



European Forum on  
Nature Conservation  
and Pastoralism



**Support the farmers who maintain Europe's  
pastoral landscapes – change the CAP rules on  
permanent pastures**

**March 2012**



**This document presents the fears and proposals of farming and environmental organisations concerning the current CAP rules for permanent pastures, and those being considered for 2014-2020 period.**

**The aim is to raise awareness of key issues amongst all those concerned with the sustainable future of the pastoral landscapes typically found in Europe's more marginal regions, as well as with policy makers and political representatives involved in the reform of the CAP.**

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- Sheep dog in the Cévennes and *gasconnes* cattle in the eastern Pyrenees, France. © [SUAMME](#)

# What land should be eligible for CAP direct payments?

Since 1992, successive CAP reforms have led to the decoupling from production of mainstream support payments to farmers (Pillar 1). Instead of paying farmers for a quantity of production, payments are attached to the land that farmers use. To determine if a piece of land is eligible for CAP payments, the EU has introduced rules and guidelines, intended to ensure that the land in question is under active farming management and/or maintained at least to a minimum agricultural and environmental standard.

## UAA and eligible land

The total utilised agriculture area (UAA) of the EU is 178 million hectares. Pillar 1 payments go to 8 million farmers out of the 13.8 counted in the EU. Data on the land area getting payments are available for 10 member states (MS) only, representing 25% of EU UAA (46.2 million hectares), mostly in new MS. In these countries, 42 million hectares are getting Pillar 1 payments, so in this sample, 10% of UAA is not getting Pillar 1 payments. (DG Agriculture 2010, 2009 data).

For much of our agricultural land, farming management is evident, in the form of crops, grazed grass or ploughed land. **But in certain areas, particularly on the most difficult land for farming, active management is less obvious: many pastoral landscapes naturally contain shrubs and trees and have a more “wild” appearance that is very different from a fenced field of grass.**

These extensive pastoral landscapes are crucially dependent on grazing and browsing of domestic livestock for their maintenance. The farmers that use the landscape are themselves highly dependent on basic support payments from the CAP, so that if their pastures are deemed “not eligible” because of EU rules, this poses major problems for both the farmer and the landscape, and abandonment is likely to be the result.

## Diversity of pastoral landscapes in Europe

Pastoral landscapes are farmed in many different ways, reflecting the variety of pasture and livestock types (breeds of cattle, sheep and goats) in Europe.

Some farming systems make use mainly of grasslands, that may be sown or semi-natural vegetation. Others exploit pastures of shrubs, for example heather moorland is a very extensive type of pasture in Atlantic regions. Especially in southern Europe, silvo-pastoral systems are widespread, making use of a diverse forage resource combining trees, shrubs and grasses.

These land uses are of immense environmental value and are very much part of the *utilised agricultural area* of European farmers. These same land uses are often rich in landscape elements, such as large hedges and patches of scrub and woodland, that also form part of the traditional *farming use*, providing browse, shelter and shade.

EU rules and statistics should recognise these facts, but often do not.

**At present, large areas of pastoral land are not eligible for CAP support because of the EU rules and their interpretation, thus increasing the risk of abandonment of farming.**

# EU definition of permanent pastures and CAP eligibility rules – correction and simplification are needed urgently.

## The current situation and its consequences

Of the three types of farmland eligible for CAP support – arable crops, permanent crops and permanent pasture – the latter presents particular challenges, and standardised EU-level eligibility rules create problems.

### A narrow view of permanent pastures that excludes vast areas of land in active use

Permanent pastures are defined in Regulation 1120/2009 as *“land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer...”* This definition is the starting point for determining eligibility and in principle it excludes a vast area of pastures that are not herbaceous, because they are dominated by shrubs and trees (ligneous pastures).

Regulation 1122/2009 lays down CAP eligibility rules in greater detail. The Regulation recognises that pastures with trees and shrubs present may be grazed and may be eligible for CAP payments, but the guidance published by the Commission states that if there are more than 50 trees per hectare on a parcel, this land should as a general rule be considered ineligible (for exact wording see [http://marswiki.jrc.ec.europa.eu/wicap/index.php/Category:Area\\_measurement](http://marswiki.jrc.ec.europa.eu/wicap/index.php/Category:Area_measurement) ).

Furthermore, the recommendation is to subtract features such as patches of scrub and hedges of over 2m in width (features often associated with more extensive pastures) from the eligible area of a pasture. The overall approach in the regulation is that “normal” forage is grass, and that non-grass elements will only be tolerated if they do not disturb the development and use of the grass. The regulation completely fails to recognise that non-grass elements are often part of the production system, providing forage, shelter and shade.

**The EU approach is flawed in two aspects that mutually reinforce one-another: the definition of permanent pasture that excludes non-herbaceous forage; and the additional exclusion of landscape elements that are not considered part of the farmland area.** There is absolutely no agronomic or environmental justification for excluding pastures with tree cover of any density from eligibility for CAP direct payments, or for excluding patches of scrub and large hedges from the eligible pastoral area. The critical factor should be the use of the land, not the type of vegetation.

### Narrow margin of manoeuvre, used by some Member States only

The EU rules allow Member States to make some adaptations to suit local circumstances — for example Regulation 1122/2009 states that *“the total area of an agricultural parcel may be taken into account provided that it is fully utilised in accordance with the customary standards of the Member State or region concerned”*; that when defining the maximum eligible width of hedges *“in view of specific environmental needs, some flexibility should be provided”*. The guidance on the “50 trees” question includes the possibility for flexibility based on environmental criteria and in the case of agro-forestry systems. Some of this flexibility has been used, for example in France, the UK and Spain ligneous pastures are eligible, while in Ireland hedges of any width are eligible, although in Northern Ireland they are not (see back cover photos).

## Disastrous economic and environmental consequences

But as the Commission's guidance document makes clear, these derogations are "exceptions" and it seems that the Commission Auditors are increasingly insistent on applying the rules in a rigid manner, regardless of farming realities and of the environmental consequences. Many Member States choose to play safe and do not make use of the available "exceptions".

The combination of ill-conceived rules and rigid application has led to thousands of hectares of actively used grazing land being excluded from CAP support payments in Sweden, Bulgaria and Estonia, including habitats specifically of the EU Habitats Directive, whose conservation requires continued use by livestock.

Some landscapes have suffered a decline in grazing in recent years following the decoupling of CAP support from production, with some consequent encroachment of bracken or scrub. As a result of these changes in vegetation, such landscapes may now be excluded from direct payments, even where extensive grazing continues: perversely, the CAP rules will ensure their complete abandonment.

### Some figures on non-herbaceous pastures

In Spain as a whole there are estimated to be 10 million hectares of ligneous pasture and under current rules these are mostly eligible for CAP direct payments. In many Spanish regions shrub and tree pastures make up the majority of permanent pastures and a large proportion of total eligible farmland, so that their possible exclusion from CAP support would have major economic and territorial consequences. In France, heathlands and rangelands (*landes et parcours*) and seasonal mountain pastures (*alpages*) cover 2.5 million hectares of the total 10 million hectares of permanent pastures. In Sweden, Bulgaria and Estonia taken together, permanent pastures that are not eligible for Pillar 1 payments cover approximately 1 million hectares.

In Ireland and Scotland, farmers are being advised to remove or cut back semi-natural features of the pastoral landscape that are considered « ineligible » by the Auditors, including patches of gorse and wide hedges ("if in doubt, rip it out").

## The proposals for a reformed CAP 2014-2020 – a worrying ambivalence

**In the Commission's proposed regulation on CAP direct payments for 2014-2020, the current category of "permanent pastures" is renamed "permanent grasslands". This explicit move away from pastures in general and towards grass pastures is a very worrying development from the point of view of ligneous pastures.**

The new definition for permanent grasslands takes up the wording from Regulation 1120/2009 - "*Land used to grow grasses or other herbaceous forage naturally (self-seeded) or through cultivation (sown) and that has not been included in the crop rotation of the holding for five years or longer*". To widen the apparent focus beyond purely grass pastures, the following is added - "*it may include other species suitable for grazing provided that the grasses and other herbaceous forage remain predominant*" (emphasis added).

**So what happens to pastures that are not grasslands? How is the "predominance" of grass to be defined and checked? Will heather have to be called grass to keep it eligible? Will France, Spain and UK have to exclude from the CAP their ligneous pastures that currently are eligible? And above all – why?**

## Non-herbaceous permanent pastures – an irreplaceable public good providing multiple ecosystem services

Non-herbaceous or ligneous pastures provide essential forage (shrubs and the fruits and leaves of trees are eaten by all livestock types, including bovines) in many extensive livestock systems, especially in more marginal regions where pastoral farming is the only available use of the natural resource. This forage is especially important at certain times of the year, for example in dry periods when grass growth is reduced. Certain shrubs have been shown to increase the water availability for grass. Research by INRA (France) on pastoral systems in dry mountains shows that exploiting forage from a varied vegetation resource is an appropriate adaptation strategy in the face of climate change, allowing greater forage self-sufficiency for the farmer and his flock and better livestock health due to the variety of plants and their proven prophylactic properties.

Apart from the economy of farms and food production, this pastoral valorisation of woody biomass generates multiple « ecosystem services » for rural and wider society:

- Reducing fire risks and subsequent carbon release and soil erosion; pasture soils are also a major carbon store;
- Maintaining open landscapes and cultural heritage greatly valued by tourists;
- Maintaining some of Europe's most biodiverse habitats: the farmland habitats cited in the Habitats Directive are mainly pastures with diverse vegetation, and hay meadows.

### Economic and food-quality value of ligneous pastures

Extensive ligneous pastures produce milk with a high casein content, which favours cheeses of high quality and rich in different oligo-elements. Many local food chains depend on this resource for the production of quality products.

**On the land in question, it is essential to keep an extensive and balanced grazing. The alternative is increased encroachment of scrub and forest and the loss of environmental and socio-economic values that constitute irreplaceable public goods at the European scale. CAP direct payments have a crucial role in maintaining a basic level of farming activity on this land, but only if the rules are well adapted and the payments are sufficient.**

### Ligneous permanent pastures and the Habitats Directive

The Habitats Directive recognises the ecological value of a wide range of permanent pastures, including many types which explicitly include ligneous plants or in some cases are dominated by them, such as heaths. The Commission's own scientific guidance clearly identifies the need for extensive livestock use in order to conserve the characteristics of these habitats. Given the biodiversity importance and geographical extent of many of these habitats, it would be incoherent for them to be excluded from CAP direct payments, especially as these become more "green".

## Proposals for changing the definition of permanent pastures and their eligibility criteria

From the above, it is clear that the EC definition of permanent pastures (and not only grasslands) should be adapted to take account of the realities faced by extensive livestock farmers, so long as they are making effective use of available forage resources.

- **The following definition is proposed**, which has the advantage of greater simplicity and avoids the ambivalence and incoherence of the definition proposed by the EC in October 2011:

**Permanent pastures are “land used to grow grasses or other forage (self-seeded or sown) and that has not been ploughed or reseeded for 5 years or longer”.**

- **Criteria about permitted numbers of trees and size of hedges or patches of scrub should disappear from the EC rules and guidance, as they have no agronomic or environmental justification.** The only relevant criteria is the farming use of the land in question and the maintenance of a vegetation that is not deteriorating. Thus scrub and trees are compatible with a pastoral use of the land, there is no need for a uniform sward ; what should be avoided is a *process* of abandonment, shown by gradual scrubbing over and closing of the landscape. So shrubs yes (as part of a pastoral system, where they may be dominant); but scrubbing over, no.
- **A subsidiarity mechanism is needed that gives national authorities the competence to use monitoring and control methods** appropriate for this dynamic approach. This means apply robust reference levels against which to monitor grazing activity (e.g. proof of annual grazing) and vegetation dynamics. Controls should be adapted to the realities of the environment and the farming system, not the other way around.

In the Member States that already include ligneous pastures in their area of CAP eligible farmland (e.g. France, Spain, UK), the changes proposed in this leaflet will not lead to an increase in eligible area, but will bring the EC definitions and rules in line with current reality. In some other Member States (Bulgaria, Sweden, Estonia...), any increase in eligible area would occur only in the case of land that is actually in farming use.

With these conditions, extensive livestock producers, like other farmers, will be able to have full access to CAP direct payments. This approach does not imply removing current sanctions in the case of abandoned land or land that is falsely declared.

Clearly the amount of direct payments received by extensive pastures is also an important question. Excessive income payments for the holders of vast extensive grazings should be avoided - this can be done through appropriate regionalisation and capping of payments. But payments must be high enough to make it worthwhile for farmers to keep farming the land. Ultimately the aim should be for the CAP direct payments and associated rules to prevent the abandonment of extensive pastures, and to help maintain the diverse landscape elements form part of these working landscapes and add biodiversity and public value to them.



**Temporary grasslands - a better place to put permanent grasslands that are regularly reseeded? It makes more sense agronomically and environmentally.**

The modified permanent grassland definition proposed by the EC still considers grasslands that are regularly reseeded (e.g. every 3 years) to be “permanent”, so long as they are not in an arable rotation. They are only permanent in the sense that they stay in grass year after year, but this may be a newly ploughed and sown field of grass.

From the point of view of biodiversity and carbon storage, these grasslands are of limited value and there is no particular advantage in maintaining them on the same parcel over several years. A more diversified rotation, including arable crops after some years of grass, may be preferable from an agronomic perspective and for water quality, for example.

Obliging farmers to keep the same extent and location of these reseeded grasslands, under current cross-compliance or the new “greening” rules for permanent pastures, makes no agronomic or environmental sense, and imposes a pointless and possibly counter-productive limitation on farmers.

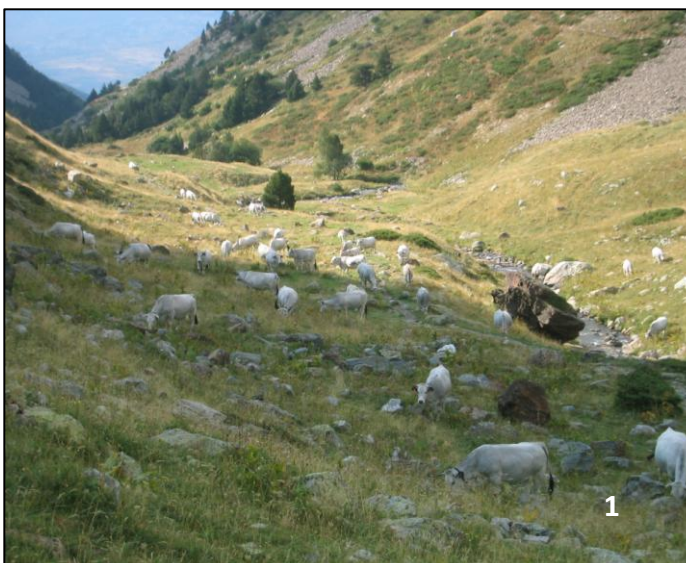
In fact by setting a 2014 baseline for the new control on permanent pasture, the EC risks producing a completely contrary result : the speculative ploughing-up of such grasslands before 2014, in order to minimise the extent of permanent grassland on the farm and that must be retained under the proposed greening rules.

The permanent pasture definition we propose in this leaflet would take these regularly reseeded grasslands out of the category, and they would become temporary grasslands (the same as those in an arable rotation), and thus not subject to the permanent grassland controls; these controls would then apply only to genuinely *permanent* pastures.



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## The issues in pictures



1. Cattle in the eastern Pyrenees ("valley of flowers") - grazing is essential for the good management of this nature reserve © Xavier Poux
2. Goats in Spain, on Natura 2000 pastures – the animals use shrubs as forage, as well as grass © Alfonso San Miguel Ayanz
3. Sheep in Estonia - the "50 trees rule" does not prevent them from grazing, but it does penalise farmers © Kristiina Hellstrom (<http://www.hak.edu.ee/materjalid/puisniit4/>)
4. Mixed flock on seasonal pastures in Bulgaria - this land is not considered eligible for Pillar 1 payments, but curiously it can be supported by agri-environment measures © Sider Sedefchev, BSPB SEMPERVIVA
5. Cutting back hedges in Northern Ireland in order to meet eligibility rules for CAP Pillar 1 payments © EFNCP

