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Bélgica

Madrid, 14 de febrero de 2024

Estimado Vicepresidente, estimados Ministros:

Les agradezco mucho su carta en la que nos solicitan propuestas para reducir la carga administrativa de los agricultores y ganaderos de la Unión Europea, así como su compromiso para avanzar bajo su Presidencia de forma determinante en este ámbito.

La nueva PAC 2023-2027 ha supuesto un importante cambio de enfoque desde un sistema basado en el cumplimiento de requisitos a un sistema orientado a la consecución de objetivos. El nuevo modelo de aplicación conlleva una mayor subsidiariedad para los estados miembros y ha supuesto la supresión de un importante número de reglamentos.

Sin embargo, la experiencia en este primer año de aplicación ha puesto de manifiesto que este nuevo modelo no solo no implica una simplificación, sino que está suponiendo un importante incremento de la carga administrativa, tanto para agricultores como administraciones.

Es preciso por tanto que el proceso de reflexión que acaba de comenzar encuentre soluciones concretas a las cargas adicionales que se han generado. Estas cargas son el resultado del propio diseño de las intervenciones en algunos casos, y en otros, de cómo se están poniendo en marcha.

Comenzando por aquellas medidas cuyo diseño está suponiendo una gran complejidad e incluso están impidiendo el ejercicio adecuado de la actividad agraria en algunas zonas de España, me gustaría trasladar la importancia de adaptar las reglas de la condicionalidad reforzada. Ya en 2023 fue necesario derogar las reglas de la BCAM 7 y 8, y en 2024 se ha aprobado una derogación parcial de la BCAM 8 y se ha propuesto una nueva flexibilidad para la BCAM 1.

Lamentablemente, el enfoque por el que ha optado la Comisión Europea de ir presentando propuestas aisladas e incompletas en grupos de expertos sucesivos no es la respuesta adecuada a un problema real al que se están enfrentando todos los agricultores de la UE, y que exige una respuesta coherente y conjunta que aporte soluciones a todos los países. Es por tanto necesario un debate con todos los Estados miembros para identificar los problemas y, al igual que se ha hecho con la BCAM 8, proponer mediante actos de ejecución soluciones concretas para la campaña 2024 para todos los agricultores de la UE. En paralelo, es preciso reabrir el acto de base, para simplificar las buenas prácticas agrarias y medioambientales y adaptarlas a la realidad productiva de nuestros territorios de forma permanente.

No obstante, en muchos casos, el detalle de la aplicación de las BCAM en cada país no está recogido en ninguna norma, sino que se enmarca en los Planes Estratégicos Nacionales. El proceso de modificación de los Planes del año 2023 nos ha mostrado la absoluta rigidez de la Comisión Europea para realizar ajustes en estas reglas de condicionalidad. Nos encontramos por tanto que, en el marco del nuevo modelo de aplicación de la PAC, los planes estratégicos están siendo una nueva vía indirecta de legislar por parte de la Comisión. Una vía en la que los países se encuentran en una situación de indefensión, ya que, si la Comisión no está de acuerdo con las modificaciones propuestas, se bloquea el proceso de modificación del Plan, con las consecuencias que de ello se derivan.

Lo mismo ocurre con cualquier otra adaptación del Plan, por ejemplo, de los ecorregímenes, lo que limita enormemente las opciones de un país a adaptar su plan a la vista de la experiencia en su aplicación.

En el caso de España, será necesario modificar el Plan estratégico a lo largo de 2024 en diferentes aspectos de la condicionalidad, así como de los ecorregímenes, que deben ser ajustados para conseguir una mayor acogida en las zonas más áridas, a la vista de los resultados del primer año.

Es preciso por tanto que de este proceso de reflexión se obtengan, no solo ajustes en la normativa comunitaria, sino también el firme compromiso de la Comisión Europea de tratar las modificaciones propuestas por los Estados miembros de una forma razonable y coherente. En caso contrario, el nuevo modelo sería un fracaso, y sería preciso volver al modelo anterior, es decir, una política basada en el cumplimiento de requisitos.

En este sentido, quisiera también destacar que la supresión de reglamentos comunitarios no está suponiendo en ningún caso la simplificación de la aplicación de la PAC. En este primer año, la Comisión ha venido trabajando en base a directrices y documentos de preguntas más frecuentes que se consideran a todos los efectos como normas, ya que de ellos se pueden derivar consecuencias financieras. Estos documentos, para los que además se están publicando de forma constante nuevas versiones, en muchos casos están yendo más allá de lo recogido en los reglamentos de base.

Es el caso de los documentos que se están debatiendo sobre la evaluación de calidad del Sistema Integrado de Gestión y Control, o los relativos al Informe Anual de Rendimiento o a los informes de Evaluación y Seguimiento. Es fundamental por tanto que el actual proceso de reflexión resulte en una simplificación sustancial de estos nuevos informes que deben ser presentados a la Comisión Europea y que, conforme al actual diseño propuesto por la Comisión, son excesivamente complejos. En esta línea también se encuentra la obligación de que las fotos geoetiquetadas sean una fuente equivalente a las imágenes de satélite para el control de las ayudas a partir de 2025, un requisito que resulta inabordable tanto para agricultores como para Estados miembros.

Por último, el actual debate de simplificación para el sector agrario debe incluir también los actos legislativos en materia de medio ambiente y clima a los cuales deben contribuir los Planes Estratégicos. La aplicación de los artículos 120 y 159 del reglamento de planes estratégicos, relativos a los actos legislativos en materia de medioambiente y clima, es un ejemplo de cómo aspectos claves de la configuración de la PAC tienen lugar al margen de sus instrumentos de decisión y gobernanza.

Se adjunta a esta carta una lista detallada de aquellas propuestas de simplificación en las que creemos que se debería avanzar.

Cuenten con el compromiso de España para contribuir de manera activa y constructiva a este debate de simplificación, que consideramos esencial para garantizar el buen desarrollo de la actividad agraria en la UE.

Les hago llegar un atento saludo,



Luis Planas Puchades

CAP AMENDMENT PROPOSALS - SPAIN				BENEFICIARY	
PROPOSAL FOR CHANGE		REGULATION		JUSTIFICATION	
SUBJECT	REQUIREMENT	CONDITIONALITY	REGULATION	BENEFICIARY	
GAEC 6. Minimum soil cover to avoid bare soil in periods that are most sensitive	Allow in most sensitive periods: to give some vertical plough to the stubble, especially if there is rain after harvesting; the practice of green fertilization.	Commission Implementing Regulation	A significant amount of weeds proliferate on these surfaces that have a double negative effect, by consuming existing nutrients in the soil, thus requiring a greater need for fertilization for the next crop, and on the other hand causes the preparatory work for the next crop to be more intense and even requires the use of herbicides. Taht could be prevented allowing vertical work. On the other hand, the practice of green fertilization, which consists of adding plant species to the soil in order to increase the organic matter content of the soil, protects soil against erosion and recycling nutrients.	Farmer	
GAEC 7 and 8. Flexibility in the implementation of GAEC 7 and GAEC 8.1 in the year 2024	The requirements that would be affected by the flexibility would be: GAEC 7. Crop rotation in arable land. GAEC 8.1 Minimum share of agricultural area devoted to non-productive areas or features	Commission Implementing Regulation	The situation of the war in Ukraine is aggravated by the situation of continuous drought to which certain Spanish regions are affected. That is why we need a derogation to be approved in relation to GAEC 7 and 8, for the countries that are suffering drought in this 2024 campaign. Specifically, and in view of the significant drops in crop production, which compromise food sovereignty and the income of our producers, it is necessary to exempt from these conditionality rules those areas that can be irrigated, and whose production can compensate for the lower production in non-irrigated land.	Farmer	
GAEC 7 : Crop rotation in arable land, except for crops growing under water	For a secondary crop to be considered as part of the rotation, the secondary crop must have been used in the previous two years.	Commission Implementing Regulation	Removing the obligation to have used secondary crop in previous years.	Farmer	
GAEC 8: Minimum share of agricultural area devoted to non-productive areas	A minimum percentage of agricultural land devoted to non-productive areas must be set aside.	Annex III Regulation 2022/2115 (basic regulation)	Include: Farmers certified in accordance with Regulation (EU) 2018/848 shall be deemed to comply with this GAEC8 (organic farming) standard.	Farmer	
GAEC 8: Minimum share of agricultural area devoted to non-productive areas	A minimum percentage of agricultural land devoted to non-productive areas must be set aside.	Commission Implementing Regulation	To allow grazing of non-productive areas and elements of GAEC 8.1 in areas with low rainfall.	Farmer	
			In areas with low rainfall, the availability of pasture is very low, and more areas need to be provided.	Farmer	

CAP AMENDMENT PROPOSALS - SPAIN

OTHER CAP IMPLEMENTATION AND MONITORING REQUIREMENTS						
SUBJECT	REQUIREMENT	PROPOSAL FOR CHANGE	REGULATION	JUSTIFICATION	BENEFICIARY	COMMENTS
Geotagged photos	By 2025, at least for a requirement of direct aid, geotagged photos will be equivalent to the Sentinel data source. By 2027, at least 70% of interventions.	Eliminate this requirement completely.	Article 10(3) and (4) of Implementing Regulation 1173/2022	It places a huge administrative burden on the farmer and the administration.	Farmer and Administration	As a non-monitorable requirement, it must be controlled by the system decided by the member state.
Small Farmers' Payment Limit	The annual payment for each farmer shall not exceed EUR 1,250.	Increase this limit to EUR 5,000.	Article 28 of the basic Regulation 2021/2116	It is important to include as many beneficiaries as possible in a simplified scheme, bearing in mind that in terms of surface area the impact would be very limited. The current limit of EUR 1,250 is considered to be very restrictive.	Farmer and Administration	
Checks on Small farmers - conditionality	Check 1% of all beneficiaries	Exempt farmers with less than 5 ha from conditionality control	Articles 83(2) and 83(6)(d)(ii) Basic Regulation 2021/2116.	The inclusion of "small farmers" in conditionality has led to a very significant increase in the number of beneficiaries to be checked for conditionality. However, as they are farmers with a low territorial base, the area to be checked for conditionality requirements has hardly increased. This fact implies a significant effort on the part of the different paying agencies without a clear impact on the effects pursued by conditionality.	Farmer and Administration	
Checks on Communal Pastures	Check 1% of all beneficiaries	Simplification of the control system for communal grazing land and the application of penalties. If a beneficiary participates in a communal pasture, he is subject to an on the spot check. It is proposed that only the area is checked according to the % in which the farmer participates in the communal pasture, in case he has fallen into the 1% sample foreseen. In the event of non-compliance with this control, the corresponding penalty would be applied to this beneficiary.	Article 83(6)(d)(iii) Basic Regulation 2021/2116.	The communal pastures are large areas with a large number of participants, and in some cases it is not possible to individually identify the specific hectares that correspond to each participant. This means that if, when carrying out an on the spot check, a beneficiary who participates in the communal pasture is selected, it is necessary to check the whole pasture (GAEC and SMRS), with the corresponding increase in administrative burden and the added difficulty of being able to penalise beneficiaries who participate in the communal pasture, even though they may not be responsible for non-compliance.	Farmer and Administration	
Reducing the scope of the quality assessment of the Area Monitoring System (AMS QA)	Quality assessment of the area monitoring system shall be carried out by checking all the eligibility conditions for subsidy of all the interventions applied for on a representative sample of plots.	Check only monitorable eligibility conditions.	Article 5.5 of Delegated Regulation 1172/2022	The area monitoring system refers only to monitorable requirements. Therefore, the quality assessment should focus only on these monitorable requirements. Other non-monitorable requirements or administrative checks should be outside the scope of the AMS QA.	Farmer and Administration	In certain cases, additional documentation is being requested from the farmer for the sole purpose of the AMS QA.
Annual Performance Report (APR): suppressing the aggregated values of the realised outputs	Realised outputs – aggregated values	Abolish this requirement	Section 2.3 of the Annex to Implementing Regulation 2023/130 on the content of the APR	The APR contains information for the performance clearance (realised outputs, unit amounts realised and their comparison with planned) and biennial performance review (indications of results achieved and their comparison with planned milestones and targets) procedures, which are two pillars of the new delivery model. However, the aggregate values of outputs are not part of any of these procedures; their purpose is monitoring of the CAP. While this is a very noble aim, the technical complexity of its calculation is disproportionate. It requires numerous cross-checks to avoid double counting.	Administration	The instructions received from the Commission are imprecise and do not cover all the possible cases that may arise. A complete and exhaustive methodological guide is not available. Sometimes the instructions are given in footnotes of an Excel file, which are imprecise and often change criteria from one version to another.
Annual Performance Report (APR): setting a deadline for submission of the APR, which does not coincide with the deadline for submission of the annual accounts, in the case of Member States with more than one paying agency	Submission of the APR by the 15th of February of the year following the end of the financial year at the latest, coinciding with the submission of the annual account.	Delay the deadline for submission of the APR by a few days (until the 20th of February) compared to the deadline for submission of the annual account, at least in Member States with more than one paying agency.	Art. 9(3) of Regulation 2021/2116 on financing, management and monitoring of the common agricultural policy.	The APR cannot be submitted if the annual account has not been previously submitted, as certain account data are automatically dumped into the APR. In regionalised countries such as Spain, until all 18 accounts are loaded, the APR cannot pass the validation test in SFCC2021 and, in the event of any incident, it has to be resolved. This coincidence of dates makes it very risky not to request the exceptional deadline extension, because such a request has to be submitted before the 5th of February. This means that every year, at least as a precautionary measure, we will have to apply for an "exceptional" deadline extension for the APR.	Administration	

<p>Disaggregated data on interventions and beneficiaries: removing the requirement to provide extensive data at the level of each payment and beneficiary for monitoring purposes.</p>	<p>Disaggregated data on interventions and beneficiaries.</p>	<p>Delete Articles 9 and 10 and Annex IV of Implementing Regulation 2022/1475 on information for monitoring and evaluation.</p>	<p>Implementing Regulation 2022/1475 on monitoring and evaluation information.</p>	<p>The Commission indicated on numerous occasions in the proposal for the new delivery model that the model advocates simplification and, on this basis, it would not request the disaggregated data on beneficiaries that were being submitted until the period 2014-2022. In practice, this means that during the period 2023-2027, the Commission will not request accounting information for the purpose of clearance of EAGF and EAFRD accounts, as well as for monitoring and forecasting purposes, in accordance with Article 30(1)(c) of Implementing Regulation 908/2014 (the so-called Xs table). It also means that control and control statistics data in relation to direct payment schemes (EAGF) and rural development measures (EAFRD) do not have to be sent to the Commission, in accordance with Article 9(1) of Regulation 809/2014. The Commission has eliminated the submissions mentioned in the two previous paragraphs, but introduces new data, disaggregated by intervention and beneficiary, in implementing Regulation 2022/1475, with the work involved for the Member States in setting up a new system for collecting such highly detailed information. It is not understood, therefore, that this new system implies any simplification, quite the contrary, because it calls for having to prepare new information systems for collection and transmission of information. All this with the addition that the new IAR will provide annually aggregated quantitative information that will give an overview of the level of implementation of the Strategic Plan at national level.</p>	<p>Administration</p>
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CAP AMENDMENT PROPOSALS - SPAIN						
SECTORIAL INTERVENTIONS						
SUBJECT	REQUIREMENTS	PROPOSAL FOR CHANGE	REGULATION	JUSTIFICATION	BENEFICIARY	COMMENTS
Wine Sector Intervention	Not applicable	Structurally introduce new types of intervention that make it possible to respond to the needs of the sector. Measures that really make it possible to tackle and respond to problems. E.g.: Deferred restructuring, or others.	Article 58(1)(a) of Regulation (EU) No 2021/2115 and Article 62 of Regulation (EU) No 1308/2013	Having long-term tools available and making them available to the sector to facilitate market equilibrium	Winegrowers	This is a measure advanced by France to Spain and Italy in the framework of the Joint Wine Committee Plenary on 5 December.
Wine Sector Intervention	Not applicable	Simplify the management of existing measures (promotion of wine in third countries) so that they can be of real use. Simplify the reasonableness of costs.		The diagnosis of the sector's situation prior to the design of the interventions led Spain to focus its interest in promoting and seeking new destinations for its wines. Thus, the tool of promoting wine in third countries appears to be strategic within the framework of the WSI. However, the complicated management required by the Commission means that operators are reluctant to use it.	Wineries and wine operators	
Beekeeping Sector Intervention	The cost moderation policy should be applied to all eligible items, regardless of their value	Simplifying cost containment policy	Unidentified regulations	The obligation to apply cost moderation to any expenditure of any amount hinders the management of aid, which in the case of beekeeping, due to the nature of the investments, can refer to very low amounts that do not justify the expense and effort incurred in their management and control	Beekeepers and management authorities	
Beekeeping Sector Intervention	Beekeeping Sectoral Intervention ISA Performance indicators; Value without double counting of hives for the aggregate value of the number of hives of O37 and R35; Cumulative value of R35	Simplifying ISA performance indicators	Indicator fiches and "cover note on output and result indicators", Annex to regulation 2021/2290 (Detailed calculation methods for output indicators)	In Spain, in spite of having an advanced system for registering bee farms, there is no individual identification of the hives, since there is no legal basis for this. Therefore, very complicated to be able to give data without double counting. Once again, it is necessary to check whether the cost-benefit ratio of having some data is worthwhile. In addition, the new system for monitoring the implementation of the intervention requires beekeepers to provide more information in their applications, in order to have the necessary information to complete the indicators.	Beekeepers and management authorities	As an alternative to the number of hives without double counting we can provide for the number of beekeepers without double counting since an unique identifier system for beneficiaries is already in place
Beekeeping Sector Intervention	Increase in the number of verifications to be carried out on the eligible items; examples: investments are only intended for the subsidized use exclusively, commitment to maintenance and durability for a minimum of three years...	Simplify the requirements for granting the ISA	Art. 11 regulation 2021/126	The nature of investments in the ISA makes it difficult to meet some of the established requirements. It must be taken into account that they are not always investments of high value and great specificity, which may not be assimilated to those of other sectoral interventions, despite sharing the same regulatory framework. Having to comply with all the requirements could lead to not subsidizing a large part of the current concepts.	Beekeepers and management authorities	

CAP AMENDMENT PROPOSALS - SPAIN						
OTHER PROPOSALS NOT RELATED TO CAP STRATEGIC PLANS						
SUBJECT	REQUIREMENT	PROPOSAL OF CHANGE	REGULATION	JUSTIFICATION	BENEFICIARY	COMMENTS
Promotion measure (Programmes regulated by EU Regulation 1144/2014) Simplification of management procedures. Determination of final unit costs in the supply chain.	Obligation to arrive at the final unit cost in the supply chain of the implementing agencies of these programmes.	Eliminate the obligation to determine the final unit cost in the supply chain.	EU Regulation 1144/2014, Art 4 and 5 R 1829/2015, Art 10 and 12 of Regulation 1831/2015.	The controls currently in place at the Agency ensure cost moderation and security for the funds. Providing information on the final costs of the supply chain is complicated for beneficiaries and does not add further assurance to the fund. Especially since sometimes there is no contractual relationship with third party suppliers. With the controls, we always seek to ensure that the traceability of expenditure is guaranteed.	Farmer and Administration	Ruling no. 181/2023 of the Central Contentious-Administrative Court no. 2 of the Spanish National Court of Appeals (AUDIENCIA NACIONAL) eliminated the reimbursement ruling of the Origin Spain programme, upholding the beneficiary and determining that the request for the costs of suppliers was not necessary, thus delimiting the justification of eligible expenses to the executing body.
Promotion measure (Programmes regulated by EU Regulation 1144/2014) Application of sanctions. Art. 5 Delegated Regulation (EU) 2015/1829.	Apply sanctions in all cases where irregularities (ineligible expenditure) are found. No margin of tolerance.	Apply a 10% tolerance margin as the difference between the amount requested and the amount determined as eligible.	Commission Delegated Regulation (EU) 2015/1829 of the 23rd of April of 2015 supplementing Regulation (EU) No 1144/2014 of the European Parliament and of the Council in Article 5 Administrative penalties relating to simple programmes.	This margin of tolerance is being applied in other PEPAC measures such as EAFRD interventions and provides all the guarantees of security for the fund.	Farmer and Administration	Applying sanctions as determined by Delegated Regulation (EU) 2015/1829 is disproportionate.
Vineyard planting authorisation system	Obligation to implement them within three years (validity) and holders who do not comply will be subject to penalties.	extend the validity of all authorisations to 8 years and remove penalties for holders of replanting authorisations who fail to implement them during their period of validity.	Amend the first subparagraph of Article 62(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council as follows: "The authorisations referred to in paragraph 1 shall be valid for a period of eight years from the date on which they were granted. Producers who have not used the authorisation granted to them under Article 64 of this Regulation during the period of validity shall be subject to the administrative penalties provided for in Article 89(4) of Regulation (EU) No 1306/2013".	Due to the difficulties the sector is going through (drought, high input costs, market uncertainty...), winegrowers need more flexibility to be able to postpone the execution of authorisations until a more favourable moment. This modification of the basic regulation would allow them to do so without losing their authorisations (which are an asset of their vineyards) and without being penalised. On the other hand, this modification would benefit the sector in general, as it would encourage the staggering of supply and postponement to a time of greater demand, avoiding the loss of potential in the short term that may be needed in the future.	Winegrowers and the sector in general	
Vineyard planting authorisation system	Modifications to the authorisation location may be requested and they are duly justified in advance, among other requirements.	Permitir que estas modificaciones se puedan solicitar y aprobar sin justificación previa, siempre que se cumplan el resto de requisitos	Amend the first paragraph of Article 11 of Commission Implementing Regulation (EU) 2018/2074 as follows: "The duty to justify the request of vines on an area of the applicant, planting of vines on an area of the holding other than that for which the authorisation was granted, provided that the new area is of the same size in hectares, and that the authorisation remains valid in accordance with Article 62(3) of Regulation (EU) No 1308/2013."	Due to the difficulties that the sector is going through (drought, high input costs, market uncertainty, etc.), winegrowers are finding it more difficult to carry out the authorisation on the area of the authorisation granted, so they would benefit if they were allowed to modify this authorisation to another area where it would be easier for them to plant without having to justify it beforehand, as it would be a simpler procedure. This simplification of the procedure would make it easier for them to execute their authorisations on time, without being penalised.	Winegrowers	