



Protect pollinators in the Common Agricultural Policy beyond 2020

Policy brief by the Belgian Pollinators Working group*

Key message

Wild and domesticated pollinators, which are of fundamental importance for food production and the conservation of biological diversity, are declining due to, inter alia, the loss and degradation of habitat and the use of pesticides harmful to pollinators, and climate change.

The Belgian Pollinators Working group reminds of the call by the Council of the European Union of 9 November 2018 to implement effective measures to tackle the decline of pollinators, in particular through relevant actions and integration of pollinators' needs, as well as measures for dealing with the drivers of decline, in respective post-2020 EU policy frameworks, such as the Common Agricultural Policy.

Context

On 1 June 2018, the European Commission presented proposals on a future common agricultural policy (CAP) beyond 2020. The preservation of landscapes and biodiversity is one of its 9 objectives, along with the protection of food and health. Pollinators play a key role in achieving these fundamental objectives, as shown by the [IPBES Assessment Report on Pollinators, Pollination and Food Production](#). This report and further scientific evidence draw attention to the alarming decline of pollinators, for which intensive agriculture is identified as one of the main drivers. Recognizing the importance of pollinators for agricultural production and as an indicator of healthy ecosystems, Belgium joined in 2016 [an international coalition](#) that aims to promote policy measures and innovative action on protecting pollinators. Supported by a conclusion by the Environment Council of the EU, the [Conference of the Parties to the UN Convention on Biological Diversity](#), agreed on a [Plan of Action 2018-2030](#) for the International Initiative for the conservation and sustainable use of pollinators, in which stakeholders including farmers, are encouraged to adopt pollinator-friendly practices and address direct and indirect drivers of pollinator decline.

** The Pollinators Working Group is an expert group created and mandated by the Coordination Committee for International Environmental Policy to inform and advise on policies affecting pollinators and pollination*

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Context

In the coming months, Belgium will negotiate the new CAP. In its proposal, the European Commission describes a new model whereby “the Union should set the basic policy parameters (objectives of the CAP, broad types of intervention, basic requirements), while Member States should bear greater responsibility and be more accountable as to how they meet the objectives and achieve agreed targets”.

Recommendations

While acknowledging the move towards greater subsidiarity, the Pollinators Working Group **urges Belgium to ensure that “the basic policy parameters” of the new CAP are coherent with our international obligations and engagements relative to the conservation and sustainable use of pollinators diversity**, and recommends in particular to:

- Incorporate in the rules on conditionality all the basic legal requirements that are part of the EU regulatory framework providing safeguards for the environment and biodiversity.
- Encourage the inclusion of the conservation and sustainable use of pollinators in the possible eco-schemes proposed by the Member States.
- Implement the pollinator indicator that is in development under EU Pollinators Initiative.

Some more detailed and specific recommendations are listed in the annex to this policy brief.



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ANNEX 1

Analysis from a pollinator's perspective of the rules of conditionality pursuant to Article 11

Areas	Main Issue	Requirements and standards		Comments
Climate and environment	Climate change	GAEC 1	Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area	Good measure. Attention to be given to veterinary products used in animal husbandry.
		GAEC 2	Appropriate protection of wetland and peatland	Good measure for pollinator protection
		GAEC 3	Ban on burning arable stubble, except for plant health reasons	Good measure for pollinator protection
	Water	SMR 1	<p>Directive 2000/60/EC of 23 October 2000 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy: Article 11(3)(e) and Article 11(3)(h) as regards mandatory requirements to control diffuse sources of pollution by phosphates</p> <p>Article concerned: « 3. "Basic measures" are the minimum requirements to be complied with and shall consist of:[...] (e) controls over the abstraction of fresh surface water and groundwater, and impoundment of fresh surface water, including a register or registers of water abstractions and a requirement of prior authorisation for abstraction and impoundment. These controls shall be periodically reviewed and, where necessary, updated. Member States can exempt from these controls, abstractions or impoundments which have no significant impact on water status;</p>	Ideally "enhanced conditionality" would imply that measures linked to these articles affect also pollution by other chemicals used in agriculture and livestock, such as, pesticides, biocides or veterinary products.

			<p><i>(h) for diffuse sources liable to cause pollution, measures to prevent or control the input of pollutants. Controls may take the form of a requirement for prior regulation, such as a prohibition on the entry of pollutants into water, prior authorisation or registration based on general binding rules where such a requirement is not otherwise provided for under Community legislation. These controls shall be periodically reviewed and, where necessary, updated;</i></p>	
		SMR 2	<p>Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1): Articles 4 and 5</p> <p><i>Article 4</i></p> <p><i>1. With the aim of providing for all waters a general level of protection against pollution, Member States shall, within a two-year period following the notification of this Directive:</i></p> <p><i>(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;</i></p> <p><i>(b) set up where necessary a programme, including the provision of training and information for farmers, promoting the application of the code(s) of good agricultural practice.</i></p> <p><i>2. Member States shall submit to the Commission details of their codes of good agricultural practice and the Commission shall include information on these codes in the report referred to in Article 11. In the light of the information received, the Commission may, if it considers it necessary, make appropriate proposals to the Council.</i></p> <p><i>Article 5</i></p> <p><i>1. Within a two-year period following the initial designation referred to in Article 3 (2) or within one year of each additional designation referred to in Article 3 (4), Member States shall, for the purpose of realizing the objectives specified in Article 1, establish action programmes in respect of designated vulnerable zones.</i></p> <p><i>2. An action programme may relate to all vulnerable zones in the territory of a Member State or, where the Member State considers it appropriate, different programmes may be established for different vulnerable zones or parts of zones.</i></p> <p><i>3. Action programmes shall take into account:</i></p> <p><i>(a) available scientific and technical data, mainly with reference to respective nitrogen contributions originating from agricultural and other sources;</i></p> <p><i>(b) environmental conditions in the relevant regions of the Member State concerned.</i></p> <p><i>4. Action programmes shall be implemented within four years of their establishment and shall consist of the following mandatory measures:</i></p> <p><i>(a) the measures in Annex III;</i></p> <p><i>(b) those measures which Member States have prescribed in the code(s) of good agricultural practice established in accordance with Article 4, except those which have been superseded by the measures in Annex III.</i></p>	<p>Special attention should be paid to the use of catch and cover crops aimed at reducing nitrate pollution, as they may mobilise pesticide residues retained in the soil (e.g. Simon-Delso et al., 2017). Furthermore, due to the potential impact on pollinators' health of the availability of mass flowering of such crops before the winter period, it could be recommended to avoid bee-attracting catch/cover crops to bloom.</p>

			<p>5. Member States shall moreover take, in the framework of the action programmes, such additional measures or reinforced actions as they consider necessary if, at the outset or in the light of experience gained in implementing the action programmes, it becomes apparent that the measures referred to in paragraph 4 will not be sufficient for achieving the objectives specified in Article 1. In selecting these measures or actions, Member States shall take into account their effectiveness and their cost relative to other possible preventive measures.</p> <p>6. Member States shall draw up and implement suitable monitoring programmes to assess the effectiveness of action programmes established pursuant to this Article. Member States which apply Article 5 throughout their national territory shall monitor the nitrate content of waters (surface waters and groundwater) at selected measuring points which make it possible to establish the extent of nitrate pollution in the waters from agricultural sources.</p> <p>7. Member States shall review and if necessary revise their action programmes, including any additional measures taken pursuant to paragraph 5, at least every four years. They shall inform the Commission of any changes to the action programmes.</p>	
		GAEC 4	Establishment of buffer strips along water courses 1	Attention should be paid in case these buffer strips contain plants of interest to pollinators due to the drift of pollutants coming from treated fields (Kruepke et al., 2013, Botias et al., 2015, Simon-Delso et al. 2017, Tosi et al., 2018)
		GAEC 5	Use of Farm Sustainability Tool for Nutrients 2	No comment
	Soil protection	GAEC 6	Tillage management reducing the risk of soil degradation, including slope consideration	Good measure for pollinators
		GAEC 7	No bare soil in most sensitive period(s)	Particular attention should be paid to avoid the presence of cover crops of interest to pollinators planted in areas previously occupied by crops treated with persistent and/or systemic pesticides (Simon-Delso et al., 2017).
		GAEC 8	Crop rotation	Crop rotation preserves the soil potential and reduce the farmer's dependence on fertilisers and plant protection products. Ideally crop rotation would include long

				rotations of 5-7 years.
	Biodiversity and landscape (protection and quality)	SMR 3	<p>Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7):</p> <p>Article 3(1), Article 3(2)(b), Article 4(1), (2) and (4)</p> <p><i>Article 3</i></p> <p>1. <i>In the light of the requirements referred to in Article 2, Member States shall take the requisite measures to preserve, maintain or re-establish a sufficient diversity and area of habitats for all the species of birds referred to in Article 1.</i></p> <p>2. <i>The preservation, maintenance and re-establishment of biotopes and habitats shall include primarily the following measures:</i></p> <p><i>(b) upkeep and management in accordance with the ecological needs of habitats inside and outside the protected zones;</i></p> <p><i>Article 4</i></p> <p>1. <i>The species mentioned in Annex I shall be the subject of special conservation measures concerning their habitat in order to ensure their survival and reproduction in their area of distribution.</i></p> <p><i>In this connection, account shall be taken of:</i></p> <ol style="list-style-type: none"> 1. <i>species in danger of extinction;</i> 2. <i>species vulnerable to specific changes in their habitat;</i> 3. <i>species considered rare because of small populations or restricted local distribution;</i> 4. <i>other species requiring particular attention for reasons of the specific nature of their habitat.</i> <p><i>Trends and variations in population levels shall be taken into account as a background for evaluations.</i></p> <p><i>Member States shall classify in particular the most suitable territories in number and size as special protection areas for the conservation of these species in the geographical sea and land area where this Directive applies.</i></p> <p>2. <i>Member States shall take similar measures for regularly occurring migratory species not listed in Annex I, bearing in mind their need for protection in the geographical sea and land area where this Directive applies, as regards their breeding, moulting and wintering areas and staging posts along their migration routes. To this end, Member States shall pay particular attention to the protection of wetlands and particularly to wetlands of international importance.</i></p> <p>4. <i>In respect of the protection areas referred to in paragraphs 1 and 2, Member States shall take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. Outside these protection areas, Member States shall also strive to avoid pollution or deterioration of habitats.</i></p>	Good measure to enhance habitat for birds, which can contribute to pest control. Nevertheless, compliance to the relevant articles related to on-farm application or to agriculture should be an integral part of the first pillar conditioning rules. In this context, the application of Article 4(1) requires the inclusion as an outcome-oriented indicator of the implementation of the Bird Index (the first real indicator related to biodiversity observed in the field).
		SMR 4	<p>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p. 7):</p> <p>Article 6(1) and (2)</p>	Compliance to all these articles should be an eligibility criterion for payment under the first pillar.

			<p><i>Article 6</i></p> <p><i>1. For special areas of conservation, Member States shall establish the necessary conservation measures involving, if need be, appropriate management plans specifically designed for the sites or integrated into other development plans, and appropriate statutory, administrative or contractual measures which correspond to the ecological requirements of the natural habitat types in Annex I and the species in Annex II present on the sites.</i></p> <p><i>2. Member States shall take appropriate steps to avoid, in the special areas of conservation, the deterioration of natural habitats and the habitats of species as well as disturbance of the species for which the areas have been designated, in so far as such disturbance could be significant in relation to the objectives of this Directive.</i></p>	
		GAEC 9	<p>Minimum share of agricultural area devoted to non-productive features or areas</p> <ul style="list-style-type: none"> ·Retention of landscape features ·Ban on cutting hedges and trees during the bird breeding and rearing season ·As an option, measures for avoiding invasive plant species 	Bear in mind that “non-productive area” may render provisioning and supporting ecosystem services, including related to pollination.
		GAEC 10	Ban on converting or ploughing permanent grassland in Natura 2000 sites	Good measure for biodiversity.
Public health, animal health and plant health	Food safety	SMR 5	<p>Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1):</p> <p>Articles 14 and 15, Article 17(1) 3 and Articles 18, 19 and 20</p>	Compliance to ALL relevant articles should be a conditionality to eligibility of farmers to first pillar payments.
		SMR 6	<p>Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stock farming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3):</p> <p>Article 3(a), (b), (d) and (e) and Articles 4, 5 and 7</p>	Good measures to avoid contamination of beekeeping products with these substances.
	Identification and registration	SMR 7	<p>Council Directive 2008/71/EC of 15 July 2008 on identification and registration of pigs (OJ L 213, 8.8.2005, p. 31):</p> <p>Articles 3, 4 and 5</p>	No comment

	of animals			
		SMR 8	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97(OJ L 204, 11.8.2000, p. 1): Articles 4 and 7	No comment
		SMR 9	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC (OJ L 5, 9.1.2004, p. 8): Articles 3, 4 and 5	No comment
	Animal diseases	SMR 10	Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1): Articles 7, 11, 12, 13 and 15	No comment
		SMR 11	Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases (OJ L 84, 31.3.2016, p.1) Article 18(1), limited to foot-and-mouth disease, swine vesicular disease and blue tongue.	The preventive treatment in open air of buildings, transport material or material used in animal husbandry with biocides should be avoided.
	Plant protection products	SMR 12	Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1): Article 55, first and second sentence <i>Article 55</i> Use of plant protection products <i>Plant protection products shall be used properly.</i> <i>Proper use shall include the application of the principles of good plant protection practice and compliance with the conditions established in accordance with Article 31 and specified on the</i>	Compliance to Directive 2009/128/EC, (mandatory application of integrated pest management) should be an eligibility criterion for payment under the first pillar.

			<p>labelling. It shall also comply with the provisions of Directive 2009/128/EC and, in particular, with general principles of integrated pest management, as referred to in Article 14 of and Annex III to that Directive, which shall apply at the latest by 1 January 2014.</p>	
		SMR 13	<p>Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71): Article 5(2) and Article 8(1) to (5)</p> <p>Article 12 with regard to restrictions on the use of pesticides in protected areas defined on the basis of the Water Framework Directive and Natura 2000 legislation.</p> <p>Article 13(1) and (3) on handling and storage of pesticides and disposal of remnants.</p> <p style="text-align: center;"><i>Article 12</i></p> <p style="text-align: center;">Reduction of pesticide use or risks in specific areas</p> <p><i>Member States shall, having due regard for the necessary hygiene and public health requirements and biodiversity, or the results of relevant risk assessments, ensure that the use of pesticides is minimised or prohibited in certain specific areas. Appropriate risk management measures shall be taken and the use of low-risk plant protection products as defined in Regulation (EC) No 1107/2009 and biological control measures shall be considered in the first place. The specific areas in question are:</i></p> <p style="padding-left: 40px;">areas used by the general public or by vulnerable groups as defined in Article 3 of Regulation (EC) No 1107/2009, such as public parks and gardens, sports and recreation grounds, school grounds and children’s playgrounds and in the close vicinity of healthcare facilities;</p> <p>(a)</p> <p style="padding-left: 40px;">protected areas as defined in Directive 2000/60/EC or other areas identified for the purposes of establishing the necessary conservation measures in accordance with the provisions of Directives 79/409/EEC and 92/43/EEC;</p> <p>(b)</p> <p style="padding-left: 40px;">recently treated areas used by or accessible to agricultural workers.</p> <p>(c)</p> <p style="text-align: center;"><i>Article 13</i></p> <p style="text-align: center;">Handling and storage of pesticides and treatment of their packaging and remnants</p> <p><i>1. Member States shall adopt the necessary measures to ensure that the following operations by professional users and where applicable by distributors do not endanger human health or the environment:</i></p> <p>(a) <i>storage, handling, dilution and mixing of pesticides before application;</i></p> <p>(b) <i>handling of packaging and remnants of pesticides;</i></p>	<p>Compliance to Directive 2009/128/EC, (mandatory application of integrated pest management) should be an eligibility criterion for payment under the first pillar</p>

			<p>(c) disposal of tank mixtures remaining after application;</p> <p>(d) cleaning of the equipment used after application;</p> <p>(e) recovery or disposal of pesticide remnants and their packaging in accordance with Community legislation on waste.</p> <p>2. Member States shall take all necessary measures regarding pesticides authorised for non-professional users to avoid dangerous handling operations. These measures may include use of pesticides of low toxicity, ready to use formulations and limits on sizes of containers or packaging.</p> <p>3. Member States shall ensure that storage areas for pesticides for professional use are constructed in such a way as to prevent unwanted releases. Particular attention shall be paid to location, size and construction materials.</p> <p style="text-align: center;">Article 14</p> <p style="text-align: center;">Integrated pest management</p> <p>1. Member States shall take all necessary measures to promote low pesticide-input pest management, giving wherever possible priority to non-chemical methods, so that professional users of pesticides switch to practices and products with the lowest risk to human health and the environment among those available for the same pest problem. Low pesticide-input pest management includes integrated pest management as well as organic farming according to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products ⁽²²⁾.</p> <p>2. Member States shall establish or support the establishment of necessary conditions for the implementation of integrated pest management. In particular, they shall ensure that professional users have at their disposal information and tools for pest monitoring and decision making, as well as advisory services on integrated pest management.</p> <p>3. By 30 June 2013, Member States shall report to the Commission on the implementation of paragraphs 1 and 2 and, in particular, whether the necessary conditions for implementation of integrated pest management are in place.</p> <p>4. Member States shall describe in their National Action Plans how they ensure that the general principles of integrated pest management as set out in Annex III are implemented by all professional users by 1 January 2014.</p> <p>Measures designed to amend non-essential elements of this Directive relating to amending Annex III in order to take account of scientific and technical progress shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 21(2).</p> <p>5. Member States shall establish appropriate incentives to encourage professional users to implement crop or sector-specific guidelines for integrated pest management on a voluntary basis. Public authorities and/or organisations representing particular professional users may draw up such guidelines. Member States shall refer to those guidelines that they consider relevant and appropriate in their National Action Plans.</p>	
Animal welfare	Animal welfare	SMR 14	Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves (OJ L 10, 15.1.2009, p. 7): Articles 3 and 4	No comment

		SMR 15	Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5): Article 3 and Article 4	No comment
		SMR 16	Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes(OJ L 221, 8.8.1998, p. 23): Article 4	No comment