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

Manuskript, zu finden in www.fal.de

Braunschweig
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2003

Also available at:
http://www.bal.fal.de/download/seminar_on_GFP_presentations1.pdf
"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

1. Introduction to the Concerted Action
   "EU Cross Compliance”

2. Objectives of 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

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: Institute Nazionale di Economia Agraria (INEA)
  EL: Agricultural University of Athens (AUA)
  LT: Lithuanian Institute of Agrarian Economics (LIAE)
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)
- 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)

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.
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 (Rural Development 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.

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

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**

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
"Good Farming Practice” – EU legislation I

COUNCIL REGULATION (EC) No 1259/1999

of 17 May 1999 establishing common rules for direct support schemes under the common agricultural policy

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:

- support in return for agri-environmental commitments,
- general mandatory environmental requirements,
- specific environmental requirements constituting a condition for direct payments.

“Annual Reports” according to Reg. (EC) 963/2001, article 3

"Good Farming Practice” – EU legislation II

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

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:

- apply usual good farming practices compatible with the need to safeguard the environment and maintain the countryside, in particular by sustainable farming.
"Good Farming Practice” – EU legislation III

COUNCIL REGULATION (EC) No 1257/1999

CHAPTER VI AGRI-ENVIRONMENT

Article 23

2. Agri-environmental commitments shall involve more than the application of usual good farming practice.

"Good Farming Practice” – EU legislation IV

COMMISSION REGULATION (EC) No 1750/1999

(rules for the application of Council Regulation (EC) No 1257/1999)


Article 17  (18)

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.

Article 19  (20)

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.
COMMISSION REGULATION (EC) No 1750/1999

Rules common to several measures

Article 28

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.

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.


of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources

Article 4

1. (...) Member States shall, within a two-year period following the notification of this Directive:

(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;


of 15 July 1991 concerning the placing of plant protection products on the market

Article 5 refers to „good plant protection practice“
GFP - legal basis

<table>
<thead>
<tr>
<th>Level</th>
<th>Legal basis of GFP</th>
<th>Additional criteria of “Usual” GFP (beyond legislation)</th>
</tr>
</thead>
<tbody>
<tr>
<td>EU</td>
<td>EU environmental legislation</td>
<td></td>
</tr>
<tr>
<td>National</td>
<td>National implementation of EU environmental legislation</td>
<td>Additional national environmental legislation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Catalogue of criteria (usual management; criteria for technical advice)</td>
</tr>
<tr>
<td>Regional</td>
<td>Additional regional legislation</td>
<td>Additional regional legislation</td>
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<tr>
<td></td>
<td></td>
<td>Regional definitions</td>
</tr>
<tr>
<td>Local</td>
<td>Additional local legislation (e.g. in protected areas)</td>
<td>Local definitions</td>
</tr>
</tbody>
</table>

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
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.

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
Variances 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 advice 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

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.
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

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.
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

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.
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
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

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
**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
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

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
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

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
Legislation  
(included in RDP definition)

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

Example 1: Fertilisers and Pesticides

- 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)
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)

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
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.

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

Monitoring

Environmental Legislation:
- Risk based

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

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
Good Farming Practice in Germany

"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

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
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

"Agri-Environmental" legislation relevant for the agricultural sector

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

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

<table>
<thead>
<tr>
<th>Fertiliser Law</th>
<th>Controls</th>
<th>Breaches</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of prevention of direct entry of fertiliser into watercourses</td>
<td>1,414</td>
<td>37</td>
<td>3</td>
</tr>
<tr>
<td>Control of the compliance with the periods when the application of manure is prohibited</td>
<td>981</td>
<td>58</td>
<td>6</td>
</tr>
<tr>
<td>Control of the maximum amount of livestock manure applied to arable land and grassland</td>
<td>3,446</td>
<td>46</td>
<td>1</td>
</tr>
<tr>
<td>Control of the soil tests or the local recommendations</td>
<td>10,258</td>
<td>692</td>
<td>7</td>
</tr>
<tr>
<td>Control of the documentation of examinations and estimates used, fertiliser plans, nutrient balances</td>
<td>6,904</td>
<td>424</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>23,003</td>
<td>1,256</td>
<td>5</td>
</tr>
</tbody>
</table>
Results of GFP Control according to Reg. (EC) 963/2001 for the implementation of Reg. (EC) 1259/1999 (average of 2000-2002)

<table>
<thead>
<tr>
<th>Plant Protection Law</th>
<th>Controls</th>
<th>Breaches</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Control of the compliance with the restrictions and interdictions for the application of certain pesticide ingredients and for specific sites</td>
<td>4,142</td>
<td>129</td>
<td>3</td>
</tr>
<tr>
<td>Control of plant protection expert knowledge certificate</td>
<td>3,941</td>
<td>95</td>
<td>2</td>
</tr>
<tr>
<td>Control of the inspection certificate of field sprayers</td>
<td>5,963</td>
<td>256</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>14,046</td>
<td>480</td>
<td>3</td>
</tr>
</tbody>
</table>

Conclusions

- Those codes of GFP which are controlled are generally well implemented
- Controls have been increased by 38% from 2001 to 2002
- In the German average, less than 1% of all farms has been subject to controls of GFP
**GFP Control according to the Rural Development Regulation, Reg. (EC) 1257/1999**

- 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

**Indicators for GFP control according to Reg. (EC) 1257/1999**

- Fertiliser Law
  - 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
  - Control of plant protection expert knowledge certificate
  - Control of the inspection certificate of field sprayers
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: 5 %, 10 %, 20 %, before 2003: twice the administrative offence fine |
| Baden-Wuerttemberg | administrative offence fine |
| Hesse | administrative offence fine but >10% and <50 % of the premia |
| North Rhine-Westphalia | administrative offence fine |
| Rhineland-Palatinate | in case of repeat breach total exclusion reclaim of 5000 • but not exceeding 50 % of the premia |
| Thuringia | |

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)
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
„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, CHK, 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 be 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, ship, 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.

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**It is also forbidden to alter:**

- walls of stone or earth
- watercourses or parts of watercourses that have been designated as protected
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

1. Methodological problems of comparing GFP
2. Comparison between Member States
3. Comparison between Accession Countries
4. Conclusions
Problems for the comparison of GFP

- 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)

Good Farming Practice - Definitions I

Definitions of GFP according to EU regulations (as a selection of the overall environmental legislation affecting agriculture on national or regional level):

- 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
Good Farming Practice - Definitions II

- The rural development regulation (Reg. (EC) 1257/1999) requires farmers to comply to the rules of GFP to receive
  - Less Favoured Area (LFA) support (Art. 14 (2) and
  - payments for Agri-Environmental Programmes (AEP) (Art. 23 (2)).

Source: Definition of GFP can be found in the Rural Development Plans including respective indicators for control of compliance

Problems: No detailed reporting on the results of control of compliance (5% of beneficiaries), thus few data

Problems for the comparison of GFP

Information on GFP definitions available, but no detailed data on implementation, control and impacts.
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)

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<tr>
<th>Categories of GFP</th>
<th>Austria</th>
<th>Denmark</th>
<th>England</th>
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X = Principle of GFP, leg = legislation, vs = verifiable standard, adv = advise (R) = regional
## Comparison between Member States II

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Selection of GFP criteria: Germany

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<th>Categories of GFP</th>
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<td>Buffer Zones</td>
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<td>Sewage sludge and compost</td>
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<td>Compaction, tillage</td>
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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

Comparison: Greece, Spain, Italy

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

<table>
<thead>
<tr>
<th>Crop patterns</th>
<th>Spain</th>
<th>Greece</th>
<th>Italy (E.-R.)</th>
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<td>Biodiversity / landscape</td>
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Importance of soil conservation and water use, few binding standards in Spain
Implementation of the „Horizontal Regulation“

„Annual Reports“ according to Reg.1259/1999

- **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.

No comprehensive overview on GFP implementation and control in „annual reports“ according to Reg.1259/1999.

Conditions in Accession Countries I

- 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.
Conditions in Accession Countries II

- 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%.

Conditions in Accession Countries III

- 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
### 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

<table>
<thead>
<tr>
<th>Categories of GFP</th>
<th>Bulgaria</th>
<th>Czech Republic</th>
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<tr>
<td>Use of mineral f.</td>
<td>vs (leg)</td>
<td>leg</td>
<td>vs(leg)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Use of organic f.</td>
<td>vs (leg)</td>
<td>leg</td>
<td>vs(leg)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Time-limit for org.f.</td>
<td>vs</td>
<td>vs(leg)</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Time-limit for min.f.</td>
<td>vs</td>
<td>vs(leg)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Livestock density</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soil testing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pesticide Use</td>
<td>vs (leg)</td>
<td>leg</td>
<td>vs(leg)</td>
<td>X (leg)</td>
<td>X (leg)</td>
<td>X (leg)</td>
</tr>
<tr>
<td>Water Use</td>
<td>vs</td>
<td></td>
<td></td>
<td></td>
<td>X (leg)</td>
<td></td>
</tr>
<tr>
<td>Buffer Zones</td>
<td>vs (leg)</td>
<td></td>
<td></td>
<td></td>
<td>X (leg)</td>
<td>X (leg)</td>
</tr>
<tr>
<td>Farm Management (e.g. nutrient plans)</td>
<td>vs</td>
<td>leg</td>
<td>vs(leg)</td>
<td>X (leg)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Comparison between Accession Countries II

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

<table>
<thead>
<tr>
<th>Categories</th>
<th>Bulgaria</th>
<th>Czech Republic</th>
<th>Estonia</th>
<th>Latvia</th>
<th>Lithuania</th>
<th>Poland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Erosion/Maintenance of grassland</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sewage sludge and compost</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal housing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Animal welfare</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grazing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Biodiversity/Landscape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heritage Conservation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Waste handling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Burning grass</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Obvious pollution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Results for Accession Countries

- 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

### Conclusions (I)

- 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
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
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)
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 (DüngVO) –
taking into account losses during storage and spreading

<table>
<thead>
<tr>
<th></th>
<th>arable (236.1 kg N/ha)</th>
<th>grassland (291.6 kg N/ha)</th>
<th>with maximum stocking rate (Fert. Ord. → arable) the following other nutrients occur:</th>
</tr>
</thead>
<tbody>
<tr>
<td>cattle (à 1 LU)</td>
<td>2.8</td>
<td>3.4</td>
<td></td>
</tr>
<tr>
<td>fattening pigs</td>
<td>21.5</td>
<td>26.5</td>
<td>163.4  139.8</td>
</tr>
<tr>
<td>layer hens</td>
<td>295.1</td>
<td>364.5</td>
<td>200.7  115.1</td>
</tr>
<tr>
<td>broilers</td>
<td>1026.5</td>
<td>1267.8</td>
<td>236.1  164.2</td>
</tr>
</tbody>
</table>

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

![Graph showing the share of toxicology in total expenditure for research and development in the field of pesticides in German chemical industry 1976-1999. The graph shows an increase from 15.6% in 1976 to 27.9% in 1999, with a 12% increase indicated.]
Structure

1. Environmental Policy Framework for German Agriculture

2. Empirical Assessment of Environmental Policy Effects

3. Consequences for Competitiveness

4. Conclusions

2. Empirical Assessment of Environmental Policy Effects

1st step

MODEL with standards

sample 800 farms

representative farm data

optimizing within Status quo-framework

opt. Status quo-sample

optimized production programs
2. Empirical Assessment of Environmental Policy Effects

**The representative farm model BEMO** (Kleinhanß, FAL)

- **ACTIVITIES**
- **RESTRICTIONS**
- **opt. production programs**
- **representative farm data**

**2nd step**

- **MODEL** with standards
  - opt. Status quo - sample
- **MODEL** without standards
  - without environmental policy

**sample** 800 farms

University of Göttingen  Jesko Hirschfeld  Institute for Ecological Economy Research, Berlin
2. Empirical Assessment of Environmental Policy Effects

Example 1: Implementation of the Fertilizing Ordinance

<table>
<thead>
<tr>
<th></th>
<th>winter wheat</th>
<th>pig fattening</th>
<th>manure exchange</th>
<th>renting addit. land</th>
<th>restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>UAA</td>
<td>1</td>
<td>- 1</td>
<td>&lt;= 30</td>
<td>&lt;= 30</td>
<td></td>
</tr>
<tr>
<td>pigsty capacity</td>
<td>1</td>
<td>&lt;= 500</td>
<td>&lt;= UAA x 236 kgN/ha</td>
<td></td>
<td></td>
</tr>
<tr>
<td>N - limit</td>
<td>11</td>
<td>- 236</td>
<td>- 236</td>
<td>&lt;= 0</td>
<td></td>
</tr>
<tr>
<td>P - limit</td>
<td>- 84</td>
<td>6.5</td>
<td>- 84</td>
<td>- 600</td>
<td></td>
</tr>
<tr>
<td>objective function</td>
<td>750</td>
<td>80</td>
<td>- 300</td>
<td>gross margin [Euro]</td>
<td></td>
</tr>
</tbody>
</table>

here: N-Restriction is not binding (5500 kg N vs. 7080 kg upper limit) but P-limit (3250 kg P₂O₅ 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
2. Empirical Assessment of Environmental Policy Effects

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)

3. Empirical Assessment of Environmental Policy Effects

average change in gross margins
preliminary results: all farm types

<table>
<thead>
<tr>
<th>environmental policy measure</th>
<th>average change in gross margins</th>
</tr>
</thead>
<tbody>
<tr>
<td>fertilizing ordinance (manure application limits)</td>
<td>- 2.4 %</td>
</tr>
<tr>
<td>soil tests and nutrient balance-sheets</td>
<td>- 0.2 %</td>
</tr>
<tr>
<td>pesticide regulations (incl. ban of substances)</td>
<td>- 0.9 %</td>
</tr>
<tr>
<td>building regulations and storage instructions</td>
<td>- 1.0 %</td>
</tr>
<tr>
<td>hen husbandry ordinance</td>
<td>- 0.02 %</td>
</tr>
<tr>
<td>environmental policy - total</td>
<td>- 4.5 %</td>
</tr>
</tbody>
</table>
3. Empirical Assessment of Environmental Policy Effects

average change in gross margins
preliminary results: different farm types

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

3. Empirical Assessment of Environmental Policy Effects

average change in gross margins
preliminary results: pig and poultry farms

<table>
<thead>
<tr>
<th>policy measure</th>
<th>all</th>
<th>pig</th>
<th>poultry</th>
<th>less specialized</th>
</tr>
</thead>
<tbody>
<tr>
<td>fertilizing ordinance</td>
<td>- 8.6 %</td>
<td>- 13.0 %</td>
<td>- 4.1 %</td>
<td>- 8.1 %</td>
</tr>
<tr>
<td>tests &amp; balances</td>
<td>- 0.2 %</td>
<td>- 0.1 %</td>
<td>- 0.2 %</td>
<td>- 0.2 %</td>
</tr>
<tr>
<td>pesticides reg.</td>
<td>- 0.9 %</td>
<td>- 0.6 %</td>
<td>- 0.3 %</td>
<td>- 0.9 %</td>
</tr>
<tr>
<td>building regulations</td>
<td>- 0.9 %</td>
<td>- 0.6 %</td>
<td>- 0.8 %</td>
<td>- 0.9 %</td>
</tr>
<tr>
<td>hen husbandry ord.</td>
<td>- 0.2 %</td>
<td>- 0.1 %</td>
<td>- 6.7 %</td>
<td>- 0.1 %</td>
</tr>
<tr>
<td>total</td>
<td>- 10.7 %</td>
<td>- 14.3 %</td>
<td>- 12.1 %</td>
<td>- 10.1 %</td>
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</table>
3. Empirical Assessment of Environmental Policy Effects

average change in gross margins
preliminary results: cattle and milk farms

<table>
<thead>
<tr>
<th>policy measure</th>
<th>all</th>
<th>milk</th>
<th>cattle</th>
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</thead>
<tbody>
<tr>
<td>fertilizing ordinance</td>
<td>-4.5%</td>
<td>-5.7%</td>
<td>-2.7%</td>
</tr>
<tr>
<td>tests &amp; balances</td>
<td>-0.2%</td>
<td>-0.2%</td>
<td>-0.2%</td>
</tr>
<tr>
<td>pesticides reg.</td>
<td>-0.6%</td>
<td>-0.4%</td>
<td>-0.9%</td>
</tr>
<tr>
<td>building regulations</td>
<td>-0.9%</td>
<td>-0.7%</td>
<td>-1.2%</td>
</tr>
<tr>
<td>hen husbandry ord.</td>
<td>-0.01%</td>
<td>-0.0%</td>
<td>-0.1%</td>
</tr>
<tr>
<td>total</td>
<td>-6.1%</td>
<td>-7.0%</td>
<td>-4.8%</td>
</tr>
</tbody>
</table>

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

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

* numbers not available

Structure

1. Environmental Policy Framework for German Agriculture
2. Empirical Assessment of Environmental Policy Effects
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4. Conclusions
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 –

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)
1. Horizontal Regulation

Options:

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

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")
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.

1.2 Core elements of good farming practice

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

- Fertilization
- Plant protection
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).

- 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.
- 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.

- Proof of expertise:
  through completion of an appropriate apprenticeship (vocational training) or
  through a separate examination

- Equipment inspections (test badge)
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 %

Need for further improvements:
- soil analyses and
- checks on the nutrient levels in livestock manure

With:
- Support of advisory services and
- higher control density.
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.

According to the IACS rules:

- 5% on-the-spot checks of compliance with GFP

- 150,000 farms ⇒ 7,500 additional checks

- checks must be completed before payment!
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.

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.
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?
II. Sonstige

1. Ob es um 'Öffentliche Interessen, die gegen die gute landwirtschaftliche Praxis verstoßen würden':
   □ ja □ nein

2. Sonstige Bemerkungen des Prüfers

IV. Abschließende Bemerkungen des Prüfers

Ja □ Nein □
### 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
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

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

Answer: No

Why?
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

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)
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

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**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
Control of GAP (Fertilizers Ordinance) in Northrhine-Westfalia

Ministry of the Environment, Conservation, Agriculture and Consumer protection NRW

Supervisory authority

Director of the Agricultural Chamber as a representative of the regional government

Agricultural Chamber

Regional water authority

- Distances to water bodies
- Modifications of the prohibition of applying manure in winter

In agreement with

Enforcement of control (Fertilizers Ordinance) in NRW

Nutrient account

Requested from 1000 farms (2%)

- 170 (210) kg N/ha
- Export of farmyard manure
- Receive of farmyard manure
- Receive secondary raw material fert.
- N-surplus > 60 kg/ha
- P-surplus > 30 kg/ha
- Unrealistic yield

Plausibility check/ Risk assessment

On the spot check

About 200 farms (20%)
Choice of farms for inspections (fertilizers ordinance) in NRW

Choice of farms
- Random sample
- Analysis of previous years
- Compliant or specific concern

- Request for nutrient account
- Risk analysis
- On the spot check
- Assessment/evaluation
- Sanctions (if applicable)

Inspection system of GAP (EC No. 1257/99)

- Subsidy-granting authority
  - Task: review of the premium application
  - Local inspections in accordance with Reg. 1750/99
  - Selection of essential criteria relating to GAP (risk analysis)

- Specialised control bodies
  - Tasks:
    - Autonomous inspection: conformity with special agricultural legislation
    - Imposition of fines in the event of breaches
    - Specific inspection: conformity with GAP at the farm in question

- Query
- Suspicion of a breach of special legislation
- Decision of the Subsidy-granting authority: Full premium
- Decision of the Subsidy-granting authority on sanctions

- No indications of breach
- Breach of special legislation
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

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
### Outlook: Control of GAP – Cross Compliance

<table>
<thead>
<tr>
<th>non paper of the commission:</th>
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<tbody>
<tr>
<td>Control of 5% of all beneficiaries of direct payments</td>
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<tr>
<td>Control plan (which standards applicable?)</td>
</tr>
<tr>
<td>Farms notified to special control bodies</td>
</tr>
<tr>
<td>Risk assessment</td>
</tr>
<tr>
<td>50 (20)% control rate = 2,5 (1)% of all farms getting direct payments</td>
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<table>
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<tr>
<th>actual situation in NRW (fertilizers ordinance):</th>
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<tr>
<td>45,000 farms get direct payments</td>
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<tr>
<td>1000 farms requested for nutrient account (2,2%)</td>
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<td>Max. 200 on the spot checks (&lt;0,5%)</td>
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<tr>
<td>➔ Extension to more than 1% of the relevant farms not feasible!</td>
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</table>

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.