



Cross-Compliance and the WFD

Rainer Müssner & Thomas Dworak
Ecologic

Zbigniew M. Karaczun
Warsaw Agricultural University



Aim of the paper

- Elaborate synergies between both policy instruments
- Provide an overview of possible Cross-Compliance (CC) contributions to achieve WFD objectives
- Preliminary “Overview” of the status of CC implementation in the EU-25
- Develop further opportunities to integrate the objectives of the WFD into the CC



What is Cross-Compliance?

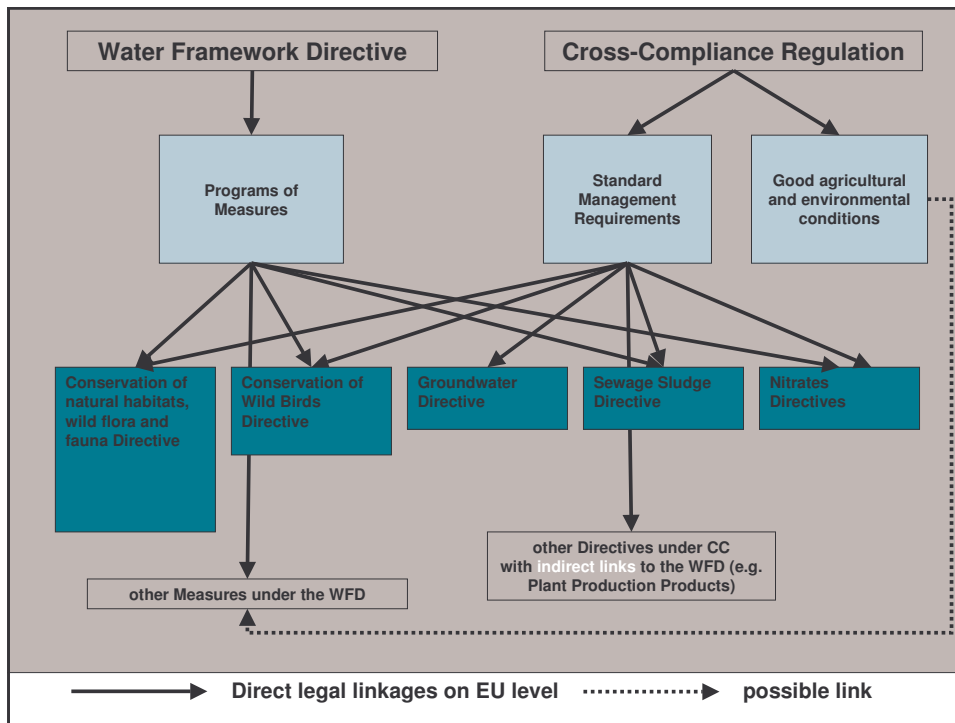
- Instrument from the 1st pillar of CAP
- Links direct payments to the compliance with standards
- Aim: to enhance enforcement of EU legislative and mandatory standards in the fields of
 - Environment
 - Nature and biodiversity
 - Food safety
 - Animal health and welfare
 - Good agricultural and environmental conditions





Main elements

Two types of standards:

- Statutory Management Requirements (SMR)
 - Requires compliance with particular articles of 19 EU Directives
 - 16 are obligatory since beginning of 2005/2006
 - 3 standards will become obligatory in 2007
- Good agricultural and environmental conditions (GAEC)
 - National implementation



GAEC

Defined by MS according to basic framework:

Issue	Standard
Soil erosion: Protect soil through appropriate measures	<ul style="list-style-type: none"> • Minimum soil cover • Minimum land management reflecting site-specific conditions • Retain terraces
Soil organic matter: Maintain soil organic matter levels through appropriate practices	<ul style="list-style-type: none"> • Standards for crop rotations where applicable • Arable stubble management
Soil structure: Maintain soil structure through appropriate measures	<ul style="list-style-type: none"> • Appropriate machinery use
Minimum level of maintenance: Ensure a minimum level of maintenance and avoid the deterioration of habitats	<ul style="list-style-type: none"> • Minimum livestock stocking rates and/or appropriate regimes • Protection of permanent pasture • Retention of landscape features • Avoiding the encroachment of unwanted vegetation on agricultural land

CAP & WFD Conference, 2 - 3 March 2006, Vienna

6



SMRs & their potential for WFD impl. (I)

	Pollution			Alterations of hydrologic regimes due to water abstraction	Hydro-morphological modification	Soil erosion
	Nitrates	Phosphorous	Pesticides			
Groundwater Directive, Article 3		++	++			
Sewage Sludge Directive, Article 3	+++	+++				
Nitrates Directives, Articles 4 and 5	+++				+	+
Conservation of Wild Birds, Articles 3, 4 (1), (2), (4), 5, 7 and 8	+	+	+		++	
Conservation of natural habitats, wild flora and fauna, Articles 6, 13, 15, and 22(b)	+	+	+	++	+++	

+++ very relevant (positive) ++ relevant (positive) + indirect linkage (positive)



GAEC and their potential for WFD impl. (II)

Issue	Standard	Pollution			Alterations of hydrologic regimes due to water abstraction	Hydro-morphological modification	Soil erosion
		Nitrates	Phosphorus	Pesticides			
Soil Erosion	minimum soil cover	+++	+++				+++
	minimum land management				+		+
	retain terraces	++	++		++		+++
Soil organic matter	standards for crop rotation	+	+	+			++
	arable stubble management	+	+				+++
Soil structure	appropriate machinery use	+	+				++
Minimum level of maintenance	minimum or maximum livestock stocking rates						++
	protection of permanent pasture	++	++	+	+++		++
	retention of landscape features	++	++	++		++	++
	avoiding encroachment of unwanted vegetation				++		

+++ very relevant (positive) ++ relevant (positive) + indirect linkage (positive)



Options for further development

- **Window of opportunity for improvements: 2008**
- **At least 4 different options to improve the impact of CC on WFD:**
 - **Sound implementation and better enforcement of the current CC scheme**
 - **Amendment/replacement of directives under current SMRs towards more water-relevant aspects**
 - **Integration of additional directives (incl. WFD) into the current SMRS**



Possible links between SMRs and WFD

WFD	Measures to	Comment
Article 11 (3c)	secure efficient and sustainable water use	Measures to promote an efficient and sustainable water use in order to avoid compromising the achievement of the objectives of the WFD e.g. measures regarding irrigation
Article 11 (3d)	protect drinking water	Member States may establish safeguard zones for those bodies of water in accordance with article 7 WFD
Article 11 (3h)	prevent or control the input of pollutants from diffuse sources liable to cause pollution	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
Article 11 (3i)	ensure that the hydromorphological conditions of the water bodies are consistent with the achievement of the required ecological status	e.g. measures to create and maintain wetlands
Article 11(3j)	prevent from direct discharges of pollutants into groundwater	Can be relevant for wastes like pesticides packagings
Article 11(k)	eliminate/reduce the discharge of priority substances	e.g. measures that limit the use of certain farming products containing priority substances
Article 11(l)	prevent significant losses of pollutants from technical installations	e.g. measures tackling pollution from the storage of fertiliser or farm runoffs
Article 11 (4)	Additional targets	Allows Member States the opportunity to implement supplementary measures designed and implemented in addition to the basic measures under article 11 (3) WFD. Annex VI part B WFD provides a non-exclusive list of such measures



Options for further development

- Window of opportunity for improvements: 2008
- At least 4 different options to improve the impact of CC on WFD:
 - Sound implementation and better enforcement of the current CC scheme
 - Amendment/replacement of directives under current SMRs towards more water relevant aspects
 - Integration of additional directives (incl. WFD) into the current SMRS
 - Additional water related criteria under GAEC (offers the chance to create tailor-made solutions)



Pros and cons of the different options

Option	Pros	Cons
Sound implementation and better enforcement of the CC scheme	<ul style="list-style-type: none"> • No additional burdens to farmers regarding SMR and GAECs • Sound baseline for the WFD programmes of measures 	<ul style="list-style-type: none"> • Not all farmers are covered, just those that receive direct payments, exemptions defined by Member States • Hydro-morphological alterations and alterations of hydrological regimes are not sufficiently covered under the current CC regulation • Higher costs and administrative burdens – on farmers and public administration?
Amendment of directives under current SMRs towards more water-relevant aspects	<ul style="list-style-type: none"> • No need to introduce new standards under the SMR 	<ul style="list-style-type: none"> • Time-consuming due to complex decision-making process
Integration of additional directives (incl. WFD) into the current SMRS	<ul style="list-style-type: none"> • Offers a unique chance to link water protection (especially the WFD) directly to the payment mechanism of the CAP 	<ul style="list-style-type: none"> • Time-consuming process due to complex decision-making process • Higher costs and administrative burdens – on farmers and public administration?
Further development of GAECs	<ul style="list-style-type: none"> • Allows tailor-made solutions at regional level 	<ul style="list-style-type: none"> • Higher costs and administrative burdens – on farmers and public administration?



Key messages

- The CC regime is another step to protect EU Waters
- Full CC implementation by all European farmers will not guarantee reaching WFD objectives
- SMR and GAECs focus on some pollutants and soil erosion but not on hydro-morphological issues and alterations of hydrological regimes
- Control of “compliance” is difficult but crucial
- The proper enforcement of the current SMRs and GAECs is key to achieving WFD objectives
- Options for a “stronger” link to WFD exist, but pros and cons have to be discussed carefully