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NOTE

From:	Presidency
To:	Special Committee on Agriculture / Council
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council <i>- Presidency note on the Commission's recommendations to Member States as regards their CAP strategic plans</i>

Delegations will find in the Annex a Presidency note on the Commission's recommendations to Member States as regards their CAP strategic plans.

At the meeting of the Special Committee on Agriculture on 15 March 2021 delegations will be invited to share their preliminary views, without prejudice to the ministerial debate at the "Agriculture and Fisheries" Council on 22-23 March 2021.

Presidency note on the Commission's recommendations to Member States as regards their CAP strategic plans

1. On 11 December 2019 the European Commission published its communication on the **European Green Deal**, representing the flagship initiative of the von der Leyen executive to tackle the environmental and climate challenges for the next decades. This document envisaged a contribution from all policies to the "green" development of the Union. As regards the Common Agricultural Policy, the strategic plans were identified as the most important planning tools for a more sustainable agriculture. For this reason, the communication set out that *"the Commission will ensure that they are fit for purpose and that Member States are implementing them effectively"*.
2. In the framework of the European Green Deal, the Commission adopted several communications addressing issues relevant to agriculture and rural areas. In particular the "Farm to Fork"¹ and the "Biodiversity"² strategies, published on 20 May 2020, address issues relevant to agricultural and rural areas, setting a series of targets to be reached at EU level.
3. In the **Staff Working Document** (SWD)³ accompanying the "Farm to Fork" Strategy, the Commission analysed the links between the CAP reform and the European Green Deal and concluded that the Commission's CAP reform proposal was compatible with the Green Deal.

¹ COM(2020) 381 final - 8280/20 + ADD 1.

² COM(2020) 380 final - 8219/20 + ADD 1.

³ SWD(2020) 93 final - 8228/20.

The SWD also pointed to the need to establish "a **structured dialogue** for preparation of CAP strategic plans, including by providing recommendations to each Member State in respect of the nine CAP specific objectives, before the draft CAP strategic plans are formally submitted". The goal of this "additional practical action" taken by the Commission is to make the implementation of the future CAP more efficient to help to achieve the ambition of the European Green Deal. According to the SWD, "the incorporation of the recommendations in the CAP Strategic Plan would be part of the criteria that the Commission would use in the assessment to approve each of the CAP Strategic Plans".

4. In this light, the Council **conclusions on the "Farm to Fork" Strategy** adopted on 19 October 2020⁴, requested the Commission to "ensure that the guidance and recommendations to the Member States are clear, comprehensive, transparent, science-based and performance-oriented". At the same time, the conclusions stressed the non-legally binding character of recommendations, "which may serve as additional guidance for the elaboration of the strategic plans".
5. In a similar vein, delegations from Member States stressed at several occasions that the approval of CAP Strategic Plans should be based only on the provisions contained in the **relevant legal texts**, and not on recommendations or other non-binding acts. This principle was reflected in Article 106(2) of the Council General Approach on the Regulation on CAP Strategic Plans⁵, where a final sentence was added compared to the Commission's proposal: "[...] The assessment shall exclusively be based on acts which are legally binding on Member States".

⁴ 12099/20.

⁵ 12148/1/20 REV 1.

6. The Commission prepared draft recommendations and preliminarily exchanged them with national authorities in autumn 2020. These recommendations were meant to facilitate the needs assessment per specific objective. Bilateral virtual meetings between Member States' authorities and the Commission took place to exchange preliminary views on these draft recommendations before the official publication.
7. On 21 December 2020, the Commission published a Communication⁶ accompanied by 27 SWDs containing the final **recommendations**⁷. The Commission highlighted that these recommendations were addressed to Member States as part of the structured dialogue and that the observations contained therein would be used by the Commission in the process of approval of the CAP Strategic Plans, where it will verify "*the overall coherence of the Plans with the Green Deal objectives and targets*". At the same time, the Communication stressed that "*Member States are requested to set explicit national values for the different Green Deal targets*", with the Commission supporting them in that process through further guidance.
8. At the meeting of the Special Committee on Agriculture on 11 January 2021 the Commission made a **general presentation** of the Communication and the recommendations. Delegations showed particular interest in the way the Green Deal targets would be set at national level, the legal basis of this exercise, the need to ensure a fair burden sharing. They also inquired about the role of non-legally binding elements, in light of the abovementioned formulation of Article 106(2) in the Council's General Approach, and consequently about the way the Commission will assess the strategic plans.

⁶ COM(2020) 846 final - 14282/20 + ADD 1.

⁷ SWD(2020) 367-377, 379, 384-398 final - 14282/20 ADD 2-28.

9. The Presidency announced an exchange of views on these topics at the March Council, so as to allow Ministers to have a fruitful discussion ahead of the formal process of submission and approval of the strategic plans.

Against the background set out above, at the "Agriculture and Fisheries" Council on 22-23 March 2021 Ministers will be invited to share their views on the structured dialogue towards the approval of the strategic plans, in particular regarding the incorporation of the recommendations and of the Green Deal targets which are set at EU level.