

**Aus dem Institut für Betriebswirtschaft, Agrarstruktur
und ländliche Räume**

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**Good Farming Practice - Definitions, Implementation,
Experiences" :
Seminar in the EU concerted action "Developing Cross
Compliance in the EU -background, lessons and
opportunities" QLK5-CT-2002-02640
2-3 June 2003**

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"Good Farming Practice – definitions, implementation, experiences"

Seminar in the EU Concerted Action "Developing cross compliance in the EU –
background, lessons and opportunities", QLK5-CT-2002-02640

2 - 3 June 2003

Structure

Concerted Action

Seminar 1

Structure

- 1. Introduction to the Concerted Action
"EU Cross Compliance"**
- 2. Objectives of Seminar 1**



Osterburg, 06-2003

Structure

Concerted Action

Seminar 1

Concerted Action "EU Cross Compliance"

Objectives:

- to provide institutions and stakeholders in Europe with up to date information on cross-compliance and thereby contribute to realising the full potential of cross-compliance for the benefit of the public

Outputs will include:

- providing ideas, models, lessons and best practice principles to inform the view of relevant stakeholders and
- providing expertise, information and insights to policy makers in the European Commission, Member State and Candidate Country administrations



Osterburg, 06-2003

Structure

Concerted Action

Seminar 1

Concerted Action: Partners & Members

- **Lead partner:**
UK: Institute for European Environmental Policy
- **Partners:**
ES: University of Madrid
DE: Bundesforschungsanstalt für Landwirtschaft (FAL)
DK: Royal Veterinary and Agricultural University of Denmark (KVL)
CZ: Institute for Structural Policy of the Czech Republic (IREAS)
NL: Stichting Centrum voor Landbouw en Milieu (CLM)
- **Members**
FR: Laboratoire Dynamiques Sociales et Recomposition des Espaces (LADYSS)
IT: Istituto Nazionale di Economia Agraria (INEA)
EL: Agricultural University of Athens (AUA)
LT: Lithuanian Institute of Agrarian Economics (LIAE)



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Structure

Concerted Action

Seminar 1

Concerted Action: Timetable

Project timetable:

- 2/2000 First proposal within the 5th Framework Programme
- 6/2003 Seminar 1 Analysis of usual good farming practice (in Germany)
- 9/2003 Seminar 2 Cross-compliance measures, market approaches and the environment (in the Netherlands)
- 11/2003 Seminar 3 Potential for cross-compliance measures (in Denmark)
- 4/2004 Seminar 4 Evaluation of cross-compliance in Spain.
- 9/2004 Seminar 5 Cross-compliance in CEECs (in the Czech Republic)
- 12/2004 Policy Forum Cross-compliance in the EU - background, lessons and opportunities (in Brussels)



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Structure

Concerted Action

Seminar 1

Concerted Action "EU Cross Compliance"

This project is funded by the Commission of the European Communities RTD programme Quality of Life and Management of Living Resources under project reference QLK5-CT-2002-02640. The content does not necessarily reflect the views of the Commission and in no way anticipates future Commission policy in this area.



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Structure

Concerted Action

Seminar 1

Objectives of Seminar 1

Objectives: Provide information and exchange experiences on the definition and enforcement of codes of "Good Farming Practice" in EU member states and accession countries as a tool of agri-environmental policy, with a focus on EU regulations

- Reg.(EC)1257/1999 (**R**ural **D**evelopment Regulation) and

- Reg.(EC)1259/1999 ("Horizontal Regulation")

and their implementation, and discussion of future perspectives of integrating GFP into the EU Common Agricultural Policy.



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Structure

Concerted Action

Seminar 1

Participants of Seminar 1

- Administration involved in control and enforcement of standards (ministry level, additionally regional level)
- Steering group (EU-KOM)
- Representative of EU farmer's organisations
- Representative of EU environmental NGO's
- Representative of water agencies (The Netherlands)
- scientists (mainly project partners of the Concerted Action)



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"Good Farming Practice" – concepts, definitions, and theoretical background on implementation and enforcement

Seminar in the EU Concerted Action "Developing cross compliance in the EU –
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2 - 3 June 2003

Structure

EU legislation

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- 1. EU legislation as a basis for GFP**
- 2. Concepts and definitions of GFP**
- 3. Theoretical background on implementation and enforcement**
- 4. Key questions for the seminar**



Osterburg, 06-2003

<div> <div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div> </div> <div>  <div>Osterburg, 06-2003</div> </div>	<div> <div>"Good Farming Practice" – EU legislation I</div> <hr/> <div> COUNCIL REGULATION (EC) No 1259/1999 of 17 May 1999 establishing common rules for direct support schemes under the common agricultural policy </div> <div> Article 3 Environmental protection requirements 1. (...) Member States shall take the environmental measures they consider to be appropriate in view of the situation of the agricultural land used or the production concerned and which reflect the potential environmental effects. These measures may include: <ul style="list-style-type: none"> - support in return for agri-environmental commitments, - general mandatory environmental requirements, - specific environmental requirements constituting a condition for direct payments. </div> <div> "Annual Reports" according to Reg. (EC) 963/2001, article 3 </div> </div>
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<div> <div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div> </div> <div>  <div>Osterburg, 06-2003</div> </div>	<div> <div>"Good Farming Practice" – EU legislation II</div> <hr/> <div> COUNCIL REGULATION (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain Regulations </div> <div> CHAPTER V LESS-FAVOURED AREAS AND AREAS WITH ENVIRONMENTAL RESTRICTIONS Article 14, 2. Compensatory allowances shall be granted per hectare of areas used for agriculture to farmers who: <ul style="list-style-type: none"> - apply usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming. </div> </div>
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<div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div>	<h2>"Good Farming Practice" – EU legislation III</h2> <hr/> <h3>COUNCIL REGULATION (EC) No 1257/1999</h3> <h3>CHAPTER VI AGRI-ENVIRONMENT</h3> <h4>Article 23</h4> <p>2. Agri-environmental commitments shall involve more than the application of usual good farming practice.</p>
 <p>Osterburg, 06-2003</p>	

<div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div>	<h2>"Good Farming Practice" – EU legislation IV</h2> <hr/> <h3>COMMISSION REGULATION (EC) No 1750/1999</h3> <p>(rules for the application of Council Regulation (EC) No 1257/1999) <i>actually: COMMISSION REGULATION (EC) No 445/2002</i></p> <h4>Article 17 (18)</h4> <p>1. The reference level for calculating income forgone and additional costs resulting from the undertaking given shall be the usual good farming practice in the given area to which the measure applies.</p> <h4>Article 19 (20)</h4> <p>A farmer who gives an agri-environment commitment as to one part of a farm shall adhere to at least the standard of usual good farming practice throughout the farm.</p>
 <p>Osterburg, 06-2003</p>	

<div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div>	<h2>"Good Farming Practice" – EU legislation V</h2> <hr/> <h3>COMMISSION REGULATION (EC) No 1750/1999</h3> <h4>Rules common to several measures</h4> <p>Article 28 (29)</p> <p>For the purposes of Council Regulation (EC) No 1257/1999 and of this Regulation, 'usual good farming practice' is the standard of farming which a reasonable farmer would follow in the region concerned.</p> <p>Member States shall set out verifiable standards in their rural development plans. In any case, these standards shall entail compliance with general mandatory environmental requirements.</p>
	
	<small>Osterburg, 06-2003</small>

<div>Structure</div> <div>EU legislation</div> <div>Concepts & definitions</div> <div>Implementation</div> <div>Key questions</div>	<h2>"Good Farming Practice" – EU legislation VI</h2> <hr/> <h3>Council Directive 91/676/EEC</h3> <p>of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources</p> <p>Article 4</p> <p>1. (...) Member States shall, within a two-year period following the notification of this Directive:</p> <p>(a) establish a code or codes of good agricultural practice, to be implemented by farmers on a voluntary basis, which should contain provisions covering at least the items mentioned in Annex II A;</p>
	
	<small>Osterburg, 06-2003</small>

Structure

EU legislation

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GFP - legal basis

Level	Legal basis of GFP		Additional criteria of "Usual" GFP (beyond legislation)
EU	EU environmental legislation		
National	National implementation of EU environmental legislation	Additional national environmental legislation	Catalogue of criteria (usual management; criteria for technical advice)
Regional	Additional regional legislation	Additional regional legislation	Regional definitions
Local	Additional local legislation (e.g. in protected areas)		Local definitions

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Concepts and definitions of GFP I

Good Farming Practice (= Good Agricultural Practice)

- Standards for mandatory regulation or for advise
- Describes standards farmers have to comply with
 - standards for all farmers or
 - for specific farms (e.g. RDR beneficiaries) or
 - for specific regions (e.g. protected areas, Nitrate Vulnerable Zones)
- serves as
 - criteria for control and punishment (environmental law)
 - a condition for payments (RDR - less favoured areas support, agri-environmental measures)
 - a baseline for incentive oriented agri-environmental measures which involve requirements beyond GFP

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Concepts and definitions of GFP II

In this seminar and the Concerted Action, the focus is on

- GFP definitions binding **at the farm level**
- **environmental** GFP (although food safety, animal health and welfare, and occupational safety can also be considered as parts of „GFP“)
- **mandatory standards** or standards as a condition for payments
- **verifiable standards** as criteria for control

Mandatory GFP standards are part of command and control instruments, which are *one* important instrument of environmental policy. Others are advise, and financial instruments like taxes, charges and incentives.



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Variance of GFP throughout the EU I

GFP definitions and implementation are relevant for EU environmental policy and for competition. Nevertheless, GFP varies between the EU Member States and regions. Reasons for this are:

- EU legislation provides only a framework for GFP definitions, is not covering all areas of environmental policy and often does not refer directly to the farm level
- Natural, structural and socio-economic conditions of farming as well as main environmental problems differ between Member States



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Variance of GFP throughout the EU II

- definitions mainly made by Member States:
 - using the degrees of freedom given by EU legislation
 - based on historically grown environmental law and
 - on different strategies of combining command and control measures with advise and financial instruments (especially agri-environmental measures) („policy mix“)
 - influenced by different national and regional political and administrative competences and
 - frequently by several departments or ministries involved in definition and implementation

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Theoretical background on implementation and enforcement

The effectiveness of GFP standards depends on their realisation at farm level and the closeness of GFP indicators to the environmental problem addressed.

Therefore, administrative implementation (information, advise) and enforcement (control, punishment) are crucial.

At least in Germany, a „lack of implementation“ of environmental law is discussed.

From an economic point of view, there is an optimum between the efforts (cost) of enforcement and the compliance with law by the norm addressees, i.e. a 100% compliance is not a reasonable goal.

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Behaviour of norm addressees I

According to Becker (1968), individuals decide on compliance with norms maximising their benefit.

Elements of such benefit maximisation are

- benefit of non-compliance (= impact of compliance with legislation)
- probability of detection and punishment (dependent on control frequency and indicators used)
- amount of fine or impact of punishment



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Behaviour of norm addressees II

This rather mechanistic model has been modified:

- own-interest of administration (political strategy, budget maximisation, ...)
- norm addressees: Importance of image and moral concepts, incomplete information, assumption of rationality

New approaches focus on co-operative elements of implementation and self-reporting on compliance.



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Specific aspects of implementing GFP I

Specific problems of GFP implementation **at farm level**:

- mainly non-point sources of pollution or of ecological pressures
- pressures dependent on natural and management conditions highly variable in time and space
- cost of control of direct environmental impacts are prohibitively high for diffuse pollution
- asymmetric information between administration and farms is a mayor problem
- mainly indirect indicators are used

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Specific aspects of implementing GFP II

Problems of GFP implementation **at administrative level**:

- capacity and education of administrative personnel
- fragmentation of competences between different departments / institutions
- regular control versus inspection for specific reasons
- rising demand in administration of EU programmes
- threat of
 - infringement procedures for non-implementation of EU legislation and
 - disallowances when GFP control is part of EU payments

leads to strategic behaviour and problems of asymmetric information between EU and Member States.

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Key questions for the seminar

Definitions of GFP

- Environmental problems addressed
- based on legislation or additional criteria

Experiences with GFP implementation:

- procedures of information, advise, control and enforcement
- useful indicators
- compatibility with voluntary measures like agri-environmental schemes

Suggestions for improvement, future perspective of GFP



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Good Farming Practice in England

Vicki Swales
Rosy Eaton

Institute for European Environmental Policy



Environmental Regulation of Agriculture in England

Environmental requirements on farming in England:

- Legislation
- Compliance with Good Farming Practice (GFP) as a condition of rural development payments (agri-environment, LFA)
- Environmental cross-compliance on arable payments (for set-aside land) and livestock payments

Additional voluntary measures:

- Agri-environment schemes
- Voluntary Codes of Good Agricultural Practice (CoGAPs)

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UK Context

Legislation is roughly equivalent in all constituent countries

Cross-compliance is also implemented in other UK constituent countries

RDP definitions of Good Farming Practice (GFP) for Wales, Scotland and Northern Ireland are similar to that for England – Northern Ireland does not include the CoGAPs; Wales includes additional requirements for Welsh agri-environment schemes

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Pre-Agenda 2000

- Codes of Good Agricultural Practice and the majority of environmental legislation already in place in England before the Agenda 2000 reforms
- First set of Nitrate Vulnerable Zones (NVZs) were designated in 1996 (additional NVZs designated in 2002 bringing total to 55% of land area of England)
- Cross-compliance on arable and livestock subsidies introduced
- Considerable pressure from environmental NGOs to introduce broader cross-compliance but resistance from farming bodies

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Better Regulation

- In 1997 the Government established the 'Better Regulation Task Force'
- Principles of good regulation:
 - proportionality
 - accountability
 - consistency
 - transparency
 - targeting
- Nov 2000 published 'Environmental Regulations and Farmers'

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Agenda 2000

- Article 3 of Reg 1259/1999 introduces cross-compliance as an option
- Reg 1257/1999 required that Member States define Good Farming Practice in their Rural Development Programmes
- UK continues existing approach to cross-compliance and deliver GFP

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1259/1999 Cross-Compliance: Arable

Set-aside on Arable Area Payment Scheme Land

Environmental management conditions for set-aside land include:

- restrictions on timing of cultivation practices;
- restrictions on application of fertiliser and pesticides;
- maintenance of historic and landscape features

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1259/1999 Cross-Compliance: Livestock

Cross-compliance on livestock subsidy schemes requires compliance with verifiable standards for:

- Overgrazing
- Undergrazing
- Unsuitable supplementary feeding

Originally these conditions were only applicable to LFA livestock payments – now applicable to all livestock payments

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Coverage of Cross-Compliance

- Arable Area Premium Scheme = 59,192 farms (567,212 ha set-aside land)
- Livestock Schemes = 406,799 claimants (multiple claims can be made for different livestock subsidies from the same farm)

Inspection of 5% of farms

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1259/1999 Rural Development: RDP Definition of Good Farming Practice

Approach:

- Legislation (includes the majority of English legislation applicable to agriculture)
- Verifiable standards
- Codes of Good Practice

Issues covered:

- Nutrient and pesticide use, storage and disposal
- Landscape features
- Nature conservation
- Soil, water and air quality

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Legislation (included in RDP definition)

- Water pollution
- Air pollution
- Fertilisers and pesticides
- Linear features
- Designated sites
- Agricultural/forestry management

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Example 1: Fertilisers and Pesticides

- The Action Programme for Nitrate Vulnerable Zones (England and Wales) Regulations 1998
- Part III of the Food and Environment Protection Act 1985 and the Control of Pesticides Regulations 1986
- Plant Protection Products Regulation 1995

EU:

- Nitrates Directive 91/676
- Pesticide Authorisation Directive (91/414/EC)

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Example 2: Designated Sites

- Wildlife and Countryside Act 1981
- The Conservation (Natural Habitats etc) Regulations 1994
- The Countryside and Rights of Way Act 2000 (CROW Act)
- Ancient Monuments and Archaeological Areas Act 1979 (AMAA)

EU:

- Habitats Directive (92/43/EEC)
- Birds Directive (79/409/EEC)

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Verifiable Standards

RDP definition of GFP includes a number of verifiable standards in addition to legislation

- Silage and slurry stores
- Sheep dip
- Field boundaries
- Hedgerows
- Sites of Special Scientific Interest
- Overgrazing
- Supplementary feeding
- Undergrazing

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Examples of Verifiable Standards

- **Supplementary feeding:** Where supplementary feeding is permitted under terms of the agreement feed must be provided in such a way that the vegetation is not excessively trampled or poached by animals or rutted by vehicles to transport feed. Cases of suspected unsuitable supplementary feeding will be investigated and failure to follow advice thereafter would be a breach of this condition.
- **Hedgerows:** trimming of hedgerows on farms must not be carried out between 1 March and 31 July. Enforcement will be through visual checks of recent damage during any checks carried out in these months.

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Codes of Good Farming Practice

Codes of Good Agricultural Practice for the Protection of:

- Air
- Water
- Soil

Copies of the Codes are given to every farmer entering an agri-environment scheme but it is felt that a low % of farmers outside of such schemes are familiar with the Codes

The Codes don't cover biodiversity or landscape – significant gap

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Coverage of GFP

LFA = 13,000 claimants, 1.2 million ha

Agri-environment schemes = 30,100 agreements, 1.25 million ha

(Environmentally Sensitive Areas = 12,000, Countryside Stewardship = 15,200, Organic Farming = 2,700)

Total farms = 43,100 approx.

Total area = 2.45 million ha approx.

Inspections of 5-6% = 2155 farms, 122,500 ha

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Monitoring

Environmental Legislation:

- Environment Agency, Health and Safety Executive, English Nature, English Heritage
- Risk based

GFP and Cross-Compliance:

- Rural Payments Agency Inspectorate (Department for Environment, Food and Rural Affairs)
- 5% random (additional risk-based for overgrazing)

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Controls 1257/1999

Monitoring of compliance with GFP for 1257/1999 checks that:

- the Environment agency is notified of new silage/slurry stores;
- an Environment Agency authorisation has been given for any disposal of sheep dip;
- there is no visual evidence of burning of crop residues
- fertilisers and pesticides are stored safely
- no hedges or stone walls have been removed or that local authority consent was received for their removal
- management prescriptions for SSSIs are followed, that there no damaging operations have taken place without consent from English Nature
- no trees have been felled
- there is no visual evidence of overgrazing or unsuitable supplementary feeding

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Controls 1259/1999

Less detailed than for 1257/1999

Arable set aside:

- Are environmental management requirements being complied with?
- Are environmental features being maintained?

Livestock:

- Is there evidence of overgrazing (defined according to ecological criteria)?

Very different approaches. Arable – very general applied to 5% farms.
Livestock – very detailed, specialised inspection procedure and only some cases investigated.

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Penalties

Rural development (1257/1999):

- Payment reduced according to severity of infringement (reductions range from 0% for first warning to 100% for severe breach)
- Farmers can be forced to reduce stock numbers in cases of overgrazing

Cross-compliance (1259/1999):

- As above
- Set-aside: £1 withheld per 0.01ha on which management requirements not followed; £100 withheld for damage to any environmental feature; £1 withheld per metre of linear feature damaged

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Evaluation

- There has been limited evaluation of the impacts/benefits of environmental regulation on farming
- Implementation of GFP is still in its infancy, delayed by FMD, so no data available yet
- Research on the effects of cross-compliance found that:
 - arable set-aside is beneficial to wildlife
 - the worst cases of overgrazing have been identified and dealt with

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Good Farming Practice in Germany

"Good Farming Practice – definitions, implementation, experiences"

Seminar in the EU Concerted Action "Developing cross compliance in the EU –
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2 - 3 June 2003

Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

Structure

- 1. Good Farming Practice in Germany -
definition and legal background**
- 2. Control of GFP according to the Common Rules
Regulation [Reg. (EC) 1259/99]**
- 3. Control of GFP according to the Rural Development
Regulation [Reg. (EC) 1257/99]**
- 4. Conclusions**



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Structure

GFP in Germany

Reg. (EC) 1259/99


Reg. (EC) 1257/99

Conclusions

Good Farming Practice in Germany - Definition

Codes of Good Farming Practice in Germany:

- are defined for agriculture in general but also for specific activities or media
- can be set up by the state or its agencies, the federal states or by advisory services, research agencies as well as farmers- or environmental lobby
- can either be legally binding or formulated as recommendations or requirements



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Structure

GFP in Germany


Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

"Agri-Environmental" legislation relevant for the agricultural sector

Fertiliser Law	✓	Groundwater Ordinance
Fertiliser Ordinance	✓	Drinking Water Ordinance
Fertilisation Ordinance		Water Supply Law
Federal Plant Protection Act	✓	Recycling and Waste Law
Pesticide Ordinances	✓	Sewage Sludge and Biowastes Ordinances
Regional Development Law		Soil Protection Law
Construction Codes		Soil Protection and Legacy Ordinance
Law on Environmental Impact Assessment		
Law on Immission Protection		Nature Protection Law
Ordinances and technical instructions on air pollution prevention		Protection of Species Ordinance



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Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

GFP Control according to National Law and the "Common Rules Regulation", Reg. (EC) 1259/1999

- Concentration on inspections for specific reasons (e.g. due to suspicion or complaint) and**
- Risk-orientated selection of farms (not in all Federal States) with scheduled inspections (dependant on weather and growing season), spontaneous random sample inspections**
- Carried out by different institutions of the Federal States, often in specialised departments**

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Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99


Conclusions

Results of GFP Control according to Reg. (EC) 963/2001 for the implementation of Reg. (EC) 1259/1999 (average of 2000-2002)

Fertiliser Law	Controlls	Breaches	%
Control of prevention of direct entry of fertiliser into watercourses	1.414	37	3
Control of the compliance with the periods when the application of manure is prohibited	981	58	6
Control of the maximum amount of livestock manure applied to arable land and grassland	3.446	46	1
Control of the soil tests or the local recommendations	10.258	692	7
Control of the documentation of examinations and estimates used, fertiliser plans, nutrient balances	6.904	424	6
	23.003	1.256	5


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<p>Structure</p> <p>GFP in Germany</p> <p>Reg. (EC) 1259/99</p> <p>Reg. (EC) 1257/99</p> <p>Conclusions</p>	<h2 style="color: #3f51b5;">GFP Control according to the Rural Development Regulation, Reg. (EC) 1257/1999</h2> <hr style="border: 0.5px solid #3f51b5;"/> <ul style="list-style-type: none"> Inspection of at least 5% of beneficiaries of less favoured area support and agri-environmental measures Standardized implementation in all Federal States using 6 indicators Carried out by the Integrated Administration and Control System - IACS No national report available
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<p>Structure</p> <p>GFP in Germany</p> <p>Reg. (EC) 1259/99</p> <p>Reg. (EC) 1257/99</p> <p>Conclusions</p>	<h2 style="color: #3f51b5;">Indicators for GFP control according to Reg. (EC) 1257/1999</h2> <hr style="border: 0.5px solid #3f51b5;"/> <ul style="list-style-type: none"> Fertiliser Law <ul style="list-style-type: none"> – Control of immediate incorporation of livestock manure and liquid sewage sludge on uncultivated arable land – Control of the soil tests or the local recommendations. – Control of the documentation of examinations and estimates used, fertiliser plans, nutrient balances Plant Protection Law <ul style="list-style-type: none"> – Control of plant protection expert knowledge certificate – Control of the inspection certificate of field sprayers
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Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

Sanctions for Reg. (EC) 1257/1999 measures

Bavaria	5 %, 10 %, 20 % RDR premia reduction	
Brandenburg	5 %, 10 %, 20 %	
Mecklenburg-Western Pomerania	10 % if an administrative fine is imposed	
Saxony-Anhalt	10 % if an administrative fine is imposed	
Lower Saxony	since 2003: before 2003:	5 %, 10 %, 20 % twice the administrative offence fine
Baden-Wuerttemberg	administrative offence fine administrative offence fine but >10% and <50 % of the premia	
Hesse		
North Rhine-Westphalia	administrative offence fine	
Rhineland-Palatinate	in case of repeatet breach total exclusion reclaim of 5000 • but not exceeding 50 % of the premia	
Thuringia		

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Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

Conclusions (I)

- **GFP is not well defined:**
 - A high share of GFP definitions belongs to the area of recommendations and technical advice
 - Codes of GFP use formulations such as: "adverse effects are to be avoided" or "natural endowment may not be impaired more than necessary"
 - Codes of GFP are laid down in many different sources
- **GFP control is fragmentary**
 - The control of GFP leaves out important environmental aspects of soil protection (erosion, compaction) and biological diversity
 - Only a limited number of indicators (often indirect indicators such as records, accounts etc.) is subject to controls (i.e. Reg. (EC) 1257/99: 6 indicators)
 - Only a very limited number of farms is controlled (often due to suspicion or complaint)

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Structure

GFP in Germany

Reg. (EC) 1259/99

Reg. (EC) 1257/99

Conclusions

Conclusions (II)

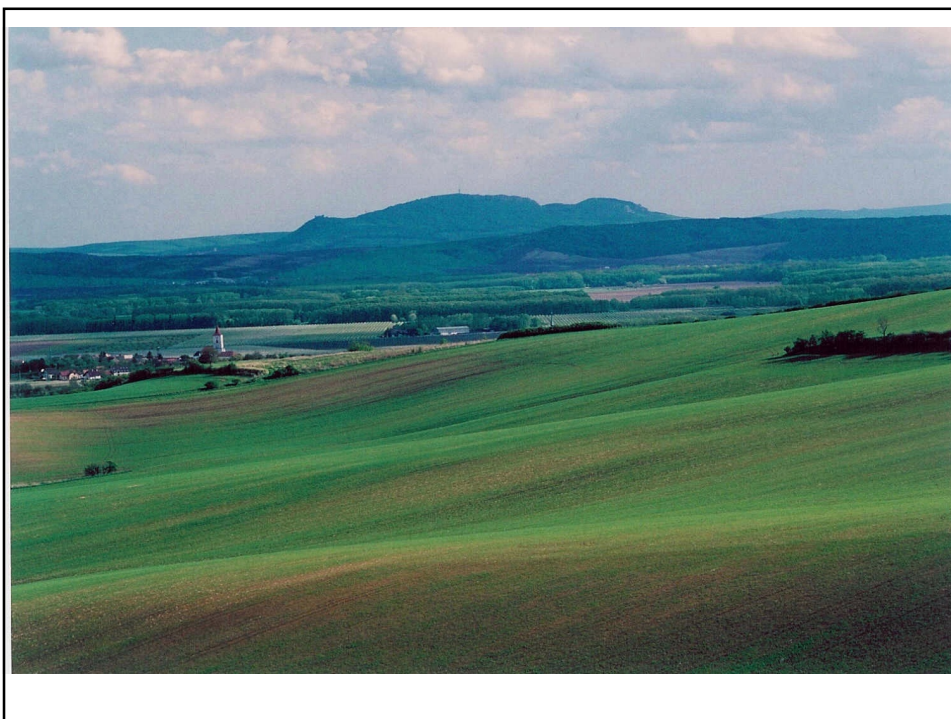
- **The sanctions imposed in case of breaches of GFP show a high degree of variation between the Federal States**
 - there is no harmonised catalogue of administrative fines
 - reductions of premia of beneficiaries of less favoured area support and agri-environmental measures follow different systems
- **Information on controls and sanctions of GFP is not available to the public and in some cases not even to research**



Bergschmidt, 06-2003

„Good Farming Practice“ definition, implementation, experiences – Czech case

- Jaroslav Prazan, Andrea Skorpikova
 - Research Institute of Agricultural Economics
 - Czech Republic



GFP in context of current RD policies in CR

- Current RD policies conditioned by GFP:
 - ◆ Agri-environmental schemes (OF, sensitive grazing, arable land to grass and support of beekeeping).
 - ◆ LFA/areas with environmental limits.
 - ◆ Afforestation.
 - ◆ Soils improvement (liming on acid soils).
 - ◆ Creation of features as a part of ECONETT.

Content of GFP in Czech Republic – defined only verifiable standards

- List of obligations
 - ◆ legislation
(law about nature and land protection, water law, law about waste, law on plant protection, law about game, law about forest, etc.)
 - ◆ verifiable standards
- Comment on demand to farmers (why so demanding to cut the grass)

Content of verifiable standards

- On highly steep slopes do not plant crops with width rows.
- In zones of higher water infiltration is not allowed plough out the grassland.
- Grassland on agricultural land cut at least one a year.
- To prevent too large damage to sward when grazing animals.
- To avoid destruction of habitats of wildlife on fields especially of protected flora and fauna.
- To prevent unnecessary damage to wildlife during blooming crops cut.

Implementation of GFP in CR

- A) Environmental legislation
 - ◆ Soils - regional government
 - ◆ Water generally - CIZP, regional government
 - ◆ Fertilizers, nutrients - UKZUZ
 - ◆ Pesticides - SRS
 - ◆ Nature - CIZP, NP, CHKO, AOPK
- B) Rest of verifiable standards
 - Agricultural Agency

Implementation of GFP in CR

- Process of GFP compliance check:
 - a) general check by Agricultural Agency
 - b) relevant organizations give announcement about breach
 - c) spot control on farm (e.g. failure in compliance is reported by inhabitants)

Experiences with GFP - effectiveness

Goal: to get familiar with GFP as such

- The goal was reached.
- Implementation has following gaps:
 - ◆ More precise sample definitions.
 - ◆ Definition of compliance check procedure on farm.
 - ◆ Penalties definition.
 - ◆ etc....

Conclusions

- Planning for future:
 - ◆ Intention is to extent GFP to **ALL** supporting policies in 2004.
 - ◆ Not sure yet if there will be only one GFP or separate one for direct aid.



Country Report Denmark

By
Lone Kristensen

The Royal Veterinary and Agricultural University (KVL)
Department of Economics and Natural Resources
Copenhagen

GFP in relation to the Rural Development Program (Reg. EC 1259/1999) :

Demand of Good Farming Practice **refer** in the rural development program to **existing rules** in the environmental and agricultural legislation, and in the legislation concerning the protection of farm animals

Under the Less Favoured Area support scheme (article 14) and the agri-environmental scheme (article 22-23) **10 compulsory standard rules exist**. 7 concern **the protection of the environment** and 3 concern **animal welfare**

Farmers having agreed upon "green account" had to comply with **5 additional rules also concerning the protection of the environment**

6 of the 7 standard rules concern the control of nutrients in agriculture:

The regulations include rules on the use and storage of inorganic and organic fertilizer (slurry and manure etc).

1 rule concerns the use of pesticides

The 5 additional rules concern:

The use and storage of waste products for fertilizer purpose

Control of containers etc for the storage of liquid manure etc.

Lay out of uncultivated buffer zones along watercourses

Good farming practise imply that:

1. The Consumption of nitrogen on the farm may not exceed the nitrogen quota given for the farm

Calculation of quotas is based on the size of the single field, the crop, crop cultivated in previous season and the nitrogen standard for the crop in question taken in to account the local climate zone and soil quality. The total consumption of nitrogen includes animal manure (solid and liquid) manufactured manure and fertilizer(s).

Law on use of fertilizer and plant cover, no. 551 2002,
Ministry of food, agriculture and fishery

Objective of the law: to regulate the use of fertilizer in agriculture with the specific intension to limit leaching of nitrate

2. Plant cover compulsory during autumn and winter

On 65% of the farm area a plant cover should be established during autumn and winter (crops with a long growth season, winter crops or "after harvest crops").

Law on use of fertilizer and plant cover, no. 551 2002,
Ministry of food, agriculture and fishery

3. Field plans have to be prepared

A field plan should show crop cover on the single field in the plan period including where to have the winter crops and the after harvest crops etc.

The plan concerning the plant cover has to be fulfilled before the 1st of September for the plan period in question.

The remaining part of the field plan has to be fulfilled at least the following 31st of March

Law on use of fertilizer and plant cover, no. 551 2002,
Ministry of food, agriculture and fishery

4. Fertilizer plans and accounts have to be prepared

A fertilizer plan has to be made not later than the 31st of March showing the expected nitrogen demand (including both inorganic and organic nitrogen) for the whole farm as well as the nitrogen and phosphor demand for the single fields

Law on use of fertilizer and plant cover, no. 551 2002,
Ministry of food, agriculture and fishery

4. Fertilizer plans and accounts...continued

The fertilizer account has to be based on the field and the fertilizer plan.

It has to show:

the total nitrogen quota of the farm and the farms total consumption of nitrogen (including both organic and inorganic nitrogen) in the plan period in question

the size of the animal husbandry calculated in animal units and the total farm area with a fertilizer demand

the area where the plant cover has been established and the area where after harvest crops has been established

information on agreements made on the farm concerning leasing of land for the spreading of manure etc.

5. "After harvest crops" has to lay out after ordinary harvest

At least 6% of the farm area should be established as a "after harvest crop" which may not be ploughed etc. before 20th of October and the area may not be sown again before spring next year.

Up to 20% of the demand for plant cover can be fulfilled by ploughing down straw from cereals and rapes.

Law on use of fertilizer and plant cover, no. 551 2002,
Ministry of food, agriculture and fishery

6. A record of the pesticide use has to be made

The record has to be made continuously and at least 7 days after the pesticide has been used.

The record has to be kept for 5 years.

The record has at least to include:

Identification of the area where the pesticide has been used, the size of the area, the crops on the fields, the name of the pesticide, the dosing per hectare, the date of the treatment and the name of the owner or user of the area

Regulation on records of plant protection agents and control of spreading equipments in agriculture, no 492 1994, the Plant Directory, Ministry of Agriculture, Food and Fishery

7. The animal husbandry has to be in accordance with the Rules of Harmony

Harmony rules (harmony between land and amount of manure on the farm):

Level of manure (solid or liquid) applied per hectare per year may not exceed what correspond to 1.4 animal units.

For farms with cattle, goats, sheep, poultry and fur manure (produced on the farm) corresponding to 1.7 animal units may be applied.

For pure cattle farms manure corresponding to 2.3 animal units may be applied.

7....The Rules of Harmony... continued

If the farmer has less land availability on this farm than required for the spreading of manure produced on the farm a written contract may be signed which secure that the surplus of manure can be sold or delivered to another farm, a biogas plant etc.

Regulation on commercial animal husbandry, manure, silage etc. no 604 July 2002 (Ministry of environment)

Objective of the regulation: to limit pollution and inconvenience of animal production, including production, storage and use of manure and slurry and silage

Control and punishment:

All the mentioned rules are controlled by the "the plant directory" . The body is a directory under the Ministry of Food, Agriculture and Fishery. The control is performed by 6 regional departments.

The control of rules of good farming practice (rules 1-7) is based on a spot-checking of about 3-5 % of all farms (1600-1800 farms out of 60.000).

Penalty:

Fine

For the breaking of rules concerning **field plans and fertilizer plans** the fine is around **270 Euro**.

For breaking the rule concerning the **nitrogen balance** the fine rises depending on how much the amount of nitrogen exceeds the given quota of the farm.

Until now fines between **808 Euro** to **6760 Euro** has been given.

Other environmental rules:

Location of animal husbandry

Distance between stables, slurry containers etc. and watercourses, lakes, water catchments areas, dwellings etc.

Arrangement of stable etc.

Capacity demand of slurry container and other containers for storage of organic fertilizer

Storage of solid and liquid manure and other organic material

Arrangement of drains and waste pipe

Maintenance of storage facilities

Application of manure etc.

Nature conservation rules:

A number of specific landscape features are protected under the "General Protection" in the nature protection act.

Farmers are prohibited from altering such features above a minimum size unless prior authorisation has been obtained.

The types of alterations prohibited include cultivation, planting, drainage and the filling of ponds or lakes. The application of pesticides and fertilisers is banned unless the practice is already established on the site.

The landscape elements protected include lakes larger than 100 m², and heaths, bogs, marshes, moors, swamps, coastal meadows, and wet and dry permanent grassland when such biotopes total more than 2,500 m²

It is also forbidden to alter:

walls of stone or earth

watercourses or parts of watercourses that have been designated as protected



Heike Nitsch

Federal Agricultural Research Centre

Institute for Farm Economics
and Rural Studies

Comparative analysis of Good Farming Practice (GFP) in selected EU and accession countries

**"Good Farming Practice
– definitions, implementation, experiences"**

Seminar in the EU Concerted Action "Developing cross compliance in the EU – background, lessons and opportunities", QLK5-CT-2002-02640

2 - 3 June 2003

Structure

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problems

Member States

Accession
Countries


Conclusions


Structure


- 1. Methodological problems of comparing GFP**
- 2. Comparison between Member States**
- 3. Comparison between Accession Countries**
- 4. Conclusions**




Nitsch, 04-2003

<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  <small>Nitsch, 04-2003</small> </div>	<h2>Problems for the comparison of GFP</h2> <ul style="list-style-type: none"> • Different conditions in countries/regions (climate, soils, farm structure) lead to different national preferences and strategies • No common baseline across EU (subsidiarity) - no list of well-defined issues that are mandatory to be covered in GFP • Different preferences and strategies as well regarding the use of mandatory and voluntary, incentive driven agri-environmental measures • lack of information on implementation, control and on the effects of GFP implementation; partly on detailed GFP definitions (verifiable and implemented standards)
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  <small>Nitsch, 04-2003</small> </div>	<h2>Good Farming Practice - Definitions I</h2> <p>Definitions of GFP according to EU regulations (as a selection of the overall environmental legislation affecting agriculture on national or regional level):</p> <ul style="list-style-type: none"> • The "horizontal regulation" (Reg. (EC) 1259/1999) article 3 requires an integration of environmental objectives into CAP, including mandatory standards Source: "Annual Reports" according to Reg. (EC) 963/2001, art. 3 paragraph 1 Problems: Reports are not published, very different formats and contents
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  <small>Nitsch, 04-2003</small> </div>	<h2 style="text-align: center;">Good Farming Practice - Definitions II</h2> <hr/> <ul style="list-style-type: none"> • The rural development regulation (Reg. (EC) 1257/1999) requires farmers to comply to the rules of GFP to receive <ul style="list-style-type: none"> – Less Favoured Area (LFA) support (Art. 14 (2) and – payments for Agri-Environmental Programmes (AEP) (Art. 23 (2)). <p>Source: Definition of GFP can be found in the Rural Development Plans including respective indicators for control of compliance</p> <p>Problems: No detailed reporting on the results of control of compliance (5% of beneficiaries), thus few data</p>
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  <small>Nitsch, 04-2003</small> </div>	<h2 style="text-align: center;">Problems for the comparison of GFP</h2> <hr/> <p>Information on GFP definitions available, but no detailed data on implementation, control and impacts.</p>
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Methods for the comparison of GFP

Comparison based on Rural Development Plans

- Which areas / environmental problems are covered by GFP (comprehensiveness)?
- Standards based on legislation or on additional requirements?
- Standards binding on national level or in specific regions?
- Strictness: basic requirements versus detailed list of measures under one heading
- Focus on “verifiable standards” used for regular control of beneficiaries

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Comparison between Member States I

Verifiable standards according to (Reg. EC 1257/1999)

X = Principle of GFP leg = legislation vs = verifiable standard adv = advise (R) = regional

Categories of GFP	Austria	Denmark	England	Germany	Ireland	The Netherlands	Sweden
Fertilising:							
Storage		vs (leg)	vs (leg)		vs (leg)	vs (leg)	vs (leg)
Use of mineral f.	vs (leg)	vs (leg)	leg ⁴		vs (leg)	vs (leg)	vs (leg) (R)
Use of organic f.	vs (leg)	vs (leg)	leg ⁴	vs (leg)	vs (leg)	vs (leg)	vs (leg) (R)
Time-limit for org.f.		vs (leg)	leg ⁴			vs (leg)	vs (leg)
Time-limit for min. f.			leg ⁴			vs ⁵	vs (leg) (R)
Livestock density						(indirect)	vs (leg)
Soil testing	vs (leg)			vs (leg)			
Pesticide Use	vs (leg)	vs (leg)	leg ⁴	vs (leg)	vs (leg)	vs (leg)	vs (leg)
Buffer zones	vs (leg)	vs ³ (leg)			vs (leg)		
Farm Management: (e.g. nutrient plans)		vs (leg)		vs (leg)		vs (leg)	

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Comparison between Member States II

X = Principle of GFP leg = legislation vs = verifiable standard adv = advise (R) = regional

Categories of GFP	Austria	Denmark	England	Germany	Ireland	The Netherlands	Sweden
Soil conservation: Soil cover Erosion/Maintenance of grassland Sewage sludge and compost Compaction, tillage	X ¹ X ¹ vs (leg)	 vs (leg) vs ³ (leg)					 vs (leg) (R)
Husbandry: Animal housing Animal welfare Grazing	 vs² (leg)	 vs (leg)	leg ⁴ vs		 vs (leg) vs		
Biodiversity/ Landscape: Protection of biotopes Field boundaries Hedgerows Heritage Conservation	X ¹		 vs (leg) vs (leg) vs leg		 vs (leg) vs vs (leg)		
Other: Waste handling Burning grass		 vs ³ (leg)	 vs(leg) leg		 vs (leg) vs (leg)		



Nitsch, 04-2003



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Structure	<h2>Selection of GFP criteria: Germany</h2>					
Methodological problems						
Member States	vs = verifiable standard leg = legislation adv = advise (R) = regional					
Accession Countries						
Conclusions						
	Categories of GFP	Leg&adv	1257/1999	Categories of GFP	Leg&adv	1257/1999
	Fertilising:			Husbandry:		
	Storage	leg		Animal housing	leg	
	Use of mineral fertiliser	leg	vs (leg)	Animal welfare	leg	
	Use of organic fertiliser	leg		Grazing		
	Time-limit for org. fertiliser	leg				
	Time-limit for min. fertiliser	adv				
	Livestock density	(indirect)				
	Soil testing	leg	vs (leg)			
	Pesticide Use	leg	vs (leg)	Biodiversity/Landscape:		
	Buffer Zones	leg (R)		Protection of biotopes	leg (R)	
	Farm Management: (e.g. nutrient plans)	leg	vs (leg)	Field boundaries	leg (R)	
				Hedgerows	leg (R)	
				Heritage Conservation	leg	
	Soil conservation:			Other:		
	Soil cover	adv (leg)		Waste handling	leg	
	Erosion	adv (leg)		Burning grass / straw	leg	
	Maintenance of grassland	leg (R) / adv				
	Sewage sludge and compost	leg				
	Compaction, tillage	adv (leg)				



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Results for Member States

- GFP (Reg.1257/1999) mainly based on existing legislation
- Denmark, Germany, The Netherlands, Sweden, Austria: Focus on fertiliser and pesticide use
- In England GFP combination of legislation and additional criteria, with emphasis on landscape and biodiversity.
- Ireland: importance of landscape, fertilising and pesticides covered as well, vs for waste handling and burning grass
- Strategies: few verifiable standards in Germany, Sweden and Denmark; very detailed list of specific requirements in The Netherlands

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Comparison: Greece, Spain, Italy

GFP according to Regulation 1257/1999
(source: analysis of Maria Fuentes, DG AGRI,
Italy (Emilia-Romagna): presentation Malavolta, De Geronimo)

	Spain	Greece	Italy (E.-R.)
Crop patterns		leg	
Soil conservation	adv	leg	leg
Irrigation, water use	leg	leg	
Buffer zones		leg	
Fertilisation	leg	leg	leg
Pesticides		leg	leg
Manure storage	leg		leg
Grazing	adv	leg	
Biodiversity / landscape		leg	

Importance of soil conservation and water use,
few binding standards in Spain


Nitsch, 04-2003


<div>Structure</div> <div>Methodological problems</div> <div style="color: red;">Member States</div> <div>Accession Countries</div> <div>Conclusions</div>	<h2 style="color: #3f51b5;">Implementation of the „Horizontal Regulation“</h2> <hr style="border: 0.5px solid #3f51b5;"/> <h3>„Annual Reports“ according to Reg.1259/1999</h3> <ul style="list-style-type: none"> UK (2000-2001): Contains description of „cross compliance“ and other measures, no data on control and compliance of GFP or „cross compliance“ . Austria (2002): Contains description of „cross compliance“ on set aside land, data on control of „cross compliance“, but no information on GFP control. Germany (2002): Contains short description of GFP control in the areas fertilising and pesticide use, data on numbers of control, breaching and range of fines for 8 criteria <p>No comprehensive overview on GFP implementation and control in „annual reports“ according to Reg.1259/1999.</p>
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div style="color: red;">Accession Countries</div> <div>Conclusions</div>	<h2 style="color: #3f51b5;">Conditions in Accession Countries I</h2> <hr style="border: 0.5px solid #3f51b5;"/> <ul style="list-style-type: none"> Under SAPARD, Accession Countries had to draw up usual Good Farming Practice and work out “general, verifiable and manageable standards” So far SAPARD has mainly helped to prepare their central institutions for administration of the CAP finances. In the Rural Development Plans of the Accession Countries emphasis is laid on those areas that are most important for increasing competitiveness of agriculture and processing industries
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  Nitsch, 04-2003 </div>	<h2>Conditions in Accession Countries II</h2> <ul style="list-style-type: none"> • Many small farms and sometimes unclear ownership • Land abandonment is a widespread problem, whereas the use of mineral fertiliser and of pesticides and the livestock density is often well below the standards set in the EU Nitrates Directive • One of the biggest challenges is the requirement of at least 6 months storage capacity for manure. • Planned spending of the SAPARD budget for agri-environment measures only ranges from 1% to 5%.
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<div>Structure</div> <div>Methodological problems</div> <div>Member States</div> <div>Accession Countries</div> <div>Conclusions</div> <div>  Nitsch, 04-2003 </div>	<h2>Conditions in Accession Countries III</h2> <ul style="list-style-type: none"> • Many countries have defined a Code of Good Farming Practice or used parts of the Code of Good Agricultural Practice for Nitrate Directive in their national rural development plans, others are in the progress of doing so. • Generally quite ambitious environmental legislation, but problems often in the area of implementation and control
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Comparison between Accession Countries I

GFP and verifiable standards according to (Reg. EC 1257/1999)

X = Principle of GFP adv = advise vs = verifiable standard leg = legislation

Categories of GFP	Bulgaria	Czech Republic	Estonia	Latvia	Lithuania	Poland
Fertiliser: Storage Use of mineral f. Use of organic f. Time-limit for org.f. Time-limit for min.f. Livestock density Soil testing	vs (leg) vs (leg) vs (leg) vs	leg leg leg leg	vs(leg) vs(leg) vs(leg) vs(leg)	X (leg) (R) X (leg) (R) vs(leg) X (leg) (R) X (leg) (R) <i>indirect</i> vs	X (leg) X (leg) (R) X (leg) (R)	X (leg) X (leg) X (leg) X (leg)
Pesticide Use	vs (leg)	leg	vs(leg)	X (leg)	X (leg)	X (leg)
Water Use	vs				X (leg)	
Buffer Zones	vs (leg)			X (leg)	X (leg)	X (leg)
Farm Management (e.g. nutrient plans)	vs	leg	vs(leg)	X (leg)		



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Comparison between Accession Countries II


X = Principle of GFP adv = advise vs = verifiable standard leg = legislation

	Bulgaria	Czech Republic	Estonia	Latvia	Lithuania	Poland
Soil conservation:						
Soil cover				X (leg) (R)	X (leg) (R)	
Erosion/Maintenance of grassland		vs/adv (leg)			X (leg)	X (leg)
Sewage sludge and compost					X (leg)	
Others	vs			X (leg) (R)	X (leg)	
Animal housing				X (leg)		
Animal welfare			vs (leg)	X (leg)		
Grazing		vs/adv				X (?)
Biodiversity/ Landscape						
Protection of biotopes	vs (leg)	vs/adv(leg)	vs (leg)	(X)leg	X (leg)	X (leg)
Heritage Conservation	vs (leg)		vs (leg)		X (leg)	
Other:						
Waste handling			vs(leg)		X (leg)	X (leg)
Burning grass	vs (leg)					X (?)
Obvious pollution	vs	vs/adv			X (leg)	
other						




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<ul style="list-style-type: none"> Structure Methodological problems Member States Accession Countries Conclusions 	<h2 style="color: blue;">Results for Accession Countries</h2> <hr/> <ul style="list-style-type: none"> • Standards of GFP based on environmental legislation • Countries in a different stage of defining standards • Most areas are covered by GFP • Latvia: clear distinction between very detailed mandatory standards of GFP and 2 standards for control according to Reg. (EC) 1257/1999 • Czech Republic: Combination of legal requirements and additional standards beyond legislation
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<ul style="list-style-type: none"> Structure Methodological problems Member States Accession Countries Conclusions 	<h2 style="color: blue;">Conclusions (I)</h2> <hr/> <ul style="list-style-type: none"> • Different Strategies concerning areas covered by GFP and selection of verifiable standards • Variance between comprehensive catalogues of criteria and few, but operational verifiable standards • GFP with or without mentioning other criteria not subject to regular control • Almost no information on control and enforcement • Thus a real comparison including impacts remains difficult • In accession countries, a tendency towards long, but hardly applicable catalogues of criteria can be observed
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Conclusions (II)

For a harmonized integration of GFP into the Common Agricultural Policy throughout the EU, the following points should be considered:

- **Requirements for the definition of GFP**
 - areas covered - regarding the main environmental problems
 - farms / regions affected by GFP
 - based on legislation (or requirements beyond?)
- **Requirements for implementation, control and reporting (harmonized format)**
- **Concentration on verifiable standards**



Nitsch, 04-2003

Assessment of Impacts of Selected Environmental Standards on Production Cost and Farm Profitability

Seminar „Good Farming Practice – definitions, implementation, experiences“
2 – 3 June 2003 in Braunschweig, Germany

Jesko Hirschfeld



Institute for Ecological Economy Research (IÖW), Berlin
Institute for Agricultural Economics, University of Göttingen



Structure

- 1. Environmental Policy Framework for German Agriculture**
- 2. Empirical Assessment of Environmental Policy Effects**
- 3. Consequences for Competitiveness**
- 4. Conclusions**

1. Environmental Policy Framework for German Agriculture

1974 Federal Immission Prevention Act (numerous amendments)

1975 Plant Protection Act (amendments inter alia 1986, 1993, 1998)

1983 Manure Ordinances of several Laender states (NS, SH, NW)

1987 Hen Husbandry Ordinance

1988 Pig Husbandry Ordinance

1994 Recycling Economy and Waste Act

1996 Fertilizing Ordinance (implementing the EU Nitrate Directive 1991)

1999 Soil Protection Act

1. Environmental Policy Framework for German Agriculture

Fertilizing Ordinance (Düngeverordnung) 1996

Restrictions:

- manure spreading on arable land up to a maximum of 170 kg N / ha
- maximum on grassland: 210 kg N / ha
- 10 % N-losses during storage, 20 % during spreading deductible
- preparation of nutrients balance sheets (>10 ha, some >1 ha)
for N on an annual basis, P and K every 3 years
- spreading of manure on soils already highly provided with
phosphorous and potassium only up to plant uptake
- spreading prohibited from 15 november until 15 january

1. Environmental Policy Framework for German Agriculture

Fertilizing Ordinance (Düngeverordnung) 1996

maximum stocking rates according to Fertilizing Ordinance (DüngeVO) – taking into account losses during storage and spreading

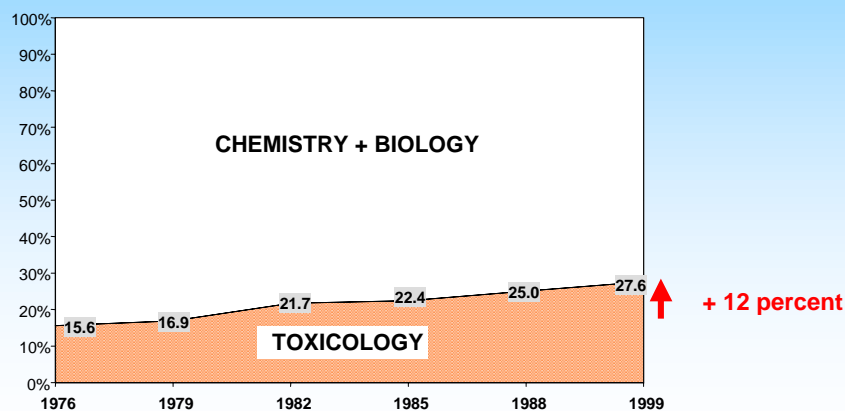
	maximum stocking rates per ha UAA		with maximum stocking rate (Fert. Ord. → arable) the following other nutrients occur:	
	arable 236,1 kg N/ha	grassland 291,6 kg N/ha	P_2O_5 per ha in kg	K_2O per ha in kg
cattle (à 1 LU)	2.8	3.4	122.6	286.2
fattening pigs	21.5	26.5	163.4	139.8
layer hens	295.1	364.5	200.7	115.1
broilers	1026.5	1267.8	236.1	164.2

own calculations based on Weingarten (1996), S. 23 and KTBL (1985), S. 10

1. Environmental Policy Framework for German Agriculture

Plant Protection Act (numerous amendments since 1975)

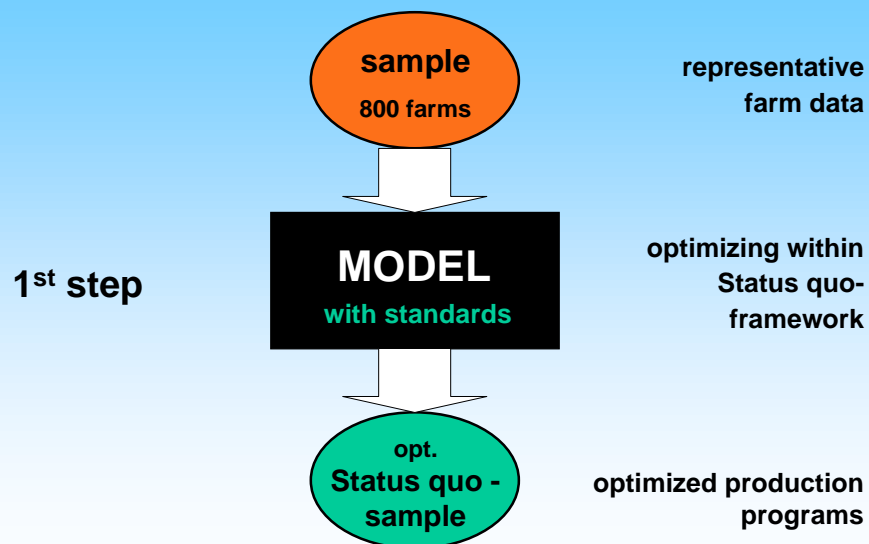
Share of toxicology in total expenditure for research and development in the field of pesticides in German chemical industry 1976-1999



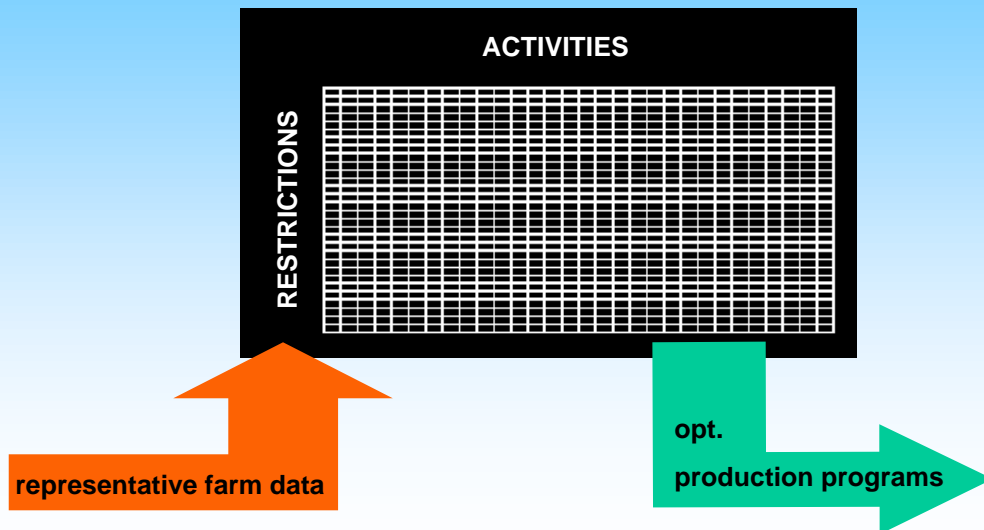
Structure

1. Environmental Policy Framework for German Agriculture
2. Empirical Assessment of Environmental Policy Effects
3. Consequences for Competitiveness
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2. Empirical Assessment of Environmental Policy Effects



The representative farm model BEMO (Kleinhanß, FAL)

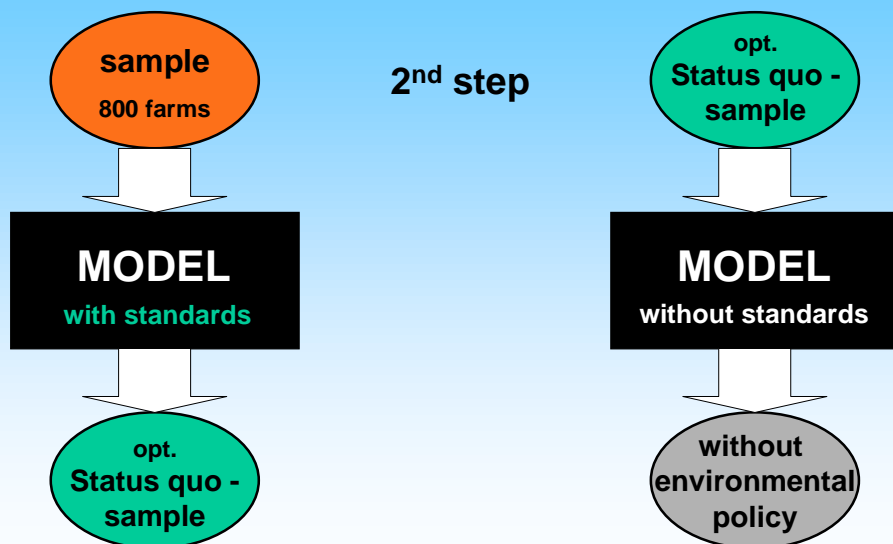


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2. Empirical Assessment of Environmental Policy Effects

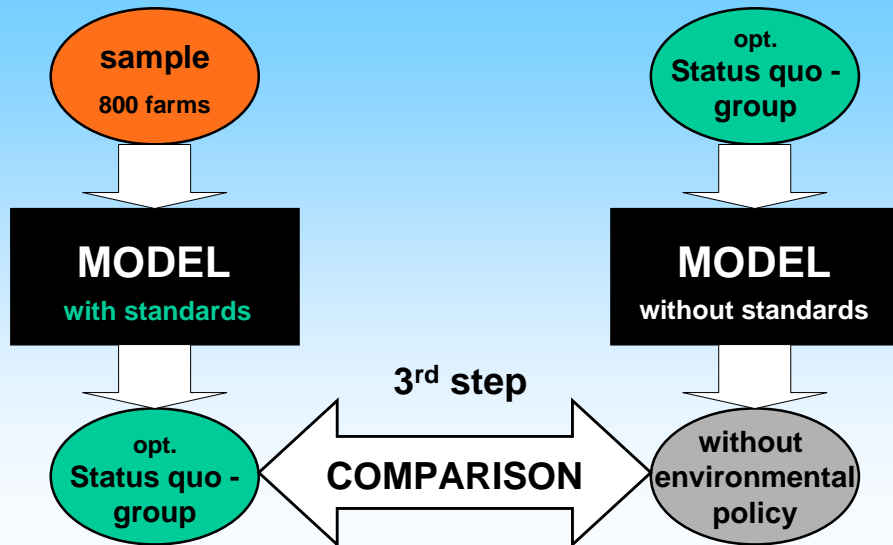


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2. Empirical Assessment of Environmental Policy Effects

Example 1: Implementation of the Fertilizing Ordinance

	winter wheat	pig fattening	manure exchange	renting addit. land	restrictions
UAA	1			- 1	≤ 30
pigsty capacity		1			≤ 500
N - limit		11	- 236	- 236	$\leq \text{UAA} \times 236 \text{ kgN/ha}$
P - limit	- 84	6.5	- 84	- 84	≤ 0
objective function	750	80	- 300	- 600	gross margin [Euro]

here: N-Restriction is not binding (5500 kg N vs. 7080 kg upper limit)
but P-limit (3250 kg P_2O_5 vs. 2520 kg plant uptake)

consequence: 8.7 ha land must be rented additionally or excess manure
must be disposed of via manure exchange institutions

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Example 2:

Plant Protection Act - Pesticides storage instructions

consequences on farm level:

average investment costs for
particularly protected storage rooms/lockers 2.000 Euro

annual capital costs: 145 Euro

annual additional costs / ha UAA: 9.90 Euro

based on data of Waibel and Fleischer (1998)

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3. Empirical Assessment of Environmental Policy Effects

average change in gross margins

preliminary results: **all farm types**

environmental policy measure	average change in gross margins
fertilizing ordinance (manure application limits)	- 2.4 %
soil tests and nutrient balance-sheets	- 0.2 %
pesticide regulations (incl. ban of substances)	- 0.9 %
building regulations and storage instructions	- 1.0 %
hen husbandry ordinance	- 0.02 %
environmental policy - total	- 4.5 %

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3. Empirical Assessment of Environmental Policy Effects

average change in gross margins

preliminary results: **different farm types**

policy measure	all farm types	arable	cattle & milk	pig & poultry	mixed
fertilizing ordinance	- 2.4 %	+ 1.5 %	- 4.5 %	- 8.6 %	- 2.9 %
tests & balances	- 0.2 %	- 0.3 %	- 0.2 %	- 0.2 %	- 0.2 %
pesticides reg.	- 0.9 %	- 1.8 %	- 0.6 %	- 0.9 %	- 0.9 %
building regulations	- 1.0 %	- 1.4 %	- 0.9 %	- 0.9 %	- 1.1 %
hen husbandry ord.	- 0.02 %	- 0.02 %	- 0.01 %	- 0.2 %	- 0.03 %
total	- 4.5 %	- 2.1 %	- 6.1 %	- 10.7 %	- 5.1 %

3. Empirical Assessment of Environmental Policy Effects

average change in gross margins

preliminary results: **pig and poultry farms**

policy measure	all	pig	poultry	less specialized
fertilizing ordinance	- 8.6 %	- 13.0 %	- 4.1 %	- 8.1 %
tests & balances	- 0.2 %	- 0.1 %	- 0.2 %	- 0.2 %
pesticides reg.	- 0.9 %	- 0.6 %	- 0.3 %	- 0.9 %
building regulations	- 0.9 %	- 0.6 %	- 0.8 %	- 0.9 %
hen husbandry ord.	- 0.2 %	- 0.1 %	- 6.7 %	- 0.1 %
total	- 10.7 %	- 14.3 %	- 12.1 %	- 10.1 %

3. Empirical Assessment of Environmental Policy Effects

average change in gross margins

preliminary results: **cattle and milk farms**

policy measure	all	milk	cattle
fertilizing ordinance	- 4.5 %	- 5.7 %	- 2.7 %
tests & balances	- 0.2 %	- 0.2 %	- 0.2 %
pesticides reg.	- 0.6 %	- 0.4 %	- 0.9 %
building regulations	- 0.9 %	- 0.7 %	- 1.2 %
hen husbandry ord.	- 0.01%	- 0.0 %	- 0.1 %
total	- 6.1 %	- 7.0 %	- 4.8 %

Structure

1. Environmental Policy Framework for German Agriculture

2. Empirical Assessment of Environmental Policy Effects

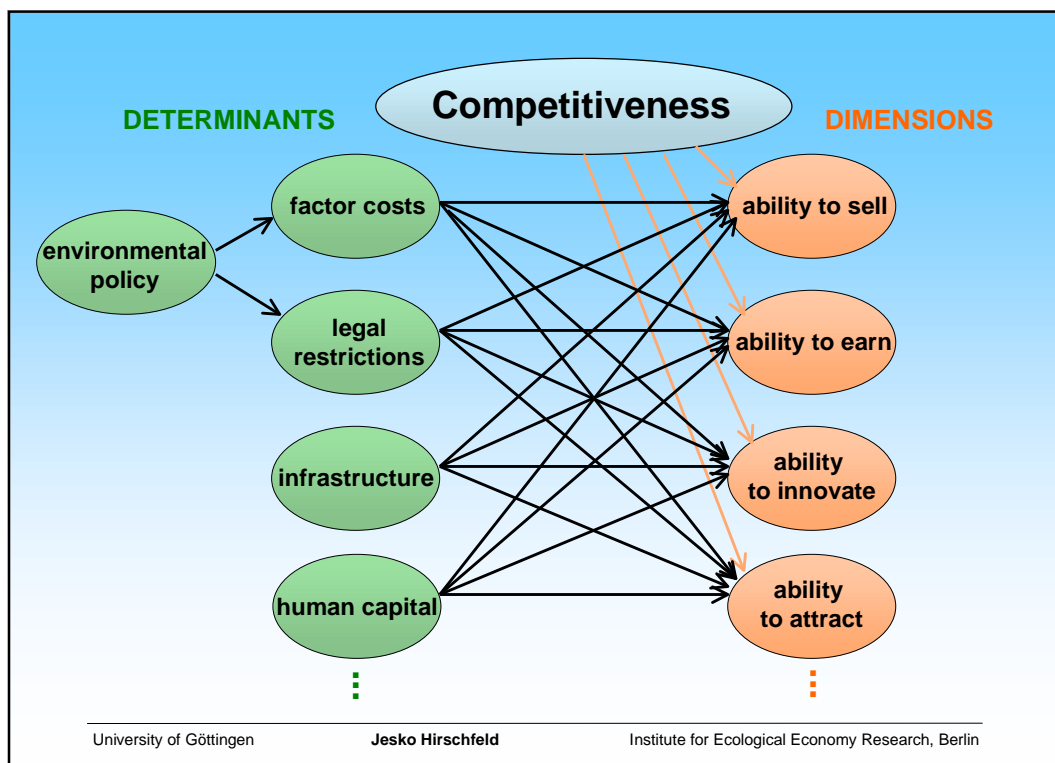
3. Consequences for Competitiveness

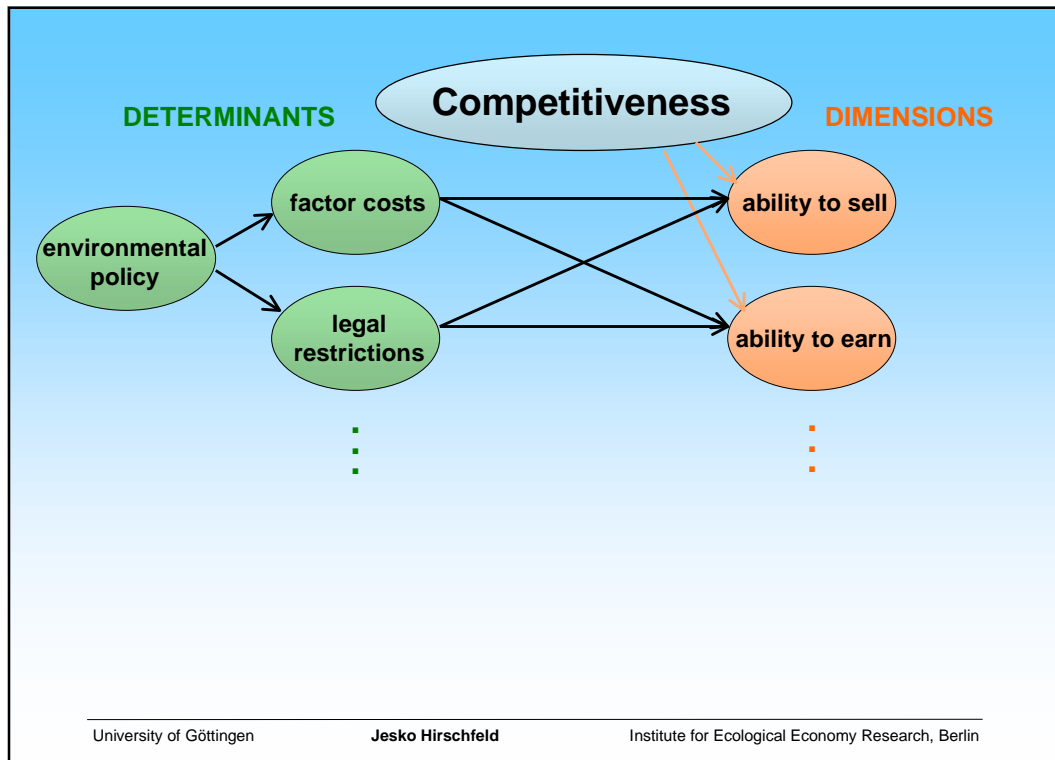
4. Conclusions

3. Consequences for Competitiveness

Other relevant determinants of competitiveness:

- wages
- land rents
- building prices
- energy prices
- human capital (know-how)
- use of advanced technology (efficiency)
- infrastructure
- soil and climate conditions
- trade policy and support regime
- stability of property rights
- political stability





3. Consequences for Competitiveness

Legal restrictions of international competitors

- Nitrate Directive: implemented in all EU member states (differing)
- Regulations on pesticides (some countries: taxes on pesticides)
- Animal welfare (partly more, partly less strict regulations)
- Energy prices (fuel taxes differing)

3. Consequences for Competitiveness

Regulations on pesticides in EU member states

member state	number of licensed substances (1999)	number of licensed pesticides (1999)
Austria	269	648
Belgium	327	1879
Denmark	141	476
Finland	132	351
France	525	2575
Germany	274	1139
Greece	399	-*
Ireland	343	1849
Italy	391	-*
Luxemburg	214	438
Netherlands	272	940
Portugal	265	748
Sweden	127	397
Spain	531	-*
United Kingdom	337	3192
average	303	1219

* numbers not available

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Structure

1. Environmental Policy Framework for German Agriculture

2. Empirical Assessment of Environmental Policy Effects

3. Consequences for Competitiveness

4. Conclusions

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4. Conclusions

Due to compliance to environmental regulations German farmers face additional costs of between 2 and 5 percent (gross margin differences).

Specialized pig and poultry farms insufficiently equipped with land are most severely restricted concerning their farm management practices and income opportunities (10 to 20 percent gross margin differences). – But: these were the farms causing the most severe environmental problems.

Environmental policy and animal welfare legislation do not harm the competitiveness of German farmers on the world market for agricultural products.

By correcting non-sustainable practices environmental policy secures long-term development possibilities of the agricultural sector as well as its acceptance among citizens and consumers.

**National administrations' view: Co-ordination of the
Länder in meeting the requirements of Reg. (EC) 1259/99
and Reg. (EC) 1257/99 in defining and controlling good
farming practice (GFP)**

Dr. Carlo Prinz

***Federal Ministry of Consumer Protection, Food and
Agriculture***

Division 616

- Community budget, CAP-Financing, Control Matters –

1

Structure of the presentation

- 1. GFP in the case of the Horizontal Regulation (1259/1999)**
 - 1.1 General approach in Germany**
 - 1.2 Core elements of GFP**
 - 1.3 Results since 2000**
- 2. GFP in the case of the Regulation on Rural Development (1257/1999)**
 - 2.1 General approach in Germany**
 - 2.2 Administrative solution**
 - 2.3 Results**
- 3. Outlook – new requirements (cross-compliance)**

2

1. Horizontal Regulation

Options:

- specific subsidies for environmental measures,
- general environmental requirements and
- specific environmental requirements as a prerequisite for direct payments.

3

1.1 General approach in Germany

- Specialized agricultural law applies throughout Germany
- Implementation of existing provisions of Community law and specific national requirements
- Specialized agricultural law is enforced by the *Länder*
- Authorities responsible for inspections may be:
Agricultural Offices, Chambers of Agriculture, Plant Protection Offices or Land Agencies ("Landesanstalten")

4

Controls may be carried out as

- planned checks (often depending on plant development stage and weather),
- spontaneous sampling and
- special-purpose checks based on a suspicion or a filed report.

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1.2 Core elements of good farming practice

Essential elements of good farming practice in terms of environmental conservation:

- Fertilization
- Plant protection

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Fertilization

- Regarding the use of fertilizers:
direct application into surface waters should be avoided and care should be taken that fertilizers are not washed into any surface waters.
- Respect of the general prohibition period (15 November to 15 January) for the use of liquid livestock manure.
- Enterprises are required to comply with land size-related maximum levels for the application of livestock manure (EU Nitrate Directive).

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- To determine the required fertilizer rates:
 - soil analyses
nitrogen annually,
phosphate and potash at least once every six years.
- Furthermore, in case of livestock manure before application:
checks on the total nitrogen, phosphate and potash levels.
- Results of the soil analyses,
- applied procedures and
- nutrient balances

must be recorded by the farms.

8

- Regarding the use of pesticides

- application rates,
- bans on application,
- restrictions and
- provisions must be observed

e.g. required distance to water systems and required waiting time.

9

- Proof of expertise:

through completion of an appropriate apprenticeship (vocational training) or through a separate examination

- Equipment inspections (test badge)

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1.3 Results for 2002

- Relatively low number of offences:
 - Fertilization: 1.3 - 8.4 %
 - Plant protection: 2.6 - 3.5 %
- Total number of inspections:
between 1,000 and 11,000
- Annual inspection rate: 0.3 to 3.1 %

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Need for further improvements:

- soil analyses and
- checks on the nutrient levels in livestock manure

With:

- Support of advisory services and
- higher control density.

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2. GFP in the case of the Regulation on Rural Development (1257/1999)

In contrast to Regulation 1259/99

- good farming practice is an **element** of **eligibility** for
- compensatory allowances in less-favoured areas,
- the agri-environmental measures,
- individual farm investment promotion and
- the promotion of young farmers.

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According to the IACS rules:

- 5 % on-the-spot checks of compliance with GFP
- 150,000 farms \Rightarrow 7,500 additional checks
- checks must be completed before payment!

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2.1 General approach in Germany

Problem:

- need for more controls
- scarce control resources

Solution:

- nationally uniform checklist for GFP
- carried out by the control agencies of the paying agencies
- in case of suspicion: additional controls by the specialized authorities.

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2.2 Administrative solution

Fertilization:

1. Inspection of the documents

- on the soil analyses of the basic nutrients phosphate and potash
- on the nitrogen levels that are necessary to determine the needed fertilizer rates and
- on the records of the nutrient balances.

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2. Inspection whether there are any indications of a non-immediate incorporation of livestock manure into uncultivated farmland at the time of controls.

Plant protection:

1. Check for proof of expertise,
2. Check for valid test badge of the pesticide sprayer.

Other:

Are there any obvious indications of a breach of GFP?

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Anlage 6

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616-1242-1/1

24.07.2002
3473/3695

Prüfbericht zur Einhaltung der guten landwirtschaftlichen Praxis

I. Düngung

1. Prüfung der Unterlagen

- über Bodenuntersuchungen für die Grundnährstoffe Phosphat und Kali
- über die für die Düngebedarfsermittlung notwendigen Werte für Stickstoff
- sowie der Aufzeichnungen über Nährstoffvergleiche.

1.1 Liegen Ergebnisse der erforderlichen Bodenuntersuchung (Phosphat, Kali) vor bei

Ackerland Dauergrünland (Ergebnisse nicht älter als 6 Jahre)
☐ ja ☐ nein ☐ kein Ackerland/Dauergrünland vorhanden

Extensives Dauergrünland (Ergebnisse nicht älter als 9 Jahre)
☐ ja ☐ nein ☐ kein extensives Dauergrünland vorhanden.

1.2 Liegen die zur jährlichen Ermittlung des Stickstoffbedarfs erforderlichen Bodenuntersuchungsergebnisse (z.B. N_{min}-Methode, EUF Methode) oder länderspezifische Beratungsempfehlungen vor bei

Ackerland ☐ ja ☐ nein ☐ kein Ackerland vorhanden
Dauergrünland ☐ ja ☐ nein ☐ kein Grünland vorhanden.

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- 2 -

2. Nährstoffvergleich für Stickstoff (jährlich), Phosphat/Kali (letzte 3 Jahre)

- ☐ nicht nötig, da:
☐ ≤ 10 ha LF und ≤ 1 ha Sonderkultur
☐ > 10 ha LF aber ≤ 80 kg N/ha aus Tierhaltung und ≤ 40 kg N/ha aus sonstigen N-Düngern.
- ☐ nötig und vorhanden
- ☐ nötig, aber nicht vorhanden ☐ nötig, aber nicht vollständig vorhanden, Folgendes fehlt: _____

3. Gibt es zum Zeitpunkt der Prüfung Hinweise auf eine nicht unverzügliche Einarbeitung von Gülle, Jauche, Geflügelkot oder flüssigen Sekundärrohstoffdüngern auf unbestelltem Ackerland?

- ☐ ja ☐ nein
Falls ja, welche? _____

II. Pflanzenschutz

1. Werden auf dem antragstellenden Betrieb Pflanzenschutzmittel angewandt?

- ☐ ja ☐ nein, weiter mit III.

Wenn ja,

2. Wer ist für die Anwendung der Pflanzenschutzmittel verantwortlich?

- ☐ Betriebsangehöriger, Name: _____ ☐ Dritter, Name bzw. Firma: _____

3. Liegt ein Sachkundenachweis vor?

- ☐ ja ☐ nein
Sachkunde gegeben durch: _____

4. Tragen die im Betrieb verwendeten Feldspritzgeräte die erforderliche amtlich gültige Prüfplakette oder liegt ein entsprechendes Prüfzeugnis vor?

- ☐ ja ☐ nein ☐ Prüfplakette nicht erforderlich, weil _____

19

- 3 -

III. Sonstiges

1. Gibt es im Übrigen offensichtliche Hinweise, dass gegen die gute landwirtschaftliche Praxis verstoßen wird?

- ☐ ja ☐ nein
welcher? _____

2. Sonstige Bemerkungen des Prüfers

IV. Abschließende Bemerkungen des Prüfers

Ist nach dem Ergebnis der Feststellungen eine vertiefte Prüfung durch die zuständige Fachbehörde notwendig?

- ☐ ja ☐ nein

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Administrative procedure

Paying agency

- Checklist: no indication of any offences
- In case of suspicion
- Sanctions or denial of any payment
- Sanctions or denial of any payment

Specialized authorities

- nothing to do
 - in-depth controls and if an offence is ascertained report to the paying agency
 - Sanctions according to specialized agricultural law
- Additionally: cross-checks (report to the paying agency)

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2.3 Results

- Checklist has proved useful
- Improvements in the interaction between paying agencies and specialized authorities
- System of indicators questions works well
- Rate of ascertained offences is lower than the rate of offences ascertained by the specialized agencies

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3. Outlook - new requirements (cross-compliance)

GFP is more than fertilization and plant protection

Annex III:

- Environment (wild birds, flora-fauna-habitat, groundwater)
- Food safety (public and animal health)
- Animal welfare
- Occupational safety

Annex IV (good agricultural conditions):

- Soil protection
- Minimum level of maintenance

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Question:

Can the procedure for GFP in the rural development scheme be a solution for the control of cross-compliance?

Answer: No

Why?

24

1. We do not only have to consider 2 standards but 38 - X standards.
2. Doubts whether it would be possible to develop meaningful indicator questions for the additional standards.
3. Special expertise cannot be provided by paying agencies
4. Number of farms requiring controls will more than double

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Conclusions:

1. Cross-compliance should be controlled by the specialized authorities
2. Obligation to report offences to the paying agencies
3. Less than 5 % on-the-spot checks (5 % mean 18,000 controls)
4. Different control rates more reasonable (1 % mean 3,600 controls)
5. A longer control period should be granted with the possibility of specific control priorities each year
6. Systematic controls only if actually needed or possible (example: animal diseases)

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Control of environmental law in general and in the framework of Reg. (EC) 1257/99: Procedures, Problems and perspectives

Dr. J.-A. Eisele

**Ministry of the Environment, Nature Conservation,
Agriculture and Consumer Protection Northrhine-
Westfalia/Germany**



North Rhine - Westphalia



- **total population: 18 millions**
- **51.000 farms,**
 - 45% full-time, 44,3 ha**
 - 55% part-time, 13,8 ha**



Structure

- Control of environmental standards and “Good Agricultural Practice” (GAP)
- Control of compliance with GAP in NRW
 - Application of fertilizers and use of plant protection products
 - Enforcement of control and inspections
 - Scope of inspections (Fertilisers Ordinance)
- Control of GAP as a requirement for subsidies (Reg. (EC) 1257/1999 and (EC) 1750/1999)
 - Assessment of the control procedure
- Outlook



Control of environmental standards and Good Agricultural Practice (GAP)

Reg. EC No. 1259/1999

Control of general and specific environmental standards

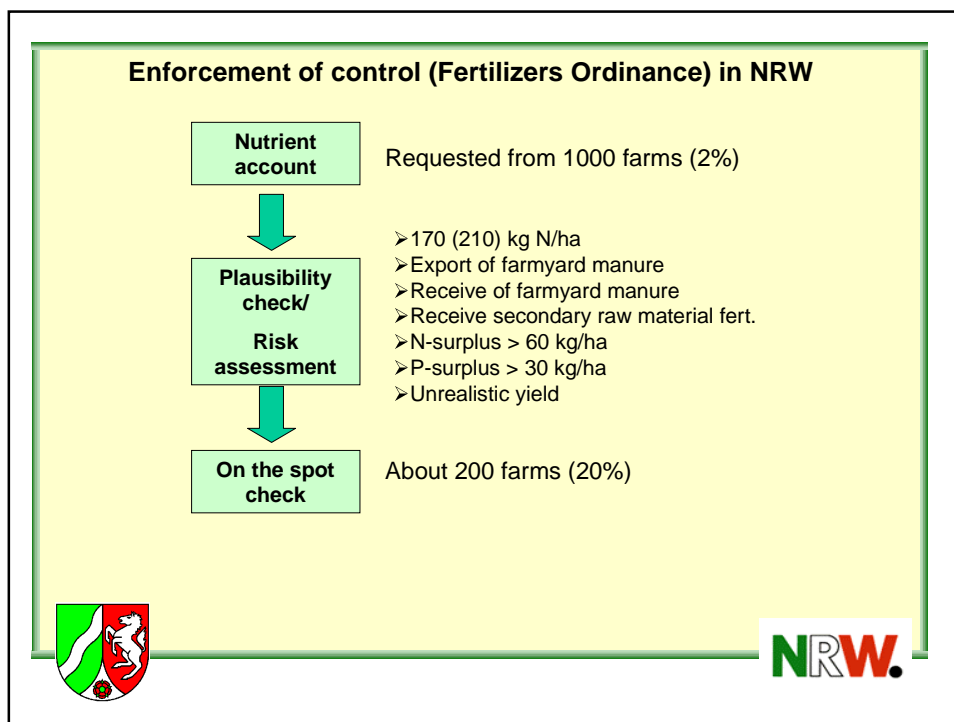
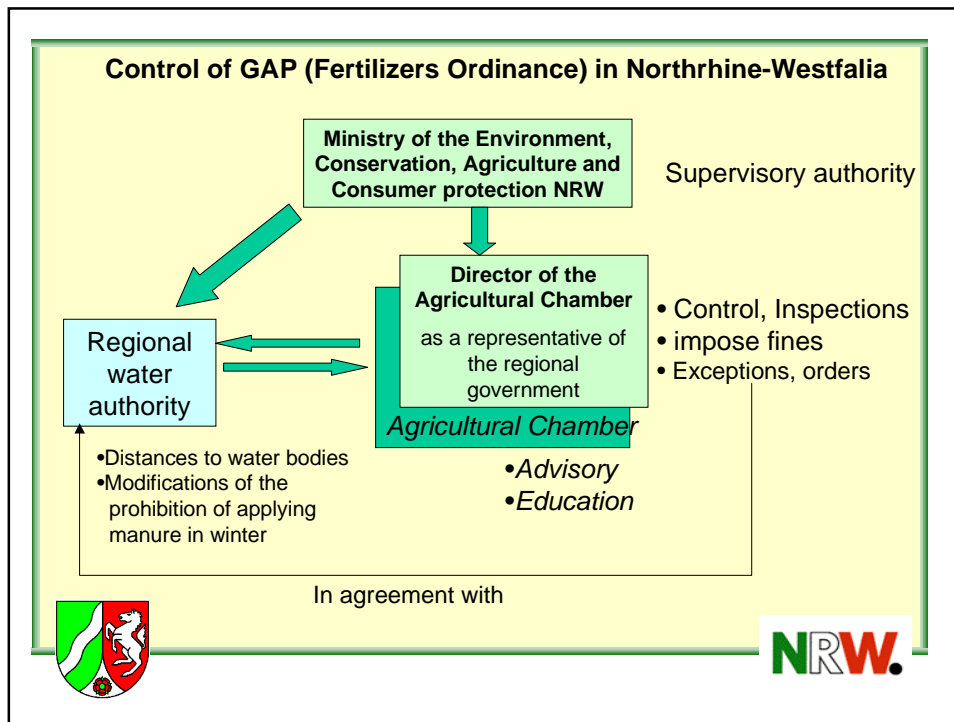
- National agricultural legislation
 - use of fertilizers
 - plant protection
 - soil protection
 - nature protection
- Legally defined „Good Agricultural Practice“ (GAP)
- no sanctions of direct payments (cross compliance)

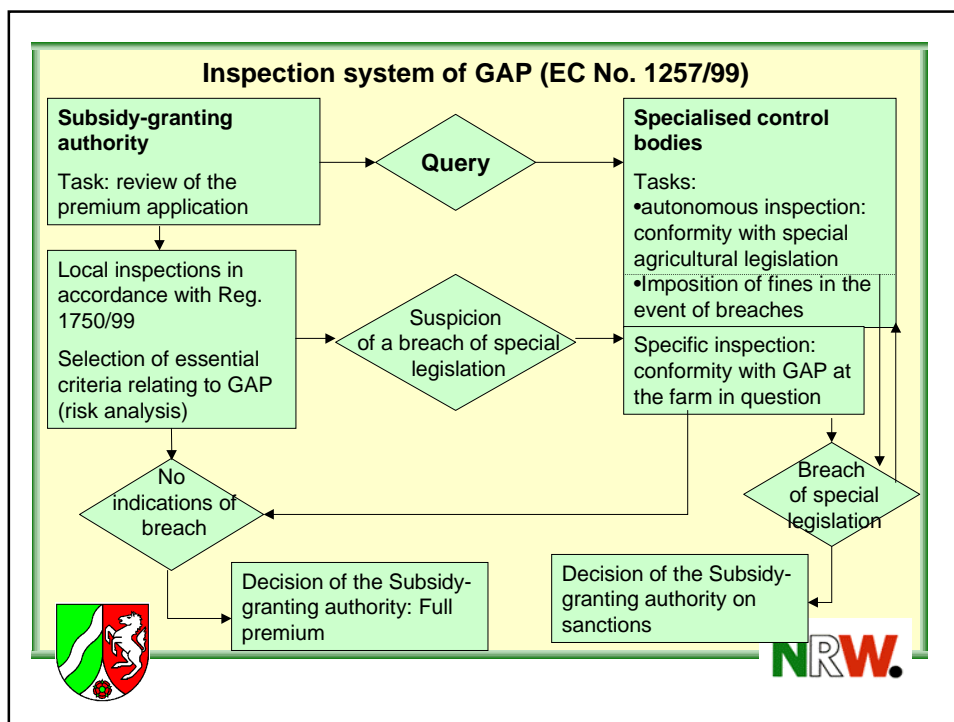
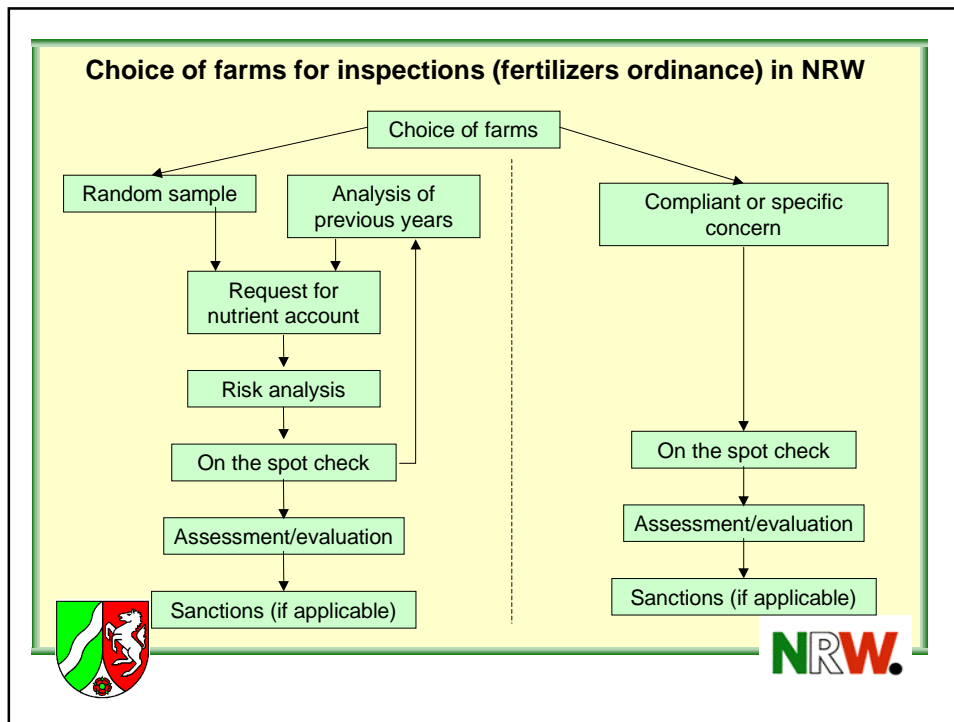
Reg. EC No. 1257/1999

Compliance with GAP as a requirement for payments

- Scheduled annual inspections (5% of subsidised farms)
- Check of conformity with GAP
- Reducing of payments by the amount of fine if violations are proved







Inspection system of GAP (EC No. 1257/99): Controls in 2002

- 17.500 farms got payments acc. to Reg. 1257/1999
- 3000 farms checked with the help of „indication criteria“
- 977 farms notified to the specialised control bodies
- 227 detailed inspections
- fining system initiated in 209 cases (including compliants and other concerns)
- imposed fines were notified to the paying agency; payments are reduced by amount of fine



NRW.

Assessment of the control procedure

Demands on „indication criteria“:

- Easy to control
- controllable at every season
- controllable by the IACS inspector without detailed background knowledge
- clear guidelines from the special legislation
- environmental relevance



NRW.

Outlook: Control of GAP – Cross Compliance

non paper of the commission:

Control of 5% of all beneficiaries of direct payments

Control plan (which standards applicable?)

Farms notified to special control bodies

Risk assessment

50 (20)% control rate=
2,5 (1)% of all farms getting direct payments

actual situation in NRW (fertilizers ordinance):

45.000 farms get direct payments

1000 farms requested for nutrient account (2,2%)

Max. 200 on the spot checks (<0,5%)

→ Extension to more than 1% of the relevant farms not feasible!



Outlook: Control of GAP – Cross Compliance

In the light of the limited and dwindling human resources at the relevant authorities, more emphasis on **inspection activities** is inevitably resulting in less staff being available to provide an **advisory service**. This is regrettable since a modification of behaviour towards GAP is generally more effectively realised by way of advice rather than sanctions.

