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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the implementation of the ecological focus area obligation under the direct payment scheme

{COM(2017) 152 final}

CONTENTS

LIST OF ACRONYMS

AEC	Agri-environment-climate
ANC	Area of natural constraint
BS	Buffer strips
CC	Catch crops and green cover
SWD	Commission staff working document
EFA	Ecological focus area(s)
FSS	Eurostat Farm Structure Survey
GAEC	Good agricultural and environmental condition (of land)
JRC	Joint Research Centre
LF	Landscape features
LLF	Land lying fallow
LPIS	Land Parcel Identification System
MS	Member State
NFC	Nitrogen-fixing crops
RDP	Rural Development Programme
SMR	Statutory management requirement
SRC	Short rotation coppice

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5. STATE OF PLAY

5.1. Summary of Member States' main decisions on EFAs in 2015 and the following years

Figures and tables presented in this subchapter are based on DG AGRI data taken from Member State notifications.

5.1.1. List of areas or features qualifying as EFA

It was up to national authorities to decide which of the non-productive and productive areas could be considered as EFAs.

The choice of elements that farmers could use to comply with their EFA obligation varied between countries.

In 2015, five Member States (Finland, Lithuania, the Netherlands, Slovenia and Spain) offered a limited selection of types (two to four).

In contrast, 14 (Austria, Belgium, Bulgaria, Croatia, Czech Republic, France, Germany, Hungary, Ireland, Italy, Luxembourg, Poland, Romania and Slovakia) offered an extensive list of EFA types (10 or more).

Another nine (Cyprus, Denmark, Estonia, Greece, Latvia, Malta, Portugal, Sweden and the United Kingdom) opted for a list of intermediate length (see Table 8 and Figure 5).

Table 8 Member States' choices on EFA qualifying types for 2015, sorted by number of EFA types selected by country

Countries	a. Land lying fallow	b. Terraces	c. Landscape features including 'other landscape features'[1]	d. Buffer strips	e. Ha of agro-forestry	f. Strips eligible ha along forest edges — NO PRODUCTION	f. Strips eligible ha along forest edges — WITH PRODUCTION	g. Areas with short rotation coppice	h. Afforested areas	i. Areas with catch crops or green cover	j. Areas with nitrogen-fixing crops	EFA types (a–j)/ countries
IT	X	X	8–(9)	X	X	X	X	X	X	-	X	18
HU	X	X	7–(8)	X	X	X	X	X	X	X	X	18
DE	X	X	7–(8)	X	X	X	-	X	X	X	X	17
FR	X	-	8	X	X	X	X	X	X	X	X	17
LU	X	-	6	X	X	X	X	X	X	X	X	15
PL	X	-	7	X	-	X	X	X	X	X	X	15
BE-FL	X	-	5	X	X	X	X	X	X	X	X	14
BE-WA	X	-	7	X	X	X	-	X	-	X	X	14
BG	X	X	7	X	-	X	-	X	-	X	X	14
HR	X	-	7	X	-	X	-	X	-	X	X	13
RO	-	X	7	X	-	-	-	X	X	X	X	13
CZ	X	X	5–(6)	-	-	-	-	X	X	X	X	12
IE	X	-	4	X	-	-	-	X	X	X	X	10
SK	X	X	4	X	-	-	-	X	-	X	X	10
UK-NI	X	-	3–(4)	-	X	-	-	X	X	-	X	9
EE	X	-	5	-	-	-	-	X	-	-	X	8
LV	X	-	3–(4)	X	-	-	-	-	-	X	X	8
AT	X	-	3–(4)	-	-	-	-	X	-	X	X	8
MT	X	-	4–(5)	-	-	-	-	-	-	-	X	7
DK	X	-	1–(2)	X	-	-	-	X	-	X	-	6
EL	X	-	3	X	-	-	-	-	-	-	X	6
UK-WA	X	-	2	-	-	-	-	X	X	-	X	6
CY	X	-	0	X	X	-	-	-	X	-	X	5
PT	X	-	0–(1)	-	X	-	-	-	X	-	X	5
SE	X	-	1	-	-	-	-	X	-	X	X	5
UK-EN	X	-	1	X	-	-	-	-	-	X	X	5
UK-SC	X	-	1	X	-	-	-	-	-	X	X	5
ES	X	-	0	-	X	-	-	-	X	-	X	4
NL	-	-	1	-	-	-	-	X	-	X	X	4
FI	X	-	0–(1)	-	-	-	-	X	-	-	X	4
SI	X	-	0	-	-	-	-	-	-	X	X	3
LT	X	-	0	-	-	-	-	-	-	-	X	2
Countries/ EFA	30	7	(28)	19	11	10	6	22	15	21	31	

[1] The total number of landscape features selected, including 'other landscape features', is mentioned under brackets.

Figure 5 Grouping of Member States by number of activated EFA types for 2015

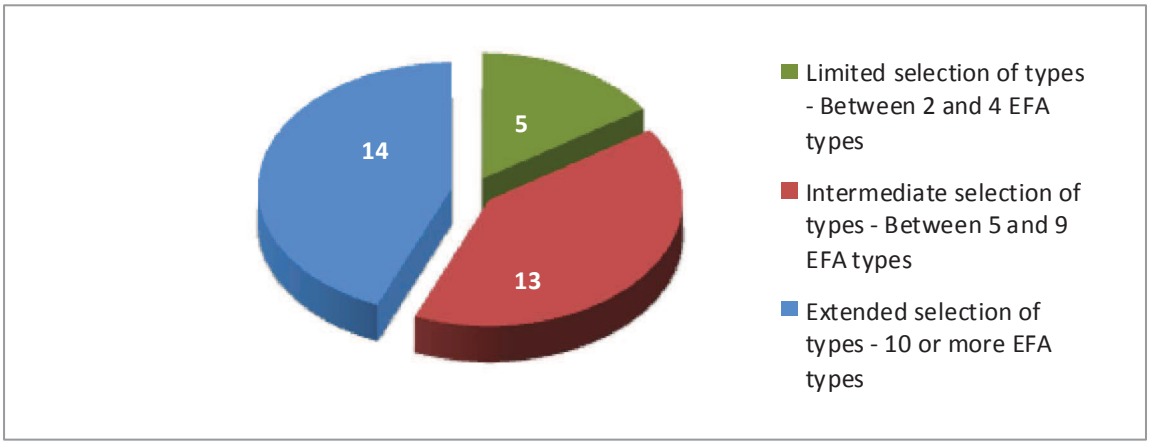


Table 9 Member States' choices on EFA landscape features qualifying types for 2015, sorted by number of EFA types selected by country

Countries	Hedges or wooded strips	Isolated trees	Trees in line	Trees in groups and field copses	Field margins	Ponds	Ditches	Traditional stone walls	Other landscape features	EFA per Member State/ region
IT	X	X	X	X	X	X	X	X	X	9
DE	X	X	X	X	X	-	X	X	X	8
FR	X	X	X	X	X	X	X	X	-	8
HU	X	X	X	X	X	X	X	-	X	8
BE-WA	X	X	X	X	X	X	X	-	-	7
BG	X	X	X	X	X	X	X	-	-	7
HR	X	X	X	X	-	X	X	X	-	7
PL	X	X	X	X	X	X	X	-	-	7
RO	X	X	X	X	X	X	X	-	-	7
CZ	-	X	X	X	X	-	X	-	X	6
LU	X	X	X	X	X	X	-	-	-	6
BE-FL	X	-	-	X	X	X	X	-	-	5
IE	X	-	X	X	-	-	X	-	-	4
SK	-	X	X	X	X	-	-	-	-	4
EE	X	-	X	X	-	-	X	X	-	5
MT	-	X	X	X	X	-	-	-	X	5
LV	-	-	-	X	X	X	-	-	X	4
AT	-	-	-	-	-	X	X	X	X	4
UK-NI	X	-	-	-	-	-	X	X	X	4
EL	-	-	X	X	-	-	X	-	-	3
DK	-	-	-	-	-	X	-	-	X	2
UK-WA	X	-	-	-	-	-	-	X	-	2
PT	-	-	-	-	-	-	-	-	X	1
SE	-	-	-	-	X	-	-	-	-	1
UK-EN	X	-	-	-	-	-	-	-	-	1
UK-SC	-	-	-	-	X	-	-	-	-	1
CY	-	-	-	-	-	-	-	-	-	0
NL	-	-	-	-	X	-	-	-	-	1
FI	-	-	-	-	-	-	-	-	X	1
ES	-	-	-	-	-	-	-	-	-	0
LT	-	-	-	-	-	-	-	-	-	0
SI	-	-	-	-	-	-	-	-	-	0
Member States incl.	16	13	16	18	17	13	16	8	11	

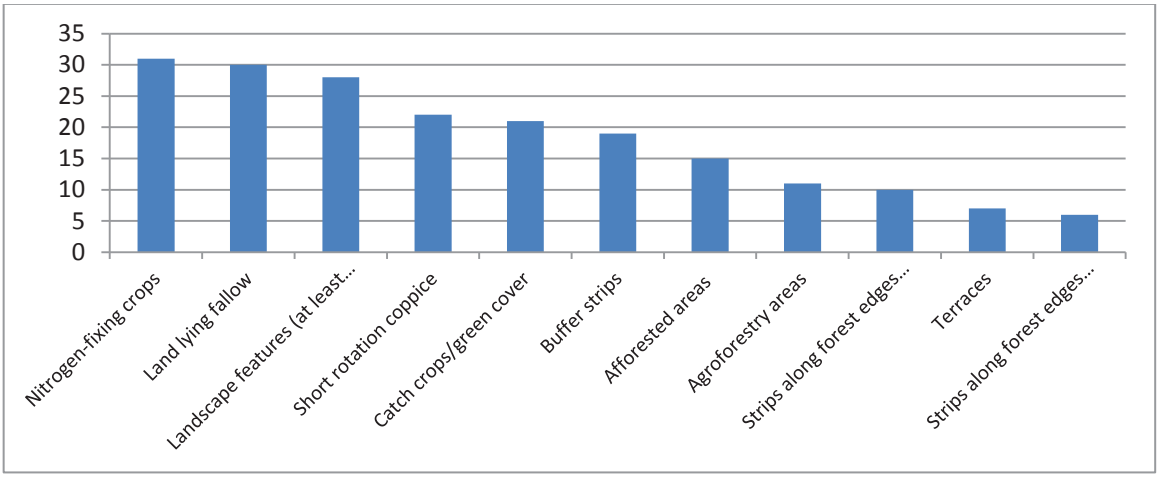
regions/EFA										

The three groups of Member States determined by number of selected types in Figure 5 can be characterised as follows (see also Table 11):

- countries or regions with an extensive list of EFA types have all selected land lying fallow, areas with short rotation coppice, areas with nitrogen-fixing crops, buffer strips (except the Czech Republic), areas with catch crops /green cover (except Italy) and at least four different types of landscape features (primarily, trees in group and trees in line);
- countries or regions with an intermediate list of EFA types have all chosen land lying fallow, areas with nitrogen-fixing crops (except Denmark) and less than five different types of landscape features;
- countries with a limited list of EFA types have all selected areas with nitrogen-fixing crops, land lying fallow (except the Netherlands) and one or no type of landscape feature.

As a result of Member States' decisions, areas with nitrogen-fixing crops, land lying fallow and landscape features are the most selected EFA types across EU. Hectares of agro-forestry, strips of eligible hectares along forest edges and terraces are the least chosen by Member States (see Figure 6).

Figure 6 Number of Member States selecting each EFA type for 2015



As with short rotation coppice, catch crops or green cover and nitrogen-fixing crops, it was for Member States to draw up a list of trees or crops with a view to optimising their agronomic and environmental contribution to biodiversity. Member States selected a great diversity of species (see Table 10).

Table 10 List of species most selected as short rotation coppice, nitrogen-fixing crops and catch crops/green cover

Countries	Most selected species
Short rotation coppice	Willow (*Salix* spp.) chosen by all Member States (22), poplar (*Poplus* spp.) by 19, alder (*Alnus* spp.) by 16, Birch (*Betula* spp.) by 12 and Ash (*Fraxinus* spp.) by 11
Nitrogen-fixing crops	Broad beans (*Vicia faba*) chosen by all Member States, peas (*Pisum*) and alfalfa (*Medicago*) by 26, clover (*Trifolium*) and lupin (*Lupinus*) by 24, vetch (*Vicia*) by 23 and beans (*Phaseolus*) by 18
Catch crops / green cover	*Brassicaeae* by 17 Member States, *Phacelia* sp. by 17, *Raphanus* sp. by 16, *Trifolium* sp. by 14, *Vicia* sp. by 14, *Avena* sp. by 12, *Lolium* sp. by11, *Lupinus* sp. by 9, *Medicago* sp. by 8, *Festuca* sp. by 7

Member States drew up their list of EFA types in the light of different considerations that are further explained in chapter 6.1.

5.1.2. Changes in Member State decisions between 2015 and 2017

Member States are allowed to review their initial choices on EFA implementation, in particular to take into account difficulties national administrations might face in implementing the EFA obligation (e.g. establishing the EFA layer in the LPIS). Between 2015 and 2017, nine Member States changed their decisions. The changes concern mainly the list of EFA types that farmers can use to meet the EFA obligation (see Tables 8 and 11 — countries/regions highlighted in yellow or green):

- six countries (Cyprus, Latvia, Lithuania, the Netherlands, Portugal and Slovakia) extended their list of EFA types so as to offer more possibility to farmers, seemingly having set up the necessary administrative system to check how they are applied;
- three countries/regions (Belgium (the Wallonia region), Bulgaria and Malta) withdrew some EFA types, noting the very low number of farmers using them.

Table 11 EFA types added or withdrawn by Member States between 2015 and 2017

Countries	EFA types added	EFA types withdrawn
Belgium-Wallonia		Hectares of agro-forestry
Bulgaria		Terraces, landscape features (isolated trees, ponds and ditches) and buffer strips
Cyprus	Landscape features (isolated trees and field margins)	Landscape features (field margins)
Latvia	Landscape features (isolated trees and trees in line)	Buffer strips
Lithuania	Landscape features (trees in group and field copses, field margins ponds and ditches), areas with short rotation coppice, areas with catch crops/green cover	
Malta		Landscape features (isolated trees, trees in line, trees in group and field copses, field margins and other landscape features protected under cross-compliance rules)
Netherlands	Landscape features (hedges or wooded strips, isolated trees, trees in line, trees in group and field copses and ponds)	
Portugal	Landscape feature (trees in group and field copses)	
Slovakia	Landscape feature (hedges or wooded strips)	

5.1.3. Member States' decisions on options aimed at acknowledging the contribution to biodiversity of cross-compliance rules, other practices equivalent to EFA and certain holdings surrounded by forest

5.1.3.1. Cross-compliance rules

In order to take account of farmers' past efforts for biodiversity and for the sake of clarity from their perspective, national authorities may consider as EFAs:

- terraces and landscape features protected under cross-compliance rules (GAEC 7, SMR 2 or SMR 3, as referred to in Annex II to Regulation (EU) No 1306/2013);
- buffer strips required under these rules (GAEC 1, SMR 1 or SMR 10, as referred to in Annex II to Regulation (EU) No 1306/2013).

In 2015, almost of all countries decided to qualify buffer strips or at least one landscape feature protected under cross-compliance rules as EFAs:

- only six countries/regions decided not to consider any feature required or protected under cross-compliance as EFAs;
- 10 Member States qualified the buffer strips and all landscape features protected under GAEC 7 as EFAs;
- 18 countries/regions opted to qualify the required buffer strips along watercourses as EFAs.

Table 12 Buffer strips and landscape features protected under GAEC 7 qualifying as EFA, by country in 2015

Countries	Buffer strips	Hedges	Ponds	Ditches	Trees in line	Group of trees	Isolated trees	Field margins	Terraces	Traditional stone walls	Other landscape features
BE-FL	✓E	✓	✓	-	✓	-	-	-	-	-	✓E
BE-WA	✓E	✓E	✓E	✓E	✓E	✓E	✓E	✓	-	-	✓
BG	✓E	-	-	-	-	-	-	✓E	✓E	-	
CZ	✓	-	✓	✓E	✓E	✓E	✓E	-	✓E	-	✓E
DK	✓E	-	✓E	-	-	-	-	-	-	-	✓E
DE	✓E	✓E	-	✓E	✓E	✓E	✓E	✓E	✓E	✓E	✓E
EE	✓	✓E	-	✓E	✓E	✓E	-	-	-	✓E	✓E
IE	✓E	✓E	-	✓E	✓E	-	-	-	-	-	✓E
EL	✓E	✓	✓	✓	✓E	-	-	-	✓	-	
ES	✓	✓	✓	-	✓	✓	✓	✓	✓	✓	✓
FR	✓E	✓E	✓	-	-	✓E	-	-	-	-	
HR	✓E	✓E	✓E	✓E	✓E	✓E	✓E	-	-	✓E	
IT	✓E	✓E	✓	✓	✓E	-	✓E	-	✓E	✓E	
CY	✓E	✓	✓	✓	✓	✓	✓	-	✓	-	
LV	✓E	-	-	-	-	-	-	-	-	-	✓E
LT	✓	-	-	-	-	-	-	-	-	-	✓
LU	✓E	✓E	-	-	✓E	✓E	✓E	-	✓	-	✓
HU	✓E	-	✓E	-	-	✓E	✓E	-	✓E	-	✓
MT	✓	-	-	-	✓	✓	✓	✓	-	-	✓E
NL	✓	✓	-	-	-	-	-	-	-	-	

AT	✓	-	✓E	✓E	-	-	-	-	-	✓E	✓E
PL	✓E	-	✓E	✓E	-	-	✓E	-	-	-	
PT	✓	-	-	✓	-	✓	✓	-	✓	-	✓E
RO	✓E	-	-	-	-	-	✓	-	✓E	-	
SI	✓	-	✓	-	✓	✓	✓	-	✓	✓	
SK	✓E	-	-	-	✓E	✓E	✓E	✓E	✓E	-	
FI	✓	-	-	-	-	-	-	-	-	-	✓E
SE	✓	-	✓	✓	-	-	✓	-	-	✓	
UK-EN	✓E	✓E	-	-	✓	✓	✓	-	-	✓	✓
UK-NI	✓	✓E	-	✓E	-	-	-	-	-	✓E	✓E
UK-SC	✓E	✓	✓	-	✓	✓	✓	-	-	✓	✓
UK-WA	✓	✓	✓	✓	-	-	-	✓	-	✓	
Countries / EFA	**18**										

✓: buffer strips required under GAEC 1 or landscape features protected under GAEC 7
E: features qualifying as EFA

5.1.3.2. Practices equivalent to EFA

Member States can allow farmers to fulfil one or more of the standard greening requirements (crop diversification, permanent grassland maintenance and having an EFA on the agricultural area) via **equivalent practices**.

In 2015, two Member States (the Netherlands and Austria) notified the Commission of their wish to propose to their farmers a practice equivalent to the standard EFA requirement (see Table 14):

- The Netherlands proposed two certification schemes:
    - under the *Akkerbouw-strokenpakket, incl. Vogelakker*, farmers can replace the standard EFA requirement with mandatory field margins/strips which cover at least 30 % of EFA and which are managed in an environmentally friendly way. The remaining part of the EFA (70 %) can be fulfilled by ditches and landscape features and productive areas such as catch crops and nitrogen-fixing crops;
    - the *Skylark foundation* provides for equivalence under EFA-equivalent practice (3) '*Management of uncultivated buffer strips and field margins*';
- Austria decided to provide for equivalence under EFA-equivalent practice (1) via an AEC measure for *ecological set-aside*, under which at least 5 % of the beneficiary's arable land is dedicated to area beneficial for biodiversity e.g. with specific mixtures of seeds, a minimum period of flower cover and a ban on using fertiliser and plant protection products.

Since 2015, Italy has also applied for equivalence for EFA and the Netherlands has submitted an additional certification scheme:

- **Italy** notified in 2016 a scheme that comes under EFA-equivalent practice (3) '*Management of uncultivated buffer strips and field margins'*. The scheme is to be applied as part of the rural development programme of the Marche region. Under the AEC measure concerned, farmers are required to convert at least 10 % of their arable land into field margins;

- Under the *'Duurzaamheidscertificaat Vezelhennep*' certification scheme addressed to hemp producers, **the Netherlands** offered to replace the standard EFA requirement with the EFA-equivalent practice (7) '*production on arable land with no use of fertilisers*'.

Table 13 Summary of equivalent practices adopted by Member States in 2016

Member State	**Description**	**Equivalent practice (Annex IX to Regulation (EU) No 1307/2013)**
Italy	AEC measure	EFA — (3) Management of uncultivated buffer strips and field margins
Netherlands	Scheme 1: Akkerbouw-strokenpakket, incl. Vogelakker scheme	EFAs - (3) Management of uncultivated buffer strips and field margins - (4) Borders, in-field strips and patches - (5) Management of landscape features - (7) Production on arable land with no use of fertilisers
	Scheme 2: Skylark foundation scheme	EFAs - (3) Management of uncultivated buffer strips and field margins - (7) Production on arable land with no use of fertilisers
	Scheme 3: Biodiversity-plus certificate scheme (not implemented in 2015 and 2016)	Exhaustive set of practices equivalent to the three standard greening measures • crop diversification • permanent grassland • EFA
	Scheme 4: Vezelhennep (Hemp) scheme	- (7) Production on arable land with no use of fertilisers
Austria	AECM	Crop diversification — (1) Crop diversification (withdrawn in 2016)
		EFA — (1) Ecological set-aside

5.1.3.3. Forest exemption as regards EFA

To avoid land abandonment in certain predominantly forested areas, Member States with more than 50 % of their total land surface area covered by forest were able to exempt certain holdings in areas facing natural constraints (ANCs)[2] from meeting the EFA requirement. The exempted holdings are those located in an area designated as an ANC in which 50 % of the land surface is covered by forest and the ratio of forest land to agricultural land is higher than 3:1. Both ratios are to be assessed on an area equivalent to local administrative unit 2 or another clearly delineated unit which covers a single clear contiguous geographical area with similar agricultural conditions.

According to Eurostat data, when the decision was taken by the countries in question (1 August 2014), this option was available to five Member States (EE, LV, SI, FI and SE) that met the criterion of having more than 50 % of their total land surface area covered by forest. Of the five, EE, LV, FI and SE decided to apply the exemption.

5.1.4. Member States' decisions on options aimed at enhancing the effectiveness of the EFA obligation

To preserve the biodiversity benefits of certain EFA types or to increase their environmental contribution to biodiversity, Member States have been able to establish additional conditions or extend the definition of a few EFA types. Except for the use of weighting factors, few Member States have made use of these optional provisions:

- **Extending the definition** of certain EFA types (see Table 15):
    - to qualify ponds as EFAs, national authorities set a minimum size. They decided that a strip up to 10 m wide with riparian vegetation along the water would be included in the size of the pond and established criteria to ensure that ponds are of natural value, taking into account their conservation role for habitats and species;
    - national authorities could also consider the following as EFAs: terraces other than those protected under cross-compliance rules, buffer strips other than those required under cross-compliance rules and trees with a crown diameter of less than 4 m, if they are recognised as valuable landscape features;

Table 14 Number of Member States having extended the definition of certain EFA types

	Ponds			Other terraces	Other buffer strips	Valuable trees
	Minimum size	Inclusion of a strip of riparian vegetation	Criteria to ensure natural value of ponds			
Member State implementing the options/ Member	**2/13**	**5/13**	**0/13**	**1/7**	**11/18**	**3/16**

[2] As designated in accordance with point (a) or (b) of Article 32(1) of Regulation (EU) No 1305/2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005, OJ L 347, 20.12.2013, p. 487.

	Ponds			Other terraces	Other buffer strips	Valuable trees
	Minimum size	Inclusion of a strip of riparian vegetation	Criteria to ensure natural value of ponds			
State having activated EFA in question						

- **Establishing additional conditions**, in particular for production methods for EFA catch crops/green cover or EFA nitrogen-fixing crops, and allowing grazing or cutting on buffer strips or strips along forest edges:
    - in order to maximise the benefits of having productive EFAs on arable land, Member States were able to establish additional conditions, in particular for production methods;
    - to preserve their biodiversity benefits (avoiding pesticides and limiting the use of fertilisers), buffer strips counted as EFAs cannot be used for production. However, given the relatively low impact of forage production on biodiversity, the national authorities were able to decide whether or not to allow grazing and cutting for forage.

Table 15 Number of Member States having established additional conditions or allowed cutting or grazing on certain EFA types

	Conditions on production methods		Allowing cutting or grazing	
	Catch crops / green cover	Nitrogen-fixing crops	Buffer strips	Strips along forest edges
Member State implementing the options/ Member State having activated EFA in question	**12/21 Including input restrictions: 4/21**	**9/31 Including input restrictions: 1/31**	**18/18**	**10/10**

- Benefiting from **regional or collective implementation** of the EFA requirement (see Table 17):
    - so as to obtain adjacent EFAs, which are more beneficial for the environment, Member States could decide to implement up to half of the 5 % of EFA required at regional level. To make this possible, countries have to designate the areas and obligations of participating farmers or groups of farmers in such a way to ensure that they support the implementation of EU policies on the environment, climate and biodiversity;
    - so as to obtain adjacent EFAs, which are more beneficial for the environment, Member States were able to allow farmers with holdings in close proximity to fulfil the EFA obligation collectively, provided that the EFAs are contiguous. In order to support implementation of EU policies on the environment, climate and biodiversity, national authorities were able to designate areas on which such collective implementation is possible and impose further obligations on the (groups of) farmers concerned.

Table 16 Number of Member States implementing the regional or collective approach for EFA

	Regional implementation of EFA	Collective implementation of EFA
Number of countries	**0**	**2 (NL and PL)**

- Using **conversion** and/or **weighting factors**: when Member States calculate the total hectares of EFA on a holding, they can use the conversion and/or weighting factors set out in the Basic Regulation. This simplifies administration, takes account of the characteristics of the types of EFA and makes it easier to measure them. The conversion factors are based on experience of measuring features and experience of their specific character. The weighting factors reflect the features' varying degrees of importance for biodiversity.

  The use of the conversion and weighting factors differs significantly between Member States:

  - 14 countries/regions (BE-Flanders, BE-Wallonia, CZ, DK, DE, EE, IT, LU, HU, MT, NL, AT, SK and UK-Scotland) decided not to use the conversion factors for measuring one or all of the features qualifying as EFAs;
  - four Member States (DK, EE, NL and AT) chose not to use the weighting factors.

5.2. Implementation of EFA and context data

5.2.1. Implementation data on greening in 2015 and 2016

In 2015[3], agricultural land covered by at least one greening obligation accounts for 75 % of the total EU agricultural area. The proportion of farmers under at least one greening obligation stands at around 35 % of direct payment beneficiaries.

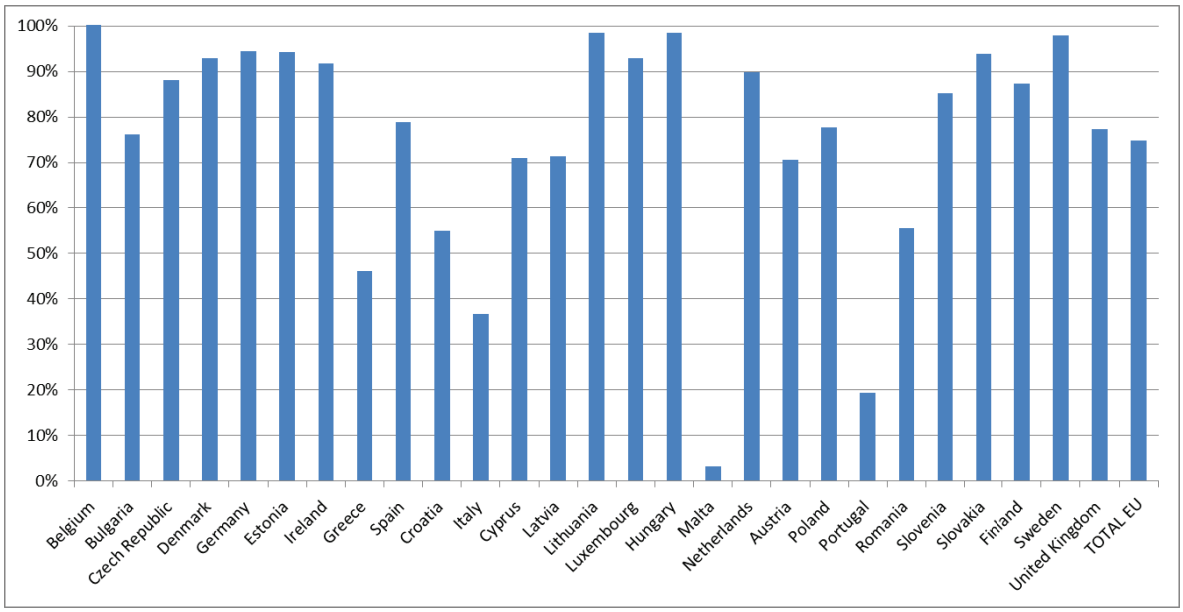
Areas not covered by any of the green direct payment obligations correspond to:

- agricultural areas not under the system of direct payments (which account for approximately 11 % of the EU's total agricultural area);
- areas exempted from the greening obligations, i.e. farmers benefiting from the small farmers scheme, organic farms or farms with less than 10 ha of arable land. These exemptions can overlap with the small farmers scheme, organic farms and farms with less than 10 ha of arable land, which means that the overall percentage cannot be ascertained); or
- areas under permanent crops, which account for 6 % of the total EU agricultural area. Such areas receive green direct payments even though no greening obligations are applicable to these types of crop. The data presented on the implementation of greening excludes areas of farms that have only permanent crops.

[3] This is an update to the data provided in SWD(2016)2016. This latest data takes account of the implementation data for the UK (Scotland), which was not included in that SWD and further adaptations from other Member States.

The situation is uneven across Member States, reflecting the relative importance of exempted farms at national level. Figure 7 shows that the highest percentages of hectares under at least one greening obligation are found in mostly northern countries and the lowest in southern countries, which in general have smaller farms.

Figure 7 Rate of hectares under at least one greening obligation compared with total agricultural area [4]



Source: Member States' implementation data 2015, Eurostat Farm Structure Survey 2013

In 2016, the proportion of farmers under at least one greening obligation compared to direct payment beneficiaries was 37%, while the areas of total agricultural land were 77% of the EU total. 2016 data indicate a slight increase on 2015.

[4] Data are missing for France; for other Member States, the data are taken from the most recent notifications available.

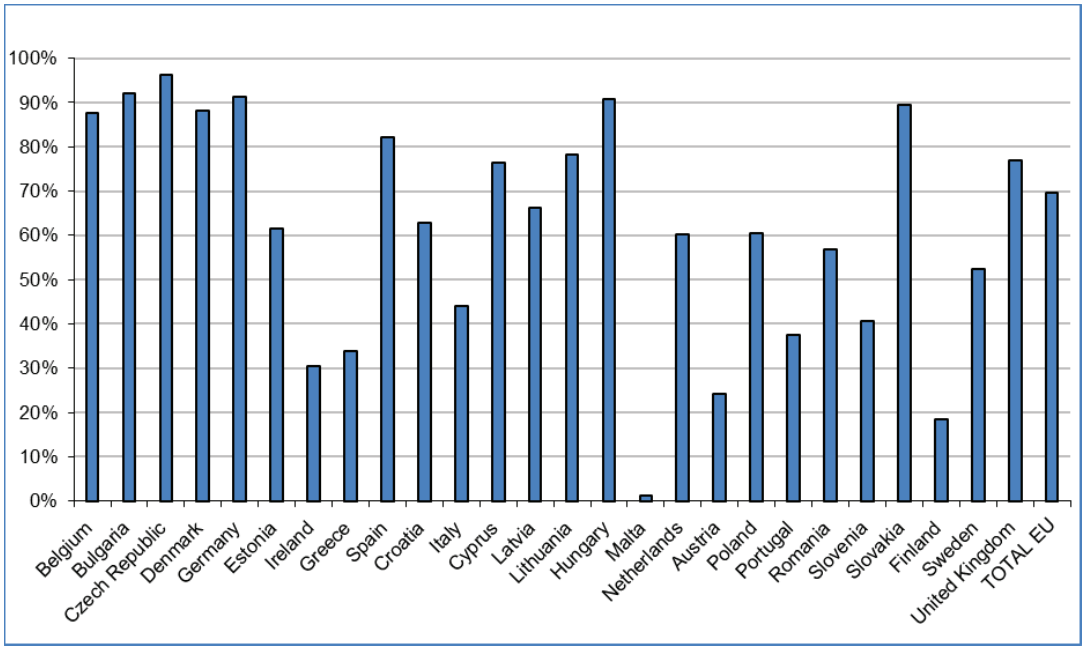
5.2.2. **Implementation data on EFA**

5.2.2.1. General EFA implementation in 2015

According to implementation data received for 2015, the proportion of total arable land (according to Eurostat data) that belongs to farms covered by the EFA **obligation is 70 % of the total arable land at EU level**, compared to the 75 % belonging to farms covered by at least one greening obligation. Figure 8 shows that:

- the proportion of arable land belonging to farms covered by the EFA obligation is around 90 % in Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Hungary and Slovakia;
- a number of other Member States recorded values between 40 % and 80 %;
- the Member States that have a lower percentage of arable land on farms covered by the EFA obligation are those where:
    - more farms benefit from exemptions (e.g. Malta and Greece);
    - there is a high percentage of permanent grassland (e.g. Ireland and Austria);
    - the forest exemption is applied (e.g. Finland).

Figure 8 Total area of arable land that belongs to farms covered by EFA obligations in 2015 as a proportion of the total arable area, according to Eurostat FSS data for 2013, by Member State[5]



[5] 2015 data are missing for France; for other Member States, the data are taken from the most recent notifications available.

Figure 9 analyses the different types of exemption from the EFA that farms may qualify for. These are:

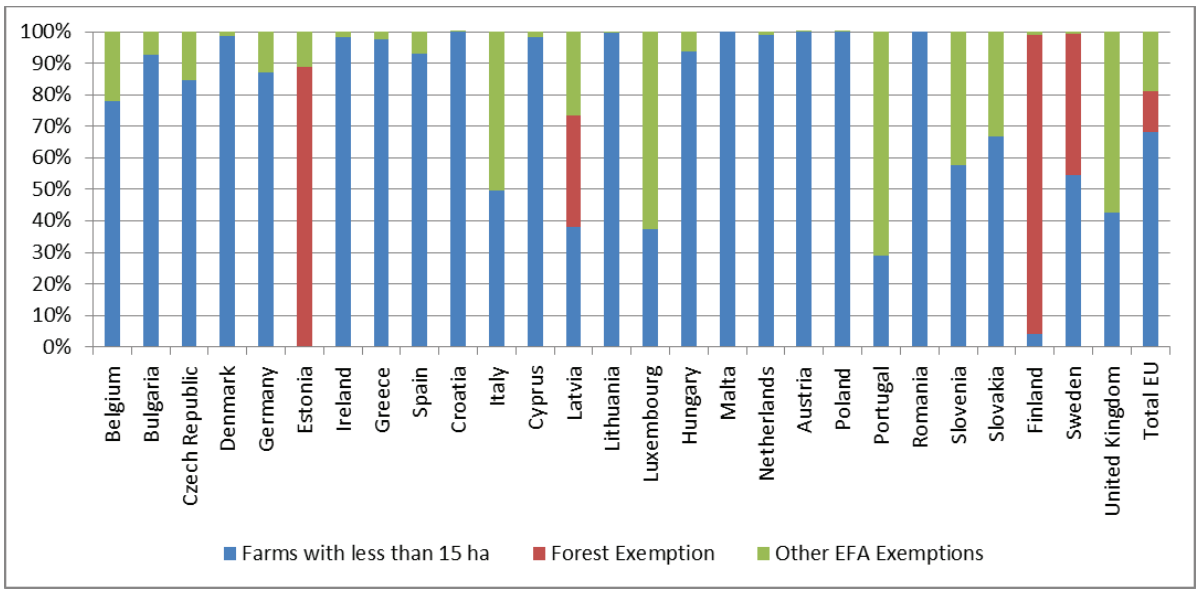
- exemptions for farms with less than 15 ha of arable land;
- exemptions allowed in Member States where above 50 % of the total land surface area is covered by forest (shown in the graph as 'Forest exemption');
- exemptions where more than 75 % of the agricultural area is occupied by grassland or leguminous crops (shown in the graph as 'Other EFA exemptions').

The most common type of **exemption** in most Member States is for **farms of under 15 ha**. This type of exemption accounts for almost 70 % of the total area of land exempted across all Member States, and for close to 100 % in Denmark, Ireland, Greece, Croatia, Cyprus, Lithuania, Malta, the Netherlands, Austria and Romania.

In Estonia and Finland, the **forest exemption** accounts for almost 100 % of the exempted arable land in the country, while in Latvia and Sweden it accounts for 36 % and 45 % respectively of the total exempted land.

The **other types of exemption** are more common in Portugal, Luxembourg, Italy and Slovenia.

Figure 9 Area of arable land on farms exempted from the EFA obligation, by type of exemption [6]



[6] 2015 data are missing for France; for other Member States, the data are taken from the most recent notifications available.

Figure 10 shows the proportion of **arable land on which the EFA obligation** is being implemented. This is calculated before and after applying the **weighting factors** set out in Annex 2 to Regulation (EU) No 639/2014. The weighting factors are applied to the physical area actually occupied by EFAs (corresponding to the calculation before the weighting factor is applied), and reflect the ecological value of the different EFA types and the duration of their effects.

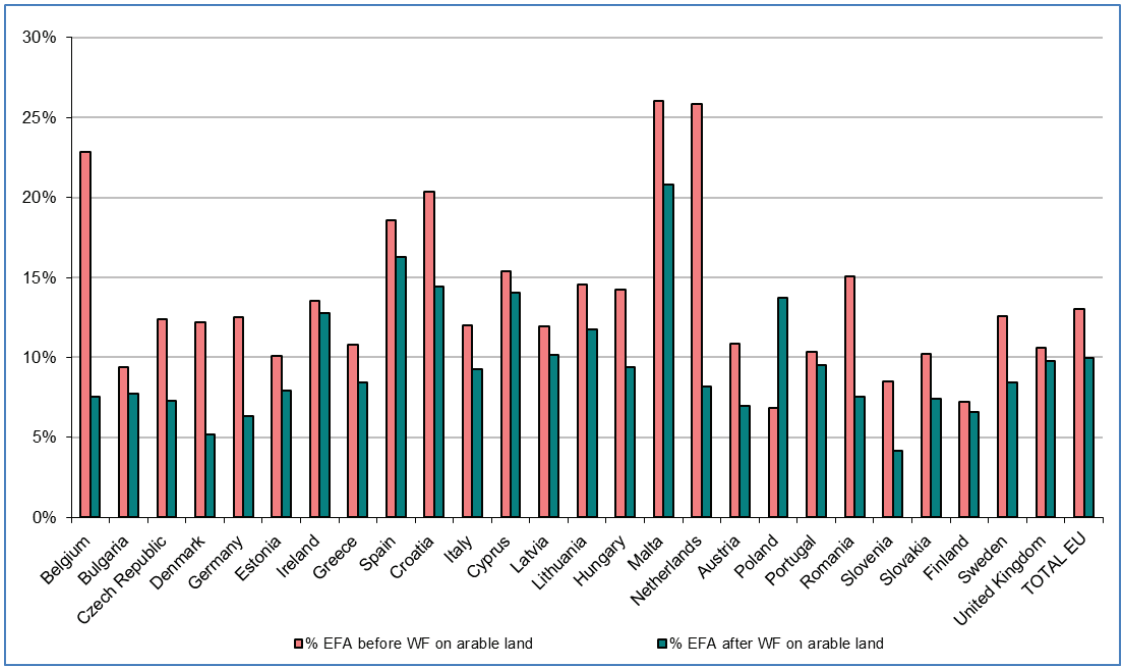
The 5 % minimum EFA area/arable land area that farmers are required to achieve is calculated **after** the application of weighting factors: **the actual ratio for the EU as a whole is 10 %,** almost double the percentage that farmers are legally required to observe under the EFA requirement (percentages may differ at farm level).

The proportion of arable land on which the EFA is applied is particularly high in Malta (21 %), Spain (16 %), Croatia and Cyprus (14 %), Lithuania and Ireland (12 %), Latvia and the UK (10 %). The Member States where the EFA area is only just above the regulatory 5 % are Denmark, Germany, Austria, Slovenia and Finland.

The ratio of the **EFA area to total arable land, as calculated before weighting factors are applied, is 13 % in the EU as a whole.** The ratio is particularly high in the Netherlands and Malta (26 %), Belgium (23 %) and Croatia (20 %).

Compared to the analysis in the staff working document for the review after one year, the percentages of EFA areas on arable land were 9 % and 14 %, therefore only slightly changed after the last updates.

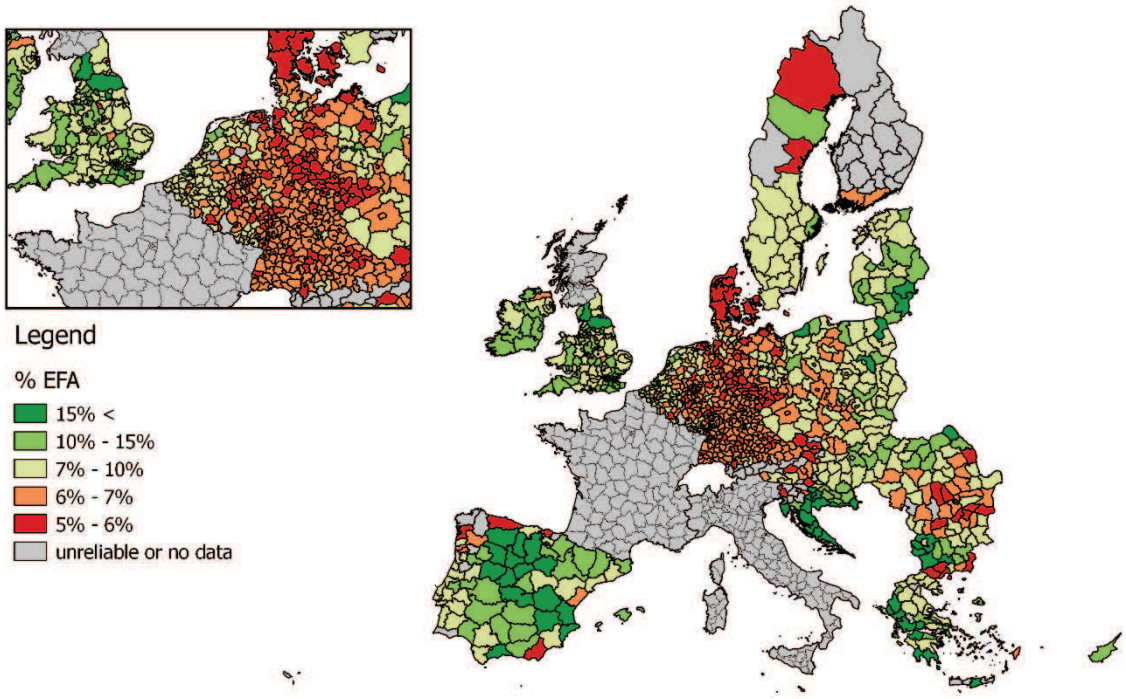
Figure 10 Percentage of arable land under EFA before and after applying weighting factors [7]



[7] 2015 data are missing for France and Luxembourg; for other Member States, the data are taken from the most recent notifications available.

The map in Figure 11 shows the classification of NUTS 3 regions based on the percentage of EFA area compared to the total arable land. Regions with highest share of EFA areas are located in Croatia, Spain, Ireland and the United Kingdom. Central Europe is the area where the shares of EFA are the lowest. The regional representation provides a more precise pattern, showing differences within Member States, especially in Romania, Spain and Sweden, where both high and low intensities of EFA shares were recorded.

Figure 11 Implemented EFA share of arable land in the NUTS 3 regions[8]



5.2.2.2. EFA types distribution in 2015

Figure 12 compares the relative size of the different types of EFA areas (at EU level) before and after applying the weighting factors.

The sum of the three main types of EFA is 94 % before weighting factors are applied (equivalent to physical areas on the ground), slightly decreasing to 93 % after applying the weighting factors.

- The largest reduction caused by applying the weighting factors is for catch crops, where a 0.3 factor is applied. The proportion of the EFA area in this category falls from 33 % before applying the weighting factors to 15 % after, while the percentage of the EFA area used for nitrogen-fixing crops (with a weighting factor of 0.7) slightly increases from 37.4 % before applying the weighting factor to 39.1 % after.

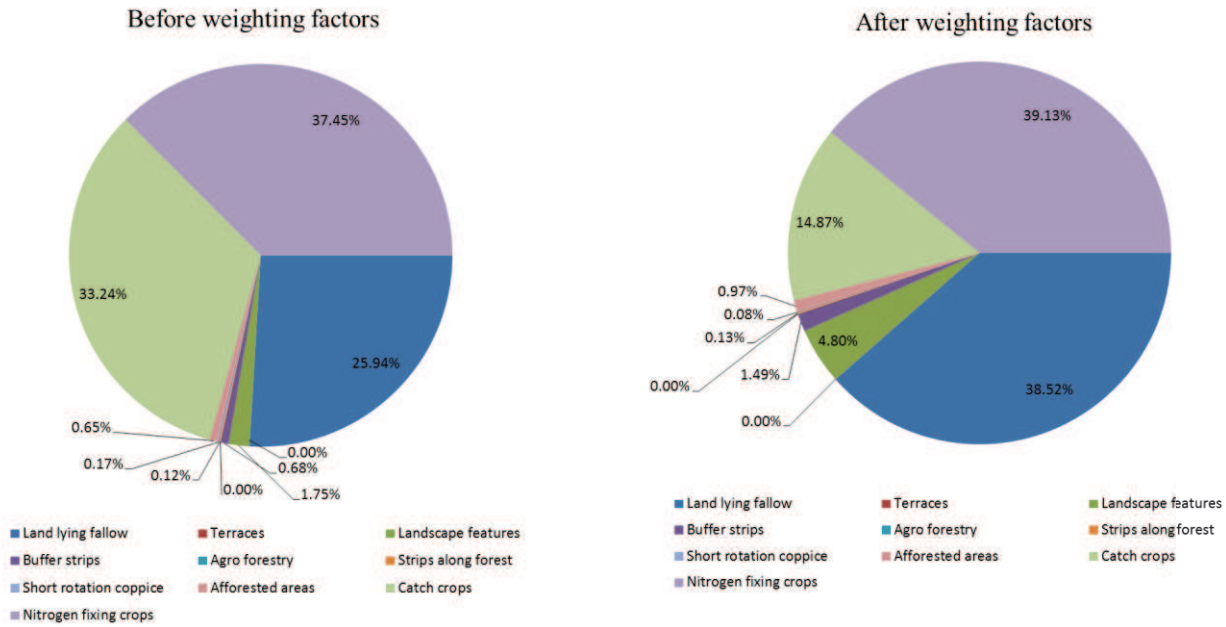
[8] 2015 data not available or not reliable for France, Italy and Scotland; for other Member States, the data are taken from the most recent notifications available. Regions not classified in Finland are covered by the 'forest exemption'.

- The proportion of land lying fallow (for which the weighting factor is 1) increases from 26 % before to 38.5 % after.
- The proportion of EFA for landscape features increases from 1.7 % before to 4.8 % after. The percentage of the EFA area for buffer strips increases from 0.7 % before to 1.5 % after.

EFAs linked to a productive activity (i.e. nitrogen-fixing crops and catch crops) account for 70.6 % of the total EFA area before application of weighting factors and reach 54 % on the weighted areas (39 % and 15 % respectively). This was 5.4 % of the arable land under the obligation and seems to have contributed to overshooting the required 5 % at farm level.

The data on areas before weighting factors are different from the results of the same analysis undertaken for the greening review after one year: fixing certain mistakes in the EFA areas in Italy caused a significant decrease in the quantity of nitrogen-fixing crops and landscape features.

Figure 12 Breakdown of EFA areas by main EFA type, at EU level, before and after the application of weighting factors [9]



The **total absolute area of EFA is 8 million ha across the EU, based on the physical area and before applying weighting factors**. The composition between the four main Member States described below follows the distribution of the arable land between these countries, which accounts for 49 % of the EU total arable land (excluding France). However the EFA areas are more concentrated in these four countries, reaching around 4.7 million ha, 58 % of the total EFA area in Europe. The other Member States account for less than 6 % each at EU level.

- Spain is the country with the largest EFA area (1.7 million ha, 22 % of the total; arable land in Spain account for 13 % of the EU total). The largest single type of EFA in

[9] 2015 data are missing for France and Luxembourg; for other Member States, the data are taken from the most recent notifications available. Data for Italy are estimated.

Spain is land lying fallow, which accounts for almost 1 million ha (12 % of the total EFA area across the EU), followed by nitrogen-fixing crops, which account for 0.7 million ha (9 % of the total).

- Germany has the second largest EFA area in absolute terms, at 1.3 million ha (17 % of the total EFA area in the EU), with catch crops and land lying fallow being the two most significant types of EFA.
- Poland accounts for 11 % of the total EFA area (0.9 million ha) with mostly catch crops and nitrogen-fixing crops.
- Romania is the fourth placed Member State with 0.7 million ha, equally divided between catch crops and nitrogen-fixing crops.

Table 17 EFA areas by main EFA type at Member State level, before the application of weighting factors (thousands ha) [10]

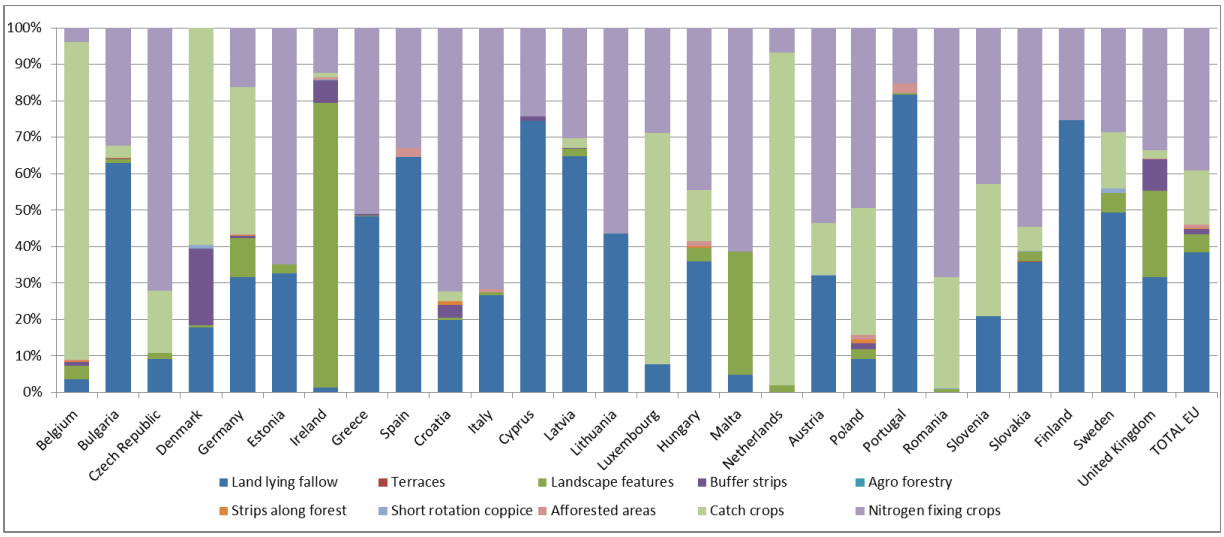
MS	Land lying fallow	Terraces	Land features	Buffer strips	Agro-forestry	Strips along forest	Short rot. coppice	Aff. areas	Catch crops	Nitrogen-fixing crops	**TOTAL EU**
BE	1.95	-	1.04	0.30	0.01	0.49	0.07	0.02	153.34	2.92	**160.15**
BG	147.04	0.02	1.36	0.20	-	0.18	0.08	-	26.48	107.64	**283.00**
CZ	16.13	0.00	1.84	-	-	-	0.08	0.18	99.19	179.65	**297.06**
DK	19.54	-	0.66	15.44	-	-	3.89	-	217.81	-	**257.35**
DE	217.78	0.00	41.83	2.80	-	0.61	1.89	1.55	927.24	159.79	**1 353.48**
EE	9.98	-	0.77	-	-	-	-	-	-	28.31	**39.05**
IE	0.56	-	15.73	1.68	-	-	0.18	0.32	1.50	7.14	**27.11**
GR	47.84	-	0.15	0.19	-	-	-	-	-	55.72	**103.90**
ES	975.49	-	-	-	-	-	-	37.47	-	711.24	**1 724.21**
HR	19.69	-	0.68	3.41	-	0.23	0.03	-	8.97	102.69	**135.69**
IT	75.64	-	1.05	-	-	-	0.59	2.16	-	289.75	**369.19**
CY	6.37	-	-	0.07	-	-	-	-	-	2.97	**9.42**
LV	52.42	-	0.30	0.01	-	-	-	-	7.44	34.99	**95.17**
LT	90.91	-	-	-	-	-	-	-	-	168.11	**259.01**
LU	0.22	-	-	-	-	-	-	-	6.19	1.21	**7.62**
HU	119.73	-	7.15	0.01	-	1.83	0.57	4.80	154.81	211.49	**500.41**
MT	0.00	-	0.01	-	-	-	-	-	-	0.02	**0.02**

[10] 2015 data are missing for France; for other Member States, the data are taken from the most recent notifications available. Data for Italy are estimated.

NL	-	-	1.04	-	-	-	0.02	-	155.91	4.94	**161.90**
AT	7.32	-	0.01	-	-	-	0.26	-	10.72	17.55	**35.86**
PL	40.97	-	6.67	4.89	-	6.64	1.91	5.11	513.39	312.71	**892.29**
PT	43.67	-	0.26	-	-	-	-	1.46	-	11.60	**57.00**
RO	-	0.11	1.88	0.26	-	-	0.24	0.28	356.99	341.96	**701.71**
SI	0.61	-	-	-	-	-	-	-	3.54	1.79	**5.94**
SK	32.36	0.02	1.43	0.06	-	-	0.29	-	20.05	70.38	**124.60**
FI	19.98	-	-	-	-	-	0.00	-	-	9.70	**29.69**
SW	56.13	-	4.17	-	-	-	4.23	-	58.82	46.59	**169.94**
UK	149.25	-	56.75	26.97	0.01	-	0.13	0.81	35.06	226.14	**495.12**
TOT **EU**	**2 151.58**	**0.15**	**144.78**	**56.30**	**0.02**	**9.98**	**14.46**	**54.17**	**2 757.45**	**3 106.98**	**8 016.02**

In addition, Figure 13 shows the proportion of the EFA area occupied by each of the main types of EFA after the application of the weighting factors. The three main types of EFA are available to farmers in almost all Member States (land lying fallow in 26 Member States, nitrogen-fixing crops in 27, and catch crops in 20), but the relative proportions of land allocated to each vary considerably between Member States.

Figure 13 Breakdown of the main types of EFA area, after applying the weighting factors [11]



When analysing NUTS 3 regions data, even more complex patterns appeared.

[11] 2015 data are missing for France and Luxembourg; for other Member States, the data are taken from the most recent notifications available. Data for Italy are estimated.

To obtain a more detailed view on how EFAs were implemented from place to place, the JRC analysed the figures for NUTS 3 regions as a preliminary analysis to support the EFA calculator estimations[12].

Table 18 show the results of the classification at EU and by NUTS 3 region-level based on the nine categories of EFA composition, as set out in Chapter 4.5.

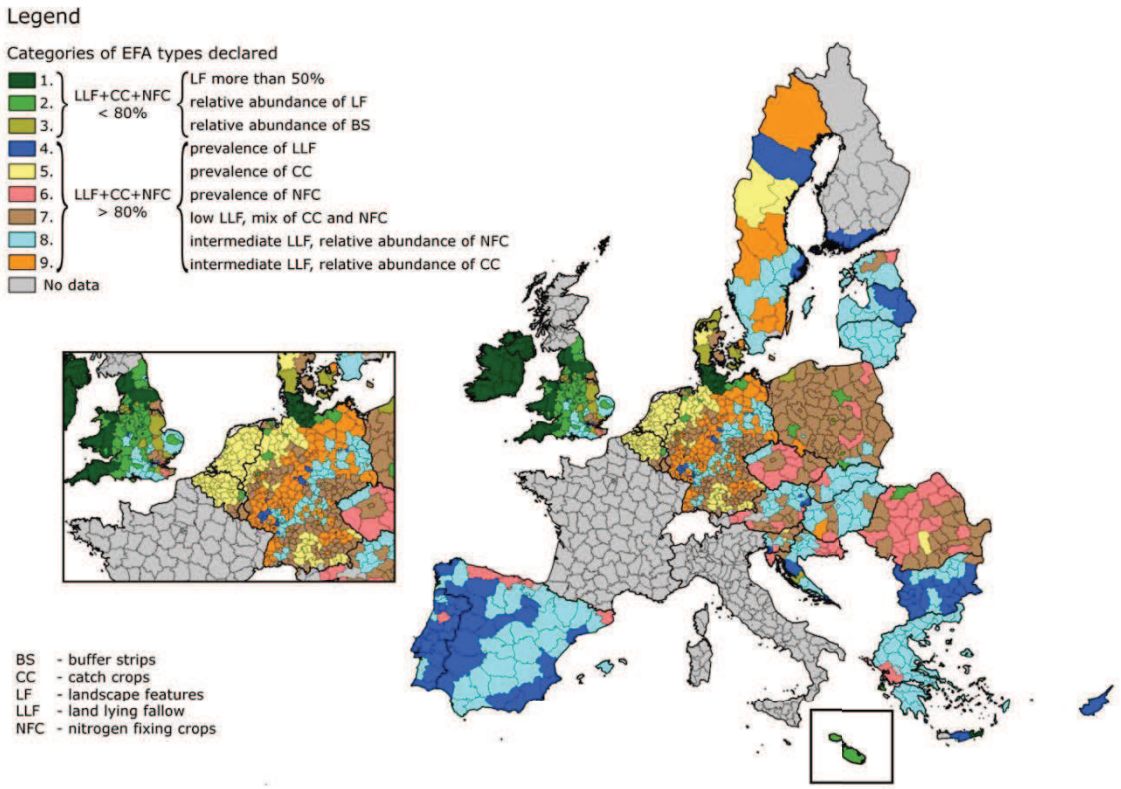
Table 8 Classification of NUTS 3 regions by proportion of EFA types declared (LLF - land laying fallow, CC - catch crops, NFC - nitrogen-fixing crops, LF - landscape features, BS - buffer strips)

Category	*First sub-division*	*Second sub-division*	*Occurrence in all NUTS 3 regions*	*EFA area after weighting factors applied [thousand ha]*
1	LLF+CC+NFC < 80 %	LF ≥ 50 %	52	166.02
2	LLF+CC+NFC < 80 %	LF < 50 % BS < LF	72	186.06
3	LLF+CC+NFC < 80 %	LF < 50 % LF < BS	19	162.98
4	LLF+CC+NFC ≥ 80 %	LLF ≥ 70 %	98	759.87
5	LLF+CC+NFC ≥ 80 %	CC ≥ 70 %	144	233.74
6	LLF+CC+NFC ≥ 80 %	NFC ≥ 70 %	73	403.37
7	LLF+CC+NFC ≥ 80 %	LLF < 30 % mix of CC and NFC	231	1 055.07
8	LLF+CC+NFC ≥ 80 %	30 % < LLF < 70 % NFC > CC	222	2 075.83
9	LLF+CC+NFC ≥ 80 %	30 % < LLF < 70 % NFC < CC	142	278.54
TOTAL NUTS 3 REGIONS (excluding those for which data not available)			**1 053**	**5 321.48**

[12] See chapter 4.5 for explanation of the classification methodology.

Figure 14 shows the spatial distribution of the nine categories attributed for each NUTS 3 region. The spatial distribution of the categories of NUTS 3 regions gives a clear indication of how the different categories are distributed in the Member States. In some Member States one category is sufficient to describe the composition of EFA declared in the country (e.g. Poland, the Netherlands, Lithuania and Ireland).

Figure 14 Spatial distribution of the categories attributed to each NUTS 3 region[13]



The results of the distribution at Member State level and the classification for NUTS 3 regions provide a clearer picture of the geographical patterns.

A large share of the most valuable EFA for biodiversity (landscape features and buffer strips) was found in Ireland, the UK and Malta only. Land lying fallow is more present in Mediterranean countries like Spain, Portugal and Cyprus but also in Member States located in boreal environments like Finland and Latvia. Nitrogen-fixing crops are prevalent in Croatia, the Czech Republic, Italy, Poland and Romania, while catch crops are more significant in Belgium, Denmark, Germany, Luxembourg and Netherlands.

[13] 2015 data are missing for France, Italy and Scotland; for other Member States, the data are taken from the most recent notifications available.

The NUTS 3 regions were also classified according to seven classes based on the average percentage of EFA areas out of the region's total arable land (e.g. from 5 to 6 %, from 6 to 7 % etc.). This was done to assess the change in EFA-type composition depending on the increasing amount of EFA in each NUTS 3 region.

Farmers seem to use EFA types differently depending on percentage of EFA reached.

For the NUTS 3 where the EFA declared was between 5 and 6 % (lower share of EFA implemented), the most widely used EFA type is catch crops. However, in NUTS 3 regions with a percentage of EFA higher than 8 %, the percentage of catch crops starts to decrease. In the NUTS 3 regions with a higher percentage of EFA (from 10 to 15 %), the percentage of landscape features on the total of the EFA declared increases (as does the percentage of nitrogen-fixing crops), while the percentage of catch crops decreases. The contribution of land laying fallow on EFA appears stable (around 30 %) in the categories between 5 % and 8 %, but increases when the percentage of EFA is above 9 %, reaching 60 % in the highest category.

Figure 15 Composition as a percentage of the most common EFA types in NUTS 3 regions in relation to the EFA percentage declared, expressed as relative values

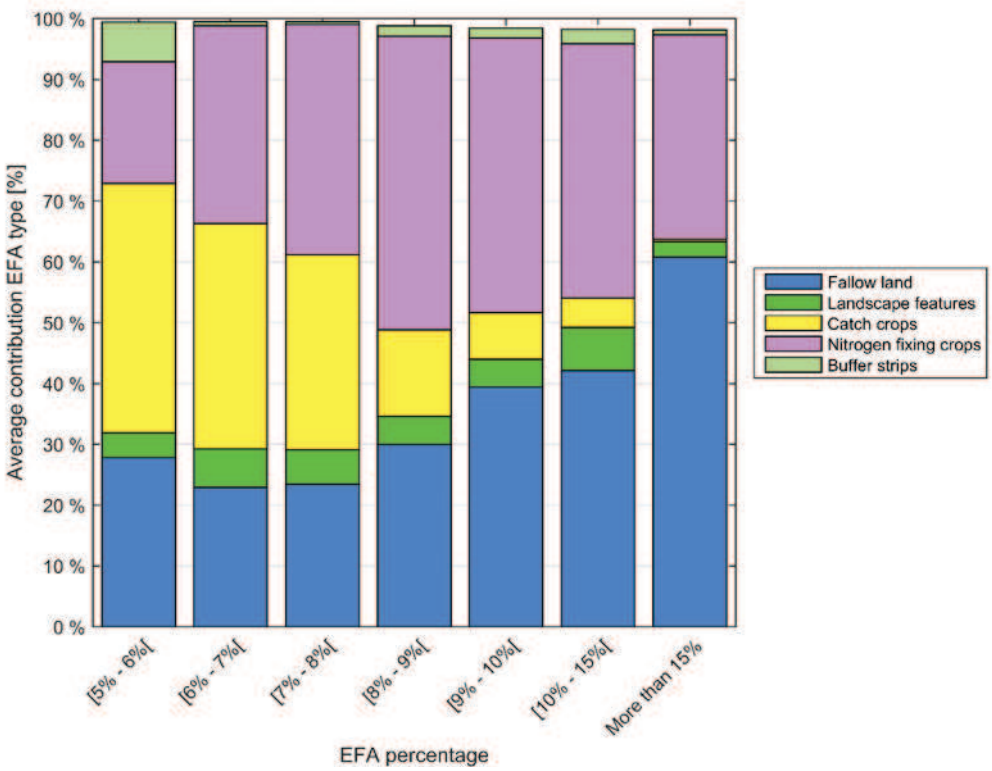


Figure 16 shows the areas of the most common EFA types in relation to the EFA percentage declared. Since they are calculated before the application of the weighting factor, they display the different EFA types' real presence on the ground.

These data suggest that catch crops are mainly used to reach the requested 5 % threshold, whereas landscape features are not systematically declared even if they are present. This behaviour should be better analysed at farm level through case studies. This distribution could also depend on the combinations that may exist between the EFA percentage and the list of EFA types available to farmers (since farmers' uptake can be limited by the Member State's choice of what is included on the EFA list).

Figure 16 Composition as a percentage of the most common EFA types in NUTS 3 regions in relation to the EFA percentage declared, based on absolute values of EFA areas before weighting factors

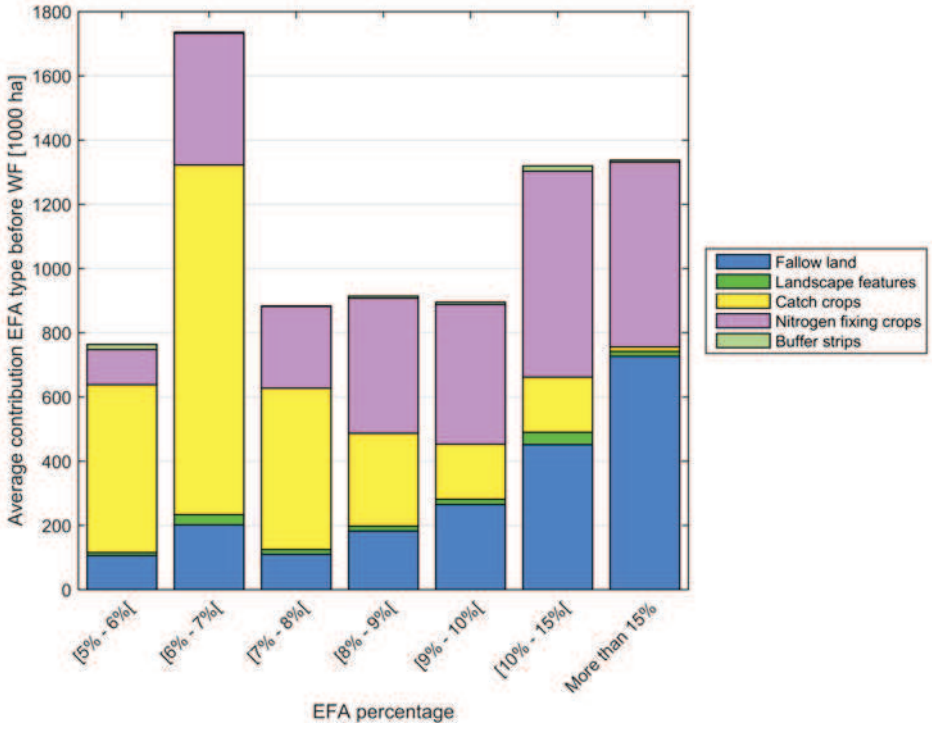
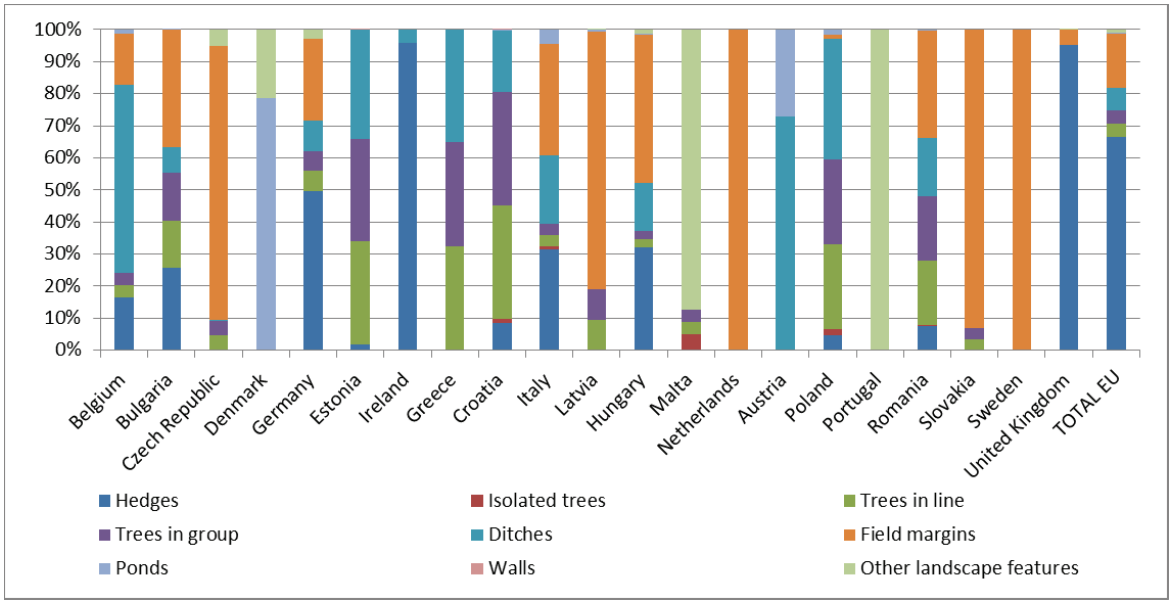


Figure 17 gives a breakdown by Member State of the different types of landscape features. The features account for around 145 000 ha of physical area at EU level and are available to farmers in 15 Member States as a type of EFA.

The types of landscape feature most often chosen by farmers are hedges and wooded strips, which account for 67 % of the EU area for landscape features in the Member States involved.

- The relative areas accounted for by **hedges** and **wooded strips** are highest in the UK, Germany and Ireland. Hedges in the UK, Germany and Ireland accounted for 40 %, 14 % and 11 % respectively of the total EU area of landscape features.
- **Field margins** represented 15 % of the total EU EFA area for landscape features (and are available for farmers in 17 Member States). They are the main type of EFA landscape feature in five Member States (the Czech Republic, Latvia, the Netherlands, Slovakia and Sweden).

Figure 17 Breakdown of EFA landscape features areas, after applying the weighting factors [14]



5.2.2.3. Collective implementation of EFA

In accordance with Article 46(5) and (6) of Regulation (EU) No 1307/2013, Member States can decide to apply the **EFA obligation at regional or collective level** in order to concentrate the EFA areas within a limited territory.

In 2014 and the following years, only two Member States (the Netherlands and Poland) decided to implement the obligation at collective level and none chose to use regional implementation.

The data for farms that implemented the collective approach in the two Member States allowing this are shown in Table 19.

- There were a total of 35 holdings involved in collective implementation, covering between them 3 005 ha of arable land and 307 ha of EFA (after applying the weighting

[14] The data are only for Member States where landscape features are recognised as a type of EFA.

factors). These areas were mostly concentrated in Poland (78 % of the arable land and 82 % of the EFA).

- The farms using collective implementation represented less than 1 % of the total number of farms under the EFA obligation in the two Member States (excluding exempted farms).

Table 19 Member States implementing collective EFA

Member State	No of farmers	Arable land area (ha)	EFA area before applying weighting factors (ha)	EFA area after applying weighting factors (ha)
Netherlands	12	656	169	55
Poland	23	2 349	146	252
Total EU	**35**	**3 005**	**315**	**307**

5.2.2.4. EFA implementation in 2016

By the time this document was drafted, 18 Member States (Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Spain, Croatia, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Poland, Portugal, Romania, Slovakia, Finland) and 2 UK regions (Wales and Northern Ireland) had sent data for 2016 through the Information System for Agricultural Market Management and Monitoring (ISAMM) form. The agricultural areas of the Member States from which **data have been received** account for **39 % of the total agricultural land** in the EU.

In order to have a consistent comparison with the greening implementation in 2015 and with context data, the UK has not been considered in the following analysis as 2016 implementation data are still incomplete. Some Member States have not yet provided data, specifically those with substantial EFA absolute areas (e.g. Germany and Italy) and specific EFA types (e.g. the UK (England) and Ireland, where landscape features areas account for a significant area). Therefore some of the trends described in this chapter may change significantly when those figures are received.

The proportion of total arable land (according to Eurostat data) that belongs to farms under the EFA obligation is **69 % of the total arable land** at EU level, compared to 70 % calculated for 2015.

At EU level, the **percentages of EFA areas compared to the arable land** remained **stable at 10 % considering the areas after weighting factors** and slightly **increased to 15 % for areas before weighting factors**. In absolute values, the EFA areas declared slightly increased by about 130 000 ha, which was 2 % of the total areas for those Member States that have made their data available.

The proportion of EFA types at EU level **did not change much in the 2016 data,** where the three main EFA are still the same. Considering the variations between the two years, a general **decrease of land lying fallow** (-10 %) was **compensated by an increase of catch crops** (+10 % and nitrogen-fixing crops (+5 %). Elements like **landscape features and buffer strips** decreased in some Member States. These changes are, however, quite specific for each Member State, so this picture will probably change when data are received from the other countries.

Considering the **composition of EFA types at Member State level**, there is a **stable situation** compared to 2015 in around half of the countries, while in the other Member States there has been some change. Also, the absolute **changes in the three main types** (maximum 92 000 ha increase in nitrogen-fixing crops in Lithuania) are much higher compared to other EFAs.

In Bulgaria, Lithuania and Hungary, the decrease in land lying fallow was compensated by increases in catch crops and nitrogen-fixing crops. In Hungary, Croatia and Poland, decreases in landscape features were noted, sometimes accounting for around half of the areas declared in 2015, but amounting to a maximum 3 000 ha. In the case of Luxembourg, EFA areas were incomplete in 2015, while in 2016 around 800 ha (9% of the country's total EFA) were declared as strips along forest edges. In Denmark, 6 % of buffer strips were recorded in 2015. The following year, the percentage of this EFA drastically decreased (-12 000 ha), whereas catch crops, land lying fallow and landscape features increased. In Romania, the total EFA area increased by 50 000 ha (6 % of the total area), with this increase covered exclusively by nitrogen-fixing crops. In Portugal the overall reduction of EFA areas was about 15 000 ha, almost exclusively due to a reduction in land lying fallow.

Data for collective implementation are available only for Poland: in 2015 23 farms accounting for around 252 ha of EFA area (after weighting factors) declared collective EFAs in 2015. In 2016, just 14 farms declared collective EFAs, accounting for 30 ha of EFA areas.

5.2.2.5. Use of equivalent practices in 2015 and 2016

Out of the five Member States which applied equivalence in 2015, only the Netherlands and Austria selected equivalent practices to EFA.

In the Netherlands and Austria, equivalent practices were implemented by 11 % of farmers under at least one greening obligation. These accounted for 30 % of the total arable land.

- In the Netherlands, 320 farmers implemented equivalent practices in place of the EFA, covering 28 400 ha of arable land and 2 691 ha of EFA area (which represent 5 % of the total EFA area in the country). The EFA areas are mainly made up of field margins, meaning that the proportion of this category is 72 % of the total area of landscape features.
- In Austria, in 2015 almost 12 000 farmers applied for the equivalent agri-environment-climate measures, which is a significant proportion of the total number of beneficiaries under greening. They represented 19 % of the total by number of farms, 53 % of the arable land and 65 % of the total EFA area. In 2016, the percentage of equivalent areas slightly increased to more than 12 000 farmers (17 % of the total farmers) and more than 41 000 ha of EFA (67 % of total EFA areas).

2016 data for Italy and Netherlands are not yet available.

Table 20 The number of farmers, area of arable land and EFA area where equivalent practices were used in 2015, in absolute terms and as a percentage of all farms under at least one greening obligation

Member State	No of farmers	Arable land area (ha)	EFA area after applying weighting factors (ha)	% of farmers	% of arable land	% EFA after applying weighting factors
Netherlands	320	28 400	2 691	1%	3%	5%

Austria	11 831	597 410	38 665	19%	53%	65%
Total EU	12 151	625 810	41 356	11%	30%	37%

Table 21 The number of farmers, area of arable land and EFA area where equivalent practices were used in 2016, in absolute terms and as a percentage of all farms under at least one greening obligation

Member State	No of farmers	Arable land area (ha)	EFA area after applying weighting factors (ha)	% of farmers	% of arable land	% EFA after applying weighting factors
Italy	N/A	N/A	N/A	N/A	N/A	N/A
Netherlands	N/A	N/A	N/A	N/A	N/A	N/A
Austria	12 290	620 998	41 641	17 %	56 %	67 %
Total EU	12 290	620 998	41 641	17 %	56 %	67 %

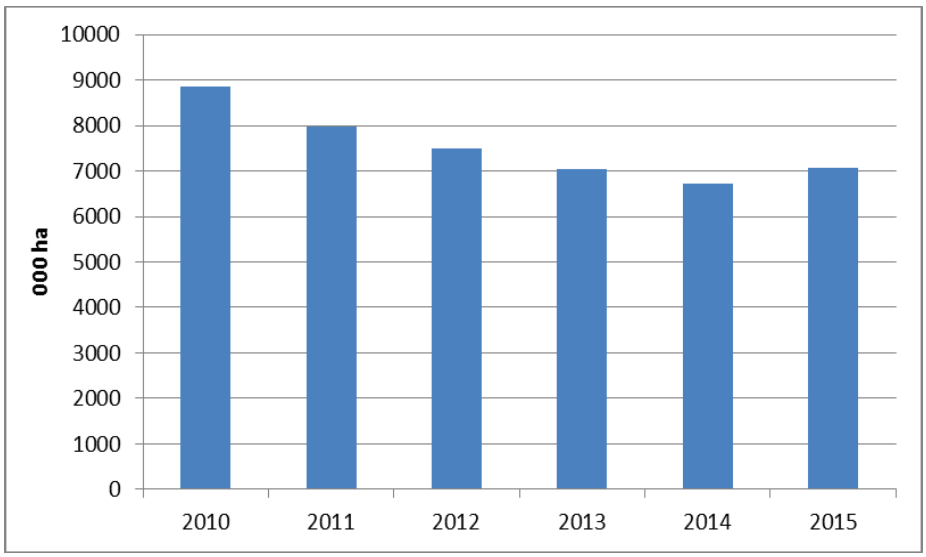
5.2.3. Context data on land lying fallow

Eurostat annual statistics from 2010 to 2015 were used to analyse the trend in statistical data for crops relevant to the EFA obligation.

The trend of land lying fallow continuously decreased from 2010 to 2014, recording a reduction of 24% during this period. In 2015, the first year of implementation of greening, this decreasing trend was reversed and a slight increase of around 300 000 ha was recorded, bringing it back to the same level as in 2013.

Compared to the implementation data in 2015, the area under the land lying fallow EFA amounted to 2.2 million ha (excluding France where data are not yet available), accounting for 34 % of the EU land lying fallow area.

Figure 18 Area of land lying fallow (thousand ha)



Source: Eurostat annual crops statistics, main area