training certificate to the district authority; all others have to complete a one-hour supplementary course with examination on EU law, even though they are qualified.

**We demand that farmers should again be allowed to carry out transports without authorization and certificate of competence.**

This would reduce the bureaucratic and administrative burden significantly.

## 38. No further agri-statistical requirements

### **Justification**

- ◆ The existing requirements are sufficient.
- ◆ New statistical requirements would lead to a substantial extra workload.

Requirements for the Cross Compliance check statistics have changed every year since 2005. As a result, the amount of data to be recorded is continuously increasing. **We demand that no additional agri-statistical requirements be introduced.**

## 39. Simplification of the special provision for 230 kg of nitrogen

### **Justification**

- ◆ The conditions set out in the special provision can be simplified without jeopardising the goals set by the Nitrate Directive.

Annex III No. 2 of the Nitrate Directive (91/676/EEC) relating to livestock manure foresees a holding-specific ceiling for nitrogen application by means of spreading manure of 170 kg Nitrogen (N) per hectare (ha). Deviations are tolerated in justified cases. At Germany's request, the EU Commission issued a special provision on 22 December 2006. Exemptions from the Nitrate Directive are possible in line with the conditions stated in the Commission Decision (2006/1013/EC). On 12 October 2009, the Commission decided to extend this special provision (2009/753/EC) up to 31 December 2013.

### **We demand the following simplifications:**

#### ◆ **Abolition of annual application**

As the special provision issued by the EU Commission is subject to a time limit, farmers should not have to apply for individual exemptions every year as set out in Article 4 (1) of the Commission Decision 2006/1013/EC. Individual exemptions should remain valid as long as the special provision is in force.

#### ◆ **Abolition of the obligation to draw up fertilizer plans**

Intensively cultivated meadows (4 and 5 cuts) generally require a nutrient supply of more than 230 kg N/ha. Therefore, from a technical perspective it is not necessary to draw up separate fertilizer plans for each individual plot (Article 5 (3) of the Decision).

◆ **Abolition of the obligation to perform soil analyses for measuring nitrogen content**

The obligation to measure nitrogen content by soil analysis at least every four years does not bring any additional knowledge for the holdings or the administrative body and should therefore be waived (Article 5 (6) of the Decision).

◆ **Abolition of the obligation to use low-emission liquid manure spreading technology**

This proposal applies exclusively to the German special provision. It is not necessary in other European countries (Article 5 (9) of the Decision).

◆ **Abolition of the obligation to set up a monitoring network for sampling surface water and groundwater close to the surface**

Given the relatively low utilisation of this special provision by farmers, it should be checked whether the additional burden involved in setting up and maintaining a monitoring network is really justified. Generally, our grasslands do not exhibit increased nitrate concentration. The reporting procedure (Article 8 (2) of the Decision), however, is quite complex. Within the scope of the Water Framework Directive, the good condition of bodies of water has to be checked independent of the special provision.

◆ **Abolition of the obligation to perform seamless ex-post checks on all holdings with special provision**

It is sufficient to limit ex-post checks for compliance with the 230 kg N ceiling to holdings subject to on-the-spot checks (3 % of all holdings with authorization). Article 9(1) of the Commission Decision states that subsequent checks must be performed on all holdings with individual exemptions. This causes a huge bureaucratic burden.

◆ **Simplification of the inspection programme**

The provisions set out in sentence 1 of Article 9(2) of the Commission Decision should be abolished. Given the limited number of exemption applications (2009: fewer than 900 applications in Germany), we believe on-the-spot checks in accordance with sentence 2 of Art. 9(2) are sufficient.

## 40. Repeal of the quarantine status for the western corn rootworm (*Diabrotica virgifera* Le Conte)

**Justification**

- ◆ Further spread and contamination cannot be prevented even through observance of quarantine regulations.

The western corn rootworm (lat. *Diabrotica virgifera* Le Conte) was brought into Europe (Yugoslavia) at the end of the 1980s and has been spreading continuously since then. The insect was first found in Germany in 2007 in Baden-Wuerttemberg and Bavaria.

Besides the beetle's natural proliferation, the insect is spread continuously and in an uncontrolled manner through traffic networks, aviation and shipping movements, etc. In these circumstances, the above measures encounter no acceptance in practice, particularly as the EU does not offer any compensation to affected holdings. Furthermore, monitoring, delimitation of areas and compliance tasks are occupying more and more staff urgently needed elsewhere due to the general shortage of labour.

**We demand the repeal of the quarantine status for the western corn rootworm** (*Diabrotica virgifera* Le Conte) by cancelling No. 0.1. "Diabrotica virgifera Le Conte" in Annex I Part A Chapter II letter a) of Dir. 2000/29/EC and of the listed rules:

1. Commission Decision 2003/766/EC from 24 October 2003 on immediate measures to prevent the spread of the pest “*Diabrotica virgifera* Le Conte,” revised by Decision 2006/565/EC from 11 August 2006
- 2 Decision 2008/644/EC from 25 July 2008
3. Commission Recommendation from 11 August 2006 on containment programmes to limit the further spread of “*Diabrotica virgifera* Le Conte” in Community areas where its presence is confirmed (2006/565/EC)



## 41. Do not introduce an EU Soil Protection Framework Directive

### **Justification**

- ◆ Soil is not subject to cross-border movements.

**National acts in Germany (Bundesbodenschutzgesetz, Bundesbodenschutz-Verordnung) are sufficient.** Shortcomings in other Member States should be remedied, for example, by the Directorate General for Health & Consumers (DG Sanco).

**We demand that an EU soil protection framework directive should not be introduced.**

## 42. Do not introduce a regulation governing husbandry management for adult bovines

### **Justification**

- ◆ Existing rules are sufficient.

Incentives for adapting facilities will increase acceptance and make it easier to meet new provisions (e.g. ban on tethering) that give rise to substantial investments. If the regulation cannot be avoided, a guarantee for existing installations is necessary.

**We demand that a regulation governing husbandry management for adult bovines should not be introduced.**



## 43. The national rules regarding public contracting and procurement, inspections and billing of construction work and other services should be fully recognized

### **Justification**

- ◆ Compliance with national rules for contracting and public procurement is considered sufficient, particularly as 50 % of the financing is generally covered by national budgets and it is therefore in the interest of the Member States to use the funds effectively.

**We demand full recognition of the national rules regarding public contracting and procurement, inspections and billing of construction work and other services.** This would reduce the bureaucratic burden considerably.

## 44. Implementation of the subsidiarity principle so that the discretionary powers of the competent specialist bodies are not restricted by unduly formal rules

### **Justification**

- ◆ In line with the subsidiarity principle, a (state) obligation should, as far as possible, be realized by the lower level / smaller unit. The European Community should only intervene when the measures of the Member States are not sufficient or when the political goals can be achieved more successfully at the Community level.
- ◆ The subsidiarity principle is clearly violated when EU audit bodies require local institutions to provide a detailed written account of every minor decision.

**We demand that the subsidiarity principle is implemented so that the discretionary powers of the competent specialised bodies are not restricted by excessively formal rules.** This would significantly reduce the bureaucratic burden.

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