

CAP Regulation proposal

Commission Proposal	COPA-COGECA amendments	Justification
Recitals and Articles to be moved from NRPP to the CAP Regulation or added (see pages 30 to 51)		
	Recitals 44-45 (with the proposed changes below) Article 4 – Definitions (3c, 9c, 14-17, 22-25) (with the proposed changes below) Article 7 (3) [Horizontal principles – farm stewardship principle] (with the proposed changes below) Article 35 - CAP types of interventions (2-5) (with the proposed changes below) [Note: paragraph 1 to be deleted as it is covered by article 5 in the CAP Regulation] Article 36 - Specific requirements for CAP interventions (with the proposed changes below) Article 37 - Monitoring of agricultural resources Article 38 - Crisis payments to farmers following natural disasters, adverse climatic events and catastrophic events (with the proposed changes below) Article 39 - Crop-specific payment for cotton Article 40 and 41 - Chapter II on International Obligations Articles 42, 43, 44, 45 - Chapter III on Support for the smaller Aegean islands Articles 46-48 – Outermost regions Article 57 - European and national CAP network Article 62 – Control system for farm stewardship (1-5 and the proposed changes	Splitting the CAP rules across several regulations creates complexity and difficulties in the decision-making process that will be reflected in the implementation phase where national authorities risk being faced with excessive bureaucracy, political tensions and uncertainty. This will equally impede access to EU support for the farming community due to a lack of clear understanding of the rules. In this regard, we take note of the suggestion by President Von der Leyen that certain CAP articles could be moved from the NRPP to the CAP proposal. Nevertheless, we believe that all the agriculture provisions (including the rural development aspects) in the NRPP must be integrated in the CAP proposals. Aspects such as the definitions, co-financing for CAP interventions, control and penalty systems, data collection and recording as well as Integrated Administration & Control System (IACS) cannot be left out. For the sake of ensuring

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	<i>in paragraph 8)</i> (with the proposed changes below) <i>Article 70 - Integrated Administration and Control System (IACS)</i> (with the proposed changes below) <i>Article 74 - Territorial and local cooperation initiatives (1d-1h, 2, 3)</i> <i>Articles 84 – Rules applicable to undertakings (competition rules)</i> <i>Article 85 – State aid</i> <i>Annex XVII – WTO internal support</i> <i>In addition, all agriculture provisions from the following articles (see below) shall be moved or added to the CAP Regulation proposal:</i> <i>Recital 18</i> <i>Recital 43</i> <i>Recital 59</i> <i>Article 15</i> (with the proposed changes below) <i>Article 20</i> (with the proposed changes below) <i>Article 49</i> <i>Article 52</i> <i>Article 63</i> (with the proposed changes below) <i>Article 64</i> (with the proposed changes below) <i>Article 77</i>	commonality and providing legal certainty and clarity on the decision-making process and predictability for both farmers and national administrations, this aspect should be urgently addressed by the co-legislators. Keeping CAP-related provisions clearly anchored within the CAP framework is essential to safeguard the distinct nature of the CAP as a common policy with its own governance framework, ensuring predictability and legal certainty for both farmers and national administrations.
Recitals		
(4) In order to ensure that the Union adequately addresses the most pressing challenges for the agricultural sector, it is appropriate to provide for a steering mechanism reflecting the orientations of the Vision for Agriculture and Food for a targeted	(4) In order to ensure that the Union adequately addresses the most pressing challenges for the agricultural sector, it is appropriate to provide for a steering mechanism reflecting the orientations of the	We believe that the scope, role and legal status of the Commission's CAP recommendations would need to be clearly defined. In our view,

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policy. To advance towards a competitive, resilient and sustainable agricultural sector, in line with the outcome of the stakeholders' consultations, the CAP national recommendations should provide a sufficient level of policy steering at Union level, to guide Member States in the design of their NRP Plans as regards agriculture, defining the relevant interventions on the basis of their specific challenges and needs.	Vision for Agriculture and Food for a targeted policy. To advance towards a competitive, resilient and sustainable agricultural sector, in line with the outcome of the stakeholders' consultations, the CAP national recommendations should provide a sufficient level of strategic non-binding guidance at Union level, to guide Member States in the design of their NRP Plans as regards agriculture, defining the relevant interventions on the basis of their specific challenges and needs, ensuring the commonality of the policy and preventing market distortions.	these should cover broad strategic guidance, focus on the CAP objectives (policy priorities) and the challenges identified at Member State level, whilst ensuring the commonality of the policy and preventing market distortions. They should also not interfere with the intervention design and prioritisation, prescribe financial targets for the CAP interventions or go beyond the basic regulations. When drafting the recommendations, the Commission must bear in mind the overarching objectives of food sovereignty, income stability, competitiveness in agriculture, and the development of resilient and vibrant rural areas. The European Commission's recommendations cannot replace the basic act; therefore, they should be non-binding. They should focus on achieving simplification and reduction of administrative burden for farmers and this should be included as an overarching principle in the specific article. By no means

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		should these recommendations impact the process and approval of the plans as has been the case for some CAP National Strategic Plans. These recommendations must neither anticipate nor pre-empt political decisions taken in the upcoming negotiations between the European Parliament and the Council.
(8) <i>The farm stewardship should be established to guarantee compliance of the CAP support with the "do no significant harm" principle laid down in Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council⁹.</i> The farm stewardship should comprise minimum environmental <i>and social conditionality</i> requirements, as well as protective practices designed by Member States to deliver on <i>key</i> objectives such as protection of soils and river courses from pollution. Member States should have the flexibility to adapt those protective practices to their specific geographical and climatic context and production systems including by establishing exemptions. <i>To promote socially sustainable agriculture, certain CAP payments require compliance with standards on working and employment conditions, occupational safety and health. The European Charter and diverse national frameworks and labour market models should be respected, no additional obligations</i>	(8) The farm stewardship should comprise minimum environmental requirements, as well as protective practices designed by Member States <i>from a catalogue</i> to deliver on <i>general</i> objectives such as protection of soils and river courses from pollution. Member States should have the flexibility to adapt those protective practices to their specific geographical and climatic context and production systems including by establishing exemptions.	The European Commission has acknowledged that the current conditionality system has imposed a huge burden on farmers, triggering a lot of criticism, and has consequently presented a couple of simplification proposals to the current rules to try to make the system more adapted to the realities on the ground. In the future CAP, the European Commission is trying to give a new name to the requirements to be imposed on farmers: farm stewardship. However, the proposed system remains similar to the current one in particular when it comes to constraints and requirements which currently lead to extra costs and payment

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<i>should be imposed on social partners or Member States regarding enforcement or controls and double corrections avoided.</i>		reductions for farmers. It also has the potential to usher in further renationalisation. Instead of rigid requirements for mandatory protection practices (Annex I CAP Regulation), Member States must be provided with a voluntary catalogue from which they can design national protective practices adapted to national and regional realities which they will make available to farmers via incentives. It should be possible to adjust them to existing national legal requirements and serve the same purpose as protective practices. In this context, the penalty system must be made more proportionate and the “right to error” for the farmer should be kept (see the part on controls in the NRPP). Social conditionality leads to double penalties for non-compliance and creates disproportionate bureaucracy without substantial added value and must be removed from farm stewardship.

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		SMRs and the so-called protective practices (Annex I CAP Regulation) must be practical and easy to implement and must not impair the economic attractiveness of the CAP measures. Moreover, the introduction of the ‘do no significant harm’ principle to environment and climate for agriculture will only add more burden, complexity and legal uncertainty when agriculture is intertwined with natural resources and ecosystems, being subject to many environmental and climate requirements. As such, this principle should not apply to any CAP intervention (see section 2.1). In addition, we oppose any potential reference to the principle of ‘no back sliding’.
(9) Income support for farmers should continue to be the central policy instrument to guarantee a fair income to farmers and sustainable farming and food production. It should contribute to fostering a competitive and resilient agricultural sector pursuing the benefits of high-quality production and resource-efficiency, while ensuring generational renewal and thus long-term food security. Income support allocations should be	(9) Income support for farmers should continue to be the central policy instrument to guarantee a fair income to farmers and sustainable farming and food production. It should contribute to fostering a competitive and resilient agricultural sector pursuing the benefits of high-quality production and resource-efficiency, while ensuring generational renewal and thus long-term food	Allow Member States to choose the criteria to define the farmer/beneficiary in a clear, simple and operational manner while keeping the possibility to add additional ones and include a negative list. This should take into account their national conditions and existing systems while

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ringfenced to be used for Income support for farmers only, to provide stability and predictability for the Union agricultural sector. In order to ensure high impact and efficiency, the new CAP should entail a streamlined and consistent toolbox of Income support types of intervention enabling Member States to deliver on the CAP objectives.	security and agricultural sovereignty . Income support allocations should be ringfenced to be used for Income support for farmers only, as defined by this Regulation and based on criteria established by the Member State , to provide stability and predictability for the Union agricultural sector. In order to ensure high impact and efficiency, the new CAP should entail a streamlined and consistent toolbox of Income support types of intervention enabling Member States to deliver on the CAP objectives.	protecting the functioning of the internal market. The concept of “principal activity” should be removed, instead referring to “natural or legal persons or groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s)” while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States.
(10) Given the need to target the support to those most in need , Member States should pay the area-based degressive income support only to those persons whose principal activity is agriculture, while ensuring that small and pluri-active farmers, who are engaged in at least a minimum level of agricultural activity, are not excluded .	(10) Member States should pay the area-based income support to natural or legal persons or groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s) while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States .	When granting area-based income support, Member States should take into account the criteria that they established when defining farmers/beneficiaries for their actions towards food security and agricultural sovereignty. Besides individual farmers, cooperatives, Producer Organisations (POs) and Associations of Producer Organisations (APOs) play an important role in the implementation of several CAP interventions (e.g. interventions in certain sectors, investments, etc.). In this case, the definition

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		governing the CAP interventions should reflect the activities of these structures (aggregating and marketing members' production, providing inputs, processing agricultural products etc.). Consequently, it should be possible to use the concept of "beneficiary" in this specific case as is currently the case.
Article 2 - CAP national recommendations and steering		
1. The Commission shall adopt CAP national recommendations providing guidance to each Member State for the implementation of the CAP-relevant specific objectives set out in Article 3, point (d), of Regulation (EU) [...] [NRP], within their NRP Plans in line with Article 22 of that Regulation in advance of the submission of the NRP Plans by the Member States. The CAP national recommendations shall be based on the following :	1. The Commission shall adopt CAP national recommendations providing broad strategic non-binding guidance to each Member State for the implementation of the CAP-relevant specific objectives set out in Article 3, point (d), of Regulation (EU) [...] [NRP], within their NRP Plans in line with Article 22 of that Regulation, with a specific focus on achieving simplification and reduction of administrative burden for farmers , in advance of the submission of the NRP Plans by the Member States. The CAP national recommendations shall be based on the overarching objectives of food and agriculture sovereignty, income stability, competitiveness in agriculture, and the development of resilient and vibrant rural areas, including :	We believe that the scope, role and legal status of the Commission's CAP recommendations would need to be clearly defined. In our view, these should cover broad strategic guidance, focus on the CAP objectives (policy priorities) and the challenges identified at Member State level, whilst ensuring the commonality of the policy and preventing market distortions. They should also not interfere with the intervention design and prioritisation, prescribe financial targets for the CAP interventions or go beyond the basic regulations. When drafting the recommendations, the Commission must bear in
3. In the CAP national recommendations, the Commission shall in particular identify key	3. In the CAP national recommendations, the Commission shall in particular identify key	

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challenges to be addressed by each Member State in their NRP Plan, on the basis of the CAP-relevant specific objectives set out in Article 3, point (d), of Regulation (EU) [...] [NRP].	challenges to be addressed by each Member State in their NRP Plan, on the basis of the CAP-relevant specific objectives set out in Article 3, point (d), of Regulation (EU) [...] [NRP], <i>while respecting Member States' discretion in the design and prioritisation of interventions and in their financial allocations.</i>	mind the overarching objectives of food sovereignty, income stability, competitiveness in agriculture, and the development of resilient and vibrant rural areas. The European Commission's recommendations cannot replace the basic act; therefore, they should be non-binding. They should focus on achieving simplification and reduction of administrative burden for farmers and this should be included as an overarching principle in the specific article. By no means should these recommendations impact the process and approval of the plans as has been the case for some CAP National Strategic Plans. These recommendations must neither anticipate nor pre-empt political decisions taken in the upcoming negotiations between the European Parliament and the Council.
Article 3 - Farm stewardship		
1. Farm stewardship shall comprise statutory management requirements listed in Annex I, Part A [Annex with SMRs], protective practices defined by Member States in the NRP Plan in accordance with	1. Farm stewardship shall comprise statutory management requirements listed in Annex I, Part A [Annex with SMRs] and protective practices defined by Member States in the NRP	Social conditionality leads to double penalties for non-compliance and creates disproportionate bureaucracy

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paragraph 4 of this Article and Annex I, Part C, and the social conditionality system which comprises the statutory management requirements listed in Annex I, Part B.	Plan in accordance with paragraph 4 of this Article and Annex I, Part C.	without substantial added value and must be removed from CAP farm stewardship.
3. Support subject to the farm stewardship conditions shall be deemed to comply with the principle of ‘do no significant harm’ in accordance with Article 33(2), point (d), of Regulation (EU, Euratom) 2024/2509.	Deleted	The introduction of the ‘do no significant harm’ principle to environment and climate for agriculture will only add more burden, complexity and legal uncertainty when agriculture is intertwined with natural resources and ecosystems, being subject to many environmental and climate requirements. In addition, agriculture has been confronted with steadily increasing obligations under regulatory law for years, ranging from environmental and nature conservation to animal welfare, emissions control and water protection. Against this backdrop, introducing the DNSH principle would not lead to additional environmental benefits. Instead, it would primarily create new testing, verification and documentation requirements, with a clear risk of double regulation, legal uncertainty and further overlap with existing instruments. Especially at a time

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		when simplification, reduction of bureaucracy and practical feasibility are rightly being demanded at both European and national level, the introduction of an additional horizontal assessment criterion such as DNSH sends the wrong signal. Agricultural holdings need reliable, coherent and workable framework conditions – not yet another layer of abstract evaluation standards with unclear boundaries vis-à-vis existing regulatory frameworks. As such, Copa-Cogeca strongly rejects the planned introduction of the DNSH principle to any CAP interventions. This principle should not apply to any CAP intervention (see section 2.1). In addition, we oppose any potential reference to the principle of ‘no back sliding’.
4. Member States shall define in accordance with Annex I, Part C, at a national or regional level, protective practices to be respected by farmers and other beneficiaries receiving the support referred to in paragraph 2, to achieve the following objectives:	4. Member States shall design, based on the general objectives set in Annex I, Part C, at a national or regional level a catalogue of protective practices, which are to be offered to farmers and other beneficiaries receiving the support referred to in paragraph 2, to choose from, to achieve the following objectives:	The European Commission has acknowledged that the current conditionality system has imposed a huge burden on farmers, triggering a lot of criticism, and has consequently presented a couple of simplification proposals to the

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(a)protection of carbon-rich soils, landscape features and permanent grasslands on agricultural area; (b)protection of soil against erosion, preservation of the soil potential, maintenance of soil organic matter, <i>including through crop rotation or diversification, as well as protection against burning of stubble on arable land;</i> (c)protection of water courses and ground water against pollution and runoff.	(a)protection of carbon-rich soils, landscape features and permanent grasslands on agricultural area; (b)protection of soil against erosion, preservation of the soil potential, maintenance of soil organic matter; (c)protection of water courses and ground water against pollution and runoff. <i>Any such protective practices must be economically viable, implementable and supported.</i>	current rules to try to make the system more adapted to the realities on the ground. In the future CAP, the European Commission is trying to give a new name to the requirements to be imposed on farmers: farm stewardship. However, the proposed system remains similar to the current one in particular when it comes to constraints and requirements which currently lead to extra costs and payment reductions for farmers. It also has the potential to usher in further renationalisation. Instead of rigid requirements for mandatory protection practices (Annex I CAP Regulation), Member States must be provided with a voluntary catalogue from which they can design national protective practices adapted to national and regional realities which they will make available to farmers via incentives. It should be possible to adjust them to existing national legal requirements and serve the same purpose as protective practices. In this context, the penalty system

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		must be made more proportionate and the “ right to error ” for the farmer should be kept (see the part on controls in the NRPP).
Article 4 - Environment and climate priority areas		
1(2) Member States with areas affected by water pollution due to nitrate surplus <i>shall</i> provide support to farmers for extensification of livestock systems <i>or for diversification to other agricultural activities.</i>	1(2) Member States with areas affected by water pollution due to nitrate surplus <i>may</i> provide support to farmers for extensification of livestock systems <i>as well as for other solutions, including collective/cooperative approaches.</i>	We favour a voluntary approach to extensification of livestock systems or any other measures to reduce the impact of agricultural activities in vulnerable areas designated as such by Member States and areas with water pollution due to nitrate surpluses, without negatively impacting livestock production. This would also include any cooperative solutions. Any solution to address these challenges should remain with the Member State, including by providing incentives for improved water quality, nutrient recovery of livestock by-products and/or promoting innovative approaches and collective or cooperative solutions. Such approaches better reflect farm-specific conditions and take greater account of the overall impacts on farmer's activities and on the environment. Any

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		measures implemented must be economically viable, practical and incentive-based. In this context, we oppose the concept of diversification to other agricultural activities as this proposal effectively implies an indirect reduction of livestock production.
Article 5 - Types of support		
1. The following CAP interventions are set out: (a) degressive area-based income support; (b) coupled income support; (c) crop specific payment for cotton; (d) payment for natural and other area specific constraints; (e) support for disadvantages resulting from certain mandatory requirements; (f) agri-environmental and climate actions; (g) payment for small farmers; (h) support for risk management tools; (i) support for investments for farmers and forest holders; (j) support for setting-up of young farmers, new farmers, rural business and start-ups and development of small farms; (k) support for farm relief services; (l) LEADER; (m) support for knowledge sharing and innovation in agriculture, forestry and rural areas; (n) territorial and local cooperation initiatives; (o) interventions in outermost regions;	1. The following CAP interventions are set out: (a) area-based income support; (b) coupled income support; (c) crop specific payment for cotton; (d) payment for natural and other area specific constraints; (e) support for disadvantages resulting from certain mandatory requirements; (f) agri-environmental and climate actions; (g) payment for small farmers; (h) support for risk management tools; (i) support for investments for farmers and forest holders; (j) support for setting-up of young farmers, new farmers, rural business and start-ups and development of small farms; (k) support for farm relief services; (l) LEADER; (m) support for knowledge sharing and innovation in agriculture, forestry and rural areas; (n) territorial and local cooperation initiatives;	We reject mandatory capping and degressivity, therefore the proposal to adapt the name of the area-based income support intervention.

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(p)interventions in smaller Aegean islands; (q)EU school scheme referred to in Title I, Part II, Chapter IIa, of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹³ ; (r)interventions in certain sectors referred to in Title I, Part II, Chapter IIa, of Regulation (EU) No 1308/2013; (s)crisis payments for farmers.	(o)interventions in outermost regions; (p)interventions in smaller Aegean islands; (q)EU school scheme referred to in Title I, Part II, Chapter IIa, of Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹³ ; (r)interventions in certain sectors referred to in Title I, Part II, Chapter IIa, of Regulation (EU) No 1308/2013; (s)crisis payments for farmers.	
Article 6 Degressive area-based income support	Article 6 Area-based income support	We reject mandatory capping and degressivity, therefore the proposal to adapt the name of the article.
2. The payment per eligible hectare shall be differentiated by groups of farmers or geographical areas, on the basis of objective and non-discriminatory criteria. The groups of farmers or geographical areas that are basis for the differentiation of payments shall be established based on farmers' income from agricultural activity in a representative reference period.	2. The payment per eligible hectare may be differentiated by groups of farmers or geographical areas, on the basis of objective and non-discriminatory criteria. The groups of farmers or geographical areas that are basis for the differentiation of payments shall be established based on farmers' income from agricultural activity in a representative reference period.	Reinforcing the competitiveness of the sector requires addressing farmers income and the reasons why it is still lagging behind other sectors of the economy. This makes it necessary, as also recognised in the European Commission's Vision for the future of agriculture, to maintain area-based income support to farmers regardless of their age, size, legal form and type of production as an instrument of the CAP, which is critical to maintain the production potential of the sector, ensure farm business continuity in crisis situations and contribute to
2(2) When differentiating the payments, Member States shall target the support at farmers who are the most in need, in particular young and new farmers, women, family or small farmers, farmers combining the production of crops and livestock or farmers in areas with natural or other area-specific constraints determined in accordance with Article 8.	2(2) If differentiating the payments, Member States shall target the support at farmers who are the most in need, in particular young and new farmers, women, family or small farmers, farmers combining the production of crops and livestock or farmers in areas with natural or other area-specific constraints determined in accordance with Article 8.	

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3. The total amount of payments per farmer established in accordance with paragraph 2 shall be degressive in accordance with the following rules: (a) Member States shall reduce the annual amount of the area-based income support exceeding EUR 20 000 to be granted to a farmer by 25 % where the amount of the area-based income support granted to a farmer is between EUR 20 000 and EUR 50 000; (b) Member States shall reduce the annual amount of the area-based income support exceeding EUR 50 000 to be granted to a farmer by 50 % where the amount of the area-based income support granted to a farmer is more than EUR 50 000 and not more than EUR 75 000; (c) Member States shall reduce the annual amount of the area-based income support exceeding EUR 75 000 to be granted to a farmer by 75 % where the amount of the area-based income support granted to a farmer exceeds EUR 75 000.	3. The total amount of payments per farmer established in accordance with paragraph 2 may be degressive in accordance with the thresholds to be established by the Member State.	securing food security and agricultural sovereignty. A significant share of farms in the EU are considered small-scale farms and might require targeted support as well as support for improving productivity. In this regard and given the diversity of farm structures across the 27 EU Member States, we consider that mandatory capping and degressivity are not the adequate tools to contribute to this objective. Capping also negatively impacts farmers who effectively contribute to food production, food security, sustainability as well as securing employment in rural areas. The use and implementation conditions of any instruments aimed at redistributing support (including capping) must be revisited upon any future EU enlargement processes.
4. The total amount of area-based income support shall not be higher than maximum EUR 100 000 per farmer per year. In the case of a legal person or groups of legal persons, the capping shall cover all holdings under the control of one legal or natural person.	4. The total amount of area-based income support may be limited to a level to be established by the Member State.	If a Member State opts to apply degressivity and capping on a voluntary basis, then a mandatory deduction of labour costs (including family labour costs and contracted services for

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	<i>(4a new) If paragraphs 3 and/or 4 are applied, Member States when calculating the amounts for degressivity and capping, shall deduct labour costs (including family labour costs and contracted services for agricultural work provided by third parties) on the farm.</i>	agricultural work provided by third parties) must be included and the thresholds and reduction percentages should be established at Member State level in a simple, non-bureaucratic, proportionate and non-discriminatory manner, taking into consideration their national farming structures. We strongly reject the sentence in article 6 of the CAP regulation referring to “in the case of a legal person or groups of legal persons, the capping shall cover all holdings under the control of one legal or natural person” and it should be removed. Furthermore, for legal entities such as agricultural cooperatives, it is necessary to consider the individual member. This is because, in this legal form, various individuals/families have joined together to operate the farm jointly. Anyone who wants to make their farm viable for the future can no longer avoid cooperation with others. A cap or reduction in subsidies would therefore weaken farms that have positioned themselves for future viability through cooperation.

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		Another alternative would be to provide Member States with the possibility to choose no more than one option from a set of measures which contribute to this objective: capping, degressivity, small farmers scheme, current redistributive schemes or creating a system for setting an optimal level of profitability. We believe that differentiating payments for different categories of farmers within area-based income support should be voluntary for Member States for the sake of keeping a simple, non-bureaucratic system. Member States have dedicated additional CAP interventions at their disposal to provide for improved support to these categories instead of being obliged to fragment the core income support payment. They can, therefore, achieve a holistic approach and also consider other elements and actions that could contribute to making this profession attractive, facilitating access to land, access to credit for young farmers and new entrants

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5. The Member States shall ensure that the support under this Article is primarily directed towards farmers who exercise an agricultural activity on their holding and actively contribute to food security. <i>Small farmers, whose principal activity is not agriculture, but who are engaged in at least a minimum level of agricultural activity, as set out by Member States, shall be considered farmers as well.</i>	5. The Member States shall ensure that the support under this Article is primarily directed towards farmers who exercise a minimum productive agricultural activity on their holding and actively contribute to food security and agricultural sovereignty. When granting area-based income support to farmers as defined by this regulation, Member States should take into account the criteria that they established when defining farmers/beneficiaries for their actions towards food security and agricultural sovereignty.	and improving the standard of living in rural areas. Allow Member States to choose the criteria to define the farmer/beneficiary in a clear, simple and operational manner while keeping the possibility to add additional ones and include a negative list. This should take into account their national conditions and existing systems while protecting the functioning of the internal market. The concept of “principal activity” should be removed, instead referring to “natural or legal persons or groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s)” while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States. When granting area-based income support, Member States should take into account the criteria that they established when defining farmers/beneficiaries for their

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		actions towards food security and agricultural sovereignty. Besides individual farmers, cooperatives, Producer Organisations (POs) and Associations of Producer Organisations (APOs) play an important role in the implementation of several CAP interventions (e.g. interventions in certain sectors, investments, etc.). In this case, the definition governing the CAP interventions should reflect the activities of these structures (aggregating and marketing members' production, providing inputs, processing agricultural products etc.). Consequently, it should be possible to use the concept of “beneficiary” in this specific case as is currently the case.
	<i>(5a new) By way of derogation, Member States currently applying the payment entitlements mechanism may decide to continue using that mechanism.</i>	Member States still using the mechanism of payment entitlements should be able to choose to continue using it.
6. Member States <i>shall ensure</i> that <i>at the latest by 2032</i> the applicants who reach the retirement age, determined by national law, and who receive a retirement pension, no longer receive support under this Article.	6. Member States <i>that currently exclude from support</i> under this Article applicants who reach the retirement age, <i>as</i> determined by national law, and who receive a retirement pension <i>may continue to do so.</i>	Copa-Cogeca rejects the Commission's proposal to remove the eligibility for area-based income support for farmers who have reached retirement age and are in receipt of retirement

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		pension. We could be open to Member States that currently use this option continuing to do so and linking it to the definition of beneficiary/farmer. This would be needed to take into account the links with the national social policies and the differences and frequent changes at Member State level. Instead of the rigid provisions in article 6 of the CAP regulation, more incentives should be created in a common level-playing-field manner to support generational renewal (e.g. farm transfers, mechanisms that encourage a gradual transition between generations and similar measures).
7. Member States shall ensure that the eligible hectare comprises only areas which are at the farmers' disposal and which comprise: (a) agricultural areas on which an agricultural activity is performed <i>under the farmer's controls in terms of management, benefits and financial risks</i>. If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant;	7. Member States shall ensure that the eligible hectare comprises only areas which are at the farmers' disposal and which comprise: (a) agricultural areas on which an agricultural activity is performed. If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant;	As regards the eligible hectare, we propose to delete from the definition the part "under the farmer's control in terms of management, benefits and financial risks". The current guidance and interpretation by the European Commission to Member States on the concept 'land at farmers disposal' is resulting in excessive administrative burden to farmers. This concept can be acceptable

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		for future use only if the European Commission refrains from this excessive approach and urgently adopts remedies to correct this. In addition to environmental and climate-related CAP specific objectives, a reference to “biodiversity” may be added in the part referring to the Union or national interventions or other programmes which contribute to these objectives.
Article 10 - Agri-environmental and climate actions		
1. Member States shall provide incentives for the following actions beneficial for the climate, environment, animal health and welfare and sustainable forestry: (a)voluntary management commitments taken up by farmers and other beneficiaries, including commitments to maintain organic farming and extensification of livestock production, established and implemented in accordance with paragraph 3; (b)voluntary transition towards resilient production systems carried out by farmers at the level of the holding or for part of a holding, including conversion to organic farming and extensification of livestock production systems, established and implemented in accordance with paragraph 4.	1. Member States shall provide incentives for the following actions beneficial for the climate, environment, animal health and welfare and sustainable forestry: (a)voluntary management commitments taken up by farmers and other beneficiaries (including cooperatives), including commitments to maintain organic farming and extensification of livestock production, established and implemented in accordance with paragraph 3; (b)voluntary transition towards resilient production systems carried out by farmers and other beneficiaries (including cooperatives) at the level of the holding or for part of a holding, including conversion to organic farming and extensification of livestock	EU legislation must explicitly provide for effective and low-bureaucracy incentives allowing agri-environmental and climate actions to be implemented at regional or local level also through cooperative approaches.

CAP Regulation proposal

Commission Proposal	COPA-COGECA amendments	Justification
	production systems, established and implemented in accordance with paragraph 4. <i>(1a new) The incentive payments referred to in paragraph 1 shall go beyond additional costs and income foregone.</i>	With regard to the voluntary agri-environmental and climate actions, the European Commission's proposal leaves completely open how the structure and measures can be made significantly more attractive in future. Here, the mechanism for incentive-based payments must be provided in a way that ensures a tangible effect on the income. In the proposed form, the payment for these actions are not real incentives and fail to go beyond costs incurred and income foregone. Providing additional services for the society must be attractive, practical and simple for farmers. It is key to make this intervention attractive and accessible to all types of farms. Furthermore, EU legislation must explicitly provide for effective and low-bureaucracy incentives allowing agri-environmental and climate actions to be implemented at regional or local level also through cooperative approaches.

CAP Regulation proposal

Commission Proposal	COPA-COGECA amendments	Justification
		Member States and regions must be given practical leeway and economically viable incentives that go beyond cost incurred and income foregone.
2. Each Member State shall provide support for organic farming certified in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council ¹⁸ and extensive livestock production systems under both forms of action referred to in paragraph 1.	2. Each Member State may provide support for organic farming certified in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council ¹⁸ , integrated production, precision farming, digitalised irrigation, minimum tillage and extensive livestock production systems under both forms of action referred to in paragraph 1.	Imposing mandatory measures for extensive livestock farming and organic farming does not follow a market-oriented approach nor does it take account of the diversity of livestock production systems in the EU and creates trade-offs with other goals. It would be important to provide for the possibility to grant support for other sustainable and alternative production systems (integrated production, precision farming, digitalised irrigation, minimum tillage, etc.).
4. Support for the transition actions referred to in paragraph 1, point (b), shall be granted on the basis of a transition action plan drawn up by a farmer and approved by the Member State. To implement the support for transition actions referred to in paragraph 1, point (b), Member States shall describe in the NRP Plan the production systems that they deem beneficial for the climate and environment.	4. Support for the transition actions referred to in paragraph 1, point (b), may be granted on the basis of a voluntary transition action plan drawn up by a farmer and approved by the Member State. To implement the support for transition actions referred to in paragraph 1, point (b), Member States shall describe in the NRP Plan the production systems that they deem beneficial for the climate and environment.	Requirements such as the mandatory transition plans may trigger new administrative burdens and discourage farmers from implementing voluntary measures.

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Commission Proposal	COPA-COGECA amendments	Justification
4(2) Member States shall pay the support to farmers in instalments over the period of implementation of the transition action plan. The payment of the last instalment shall be conditional upon completion of the implementation of the transition action plan. Member States shall ensure that the payments are recovered if the farmer fails to implement the transition action plan.	4(2) Member States shall pay the support to farmers in instalments over the period of implementation of the transition action plan. The payment of the last instalment shall be conditional upon completion of the implementation of the transition action plan. Member States shall ensure that the payments are recovered if the farmer fails to implement the transition action plan <i>except where such failure is due to force majeure or other exceptional circumstances beyond the farmer's control.</i>	The obligation for Member States to recover the payments regardless of the reasons behind farmers' failing to implement the transition plan is not realistic. We believe that there should be flexibility if the farmer fails to implement the transition action plan for specific reasons.
Article 11 - Coupled income support		
<i>4. For support granted as a payment per animal to the livestock sectors, Member States shall take into account environmental impacts, including by setting a maximum livestock density criteria in nitrate vulnerable zones.</i>	<i>Deleted</i>	Where coupled support is used at national level within the EU framework, Copa-Cogeca does not agree with establishing an obligation for Member States to consider the environmental impacts (by setting maximum livestock density criteria in nitrate vulnerable zones) as it disregards the diversity of livestock production systems and the trade-offs with other environmental goals, including on climate and the other environmental requirements, to which this support is subject (farm stewardship). Therefore, this provision must be deleted.

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Commission Proposal	COPA-COGECA amendments	Justification
Article 12 - Support for participation in risk management tools		
1(2) By way of derogation from the first subparagraph, Member States that demonstrate in the NPR Plan the existence of national systems which provide risk coverage for farmers shall be exempt from the obligation to include in their NRP Plan interventions for risk management tools under this Article.	1(2) By way of derogation from the first subparagraph, Member States that demonstrate in the NPR Plan the existence of or planned national systems, schemes or programmes (either public or private) which provide risk coverage for farmers or the existence of specific national circumstances shall be exempt from the obligation to include in their NRP Plan interventions for risk management tools under this Article.	Currently most Member States are providing support for risk management tools. Those who do it finance them from sources either inside or outside the CAP. The most common financial support to farmers comes via the <i>premia</i> of insurance schemes, mutual funds and income stabilisation tools as well as other schemes. Other private tools are also available in some Member States. This variability recognises the significant differences between Member States to the management of risks in agriculture. Thus, a “one size fits all approach” at EU level cannot be the solution to risk management. We support the recognition of existing specific national circumstances and the existing systems or schemes or programmes (either public or private). Any future systems should also be considered.
	(1(2)a new) Member States may support the development of mutual funds and risk management tools, including where developed by cooperatives and producer organisations.	The development of mutual funds and risk management tools including those managed by cooperatives or producer

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Commission Proposal	COPA-COGECA amendments	Justification
		organisations could be encouraged and supported.
2. Sectoral production risk management tools shall calculate the losses either at holding level, at the level of the holding's activity in the sector concerned or related to the specific area insured.	2. Sectoral production risk management tools shall calculate the losses either at holding level, at the level of the holding's activity in the sector concerned or related to the specific area insured, the hectares and/or number of animals concerned.	The calculation of sectoral losses must be made more flexible and incorporate criteria on a per-hectare basis and/or based on the number of animals (besides the existing per-holding or per-holding's activity approach).
2(2) For permanent crops and in other justified cases for which the calculation methods referred to in the first subparagraph are not appropriate, Member States may provide for a method for calculation of the losses based on the average annual production or income of the farmer over a period that does not exceed eight years, excluding the highest and lowest entry.	2(2) Where the calculation methods referred to in the first subparagraph are not appropriate, Member States may assess the losses on the basis of the average annual production or income of the farmer over a period that does not exceed eight years, excluding the highest and lowest entry.	The current "Olympic average" for calculating losses is not appropriate for all agricultural sectors. The period must be increased (from the current five years) regardless of the sector and/or production type, while keeping the possibility for shorter reference periods. In this regard, we call on the co-legislators to take into account the outcome of the simplification package and further simplify the system.
Article 13 Support for investments for farmers and forest holders	Article 13 Support for investments to enhance resilience, sustainability and competitiveness	It is important that key investments and strategic priorities currently supported are not lost. As investments by actors in the agricultural sector (farmers, forest holders and cooperatives) support resilience, sustainability

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Commission Proposal	COPA-COGECA amendments	Justification
		and competitiveness, the title could be altered in this way to capture all of this.
1. Member States shall grant support under this Article for productive and non productive investments making an appropriate overall contribution to resilience of agriculture, food systems, forestry and rural areas, in particular climate and water resilience. Member States shall explain in their NRP Plans how they plan to grant such support.	1. Member States shall grant support under this Article for productive and non productive investments making an appropriate overall contribution to resilience of agriculture, food systems, forestry and rural areas, in particular climate and water resilience, <i>including water capture and management (irrigation), including precision water management tools</i> Member States shall explain in their NRP Plans how they plan to grant such support.	Investments in water capture and management (irrigation), including precision water management tools, should be considered one of the priorities within this intervention, ensuring that the CAP framework provides meaningful support for climate adaptation where it is most needed.
Article 21 - Authority in charge of data governance under the CAP		
3. The Roadmap referred to in paragraph 2 shall cover: (a) identification of needs to achieve and maintain interoperability as referred to in paragraph 1, and design of measures to address them as well as timeframe with milestones and targets for their implementation; (b) identification of possible synergies with other Union and national interoperability initiatives.	3. The Roadmap referred to in paragraph 2 shall cover: (a) identification of needs to achieve and maintain interoperability as referred to in paragraph 1, and design of measures to address them as well as timeframe with milestones and targets for their implementation; (b) identification of possible synergies with other Union and national interoperability initiatives. <i>(c) modalities for individual data protection, including its aggregation and anonymization.</i>	While we support the principle and consider that there might be advantages for the farmers (e.g. no need for farmers to communicate data twice), we believe that the system should be voluntary. There is a need to ensure more clarity when it comes to the rules governing data access, individual data protection (aggregation, anonymisation) and secondary use of farm-level data as well as preventing its misuse . This clarification would need to be provided for as early on as the basic act.

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Commission Proposal	COPA-COGECA amendments	Justification
		As already mentioned in point 3.8, as a principle, any data collection system should respect strict data protection rules and business confidentiality, avoid unnecessary administrative burden, ensure farmers retain control over the use of their data as per the EU Code of Conduct on Agricultural Data Sharing and the Data Governance Act. Digitalisation must reduce the administrative burden on farmers and cooperatives and farmers organisations already play an important role in this regard.
5. The Commission is empowered to adopt delegated acts in accordance with Article 23, which are necessary to ensure that interoperability and seamless data exchange between information systems used for the implementation, monitoring and evaluation of the CAP are implemented in an efficient, coherent, effective and timely manner, supplementing this Article with rules where the implementation of the Roadmap referred to in paragraph 2 so requires as well as rules on interoperability measures referred to in paragraph 3, point (b).	5. The Commission is empowered to adopt implementing acts in accordance with Article 23, which are necessary to ensure that interoperability and seamless data exchange between information systems used for the implementation, monitoring and evaluation of the CAP are implemented in an efficient, coherent, effective and timely manner, supplementing this Article with rules on interoperability measures referred to in paragraph 3, point (b).	Aspects with a direct impact on CAP implementation and on farmers such as these need to be part of the basic act. Whenever this is not possible, we believe that implementing acts would be more appropriate than delegated acts, but they should only be used when such aspects cannot be specified in the basic act.

CAP Regulation proposal**Recitals and Articles moved from the NRPP Regulation to this CAP Regulation**

Initial NRPP Proposal	COPA-COGECA Amendments (see below)	Justification
Recitals 44-45 (with the proposed changes below) Article 4 – Definitions (3c, 9c, 14-17, 22-25) (with the proposed changes below) Article 7 (3) [Horizontal principles – farm stewardship principle] (with the proposed changes below) Article 35 - CAP types of interventions (2-5) (with the proposed changes below) [Note: paragraph 1 to be deleted as it is covered by article 5 in the CAP Regulation] Article 36 - Specific requirements for CAP interventions (with the proposed changes below) Article 37 - Monitoring of agricultural resources Article 38 - Crisis payments to farmers following natural disasters, adverse climatic events and catastrophic events (with the proposed changes below) Article 39 - Crop-specific payment for cotton Article 40 and 41 - Chapter II on International Obligations Articles 42, 43, 44, 45 - Chapter III on Support for the smaller Aegean islands Articles 46-48 – Outermost regions Article 57 - European and national CAP network Article 62 – Control system for farm stewardship (1-5 and the proposed changes in paragraph 8) (with the proposed changes below)		Splitting the CAP rules across several regulations creates complexity and difficulties in the decision-making process that will be reflected in the implementation phase where national authorities risk being faced with excessive bureaucracy, political tensions and uncertainty. This will equally impede access to EU support for the farming community due to a lack of clear understanding of the rules. In this regard, we take note of the suggestion by President Von der Leyen that certain CAP articles could be moved from the NRPP to the CAP proposal. Nevertheless, we believe that all the agriculture provisions (including the rural development aspects) in the NRPP must be integrated in the CAP proposals. Aspects such as the definitions, co-financing for CAP interventions, control and penalty systems, data collection and recording as well as Integrated Administration &

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Initial NRPP Proposal	COPA-COGECA Amendments	Justification
Article 70 - Integrated Administration and Control System (IACS) (with the proposed changes below) Article 74 - Territorial and local cooperation initiatives (1d-1h, 2, 3) Articles 84 – Rules applicable to undertakings (competition rules) Article 85 – State aid Annex XVII – WTO internal support In addition, all agriculture provisions from the following articles (see below) shall be moved or added to the CAP Regulation proposal: Recital 18 Recital 43 Recital 59 Article 15 (with the proposed changes below) Article 20 (with the proposed changes below) Article 49 Article 52 Article 63 (with the proposed changes below) Article 64 (with the proposed changes below) Article 77		Control System (IACS) cannot be left out. For the sake of ensuring commonality and providing legal certainty and clarity on the decision-making process and predictability for both farmers and national administrations, this aspect should be urgently addressed by the co-legislators. Keeping CAP-related provisions clearly anchored within the CAP framework is essential to safeguard the distinct nature of the CAP as a common policy with its own governance framework, ensuring predictability and legal certainty for both farmers and national administrations.
Recitals		
(18)	Only the agriculture relevant parts	
(43)	Only the agriculture relevant parts	
(44) Income support for farmers should continue to be an essential policy instrument to guarantee a fair income to farmers. It contributes to fostering a competitive, resilient and sustainable agricultural sector pursuing the benefits of high-quality	(44) Income support for farmers should continue to be an essential policy instrument to guarantee a fair income to farmers. It contributes to fostering a competitive, resilient and sustainable agricultural sector pursuing	Recital 45 in the NRPP proposal should be amended in such a way as to allow Member States to choose the criteria to define the farmer/beneficiary in a clear,

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Initial NRPP Proposal	COPA-COGECA Amendments	Justification
production and resource-efficiency, which ensures generational renewal and thus long-term food security. CAP support should be focused on active farmers defined in compliance with WTO rules. With a view to further improve the performance of the CAP, area-based income support should be targeted towards farmers who exercise agriculture as a principal activity. Income support should be targeted to farmers who need it most with a particular attention to the farmers in areas with natural constraints, women, young farmers and new farmers. At the same time, rural economic development, ensuring infrastructure improvements and digital transformation that eliminate regional disparities, benefits the attractiveness of rural areas, social inclusion and enhanced employment opportunities in rural areas.	the benefits of high-quality production and resource-efficiency, which ensures generational renewal and thus long-term food security and agricultural sovereignty. CAP support should be focused on active farmers defined in compliance with WTO rules. With a view to further improve the performance of the CAP, area-based income support should be targeted towards farmers who exercise a minimum productive agricultural activity while not precluding the granting of support to pluri-active or part time farmers in accordance with criteria established by Member States. Income support may be targeted to the farmers in areas with natural constraints, women, young farmers and new farmers. At the same time, rural economic development, ensuring infrastructure improvements and digital transformation that eliminate regional disparities, benefits the attractiveness of rural areas, social inclusion and enhanced employment opportunities in rural areas.	simple and operational manner while keeping the possibility to add additional ones and include a negative list. This should take into account their national conditions and existing systems while protecting the functioning of the internal market. In amending recital 45 and the definition, the concept of “principal activity” should be removed, instead referring to “natural or legal persons or groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s)” while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States. We also propose the deletion of the reference to “small” legal person since the size of the entity should not be relevant for the eligibility for support. Besides individual farmers, cooperatives, Producer Organisations (POs) and Associations of Producer Organisations (APOs) play an important role in the

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Initial NRPP Proposal	COPA-COGECA Amendments	Justification
		implementation of several CAP interventions (e.g. interventions in certain sectors, investments, etc.). In this case, the definition governing the CAP interventions should reflect the activities of these structures (aggregating and marketing members' production, providing inputs, processing agricultural products etc.). Consequently, it should be possible to use the concept of "beneficiary" in this specific case as is currently the case.
(45) For distinguishing beneficiaries in the context of the CAP, the criteria defining the concept of principal activity should include the share of agricultural income within the total income, labour inputs on the farm, company object and inclusion of their agricultural activities in national or regional registers. Member States should be allowed to also use negative lists to identify those applicants who do not meet the definition of 'farmer'.	(45) For defining a farmer/beneficiary in the context of the CAP in a clear, simple and operational manner , the criteria to be established by Member States may include the share of agricultural income within the total income, labour inputs on the farm, company object and inclusion of their agricultural activities in national or regional registers. Member States should be allowed to use additional criteria, as well as negative lists to identify those applicants who do not meet the definition of 'farmer/ beneficiary '.	Recital 45 in the NRPP proposal should be amended in such a way as to allow Member States to choose the criteria to define the farmer/beneficiary in a clear, simple and operational manner while keeping the possibility to add additional ones and include a negative list. This should take into account their national conditions and existing systems while protecting the functioning of the internal market. In amending recital 45 and the definition, the concept of "principal activity" should be removed, instead referring to "natural or legal persons or

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Initial NRPP Proposal	COPA-COGECA Amendments	Justification
		groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s)” while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States. We also propose the deletion of the reference to “small” legal person since the size of the entity should not be relevant for the eligibility for support. Besides individual farmers, cooperatives, Producer Organisations (POs) and Associations of Producer Organisations (APOs) play an important role in the implementation of several CAP interventions (e.g. interventions in certain sectors, investments, etc.). In this case, the definition governing the CAP interventions should reflect the activities of these structures (aggregating and marketing members’ production, providing inputs, processing agricultural products etc.). Consequently, it should be possible to use the concept of

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Initial NRPP Proposal	COPA-COGECA Amendments	Justification
		“beneficiary” in this specific case as is currently the case.
(59)	<i>Only the agriculture relevant parts</i>	
Articles		
Article 4 – Definitions (3c, 9c, 14-17, 22-25) (to be moved to this Regulation with the proposed changes below)		
(3) ‘beneficiary’ means: (c) in the context of the CAP, a farmer who is: (i) a natural or legal person whose holding is situated in the Union and <i>whose principal activity is</i> agricultural activity in accordance with the criteria defined by the Member States in line with this Regulation; or (ii) <i>natural person or small legal person, whose principal activity is not agriculture, but who is engaged in at least a minimum level of agricultural activity, as defined by Member States.</i>	(3) ‘beneficiary’ means: (c) in the context of the CAP, a farmer who is a natural or legal person <i>or groups of natural and legal persons</i> whose holding is situated in the Union and <i>exercising a minimum productive</i> agricultural activity <i>therein while not precluding the granting of support to pluri-active or part-time farmers</i> in accordance with the criteria defined by the Member States in line with this Regulation;	In amending recital 45 and the definition, the concept of “principal activity” should be removed, instead referring to “natural or legal persons or groups of natural or legal persons exercising a minimum productive agricultural activity on their holding(s)” while not precluding the granting of support to pluri-active or part-time farmers in accordance with the criteria established by Member States. We also propose the deletion of the reference to “small” legal person since the size of the entity should not be relevant for the eligibility for support. Besides individual farmers, cooperatives, Producer Organisations (POs) and Associations of Producer Organisations (APOs) play an important role in the implementation of several CAP interventions (e.g. interventions in certain sectors, investments, etc.).

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		In this case, the definition governing the CAP interventions should reflect the activities of these structures (aggregating and marketing members' production, providing inputs, processing agricultural products etc.). Consequently, it should be possible to use the concept of "beneficiary" in this specific case as is currently the case.
(22)(c) 'eligible hectare' shall be defined in such a way as to comprise only areas which are at the farmers' disposal and which comprise: (i) agricultural areas on which an agricultural activity is performed <i>under the farmer's control in terms of management, benefits and financial risks</i> . If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant.	(22) (c) 'eligible hectare' shall be defined in such a way as to comprise only areas which are at the farmers' disposal and which comprise: (i) agricultural areas on which an agricultural activity is performed. If non-agricultural activities are also performed on these areas, the agricultural activity shall be predominant.	As regards the eligible hectare, we propose to delete from the definition the part "under the farmer's control in terms of management, benefits and financial risks". The current guidance and interpretation by the European Commission to Member States on the concept 'land at farmers disposal' is resulting in excessive administrative burden to farmers. This concept can be acceptable for future use only if the European Commission refrains from this excessive approach and urgently adopts remedies to correct this. In addition to environmental and climate-related CAP specific objectives, a reference to "biodiversity" may be added in

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		the part referring to the Union or national interventions or other programmes which contribute to these objectives.
(ii) areas for which support is provided under Article 35(1) points (a) and (g) [degressive income support, small farmers] of this Regulation, or under the basic income support for sustainability under Title III, Chapter II, Section 2, Subsection 2, [BISS [all incl. entitlements], small farmers scheme], of Regulation (EU) 2021/2115, where agricultural activity is not performed due to commitments and obligations arising from Union or national interventions or other programmes which contribute to the environmental and climate-related CAP specific objectives	(ii) areas for which support is provided under article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation] points (a) and (g) [area-based income support, small farmers] of this Regulation, or under the basic income support for sustainability under Title III, Chapter II, Section 2, Subsection 2, [BISS [all incl. entitlements], small farmers scheme], of Regulation (EU) 2021/2115, where agricultural activity is not performed due to commitments and obligations arising from Union or national interventions or other programmes which contribute to the environmental, biodiversity and climate-related CAP specific objectives.	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. CAP objectives include biodiversity, therefore this should be added here.
Article 7 (3) [Horizontal principles – farm stewardship principle] (to be moved to this Regulation with the proposed changes)		
3. Payments under interventions referred to in Articles 35(1), points (a) to (f) and points (o) and (p), to the extent that they concern support for local agricultural products shall be subject to compliance with “farm stewardship” as laid down in Article 3 of Regulation (EU) 202X/XXXX [CAP Regulation]. Payments subject to the farm stewardship requirements referred to in Annex I, parts A and C, to Regulation (EU) 202X/XXXX [CAP Regulation] shall be deemed to comply with the principle of “do no significant harm” as set out in Article 33(2), point (d), of Regulation (EU, Euratom) 2024/2509.	3. The principle of “do no significant harm” as set out in Article 33(2), point (d), of Regulation (EU, Euratom) 2024/2509 shall not apply to CAP interventions listed in article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation].	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. The introduction of the ‘do no significant harm’ principle (DNSH) to environment and climate for agriculture will only add more burden, complexity and legal uncertainty when agriculture is intertwined with natural resources and ecosystems, already making a substantial contribution to

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		environmental, climate and biodiversity objectives. In addition, agriculture has been confronted with steadily increasing obligations under regulatory law for years, ranging from environmental and nature conservation to animal welfare, emissions control and water protection. Against this backdrop, introducing the DNSH principle would not lead to additional environmental benefits. Instead, it would primarily create new testing, verification and documentation requirements, with a clear risk of double regulation, legal uncertainty and further overlap with existing instruments. Especially at a time when simplification, reduction of bureaucracy and practical feasibility are rightly being demanded at both European and national level, the introduction of an additional horizontal assessment criterion such as DNSH sends the wrong signal. Agricultural holdings need reliable, coherent and workable
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		framework conditions – not yet another layer of abstract evaluation standards with unclear boundaries vis-à-vis existing regulatory frameworks. As such, Copa-Cogeca strongly rejects the planned introduction of the DNSH principle to any CAP interventions.
Article 15 – Decommitments [new article to be introduced in the CAP Regulation proposal on specific decommitment rules for CAP interventions]		
	<i>(new) In the case of the interventions (h) to (s) in article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation], the deadline in article 15(1) of Regulation (EU) 202X/XXXX [Single Fund Regulation] shall be 31 October of the second calendar year following the year of the budgetary commitments.</i>	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. The decommitment rules (proposed to be N+1) for unspent allocations are different compared to currently and will have an impact on the planning and spending of CAP amounts. The specificities of the agricultural sector in particular when it comes to interventions requiring longer preparation or investment planning would need to be taken into account by setting a different decommitment rule for the agricultural sector, meaning at least N+2. In the last year of the implementation period, flexibility between amounts

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		allocated and amounts spent for certain interventions should be ensured to prevent loss of funds.
Article 20 - National contribution to estimated costs (the first part in the Commission proposal in the NRPP to be deleted and moved to the this regulation).		
	<i>(new) No national contribution shall be requested for interventions referred to in Article 5, points (a), (b), (c) and (g). No additional national financing shall be provided for those interventions.</i>	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. The specific references to the national contributions to the estimated costs should be set in the CAP Regulation Proposal.
Article 35 - CAP types of interventions (2-5) (to be moved to this Regulation with the proposed changes)		
	Paragraph 1 to be deleted as it is covered by article 5 of Regulation (EU) 202X/XXXX [CAP Regulation].	
4. Subject to compliance with Article 20(4) [national contribution to the estimated costs], the minimum national contribution to the interventions referred to in paragraph 1 points (d) to (k) shall be no less than 30% of the total estimated costs of each intervention.	4. The minimum national contribution to the interventions referred to in article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation] points (d) to (f) and (h) to (p) shall be maintained at the current levels.	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. Regarding the minimum 30% which a Member State/region needs to contribute, this percentage might be too low for some of them or too high for others. A potential way forward to keep stability in the sector should be to maintain the current levels of co-financing for the CAP interventions. If Member States allocate additional NRP funds to the CAP-

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		instruments beyond the amount ringfenced for the CAP, this should not result in market distortions or create an unlevel playing field. It should be possible for MS to use the national co-financing rates set for the CAP rather than the NRP-cofinancing rates.
4(2) The maximum support rate applicable to the interventions referred to in paragraph 1 point (1) [investments for farmers] shall be 75% of the total eligible costs of each intervention. However, the maximum support rate applicable to the interventions referred to in paragraph 1, point (i), targeting young farmers shall be 85 % of the eligible public expenditure.	4(2) The maximum support rate applicable to the interventions referred to in article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation] point (i) shall be, as a general rule , 75% of the total eligible costs of each intervention. However, the maximum support rate applicable to the interventions referred to in paragraph 1, point (i), targeting young farmers shall be 85 % of the eligible public expenditure. By way of derogation, the maximum support rate may be increased up to 100% for certain investments, including the non-productive ones.	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation. Currently, some CAP interventions can have a maximum support rate above 75%/85% or even 100% compared to what is being proposed. We would like to keep the possibility for some interventions (for example investments, including non-productive) to benefit from a higher/maximum support rate.
Article 36 - Specific requirements for CAP interventions (to be moved to this Regulation with the proposed changes below)		
2. Member States shall determine the amount of support for transition actions referred to in Article 10(1), point (b), of Regulation (EU) 202X/XXXX [CAP Regulation] based on cost estimates set out in the transition plans. The support shall be limited to [EUR 200 000] per farmer per programming period of the Plan.	2. Member States shall determine the amount of support for transition actions referred to in Article 10(1), point (b), of Regulation (EU) 202X/XXXX [CAP Regulation] based on cost estimates set out in the transition plans.	This involves projects which are often capital-intensive. There is a need for flexibility on the ceiling to be able to provide an effective support.
Article 37 - Monitoring of agricultural resources		

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Article 38 - Crisis payments to farmers following natural disasters, adverse climatic events and catastrophic events (to be moved to this Regulation with the proposed changes below)		
1. Member States may provide crisis payments to farmers that are affected by natural disasters, adverse climatic events or catastrophic events. Those payments shall aim at ensuring continuity of the agricultural activity of those farmers and shall be subject to the conditions set out in this Article and as further specified by the Member States.	1. Member States may provide crisis payments to farmers that are affected by natural disasters, adverse climatic events or catastrophic events. <i>In case of occurrence of such events, the support should promptly be made available to farmers.</i> Those payments shall aim at ensuring continuity of the agricultural activity of those farmers and shall be subject to the conditions set out in this Article and as further specified by the Member States.	Depending on the local and climatic conditions, some Member States and farmers are more exposed than others to natural disasters, adverse climatic events and catastrophic events, which leads to different approaches. Consequently, Member States should have a certain degree of flexibility in implementing this measure. Nevertheless, there should be a commitment by the Member State that such support (crisis payments) would be made available promptly, in principle via NRPP or via national measures, while respecting State Aid rules and the functioning of the internal market should such an event occur.
2. Support under this Article shall be subject to the formal recognition by the competent authority of the Member State that a natural disaster, adverse climatic event or catastrophic event, as defined by the Member State, has occurred and that these events, or measures adopted in accordance with Regulation (EU) 2016/2031 to eradicate or contain a plant disease or pest, or measures adopted to prevent or eradicate animal diseases listed in the Annex to Commission Implementing Regulation	2. Support under this Article shall be subject to the formal recognition by the competent authority of the Member State that a natural disaster, adverse climatic event or catastrophic event, as defined by the Member State, has occurred and that these events, or measures adopted in accordance with Regulation (EU) 2016/2031 to eradicate or contain a plant disease or pest, or measures adopted to prevent or eradicate animal diseases listed in the Annex to	To improve the efficiency of the system, a lower damages threshold should be set. (Note: this ensures coherence with the provisions on risk management).

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(EU) 2018/1882 or measures adopted regarding an emerging disease in accordance with Article 6(3) and Article 259 of Regulation (EU) 2016/429 have directly caused a damage resulting in the destruction of at least 30 % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry.	Commission Implementing Regulation (EU) 2018/1882 or measures adopted regarding an emerging disease in accordance with Article 6(3) and Article 259 of Regulation (EU) 2016/429 have directly caused a damage resulting in the destruction of at least 20 % of the average annual production of the farmer in the preceding three-year period or a three-year average based on the preceding five-year period, excluding the highest and the lowest entry.	
4. Member States shall establish the applicable support rates for compensating the loss of production. Those rates shall be higher for farmers who also implement interventions, or other preventive actions at farm level, to reduce the level of production and income risks for which support is granted. Indexes may be used for calculating the loss of production.	4. Member States shall establish the applicable support rates for compensating the loss of production. Those rates may be higher for farmers who also implement interventions, or other preventive actions at farm level, to reduce the level of production and income risks for which support is granted, without precluding the granting of an adequate level of compensation to all farmers . Indexes may be used for calculating the loss of production.	Incentivising farmers to take up preventive measures against climatic events could be of use, nevertheless in the event of severe natural disasters and catastrophic events, the lack of a preventive approach should not lead to farmers being denied the right to an adequate level of compensation because there is not always a correlation.
Article 39 - Crop-specific payment for cotton		
Article 40 – WTO domestic support		
Article 41 – Implementation of the memorandum of understanding on oilseeds		
Article 42 - Chapter III on Support for the smaller Aegean islands (scope and common requirements)		
Article 43 - Chapter III on Support for the smaller Aegean islands (specific supply arrangements)		
Article 44 - Chapter III on Support for the smaller Aegean islands (support for local agricultural products)		
Article 45 - Chapter III on Support for the smaller Aegean islands (controls and penalties)		
Articles 46 – Outermost regions (outermost regions)		
Article 47 – Outermost regions (specific supply arrangements)		
Article 48 – Outermost regions (support for local agricultural, fisheries and aquaculture products)		
Article 49 – Plan authorities	Only the agriculture relevant parts	

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Article 52 – Functions of the Paying Agency	Only the agriculture relevant parts	
Article 57 - European and national CAP network		
Article 62 – Control system for farm stewardship (1-5 and the proposed changes in paragraph 8) (to be moved to this Regulation with the changes below)		
1. Member States shall <i>as part of the controls referred to in Article 58 [Responsibilities of Member States]</i> verify the compliance of beneficiaries with the requirements of the farm stewardship referred to in Article 3 of Regulation (EU) 202X/XXXX [CAP Regulation] <i>and with Article XX paragraph XX of Regulation (EU) 202X/XXXX [CFP Regulation]</i> .	1. Member States shall verify the compliance of beneficiaries with the requirements of the farm stewardship referred to in Article 3 of Regulation (EU) 202X/XXXX [CAP Regulation]. <i>Member States shall make use of their control system already in place for conditionality to check compliance with the farm stewardship requirements.</i>	The proposal contains a requirement to decentralise the control of farm stewardship (paying agencies with long-standing CAP experience would no longer be responsible for checking compliance with farm stewardship, instead becoming the responsibility of the authorities in charge of environment, climate, public health, animal welfare and general topics). We strongly oppose this change as it will lead to an increased number of controlling authorities, administrative complexity and, consequently, uncertainty for beneficiaries when it comes to the number of controls at farm level. The current centralised control system should be kept for reasons of simplicity and homogeneity .
<i>2. Member States shall make use of their control and enforcement systems in the areas of climate and environment, public health, plant health and animal welfare, social and employment legislation, applicable labour standards, fisheries and aquaculture to ensure that beneficiaries of the support comply with the requirements set out in the first paragraph.</i>	<i>Deleted</i>	
<i>3. The managing authority or paying agency shall be notified where relevant at least once a year of cases of non-compliance where enforceable decisions in that respect have been made under the applicable control and enforcement systems referred to in paragraph 2. That notification shall include an assessment and grading of the severity, extent, permanence or reoccurrence and intentionality of the non-compliance concerned.</i>	<i>Deleted</i>	

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4. The administrative penalties referred to in paragraph 5 shall only apply to non-compliance with the requirements of the farm stewardship referred to in Article 3 of Regulation XX [CAP, farm stewardship] where that non-compliance is the result of an act or omission directly attributable to the beneficiary concerned, and where one or both of the following conditions are met:	4. The administrative penalties referred to in paragraph 5 shall only apply to culpable non-compliance committed either negligently or intentionally with the requirements of the farm stewardship referred to in Article 3 of Regulation XX [CAP, farm stewardship] where that non-compliance is the result of an act or omission directly attributable to the beneficiary concerned, and where one or both of the following conditions are met:	The system of payment reduction should remain proportionate, legally clear and take into account the nature and severity of non-compliance. With the introduction of satellite controls, intentional non-compliance is almost impossible. There should be a maximum 5% reduction for negligent non-compliance (3% in the case of the first instance of non-compliance). In cases where non-compliance is insignificant, it should be possible that no penalty is applied. Any payment reduction should be based on the relevant holding / unit of production rather than all holdings over which a natural or legal person has control.
5(4) The expenditure which has been reduced as a result of the application of a penalty shall be considered legal and regular. The reduction shall, as a general rule, be 3 % of the total amount of the payments. In the case of intentional non-compliance, the reduction shall be at least 15 % of the amount of those payments.	5(4) The expenditure which has been reduced as a result of the application of a penalty shall be considered legal and regular. The reduction shall, as a general rule, be 3 % of the total amount of the payments. In the case of negligent or intentional non-compliance, the reduction may be increased to 5 % of the amount of those payments. Where the non-compliance is insignificant, no administrative penalty shall be applied.	
	((5)4a new) By way of derogation, a fixed penalty amount may be considered.	To avoid disproportionate treatment between farmers for the same mistake, a fixed penalty amount (instead of percentages) could be considered.
	((5)4b new) By way of derogation, in the case of controls through the Area Monitoring System, any non-compliance should result in an adjustment of the applied area and not in a penalty.	In line with the position calling for a proportionate system when dealing with penalties.
	(5a new) In their management and control systems, Member States should include the	We believe that there must be an EU-wide system providing

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	<i>possibility for aid applications and payment claims to be corrected after their submission without an effect on the right to receive aid, provided that the elements or omissions to be corrected were made in good faith as recognised by the competent authority, and that the correction is made either before the applicant is informed of being selected for an on-the-spot check or before the competent authority has taken its decision in respect of the application.</i>	for the possibility for the applicant to change their CAP application without penalty (“early warning”/“right to error”). This helps address unintentional mistakes and supports a proportionate sanction system.
	<i>(5b new) Member States shall set up an early warning mechanism that applies to individual cases of non-compliance.</i>	
8. In order to ensure a level playing field among Member States and the effectiveness, proportionality and dissuasive effect of the <i>penalties referred to in paragraph 5 and recoveries and inadmissibility referred to Article XX of Regulation EU XX [Common Fisheries Policy], and in paragraph 6 and 7 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 86 supplementing this Regulation with</i> <i>(a) detailed rules on the application and calculation of the penalties;</i> <i>(b) the identification of the threshold triggering, and the period of time of, the inadmissibility as well as the arrangements for recovering the support granted, including thresholds triggering it.</i>	(this part is to be moved to the CFP) 8. In order to ensure a level playing field among Member States and the effectiveness, proportionality and dissuasive effect of the recoveries and inadmissibility referred to Article XX of Regulation EU XX [Common Fisheries Policy], and in paragraph 6 and 7 of this Article, the Commission is empowered to adopt delegated acts in accordance with Article 86 supplementing this Regulation with the identification of the threshold triggering, and the period of time of, the inadmissibility as well as the arrangements for recovering the support granted, including thresholds triggering it.	Aspects with a direct impact on CAP implementation and on farmers such as these need to be part of the basic act. Whenever this is not possible, we believe that implementing acts would be more appropriate than delegated acts, but they should only be used when such aspects cannot be specified in the basic act.
Article 63 - Data collection and recording (the relevant parts to be moved to this Regulation with the proposed changes below)		
1. For the purposes of audit and controls, transparency and performance	1. For the purposes of audit and controls, transparency and performance monitoring and	When it comes to the Member States obligation to communicate

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monitoring and evaluation, Member States shall collect, record and store electronically the information referred to in points (a) to (g), while ensuring the security, integrity and confidentiality of data and the authentication of users and allowing automated data exchange with the electronic system identified by the Commission:	evaluation, Member States shall collect, record and store electronically the information referred to in points (a) to (g), while minimising administrative burdens as well as ensuring the security, integrity, anonymisation and confidentiality of individual data and the authentication of users and allowing automated aggregated data exchange with the electronic system identified by the Commission:	the CAP data to the European Commission, Member States should send only fully anonymised aggregated data and not individual data. This is to make sure that individual data protection and business confidentiality are ensured and that farmers' data is not misused (or re-used beyond the original purpose). Also, we would argue in favour of better protection (including anonymisation) for individual public CAP data. As a principle, any data collection system should respect strict data protection rules, avoid unnecessary administrative burden and ensure farmers retain control over the use of their data.
3. In relation to the data referred to in paragraph 1 related to the CAP interventions, the Member States shall make available to the Commission annually at the latest by 31 October of the year N the information concerning area and animal-based payments made in claim year N-1, sectoral interventions implemented in calendar year N-1, and any other interventions as appropriate.	3. In relation to the data referred to in paragraph 1 related to the CAP interventions, the Member States shall make available to the Commission annually at the latest by 31 October of the year N the anonymised aggregated information concerning area and animal-based payments made in claim year N-1, sectoral interventions implemented in calendar year N-1, and any other interventions as appropriate.	
5. The Commission is empowered to adopt delegated acts in accordance with Article 86 [Exercise of the delegation] to amend the data categories set out in paragraph	Deleted	Aspects with a direct impact on CAP implementation and on farmers such as these need to be part of the basic act.
Article 64 – Transparency (the relevant parts to be moved to this Regulation with the proposed changes below)		
2(2) By way of derogation from the first subparagraph , as regards CAP interventions referred to in Article 35(1) , Member States shall ensure by 31 May of the year N+1 the publication of the information referred to in Article 63(3) [Data collection and recording], with the exception of the data referred to in points (a)(iv), (a)(ix) and (e)(xiv) of paragraph 1 of that Article.	2(2) As regards CAP interventions referred to in Article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation] , Member States shall ensure by 31 May of the year N+1 the publication of the anonymised aggregated information referred to in Article 63(3) [Data collection and recording], with the exception of the data	As article 35(1) is deleted the correct reference is article 5(1) of the CAP Regulation. When it comes to the Member States obligation to communicate the CAP data to the European Commission, Member States should send only fully

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	referred to in points (a)(iv), (a)(ix) and (e)(xiv) of paragraph 1 of that Article.	anonymised aggregated data and not individual data. This is to make sure that individual data protection and business confidentiality are ensured and that farmers' data is not misused (or re-used beyond the original purpose). Also, we would argue in favour of better protection (including anonymisation) for individual public CAP data. As a principle, any data collection system should respect strict data protection rules, avoid unnecessary administrative burden and ensure farmers retain control over the use of their data.
Article 70 - Integrated Administration and Control System (IACS) (to be moved to this Regulation with the proposed changes below)		
1. Each Member State shall set up and operate an integrated administration and control system (the 'integrated system'). It shall apply to the interventions listed in Article 35(1) , points (a) to (g).	1. Each Member State shall set up and operate an integrated administration and control system (the 'integrated system'). It shall apply to the interventions listed in Article 5(1) of Regulation (EU) 202X/XXXX [CAP Regulation] , points (a) to (g).	As article 35(1) is deleted, the correct reference is article 5 of the CAP Regulation.
8. Where necessary to ensure that the integrated system provided for in this Chapter is implemented in an efficient, coherent and non-discriminatory way which protects the financial interests of the Union, the Commission is empowered to adopt delegated acts in accordance with Article 87, supplementing this Regulation with: (a) rules on the methodology set up at Union level for the annual quality assessment of the	8. Where necessary to ensure that the integrated system provided for in this Chapter is implemented in an efficient, coherent and non-discriminatory way which protects the financial interests of the Union, the Commission is empowered to adopt implementing acts in accordance with Article 87, supplementing this Regulation with:	As these aspects have a direct impact on CAP implementation and consequently on farmers, we believe that implementing acts would be more appropriate, but they should be used only when such aspects cannot be specified in the basic act.

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elements of the integrated system, referred to in paragraph (3), points (a), (b) and (c); (b) rules on the LPIS, referred to in paragraph 3, point (c).	(a) rules on the methodology set up at Union level for the annual quality assessment of the elements of the integrated system, referred to in paragraph (3), points (a), (b) and (c); rules on the LPIS, referred to in paragraph 3, point (c).	
Article 74 - Territorial and local cooperation initiatives (the relevant parts (1d-1h, 2 and 3) of this article to be moved to this Regulation)		
1. Member States may establish, and provide support for cooperation in the following areas: (a) integrated territorial and urban development (b) community-led local development, including LEADER, and other citizens-led initiatives; (c) smart-village strategies, (d) projects of the EIP-AGRI operational groups referred to in Article 19(2) [EIP] of Regulation XX [CAP]; (e) quality schemes recognised by the Union or by the Member States, and their use by farmers; (f) support producer groups, producer organisations or interbranch organisations; (g) promote and support intergenerational cooperation, including farm succession; (h) support other forms of cooperation contributing to the specific objectives. 2. That cooperation referred to in paragraph 1 shall involve at least two actors and shall contribute to achieving one or more of the specific objectives laid down in Article 3 [specific objectives]. 3. Member States shall limit the support for setting-up of producer groups, producer organisations or interbranch organisations to 10 % of the turnover of	Move the relevant parts (1d-1h, 2 and 3) here.	

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the group or organisation with a maximum of EUR 100 000 per year; that support shall be degressive and limited to the first five years following recognition or the start of joint activities intended to lead to recognition as determined by Member States in the Agriculture chapter of their Plans.		
Article 77 – Support under LEADER		
	<i>Paragraph 1 to be deleted from the NRPP and its content merged with article 18 (on LEADER) of the CAP Regulation</i>	
Articles 84 – Rules applicable to undertakings (competition rules)		
Article 85 – State aid		
<i>(new) Transitional arrangements</i>		
	<i>1. This Regulation should provide for the continued application of the rules of the current CAP framework covering the period 2023 to 2027 ('current CAP framework') and for uninterrupted payments to farmers and other beneficiaries, and thus provide predictability and stability during the transitional period in the years 2028 and 2029 ('transitional period') until the date of application of the new legal framework.</i>	Given the legislative timeline and the complexity of the new governance framework, we believe that there should be transitional arrangements securing continuity of support to farmers based on the corresponding existing rules. These would allow for the co-legislative process to be finalised, for the design and approval of the NRPPs, for the adoption of the EU secondary legislation as well as the national implementing rules. This would be equally necessary to allow farmers to become familiar with the new rules and be able to plan ahead (usually a

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		period between six and twelve months before the rules enter into force is needed for this purpose, meaning no later than August 2027). Therefore, a transitional period between 1 and 2 years would be required.
Annex XVII – WTO internal support		

Annexes

Commission Proposal				COPA COGECA reaction	Observations
<u>ANNEX I</u> Farm stewardship requirements referred to in Article 3					
Part A: Rules on farm stewardship:					
Areas	Main issue	Statutory Management Requirements			
Climate and environment	Water	SMR1	Directive 2000/60/EC: Article 11(3), point (e) and (h), as regards mandatory requirements to control diffuse sources of pollution by phosphates		

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		SMR 2	Council Directive 91/676/EEC ¹ : Articles 4 and 5		
	Biodiversity and landscape (protection and quality)	SMR 3	Directive 2009/147/EC: Article 3(1), Article 3(2), point (b), and Article 4(1), (2) and (4)		
		SMR 4	Directive 92/43/EEC: Article 6(1) and (2)		
Public health, and plant health	Food safety	SMR 5	Regulation (EC) No 178/2002 of the European Parliament and of the Council ² Articles 14 and 15, Article 17(1) ³ and Articles 18, 19 and 20		
		SMR 6	Council Directive 96/22/EC ⁴ : Article 3, points (a), (b), (d) and (e), and Articles 4, 5 and 7		
	Plant protection products	SMR 7	Regulation (EC) No 1107/2009 of the European Parliament and of the Council ⁵ : Article 55, first and second sentence		
		SMR 8	Directive 2009/128/EC of the European Parliament and of the Council ⁶ :		

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			Article 5(2) and Article 8(1) to (5), Article 12 with regard to restrictions on the use of pesticides in protected areas defined on the basis of Directive 2000/60/EC and Natura 2000 legislation Article 13(1) and (3) on handling and storage of pesticides and disposal of remnants		
Animal welfare	Animal welfare	SMR 9	Council Directive 2008/119/EC ⁷ : Articles 3 and 4		
		SMR 10	Council Directive 2008/120/EC ⁸ : Articles 3 and 4		
		SMR 11	Council Directive 98/58/EC ⁹ : Article 4		
¹ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1 , ELI: http://data.europa.eu/eli/dir/1991/676/oj). ² Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1, ELI: http://data.europa.eu/eli/reg/2002/178/oj).					

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³ As implemented in particular by:— Article 14 of Regulation (EC) No 470/2009 and the Annex to Regulation (EC) No 37/2010,— Regulation (EC) No 852/2004: Article 4(1) and Annex I part A (II 4 (g, h, j), 5 (f, h), 6; III 8 (a, b, d, e), 9 (a, c)),— Regulation (EC) No 853/2004: Article 3(1), Annex III Section IX Chapter 1 (I-1 b, c, d, e; I-2 a (i, ii, iii), b (i, ii), c; I-3; I-4; I-5; II-A 1, 2, 3, 4; II-B 1(a, d), 2, 4 (a, b)), Annex III Section X Chapter 1(1),— Regulation (EC) No 183/2005: Article 5(1), (5) and (6), Annex I, part A (I-4 e, g; II-2 a, b, e), and Annex III (under the heading 'FEEDING', point 1 entitled 'Storage', first and last sentences, and point 2 entitled 'Distribution', third sentence), and— Regulation (EC) No 396/2005: Article 18.

⁴ Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and of β -agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3, ELI: <http://data.europa.eu/eli/dir/1996/22/oj>).

⁵ Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1, ELI: <http://data.europa.eu/eli/reg/2009/1107/oj>).

⁶ Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71, ELI: <http://data.europa.eu/eli/dir/2009/128/oj>).

⁷ Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7, ELI: <http://data.europa.eu/eli/dir/2008/119/oj>).

⁸ Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5, ELI: <http://data.europa.eu/eli/dir/2008/120/oj>).

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⁹ Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes (OJ L 221, 8.8.1998, p. 23, ELI: <http://data.europa.eu/eli/dir/1998/58/oj>).

Part B: Rules on social conditionality:

Areas	Main issue	Statutory Management Requirements	
Employment of workers	Working conditions	SMR 12	Directive (EU) 2019/1152 of the European Parliament and of the Council ¹⁰ : Articles 3 to 6, 8, 10 and 13
	Occupational safety and health	SMR 13	Council Directive 89/391/EEC ¹¹ : Articles 5 to 12
		SMR 14	Directive 2009/104/EC of the European Parliament and of the Council¹² : Articles 3 to 9

¹⁰ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105, ELI: <http://data.europa.eu/eli/dir/2019/1152/oj>).

¹¹ Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1, ELI: <http://data.europa.eu/eli/dir/1989/391/oj>).

Deleted

Social conditionality leads to double penalties for non-compliance and creates disproportionate bureaucracy without substantial added value and **must be removed from CAP conditionality**.

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¹² Directive 2009/104/EC of the European Parliament and of the Council of 16 September 2009 concerning the minimum safety and health requirements for the use of work equipment by workers at work (second individual Directive within the meaning of Article 16(1) of Directive 89/391/EEC) (OJ L 260, 3.10.2009, p. 5, ELI: http://data.europa.eu/eli/dir/2009/104/oj).			
Part C: Rules on protective practices		General objectives amended (see 1st sub-column – deletion in <i>bold italic</i>) and Specific objectives (see 2nd sub-column – deleted in <i>bold italic</i>)	The European Commission has acknowledged that the current conditionality system has imposed a huge burden on farmers, triggering a lot of criticism, and has consequently presented a couple of simplification proposals to the current rules to try to make the system more adapted to the realities on the ground. In the future CAP, the European Commission is trying to give a new name to the requirements to be imposed on farmers: farm stewardship. However, the proposed system remains similar to the current one in particular when it comes to constraints and requirements which currently lead to extra costs and payment reductions for farmers. It also has the
General objectives set out in Article 3(4)	<i>Specific objectives of the protective practices</i>		
(a) Protection of carbon-rich soils, landscape features and permanent grasslands on agricultural area	<i>Protection of carbon-rich soils including protection of wetlands, peatlands and landscape features</i>		
	<i>Protection of environmentally sensitive permanent grasslands on agricultural area in Natura 2000 areas</i>		
(b) Protection of soil against erosion, preservation of the soil potential, maintenance of soil organic matter <i>including soil rotation or diversification, and protection against burning of stubble on arable land</i>	<i>Protection of soil against erosion subject to site specific conditions</i>		
	<i>Preservation of the soil potential, including:</i> <i>-Protection of soils in periods that are most sensitive</i>		

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	<i>-Crop rotation or diversification</i>	potential to usher in further renationalisation. Instead of rigid requirements for mandatory protection practices (Annex I CAP Regulation), Member States must be provided with a voluntary catalogue from which they can design national protective practices adapted to national and regional realities which they will make available to farmers via incentives. It should be possible to adjust them to existing national legal requirements and serve the same purpose as protective practices. In this context, the penalty system must be made more proportionate and the “right to error” for the farmer should be kept (see the part on controls in the NRPP). SMRs and the so-called protective practices (Annex I CAP Regulation) must be practical and easy to implement and must not impair the economic attractiveness of the CAP measures.
	<i>Maintenance of soil organic matter through crop residue management, including ban on burning stubble on arable land</i>	
(c) Protection of water courses and ground water against pollution and runoff	<i>Protection of water courses and ground water against pollution and runoff, including through establishment of buffer strips along water courses</i>	

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