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 RSPB, BirdLife
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GOOD NATURED?

CROSS COMPLIANCE AS AN ENVIRONMENTAL BASELINE FOR EUROPE'S FARMED COUNTRYSIDE

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What is cross compliance?

Cross compliance aims to reduce the negative impacts of intensive farming. Introduced from 2005, it establishes limits within which to farm, and legal standards for food safety, animal welfare and the environment, in 19 Statutory Management Requirements (SMRs), based on existing EU legislation. Five of these are environmental conditions covering water, as required by the Nitrate, Sewage Sludge and Groundwater Directives, and natural habitats, wild flora and wild birds, derived from the Birds and Habitats Directives.

Farmers are also asked to comply with 11 standards for the protection of soil and specific habitats. These are minimum requirements to keep land within Good Agricultural and Environmental Condition

(GAEC), including land that is no longer in production. Failure to meet these standards will result in financial penalties.

The EU Commission has given EU Member States a great deal of flexibility in setting requirements and standards. This has meant great variation in measures and an uneven degree of environmental protection across the EU. Opportunities to make farming more sustainable have been missed by many states. A few countries, however, have introduced important new measures that will benefit the environment.

In developing cross compliance standards, meaningful consultation with expert environmental groups has rarely occurred, while extensive consultation with farmers' associations was

carried out. This has deprived cross compliance of standards of significant environmental content.

Cross compliance has exposed many shortcomings of the implementation of environmental legislation in Europe. BirdLife hopes that its introduction will push member states to close these gaps in environmental protection.

Cross compliance is a very young piece of legislation that needs to be developed further, by the Commission, member states and stakeholders.

This leaflet summarises the findings of a BirdLife International report on its implementation and on what it could mean for biodiversity and EU taxpayers. Find the full report at:

www.birdlife.org/news/pr/2005/05/birdlife_cross_compliance_report.pdf



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Environmental challenges on farmland

Cross compliance is about respecting basic rules in farming that are fundamental for the well-being of wildlife, farm animals and consumers.

Intensive agriculture is responsible for the loss of wildlife, large-scale environmental degradation and crises over food safety in the EU.

For centuries, traditional low-input farming practices supported a range of species in the farmed environment. Recent changes in farming intensity have, in many cases, decimated biodiversity, polluted water, led to water scarcity, and caused soil erosion in many areas of

Europe, all at great cost to society as a whole.

Farmland bird populations in particular have declined dramatically, by more than 80% for some species. Birds such as lapwings have an uncertain future.

The compromised status of so many species is indicative of the poor health of many areas of our countryside. European leaders are committed to reverse these declines in biodiversity by 2010, under the Gothenburg agreement.

Basic protection for birds and habitats

Member states have defined verifiable standards to be applied at farm level for

each of the five environmental directives that are included in cross compliance.

The Birds and Habitats Directives generated the biggest difficulties in the definition of such standards. This is most difficult for countries such as France, which have an incomplete application of the Birds and Habitats Directives.

Requirements deriving from these two Directives have serious limitations when applied to farming. The transposition of the Birds Directive, for example, originally took place mainly to protect species from hunting. Existing conditions are therefore couched in

general terms along the lines of prohibiting the deliberate capture, killing and disturbance of wild birds. This means that the destruction of nests and habitats resulting from tilling, spraying and harvesting is not covered. In many cases, it is difficult to find meaningful verifiable standards. Many of the articles of the Birds and Habitats Directives apply only to a small part of the territory, as they refer to protected sites, rather than the countryside outside such sites.

Prescriptions and conditions arising from the Directives are often too general to be relevant to farming and therefore ineffective in protecting farmland birds from the effects of intensive agricultural practices.

Landscape features in the farmed countryside

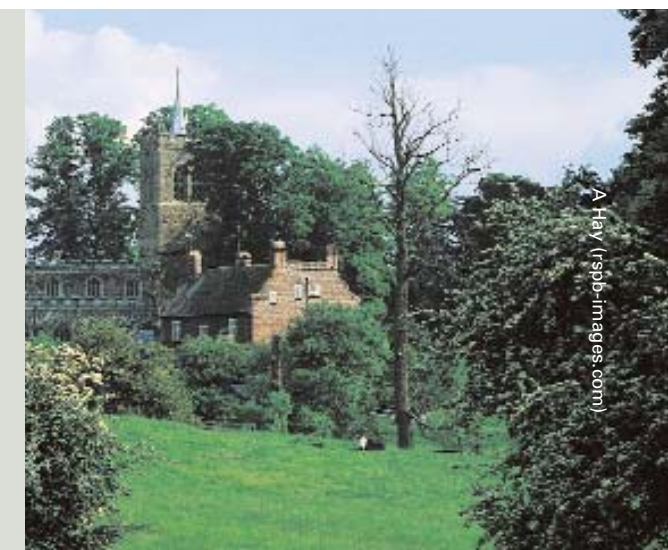
Farmland features such as trees, bushes, watercourses, stone walls, ponds and hedges are home to a wide range of wildlife. A diversity of invertebrates, weeds and plant species is crucial to

maintain a healthy food chain for birds and mammals. Intensive farming affects these habitats and the species they support.

A decline in any of these features is mirrored by a decline in biodiversity on farmland.

Only five Member States in the EU 15 have chosen to protect landscape features: Austria, Finland, Germany, Ireland and the UK.

To make cross compliance work for birds, and to overcome the limitation imposed by the way the Birds and Habitats Directives are applied in some countries, basic practices that have a true value for biodiversity protection should be included in the Good Agricultural and Environmental Conditions. An example could be the restriction of management operations for ditches, hedgerows and set-aside during the breeding season.



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A steppe in Puglia, Italy, converted into arable by de-stoning (bottom photo). This habitat cannot be reinstated, or recreated elsewhere. The little bustard (right) is extinct in mainland Italy because steppes have been converted into arable land.



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Loss of permanent pasture in the EU

Under cross compliance rules, Member States should encourage the maintenance of existing permanent pasture and avoid large-scale conversion into arable land, allowing a maximum loss of 10% of their total national pasture. Some countries have chosen to impose a complete ban on pasture loss, but the majority have chosen to monitor conversion and to require farmers to reconvert arable

land to pasture if the 10% allowance is exceeded. Once an unimproved, low-in-nutrient pasture is converted into an arable field, ploughed, seeded and fertilised, or even afforested, however, its value for biodiversity is lost. Reverting it to its previous state is virtually impossible.

In the last 30 years, the EU has lost the majority of its permanent pasture. Semi-natural, unimproved pastures are home to many species of flora and fauna. Their maintenance is crucial to the conservation of many currently declining or threatened species.

Conversion of species-rich meadows and unimproved pastures to arable or intensive grassland improved with ryegrass should be strictly prohibited by cross compliance.

Cross compliance: varying standards across the EU

Flexibility in setting requirements for both SMR and GAEC, to allow Member States to tailor national measures to meet their own challenges, has resulted in inconsistent and sometimes contradictory measures for the same type of habitat.

Protection of landscape features in Germany

The protection of landscape features can be considered the most important measure in the German Cross Compliance Regulation. While a large part of the regulation does not introduce new standards beyond current farming practices, the mandatory requirement to retain hedgerows for biodiversity is a positive step. The regulation specifies that

important landscape features, including tree rows, hedgerows, farm woods and wetlands, must not be removed.

The integration of these landscape features into the set of minimum requirements for GAEC is an important attempt to stop the loss of farmland wildlife in Germany.

Since landscape features have become eligible under the Single Farm Payment as well, there is an incentive for farmers to recognise their hedgerows, ponds or tree rows as an integral part of the farming business.

Loss of landscape features in Slovenia

Slovenian farmland is rich in features that are an important part of the natural and cultural heritage of the country. Trees and bushes, together with traditional farmhouses and field tracks, embody the traditional Slovenian countryside.

New policy mechanisms introduced since accession are causing problems for the conservation of landscape features important for biodiversity. One example is an agri-environment scheme for conserving a special grassland habitat. Financial support is calculated according to the total grassland area. Features such as clumps of bushes exceeding 25 m² are



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deducted from the grassland total eligible for payments.

Farmers are, therefore, indirectly encouraged to remove all solitary bushes, trees and hedgerows to gain maximum payments.

This damaging practice is widespread in other new Member States such as the Czech Republic and Slovakia, where trees and bushes are deducted from the total area eligible for direct payments; many farmers have removed them from their land.

Unless protecting these features is made compulsory across the EU, a dramatic loss of natural heritage will inevitably result.

Protecting hedges and watercourses in England

GAEC standards in England aim to protect watercourses from nutrient and soil runoff, and safeguard hedgerow habitats from spray drift, nutrient enrichment and root damage resulting from close ploughing.

Farmers must leave a two-metre protection zone or buffer strip beside ditches and hedgerows, measured from the centre of the hedge or ditch (or one metre from the break of the bank on wider watercourses). This

strip should be uncultivated, unfertilised and unsprayed.

This will not solve eutrophication problems on intensive farmland, but it will help reduce spray drift and provide a narrow buffer to protect watercourses from runoff. It provides extra protection for ditch biodiversity.

It will also establish a minimum standard of protection for hedges and has direct benefits for biodiversity, boosting the number of beneficial insects and spiders that over-winter in the hedgerow and feed on crop pests during the spring and summer.

This measure, seen as nothing more than good practice by many farmers, will help maintain the integrity of these valuable farmland habitats across the countryside.

GAEC standards should deliver meaningful protection for priority environmental features on farmland, and the EU Commission should take a role in ensuring consistent delivery across Member States.

Ditch management in Italy

Drainage channels provide valuable wetland habitat for birds, plants and invertebrates. These channels are also important corridors that allow species to move around the countryside, particularly in intensively farmed areas, such as the Po plain.

Channels need to be cleared periodically, but this can be very disruptive for ditch wildlife. Best practice for ditch clearing is to rotate clearing of limited sections, allowing a succession of re-establishment phases, each having characteristic species. Management of ditches should be carried out mechanically rather than with agrochemicals, between August and December, a time when amphibians, birds, reptiles and invertebrates are not breeding.

In Italy, cross compliance rules for ditch management have the sole objective of efficient soil drainage. The use of chemicals to control vegetation inside ditches is permitted, regardless of the impact on water quality or ditch biodiversity.



Public money for a better farmed environment

Farming costs EU taxpayers 43 billion euros every year. It also costs society billions each year in removing chemicals from water. The cost of loss of biodiversity is unaccounted for.

Requiring farmers who receive public support to comply with environmental legislation is a legitimate request of EU taxpayers. Conditions should not discriminate between farmers belonging to

different countries; for practices and habitats common to all EU Member States, there should be equal standards for all.

Cross compliance encourages farmers to adhere to legislation and basic good practice. It represents an important step towards sustainable farming. It does not, however, turn the Common Agricultural Policy subsidies into environmental

payments. If wildlife loss is to be halted, support payments must be coupled with active conservation measures across the countryside, such as the widely available agri-environment schemes.

BirdLife advocates that all agricultural payments should be to support public benefits from farmland.

Cross compliance should represent the minimum conditions for that support.



Conclusions and recommendations

BirdLife International welcomes cross compliance as a means to increase adherence to environmental legislation in the EU. It has the potential to improve protection for farmland wildlife across Europe and can make agricultural subsidies better value for money for EU taxpayers.

Current requirements are unsatisfactory, as they do not provide consistent environmental protection and do not give value for money for public agricultural subsidies across Europe.

Implementing cross compliance has been patchy across the EU. Its ability to protect the environment will be equally hit-and-miss, until standards are raised and harmonised across all Member States. These problems are compounded by governments that have failed to translate the Birds and Habitats Directives into significant conditions for farming, and by the lack of consultation with expert environmental NGOs in more than half the states.

The introduction of cross compliance has exposed a lack of knowledge of conservation issues in farming among the administrative authorities charged with defining and controlling adherence to existing legislation. It is not surprising that the flexibility granted to member states has, in some regions, been abused, with few real standards, and derogations used as an easy opt out.

BirdLife International recommends that:

- to help protect farmland wildlife effectively, the Commission should review cross compliance implementation and amend gaps in statutory management requirements and good agricultural and environmental conditions
- the Commission should set minimum standards for protecting landscape features and wildlife habitats as a compulsory part of good agricultural and environmental conditions
- measures adopted should be clear and unambiguous for the benefit of farmers and inspectors
- national derogations should be agreed by the Commission in consultation with environmental authorities and other stakeholders and only be allowed when clear and compelling environmental benefits result
- the development of the advisory system from 2007 should include specific training for advisers and inspectors on basic management requirements for wildlife
- as cross compliance penalties are small, considering the severity of the offences, fines should be increased to act as an effective deterrent against infringements
- monitoring and evaluation of the measures should be carried out to assess the advantages to the environment and feed back to the redefinition of SMR and GAEC.

