

## EUROPEAN COMMISSION

Cabinet of Commissioner Dacian Cioloş  
Head of Cabinet

Brussels, 23. 05. 2014  
GH/YM/vt (2014) 860282

Dear Sirs,

In your letter of 13<sup>th</sup> January 2014, which received our fullest attention, you requested clarification and assurances regarding the use of pesticides and fertiliser on nitrogen fixing crops in Ecological Focus Areas (EFA) and other related concerns.

As stated in recital 44 of Regulation (EU) No 1307/2013, the Ecological Focus Areas should be established, in particular, to safeguard and improve biodiversity on farms. It is recognised that the reduced use of inputs contribute to the enhancement of biodiversity, as recalled in the same recital and which you highlighted in your letter.

Keeping in mind the overall need of improving biodiversity, in this Regulation and in the Delegated Regulation on direct payments adopted by the Commission on this 11 March, requirements to limit the use of plant protection products and fertilizers can be specified in relation to the different types of EFA.

In particular, on areas with short rotation coppice, it is not possible to use mineral fertilizers and/or plant protection products and Member States shall establish the relevant requirements for the sake of safeguarding and improving biodiversity.

On areas under catch crops or green cover Member States shall set up a list of mixtures of crop species, to be used to increase the effectiveness of this EFA for biodiversity, define the period for the sowing, and may establish additional conditions notably with regard to production methods, which could lead to possible specific requirements concerning the ban of pesticides. In any event, for this type of EFA the interest for the farmer to use pesticides is very limited; the crops concerned are in place for a short period and agricultural production is not the primary objective.

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For areas with nitrogen fixing crops Member States shall define a list of crops under the objective of improving biodiversity. This requirement will allow Member States to choose on this type of EFA crops avoiding intensive use of pesticides and fertilisers. In addition, Member States may establish additional conditions, notably with regard to production methods, thus getting the possibility to further regulate the use of inputs, e.g. through a ban.

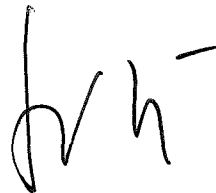
Other types of EFA like land lying fallow, landscape features and buffer strips are elements without agricultural production, therefore the risk of using fertilizers and plant production products is limited. As you raised concerns on the need of supporting ecosystem services as pollination and pest control, the role of these environmental services will be enhanced, especially by some landscape features such as hedges and wooded strips, field margins, trees, riparian vegetation around ponds. For this respect, some landscape elements get a higher value for weighting factors fixed in Annex II of the Delegated Regulation.

The whole set of these requirements, specific for each type of EFA, will be useful to strike an overall balance between the limitation in the use of agricultural inputs and the possibility to have production on some EFA, the latter already introduced with the political agreement on the basic regulation. A general ban of pesticides on EFA as you requested in your letter would have implied an increased complexity for control (e.g. soil or plant sampling) and a potential source of error risk.

As you also stressed the importance of the “informed use of EFA”, be aware that in the overall Common Agricultural Policy for the next period the attention to environmental issues is supported by concrete information and advice actions targeted to different actors.

In particular, these instruments are represented by the Farm Advisory System as set out in Article 12 of Regulation (EU) No 1306/2013, which comprises specific provisions for greening in its subparagraph 2(b). In the context of Rural Development, priority 1 on “fostering knowledge transfer” can even cover actions on the management of greening obligations, e.g. in Article 15 of Regulation (EU) No 1305/2013 on Advisory services, advice on greening is specifically foreseen in subparagraph 4(b). Moreover, the Rural Development measure on cooperation is aimed at associating different actors (farmers, forest managers etc.) to undertake common environmental initiatives (Article 35 of Regulation (EU) No 1305/2013).

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GH' with a horizontal line extending from the top right of the 'H'.

Georg Häusler