

GAEC STANDARDS-COEFFICIENTS FOR MEASURING THE SUSTAINABILITY AND DURABILITY OF THE EUROPEAN AGRICULTURAL POLICY

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Abstract

The GAEC standards are derived from the code for good agricultural and environmental conditions, which refers to the definition of the standards or conditions that farmers must meet in order for the subsidy application, regardless of the scheme they opt for, to be eligible; the concept has been developed and debated since the 70s, but was introduced into EU policy in 2003 through the publication of Council Regulation EC 1782/2003. Currently we can talk about 8 GAEC standards as a way of evaluating compliance with eco-conditionality for the following specific areas, namely climate and environment, including water, soil and ecosystem biodiversity, public health and plant health, animal welfare. Thus, the GAEC standards applicable for the purpose of sustainability and durability of the agricultural policy implemented at the Union level at the moment are:

GAEC 1: Maintenance of permanent grasslands

GAEC 2: new from 2023. Protecting wetlands and peatlands

GAEC 3: Prohibition of burning stubble, dry vegetation and plant debris on arable land

GAEC 4: Creation of buffer strips (strips of protection) along watercourses

GAEC 5: Management of earthworks, reducing the risk of soil degradation and erosion, including consideration of slope.

GAEC 6: Minimum ground cover to avoid bare ground during the most sensitive periods

GAEC 7 Crop rotation on arable land, excluding crops growing under water

GAEC 8: Minimum proportion of agricultural area dedicated to non-productive areas or features and on all agricultural areas, maintaining landscape features and prohibiting the cutting of hedges and trees during the breeding and rearing period of birds.

GAEC 9: introduced in 2023. Prohibition of conversion or plowing of permanent grassland designated as ecologically sensitive permanent grassland within the perimeter of Natura 2000 sites.

Key words: public agricultural policy, GAEC standards, protectionist standard, sustainable development

INTRODUCTION

The public agricultural policy on subsidies in the agricultural-zootechnical and fisheries sector represents the creation of a payment scheme strategy regarded as state aid with a double financing, European and national, to support national producers.

The scheme of financial support for producers has presented various variables over time, which signify in the more than 100 years of a Europe free of wars and famines, an initial plan on basic products for any European to have what is necessary for a subsistence existence in a first phase. The changes in consumer behavior, which is ultimately the guarantor of the demand for products on the market, also led to the change of the governmental policies on subsidies in the agri-food field, Europeans not considering flour as basic products, the potato, the oil, etc.

The change in consumer behavior was determined by the diversification of the labor market, the majority of the population having no occupation in the agricultural rural area; sedentarism and implicitly more sedentary occupations, they generated the phenomenon of obesity and other diseases associated with it; at the same time, industrialization was an element that caused the changing habits of the consumer, the trend of industrial production strategies being long-term food preservation, which involved the introduction of stabilizers and emulsifiers into the diet. Their introduction did not take into account the impact on the health of the population in the short, medium and long term, the legislation in the food industry being permissive in this respect.

Currently, the CAP 2023-2027 strategic plan is the government instrument on state subsidies granted in the agrarian field.

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MATERIAL AND METHOD

This paper involved studying the legislation at national and european level on public policies for financing agricultural producers in the field of vegetation, analyzing the importance of the gaec standards regarded as a benchmark of analysis regarding the eligibility of the financing application regardless of the payment system on which it was applied. the reference normative act remains the Eu Regulation 2021/2015 and the government decision 1571/2022.

RESULTS AND DISCUSSIONS

GAEC 1

GAEC 1 is a new, protectionist standard which, through the administrative sanction provided for in Article 91 of Regulation (EU) No 1306/2013, prevents the conversion of permanent grassland to other agricultural uses and aims at preserving carbon stocks.

Prior to this standard, the maintenance of permanent grassland was achievable by imposing, as an eligibility condition "for greening payments", the fulfillment of a mathematically calculated coefficient by carrying out a proportionality ratio between permanent grassland and agricultural land, the reference year being 2015.

This standard applies to schemes that include payment per pasture and aims to maintain permanent grassland with a reference criterion of a proportional ratio between permanent grassland and agricultural area at national level, based on 2019 figures; given the previous reference, a deficit of -5% at most is accepted.

The obligations at farm level, closely linked to the requirements imposed by the GAEC 1 standard, are governed by the provisions of GEO 34/2013.

GAEC standard 1 is mandatory as an eligibility criterion for farmers and other beneficiaries receiving direct payments or annual payments through interventions in the form of direct payments as well as rural development interventions provided for in Art. 16 paras. 2 and 3 Articles 70, 71, 72 of Regulation (EU) No 2021/2115.

At the same time, this type of standard was also taken into account for farmers who applied for area payments, direct payments and compensatory payments through rural development measures applied on agricultural land under the NRDP 2014-2020, the reference year being 2018, their declaration being for permanent grassland.

GAEC 2

This is a new standard, applicable from 2023, aiming to protect carbon-rich soils; the standard imposes a number of environmental obligations on farmers who own or manage agricultural land and carry out specific agricultural activities in these areas.

Therefore, farmers, in order to be eligible under the GAEC 2 standard, have a number of obligations to respect for agricultural land in wetlands and peatlands designated as protected sites, which includes Ramsar sites:

- the application of agricultural technologies and management methods developed using specific techniques in line with environmental legislation;
- the use of phytosanitary or organic products, with the approval of the protected area manager, is obligatory for pest control work specific to the agricultural crop;
- seeds treated with banned chemical products must not be used in the protected natural area; it is obligatory to take all necessary measures against pollution or environmental degradation;
- soil fertilization works must be carried out with organic fertilizers and, in the case of chemical fertilizers, in monitored quantities, in order to avoid contamination of water resources;
- all measures to protect agricultural crops from wild animals must be approved by the protected area administration;
- the use of polluted water sources for irrigating crops is prohibited and, by implication, all necessary measures to prevent soil deterioration;
- the maintenance of dykes, the protection of agricultural enclosures, as well as irrigation and drainage systems, must be carried out in the protected area;
- the cultivation of genetically modified plants, narcotics or any other plants harmful to health is prohibited;
- the construction of land protection fences erected for the purpose of preventing the free movement of wild animals is prohibited;
- it is prohibited to set fire to dry vegetation, as well as to waste resulting from technological operations;
- it is forbidden to work the soil deeper than 25 cm;
- tillage of permanent grassland in wetlands and peat bogs is prohibited;
- the conversion of wetlands and peatlands and any change in land use and watercourse is prohibited

- the deliberate introduction of non-native species into wetlands and peatlands is prohibited;
- the depositing of waste in wetlands and peat bogs, as well as in agricultural areas within the perimeter of wetlands and peat bogs, is prohibited.

GAEC 3

This standard was applicable in the period 2014-2020 and aimed to reduce GHG greenhouse gas emissions and land cover during the most sensitive periods.

The prohibition imposed by this standard covered all arable land on the national territory as well as fallow land.

The myth of fertilizing agricultural land by burning has been dispelled, as the establishment of GAEC 3 standard established the scientific truth that it does not represent

GAEC 4

This standard is, de facto, a continuation of the implementation of GAEC 1 requirements on the creation/maintenance of buffer strips along watercourses from 2014-2020.

As additional requirements to the GAEC 1 standard, it is required:

- introduction of a ban on the use of plant protection products on buffer strips along watercourses, including fertilizers;
- the minimum width of the buffer strips should be increased to 3 m (from 1 m in the previous version) for land with a slope of 12% and to 5 m (3 m in the previous version) for land with a slope of more than 12%.

GAEC Standard 4 is applicable throughout the national territory for all farmers who own or manage agricultural land located in the vicinity of watercourses, adjacent to their protection zones, as established by the Water Law No. 107/1996, as amended.

It follows from the way the legislator expressed it that the GAEC 4 standard is binding, by establishing a joint and several legal liability between the owner of the land and the person who has a precarious form of holding of the land, regardless of the nature of the title resulting from it, lease contract, concession contract, rental contract, joint venture contract.

GAEC 5

Compared to the 2014-2020 version, GAEC 5 standard requires that all tillage carried out on land with slopes of more than 12%, regardless of the crop planted, including sowing, must be carried out along the contour lines. The standard considers

the average slope of the agricultural parcel used by the farmer. At the same time, this standard completely prohibits tillage (plowing, scarifying, harrowing, rotary hoeing, mechanical harrowing) on very poorly fertile land unsuitable for arable use included in the land improvement plans in the 5th quality class.

GAEC 6

This standard is the continuation of the eco-conditionality requirement of GAEC 4 for the period 2014-2022, when the percentage of uncultivated land after harvest of the total arable area of the farm was at least 20%.

Currently, GAEC Standard 6 requires farmers to keep at least 80% of the arable area of the farm and at least 50% of the area of permanent crops on the farm covered.

The most sensitive period for our territory in terms of soil remains the summer period from 15 June to 30 September, which is usually characterized by very high temperatures, lack of rainfall, soil and atmospheric drought and other extreme weather phenomena that can lead to excessive soil tilth, erosion, degradation and desertification.

In order for the farmer to fulfill his obligation regarding the percentage of soil cover, stubble left after harvesting, secondary crops, green cover crops or newly established fall crops can be used as measures; the time during which there is an exception to these obligations is only the period of land preparation and establishment of the new crop, which may not exceed 2 weeks.

In the case of permanent crops, the minimum ground cover for the most sensitive period means grassed strips between rows, mulches or plant residues on at least 50% of the area of the permanent crops on the holding.

We therefore conclude that GAEC 6 is applicable for all farmers establishing arable and permanent crops.

GAEC 7

This is a new non-applicable standard for the year 2023 which has as its main objective the preservation of soil potential. Therefore, this new standard imposed, as a set of specific requirements, the application of agricultural practices aimed at maintaining the fertility, and therefore the production potential, of agricultural soils.

Thus, crop rotation on agricultural land, with the exception of crops grown under water, has been specifically established as a farm-level obligation.

Thus, crop rotation is now required at least once a year (taking into account the agricultural year) at plot level; multiannual crops, grasses and other herbaceous forage plants, fallow land, crops in protected areas such as greenhouses and solariums are exempted from this rule.

It is allowed that one and the same plant species may be cultivated on no more than 50% of the arable area of the holding, taking into account the following:

- permission to cultivate for 3 consecutive years is possible, provided that a secondary crop of a different species is planted between the 2 main crops;

- permission to cultivate for a maximum of 2 consecutive years for areas on which the main crop was harvested late in the autumn (after November 1) because of unfavorable weather conditions which made it impossible to establish the secondary crop under optimum conditions for plant emergence and development.

In the crop rotation plan, fall varieties and spring varieties of the same species grown for production purposes are accepted as the same crop (e.g. wheat/barley crops of fall varieties and wheat/barley crops of spring varieties). The secondary crops are considered to be those which are grown in the interval between two main crops, covering the whole period between them without a significant break, covering the ground at least 8 weeks after harvesting of the main crop, and must be different in species from the main crop. From a technological point of view, secondary crops may also include successive crops or double crops sown for either harvesting or grazing.

Single crops or mixtures of crops such as grasses, legumes, protein crops, oilseeds, oilseed crops, honey plants, etc. are recommended as possible rotations.), such as: mustard+oats, mustard+fava bean, mustard+rape, mustard+mustard, mustard+mustard, mustard+oats, mustard+oats, pea+oats, pea+oats, pea+peas, pea+mustard, pea+mustard, lupin+clover, rape+clover, rape+clover, rape+mustard, grain+oats, rye+clover, rye+clover, clover+fava bean, pea+mustard, pea+mustard, pea+camel.

According to the GAEC 7 standard, fallow land is arable land not cultivated during an agricultural year, maintained in good environmental conditions, subject to minimum maintenance; the minimum period for land to be considered as fallow is 6 months, which must cover the months of March to August.

G.A.E.C. standard 7 is an eligibility criterion for the subsidy claim, regardless of the

payment scheme applied for, for agricultural holdings of 11 hectares and above.

GAEC standard 7 may not be applied as an eligibility criterion where the area for which payment is claimed is 75% permanent grassland or the land itself is used for the production of grass or other herbaceous forage crops, or the land is fallow with leguminous crops, or is subject to a combination of these uses.

The exemption from GAEC standard 7 for the year 2023 took place on the basis of Commission Implementing Regulation (EU) No 2022/1317 of July 27, 2022 laying down derogations from Regulation (EU) 2021/2115 of the European Parliament and of the Council as regards the application of standards relating to good agricultural and environmental condition of land (GAEC standards) 7 and 8 for the claim year 2023 "Member States may decide to derogate, for the claim year 2023, from the application of one or both of the GAEC standards.

GAEC 8

This standard is intended to continue the application of some of the requirements of GAEC 7, i.e. the maintenance of landscape features, including in alignment, in groups or in isolation, and existing terraces on agricultural land, the prohibition of cutting hedgerows and trees during the breeding season and the rearing of wild birds, measures which aim to avoid the establishment and spread of invasive plant species on agricultural land; existing measures and in the period 2014-2020, a set of new requirements has been added by the present standard, such as for example the obligation to ensure a minimum percentage of the agricultural area dedicated to non-productive areas or features at farm level.

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The requirements imposed by GAEC 8 extend, *de jure* and *de facto*, the list of landscape elements contributing to the minimum percentage of non-productive areas/elements, thus clarifying the list of non-productive areas/elements for which there is an obligation to maintain. It also establishes a longer period of prohibition on cutting hedgerows and trees during the breeding and rearing period of wild birds, i.e. March 31 - August 31, which has an effect on improving agricultural biodiversity.

GAEC Standard 8 imposes the following obligations at farm level:

- at least 4% of the arable land at farm level to be dedicated to non-productive areas and features, a category which includes fallow land;

- eligibility is also maintained for 3%, provided that 7% is included in an ecological consolidation program;

- the farmer is required to have at least 7% of arable land at farm level set aside for non-productive areas and areas, including fallow land, including catch crops, including catch crops with catch crops and nitrogen fixing crops grown without the use of plant protection products, of which 3% is non-productive areas including fallow land; Member States are recommended to use a weighting factor of 0.3% for catch crops;

- prohibit the felling of hedgerows and trees during the breeding and rearing period of wild birds, during which a bird species lays eggs, hatches them and raises its young until they are able to fly; this period covers the period from March 15 to August 31, applicable both within and outside the perimeter of nature protection areas (SCIs, SPAs)

- farmers are obliged to take all necessary measures to avoid the establishment of invasive plant species on agricultural land.

GAEC standard 8 remains obligatory for all agricultural holdings, except for land up to 10 ha or where 75% of the land is permanent grassland,

or grass or other herbaceous forage production, or fallow land, or land under leguminous crops, or a combination of the above.

The only year that the GAEC 8 standard has not been applied since its effective date was the 2023 application year, which is the only exemption from it.

GAEC 9

The GAEC 9 standard aims, as its main objective, to protect habitats and species, bringing in addition to the 2014-2020 period the measure prohibiting the conversion and plowing of ecologically sensitive permanent grasslands; at the same time, the standard has imposed the obligation to exploit and maintain these types of sites with the aim of protecting the natural habitats of wild flora and fauna in the areas included in Natura 2000. As obligations at farm level, this standard requires:

- the prohibition of the change of use or plowing of permanent grassland considered ecologically sensitive within the perimeter of Natura 2000 sites, approximately 764,393 ha;

- the obligation to carry out exploitation and maintenance works on permanent grassland within the perimeter of Natura 2000 sites, which include in their implementation compliance with the conservation measures outlined in the site manager's management plans;

Consequently, GAEC standard 9 is mandatory as an eligibility criterion for payment claims for farmers who own or manage permanent grassland designated as ecologically sensitive in Natura 2000 sites.

It is noted that joint and several legal liability is established both for landowners who own land which includes such grassland and for those who hold it under a concession under a concession contract, lease, etc.

CONCLUSIONS

G.A.E.C. standards become a criterion for analyzing compliance with the conditionality yardstick established by the EU Regulation 2021/2015 by A.P.I.A.A. inspectors both for the situations of assessing the eligibility of farmers' applications for payment and for those for granting state aid.

Thus, they may be subject to an administrative sanction by which they risk not receiving the subsidy or state aid for the disaster.

The sanction referred to in Article 91 of Regulation (EU) No 1306/2013 shall not apply to the small farmers scheme covered by Title V of Regulation (EU) No 1307/2013 and to the support

covered by Article 28(2) of Regulation (EU) No 1307/2013. 9 of Regulation (EU) No 1305/2013 referred to as support for the conservation and sustainable use and development of genetic resources in agriculture in operations not covered by paragraphs 1 to 8 of the same Article.

The administrative sanction implemented by Art. 91 of Regulation (EU) No 1306/2013 aims at protecting, as a social value, the ecoconditionality as defined through the legal rules contained in Art. 93 of the same Regulation. In itself, the concept of cross-compliance concerns the management of the agricultural and environmental conditions of the land of agricultural holdings supported by the Union payment scheme. It is juxtaposed on the concept of sustainability, aiming at a harmonious development of agriculture while respecting environmental rules, focusing on public health, plant health, animal health and welfare.

The method of calculating this administrative penalty is laid down, as a principle of law, in Article 99 and may consist either in a reduction of the payments claimed or in the total loss of the subsidy. A maximum of 5% is accepted as standard for the reduction coefficient and a maximum of 15% for non-compliance situations. Non-compliance usually refers to farming techniques which do not pay attention to environmental standards, plant health and animal welfare.

In order to avoid such situations, Member States are obliged to provide farm advisory services. In Romania, such agricultural advice was initially provided by the County Agricultural Chambers, which were later taken over by the County Agricultural Directorates, institutions subordinate to the Ministry of Agriculture and Rural Development.

EU Regulation 2021/2015 has not repealed the provisions of art.91, 93, 99 of Regulation (EU) No 1306/2013 provisions that are found at national level in HG No.1571 of 20022 on establishing the general framework for the implementation of interventions related to the plant and livestock sectors of the CAP strategic plan 2023-2027 respectively MADR Order 80/2013, the spiritual European agricultural policy remains the same.

Thus it gravitates further around the concept of sustainable development, which had and still has in mind the legal evolution of the concept of the environment seen as a right of generations, not only present but also future, and implicitly as a halt to the trend of consumerism, renouncing to practices specific to intensive agriculture.

Therefore, in order to preserve soil quality, it is recommended to leave fallow land alternating with areas farmed, to preserve fauna and flora, not

only for strictly organic farming areas, but also as an adjuvant that can combat pests specific to the various crops, with a direct impact on the quantities of pesticides used.

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- Regulamentul (UE) nr. 1.307/2013 al Parlamentului European și al Consiliului din 17 decembrie 2013 de stabilire a unor norme privind plățile directe acordate fermierilor prin scheme de sprijin în cadrul politicii agricole comune și de abrogare a Regulamentului (CE) nr. 637/2008 al Consiliului și a Regulamentului (CE) nr. 73/2009 al Consiliului;
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