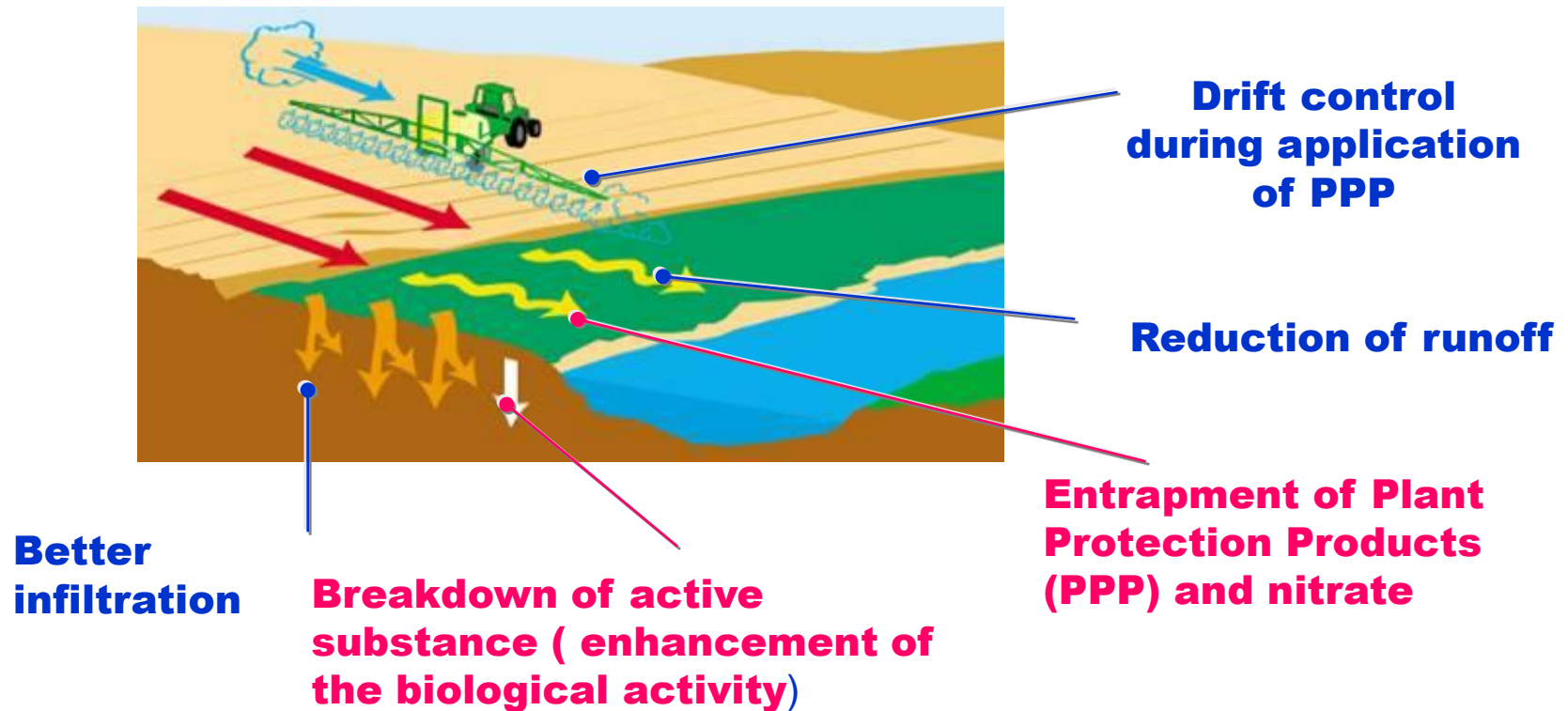


Buffer strips as cross compliance
requirement under Council regulation
(EC) 73/2009

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Buffer Strips concept



Buffer strips and cross compliance

Cross compliance definition

(Recital 2 of Council Regulation (EC) No 1782/2003)

*“The full payment of direct aid should be linked to compliance with rules relating to agricultural land, agricultural production and activity. Those rules should serve **to incorporate in the common market organisations basic standards for the environment, food safety, animal health and welfare and good agricultural and environmental condition.** (...)”*

Potential link between environmental requirement and the full payment of direct aid. Therefore a potential link between Buffer strips obligation where it is defined by the EU legislation and the EU payment support.

CROSS COMPLIANCE

PAYMENTS

Direct payments :

- Single Payment Scheme
- Single Area Payment scheme
- All other coupled direct payments

Rural development:

- Payments to farmers in mountain and other handicap areas
- Natura 2000 payments both in farm and forest land
- Payments linked to the Water Framework Directive
- Agri-environment
- Animal welfare payments
- First afforestation of agricultural land
- Forest-environment payments

Wine :

- Grubbing-up premium
- Restructuration payments
- Green harvesting payments

Farm Advisory System

SCOPE

Statutory Management Requirements (SMR)

(Annexe II of Council regulation n°73/2009)

- Nitrates Directives (SMR 4)
- Pesticides Directive (SMR 9)

Other 17 community legislative acts in the area of public animal and plant health, environment and animal welfare.

Good Agricultural and Environmental Condition (GAEC)

Permanent Pasture Ratio

Buffer strips and Statutory Mangement Requirements (SMRs)

1. Buffer strip and SMR 4
2. Buffer strips and SMR 9

Buffer strips and Council Directive n°91/676/CEE of 12 December 1991 so called « nitrate directive » (SMR 4)

Reminders: Main obligations for Member States

- **Designation of Nitrate Vulnerable Zones (NVZs)**, revision every four years (article 3)
- Establishing **codes of good agricultural practice** to be implemented by farmers on a voluntary basis or compulsory basis within NVZs (article 4 and items A and/or B in annex II)
- Establishing **action programmes** in designated NVZs (article 5 and items in Annex III)

Buffer strips and Nitrates Directive

codes of good agricultural practice

National action programmes

Measures specified in Annex II

Land application of fertiliser

- to steeply sloping ground
- to water-saturated, flooded, frozen and snow – covered ground

Conditions for land application of fertiliser near water courses (buffer strips)

Measures specified in Annex III

1. Prohibited period for application
2. Capacity and construction of storage vessels
3. Limitation of land application of fertilizer

Buffer strips as concrete obligation in order to ensure of respect of conditions for land application of fertilisers near water courses

Buffer strips and Nitrates Directive (SMR 4)

As regard buffer strips, concrete requirement under National action program (for an example)

Under the regulations farmers must:

- Ensure that chemical fertiliser is **not applied within 1.5 m** of a surface watercourse
- Ensure that organic fertiliser or soiled water is not applied within the **minimum buffer zones for water extraction points** as specified in the Regulations

Buffer strips directive 91/414/EEC of 15 July 1991 “Pesticide directive” (SMR 9)

Article 3(3) of directive 91/414/EEC states:

*“Member States shall prescribe that **plant protection products (PPP) must be used properly**. Proper use shall include compliance with the **conditions** established in accordance with Article 4 and **specified on the labelling**, and the application of the principles of **good plant protection practice**”*
“

Examples of conditions specified on the label

(b) Linked to **Water protection**:

- “To protect aquatic organisms respect an unsprayed buffer zone of (distance to be specified) to surface water bodies” .

Buffer strip and Minimum Requirements for PPP

- **Minimum requirements for ppp use established by national legislation (for AEM beneficiaries only): “*include inter alia,***
 - *have a license to use the products,*
 - *meet training obligations,*
 - *requirements on safe storage,*
 - *checking of application machinery,*
 - *rules on pesticide use close to water and other sensitive sites”.*

Good Agricultural and Environmental Condition (GAECs)

- ▶ On the basis of the common framework set up previously in Annex IV of regulation n° 1782/2003 replaced by Annex III of regulation n° 73/2009 covering the following issues:
 1. Protecting soil from erosion
 2. Maintaining soil organic matter
 3. Maintaining soil structure
 4. Ensuring a minimum level of maintenance and avoiding deterioration of habitats

- ▶ An issue has been added following the Heath check in Annex III of regulation n° 73/2009
 5. Protecting and management of water: Protect water against pollution and run-off and manage the use of water

Under water issue: two new compulsory standards

- “ **Establishment of buffer strips along water courses**”
- “ **Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures**”

Reminder

1. The issue represents the objective to reach
2. The standards are the means to use to obtain this objective
3. Member States must translate the standard into obligation(s) at farm level, “*taking into account of the specific characteristics of the area concerned*”

Compulsory standards: they must all be implemented by all Member States/
optional standards: they may be implemented by Member States willing to do so

The new standards

“Establishment of buffer strips along water courses”

- The objective (issue) is to “*protect water against pollution and run-off and manage the use of water*”
- The rationale is that protection and management of water in the context of agricultural activity has increasingly become a problem in certain areas
- This is a new standard referring to a new issue
- MS have to define in particular what is a “buffer strip” and which “water courses” are concerned.
- However the buffer strips must respect on the whole territory at least the requirements of land application of fertiliser stemming from the Nitrates Directive

The new standards

“Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures”

- **The objective (issue) is to “*protect water against pollution and run-off and manage the use of water*”**
- **The rationale is that protection and management of water in the context of agricultural activity has increasingly become a problem in certain areas**
- **This is a new standard referring to a new issue**
- **There is a clear link with the national legislation on authorisation to use water for irrigation**

The new standards

Timing:

In 2010:

- **“Retention of landscape features *including, where appropriate, hedges, ponds, ditches, trees in line, in group or isolated and field margins*”**
- **“Where use of water for irrigation is subject to authorisation, compliance with authorisation procedures”**
- **“Establishment and/or retention of habitats”**

In 2012 at the latest:

- **“Establishment of buffer strips along water courses”**