

**CEDRE & IEE - UCLouvain Saint Louis Bruxelles –
« CAP on the environment? »**

How coherent is the CAP internally about the environment? – General presentation

Charles-Hubert Born, Professeur UCLouvain
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Introduction

- I. Objectives - key reference to coherence
- II. CAP Green architecture – coherence fostered by a programmatic approach
- III. The example of the Walloon Region

Conclusion

Introduction

The CAP environmental effectiveness, a topic of choice for the EU Court of Auditors

The lack of internal environmental coherence of the former CAP (2013-2020)

The main issues



I. Objectives – key reference to coherence

TFEU art. 39 – art. 11 (integration clause) – art. 191 (HLEP objective)

The new CAP Regulation 2021/2115 – general and specific (?) objectives

Links to EU strategies and legislations (annex XIII) – key to environmental coherence

Role of MS in their CSP to precise the CAP objectives

II. Green architecture – Coherence fostered by programmatic approach

Green architecture of the new CAP 2023-2027

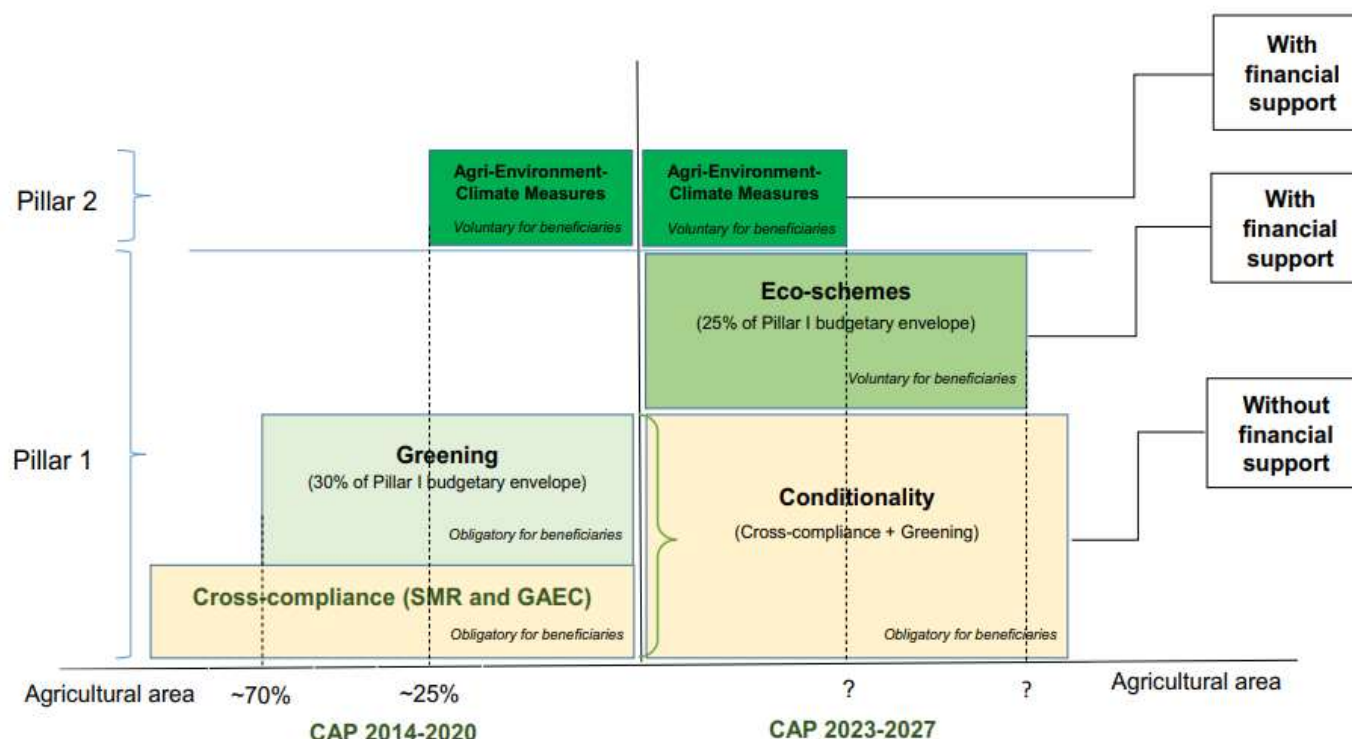


Fig. 1 The Green Architecture of the 2014–2020 and 2023–2027 CAP. *Source* Own elaboration from EC (2017), Lotz et al. (2019), EC (2021a, 2021b), Official Journal of the EU (2021), and Pe'er et al. (2022)

Source: Guyomard, 2022

II. Green architecture – Coherence fostered by programmatic approach

New Delivery Model (NDM) – performance and results-based approach

Centered on the 10 CAP specific objectives and national CAP Strategic Plans (CSPs)

Subsidiarity as a leading principle – need for adaptation to national specificities

Central role of EUC to ensure global coherence of CSPs

Monitoring and evaluation system based on result- and impact indicators

Link to Annex XIII – EU environmental legislations as a reference

II. Green architecture – Coherence fostered by programmatic approach

National CAP Strategic Plans – single programmatic instrument of all CAP interventions in both pillars

Content

Coherence with environmental policies and legislations – Role of Strategic Environmental Assessment (Dir. 2001/42)

Indicators - Impact and Result – Linked to specific objectives but not quantified nor precise – No quantified ecological results-based indicators

→ Precision in CSP



EU specific objective	Impact indicators	Result indicators
To contribute to halting and reversing biodiversity loss, enhance ecosystem services and preserve habitats and landscapes	I.19 Increasing farmland bird populations: Farmland Bird Index I.20 Enhancing biodiversity protection: Percentage of species and habitats of Community interest related to agriculture with stable or increasing trends, with a breakdown of the percentage for wild pollinators species¹ I.21 Enhancing provision of ecosystem services: Share of agricultural land covered with landscape features I.22 Increasing agro-biodiversity in farming system: Crop diversity	R.29^{PR} Development of organic agriculture: Share of utilised agricultural area (UAA) supported by the CAP for organic farming, with a split between maintenance and conversion R.30^{PR} Supporting sustainable forest management: Share of forest land under commitments to support forest protection and management of ecosystem services R.31^{PR} Preserving habitats and species: Share of utilised agricultural area (UAA) under supported commitments for supporting biodiversity conservation or restoration including high-nature-value farming practices

II. Green architecture – Coherence fostered by programmatic approach

Role of MS to precise indicators and monitoring scheme in CSP

- Environmental ambition and efficiency of the CAP depend on MS !**
- Issue: political will to propose ambitious CSPs ?**
- Central role of EU Commission to require a high level of ambition**
- Principle of shared management btw EUC and MS**

II. Green architecture – Coherence fostered by programmatic approach

- In 2023, all 28 CSPs have been approved – report summary
- How deep was the control and how requiring were the demands for modifications ? DG Agri or DG Env ?
- Importance of external controls:
 - NGOs and civil society
 - EU Court of Auditors
 - National courts ?
 - CJEU ? French pending case « Collectif Nourrir » !



II. Green architecture – Coherence fostered by programmatic approach

The regulatory powers of the EU Commission and the watering down of conditionality

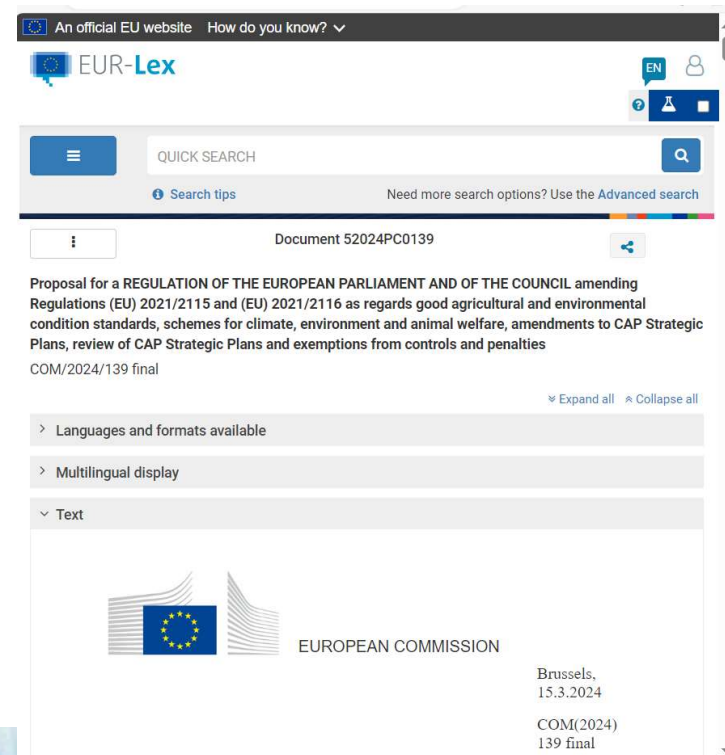
A violation of the non-regression principle (HLEP – art 37 EUCHR) ?



THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be drawn up by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural



III. The case of the Walloon Region

Walloon Region – of Farmlands (43 %) and Forests (30 %)...

12733 agricultural holdings

**State of the Environment – the impact of intensive agriculture ...
and the (former) CAP ?**

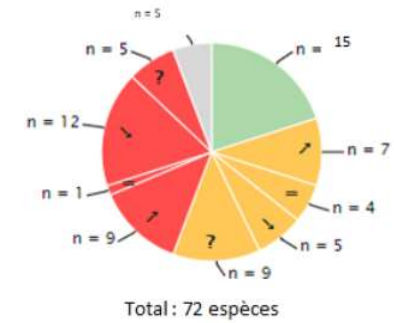
European Nature

Ecological Status of Water Bodies

Nitrates

...

Région biogéographique continentale

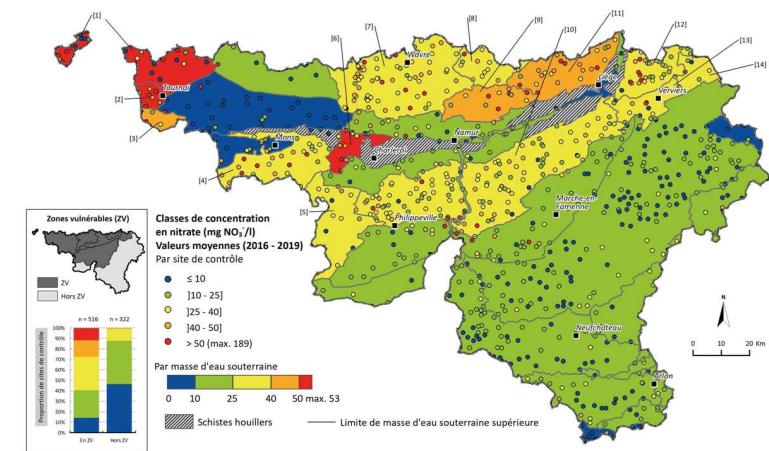


Favorable*	Défavorable inadéquat	Défavorable mauvais	Inconnu
↗	↗ mais en amélioration	↗ mais en amélioration	
=	= et stable	= et stable	
↘	↘ et en détérioration	↘ et en détérioration	
?	? et de tendance inconnue	? et de tendance inconnue	

*L'état ne peut être favorable que si la tendance est stable.

Source : DEE

Concentrations moyennes en nitrate dans les eaux souterraines (2016 - 2019)



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III. The case of the Walloon Region

Walloon Region CSP adoption :

- March 2022 – First version of WR CSP + SEA and consultations**
- May 2022 – EUC Letter of comments**
- June 2022 – WR response**
- December 2022 – EUC approval of WR CSP**

Final documents : 1166 pp ! Indigestible, repetitive, unreadable... Compliant to CAP Reg. 2021/2115 ?

Legal basis very limited in Walloon Law (art. D.4 CWA)

III. The case of the Walloon Region

EUC Comments (summary):

AS regards envrt:

- “the plan proposes a number of measures and a substantial to promote the ecological transition of the agricultural sector. However, additional information has been requested from Belgium (Wallonia) concerning support for the ecological transition in the forestry and livestock sectors, as well as concerning the use of interventions not linked to surface area in this transition perspective.
- “It would be necessary to demonstrate whether, for certain needs and themes (biodiversity, pasture management, crop diversity), the synergy between interventions under the eco-regime and those under the second pillar are capable of meeting the objectives and needs in a more significant way than in the previous programming period.”
- Some GAECs were not compliant to legal framework
- “Belgium (Wallonia) is asked to explain how this strategy contributes to compliance with the national obligations currently in force and ensures more effective GHG reduction and increased carbon sequestration”; idem on LULUCF Regulation objectives
- “The strengthening of biodiversity protection with a view to maintaining and restoring a favourable conservation status of habitats and species protected in accordance with the priority action framework has not been sufficiently demonstrated.” → remark on HD and BD objectives (ECF)
- “Belgium (Wallonia) is invited to better explain the contribution and coherence of the plan with the national objectives and targets resulting from the legislation set out in Annex XIII of Regulation (EU) 2021/2115.”

312 - MAEC - Parcelles aménagées

Code d'intervention (EM)	312
Nom de l'intervention	MAEC - Parcelles aménagées
Type d'intervention	ENVCLIM(70) - Engagements en matière d'environnement et de climat et autres engagements en matière de gestion
Indicateur de réalisation commun	O.14. Nombre d'hectares (à l'exclusion de la sylviculture) ou nombre d'autres unités couverts par des engagements en matière d'environnement ou de climat qui vont au-delà des exigences obligatoires
Contribution à l'exigence de cantonnement pour/sur	Renouvellement générationnel: Non Environnement: Oui Système de rabais lié aux écorégimes: Non LEADER: Non

1 Champ d'application territorial et, le cas échéant, dimension régionale

Champ d'application territorial: Régional

Code	Description
BE3	Région wallonne

Description du champ d'application territorial

Tout le territoire de la Région wallonne.

2 Objectifs spécifiques connexes, objectif transversal et objectifs sectoriels pertinents

OBJECTIF SPÉCIFIQUE DE LA PAC Code + Description Les objectifs spécifiques de la PAC recommandés pour ce type d'intervention sont affichés en gras

SO4 Contribuer à l'atténuation du changement climatique et à l'adaptation à celui-ci, notamment en réduisant les émissions de gaz à effet de serre et en renforçant la séquestration du carbone, et promouvoir les énergies renouvelables

SO5 Favoriser le développement durable et la gestion efficace des ressources naturelles telles que l'eau, les sols et l'air, y compris en réduisant la dépendance chimique

SO6 Contribuer à stopper et à inverser le processus d'appauvrissement de la biodiversité, améliorer les services écosystémiques et préserver les habitats et les paysages

3 Besoins(s) traité(s) par l'intervention

Code	Description	Hiérarchisation au niveau du plan stratégique relevant de la PAC	Pris en considération dans le plan stratégique relevant de la PAC
4.12	Réduire les émissions de GES du secteur agricole	5/7	Oui
5.12	Préserver le potentiel productif/la fertilité des sols	2/7	Oui
5.13	Préserver la qualité des eaux de surface et des eaux souterraines	4/7	Oui
6.12	Accompagner l'évolution des pratiques agricoles vers des pratiques favorables à la biodiversité	2/7	Oui
6.13	Développer un réseau écologique cohérent et suffisant pour la conservation et l'utilisation durable	2/7	Oui

4 Indicateur(s) de résultat

INDICATEURS DE RÉSULTATS Code + Description Les indicateurs de résultat recommandés pour les objectifs spécifiques de la PAC de cette intervention sont affichés en gras

R.19 Part de la superficie agricole utile (SAU) faisant l'objet d'engagements bénéficiant d'une aide en faveur de la gestion des sols afin d'améliorer la qualité des sols et le biote (par exemple, réduction du travail du sol, couverture végétale par les cultures, rotation des cultures, y compris les cultures de légumineuses)

R.21 Part de la superficie agricole utile (SAU) faisant l'objet d'engagements bénéficiant d'une aide en faveur de la qualité des masses d'eau

III. The case of the Walloon Region

Environmental coherence of WR CSP ?

Brief explanation of the contribution of interventions to strategic and legal objectives

Vague and unquantified – only on paper ?

Result Indicators – mainly % of SAU committed to a specific type of intervention

- **Only an information on the level of participation of farmers, not on the ecological impacts of the interventions**
- **How to assess the capacity of WR CSP to fulfill its purpose ?**

Conclusion

The new CAP – A 365bn € gamble ?

Subsidiarity after all these years of ecological ineffectiveness ?

« New Delivery Model » – A new performance and result-based programmatic approach to the design and implementation of CAP tools

→ Environmental coherence of the new CAP is based on two central instruments:

- National CSPs**
- Monitoring and Evaluation Framework – Indicators**

→ Explicit requirement for coherence with EU policies and legislations

Could it be more effective ? Dependant on political will from both EUC and MS... and on the judge ?

Thank you for your attention
