



To: DG Agriculture and Rural Development, European Commission
DG Environment, European Commission

In attn: Mr Mariusz Stefan Migas, Head of Unit CAP Strategic Plans I (Bulgaria, Czechia, Hungary
Poland, Romania, Slovakia) at DG AGRI
Ms Claudia Olazabal, Head of Unit Land use and Management at DG ENV

Cc: Ms Silvia Michelini, Director CAP Strategic Plans I at DG AGRI
Mr Mihail Dumitru, Deputy Director General DG AGRI

Subject: WWF observations on the Romanian Draft CAP Strategic Plan

78/16 March 2022

Dear Mr Migas,
Dear Ms Olazabal,

We are writing in relation to the Draft CAP Strategic Plan (CSP) submitted to the European Commission by the Romanian Ministry of Agriculture and Rural Development (MARD) at the end of February 2022. We hoped that such a letter would not be necessary given our full participation effort to the domestic process of developing the CSP, which was carried out by the MARD since 2020; however, the need for this letter has become increasingly evident as our feedback on major environmental topics was not taken into consideration and our proposals did not make it into the CSP, despite the comprehensive technical and legal arguments we provided.

Our feedback and proposals are rooted in the objectives of the new CAP related to viable farm income, climate change, sustainable development, and biodiversity, landscape and ecosystems services restoration and protection, as well as in EC's Recommendations for the RO CSP, and in various elements of the Needs assessment and SWOT Analysis. Our feedback and proposals are based on the existing scientific evidence and our expertise on the ground across the country, in nature conservation and sustainable rural development in five major priority conservation landscapes - the Lower Danube Green Corridor and the Danube Delta (south and east of the country), Maramures (north of the country), Transylvania (central region), South-Western Carpathians, and Apuseni Mountains (west of the country).

Here below we present to you our main proposals and concerns and kindly ask that you take them into consideration when preparing the Observation Letter related to the Romanian CSP, in order to avoid a real funding crisis for sustainable agriculture and rural areas over the next five years. Such a crisis would accelerate the ongoing loss of habitats and species we are seeing here and associated ecosystems services (e.g. Natura 2000 forest habitats, Danube wetlands), and will cause the expansion of socio-environmental issues brought about by inappropriate land use in the context of climate change (e.g. soil degradation and desertification leading to rural poverty and land abandonment).

I. PARTICIPATION AND COHERENCE WITH ENVIRONMENTAL LEGISLATION

The Draft CSP is at odds with EU environmental legislation, and especially in relation with the implementation in Romania of the River Basin Management Plans (RBMP) according to the requirements of the Water Framework Directive, and of the Flood Risk Management Plans (FRMP) as per the Floods Directive. The documents corresponding to the RBMP and FRMP (the version of the 2022-2027 plan cycle is being updated and will be finalised in 2022) include green measures/nature-based solutions especially in the Danube floodplain and the Danube Delta, namely ecological reconstruction of wetlands with multiple agri-environmental benefits and which are not taken into account in the current form of the CSP. The MARD were provided with a comprehensive proposal for such measures supported by a group of academia, research, public institutions (town halls), fishing associations, aimed at restoring a mix of wetlands, ponds, and productive agricultural areas along the Danube, with multi-dimensional effects related to climate change adaptation and mitigation (as most of the soils in this region are carbon-rich soils, such as peatlands, which are not appropriate for agricultural use), alternative sustainable development paths in the riverine communities (e.g. through ecotourism, with considerable incomes simulated and documented in an Ernst & Young technical study¹ for WWF), contribution to food security with the provision of blue foods from restored fish farms, and biodiversity restoration. Given that public participation has not been conducted in real terms, but only as a formality, all these arguments and solutions to ongoing challenges along the Danube and in the Danube Delta, made chronic by climate change, have led nowhere.

Furthermore, in regard to procedural requirements (Art. 106), public authorities responsible for the environment and climate in Romania have not been effectively involved in drawing up the environmental and climate elements of the CAP Strategic Plan. There have been several requests for the inclusion of specific interventions with a role in meeting specific climate and environmental objectives, but unfortunately they have not been taken into account. These were established in working groups hosted by the Ministry of Environment and formed of experts in the field of forest management and conservation, including WWF. The interventions proposed to the MARD were as follows:

Priorities for meeting climate and environmental goals through forest conservation and management	Resolution
First afforestation - continuation of sub-measure 8.1	Disregarded
Forest-environment - continuation of sub-measure 15.1	Existing intervention in the Strategic Plan
Support for the creation of agroforestry systems, respectively ensuring sustainability measures for the est. 500,000 ha forests outside the national forest registry	Disregarded
Accessibility of forests - continuation of sub-measure 4.3	Disregarded
Payments for Natura 2000 specific disadvantages *The Ministry of Environment, Water and Forests has developed a study on the <i>calculation of Natura 2000 disadvantages in forest areas, according to the restrictions in the management plans</i> . This study, developed by the Institute of Forestry Research and Development, was completed in time in order to serve as a basis for the above-mentioned intervention	Disregarded

¹ Ernst & Young (2020). *Evaluation of economic impact. Rehabilitation of the ecological and economic functionalities of sustainable aquaculture infrastructures in the Danube floodplain, and Evaluation of economic impact. Rehabilitation of the ecological and economic functionalities of sustainable aquaculture infrastructures in the Danube Delta*

covering the disadvantages of Natura 2000.	
Support for forests facing natural constraints	Disregarded
Investments in environmentally-friendly operating technologies	Existing intervention in the Strategic Plan
Restoration of stands affected by natural disasters	Disregarded

II. TECHNICAL ISSUES

In line with the General Objective 2 "Strengthening actions to protect the environment and against climate change and contribute to the European Union's environmental and climate objectives", and the Specific Objective 4 "Contributing to climate change mitigation and adaptation, as well as sustainable energy", an urgent need was identified to i) maintain or adopt specific forestry practices and ii) increase the accessibility of forests, but proposals to meet this goal for forests in Romania have not been considered.

Although the SWOT Analysis acknowledges the fact that in Romania the share of forested area is lower than the EU average and below the minimum threshold recommended by the scientific community, about 500,000 ha of forest outside the national forest registry associated with agricultural lands are not legally protected and still exposed to the risk of being degraded/cut, a process that is partly driven by the attractiveness of CAP area subsidies. Indeed, the eligibility of land for CAP direct payments in areas partly covered with woody/forest vegetation has been limited by the Romanian government to only 100 m²/ha, resulting in a drive for farmers and land managers to clear these areas of natural vegetation to access CAP subsidies. It is well known that the presence of woody vegetation on farmland contributes significantly to the objectives of strengthening environmental protection and action against climate change, and to animal welfare in times of drought (which are on the rise in the context of climate change). Accordingly, we suggest increasing the threshold established by the Romanian government.

Also related to Specific Objective 4, regarding "increasing the accessibility of forests in order to reduce GHG emissions and adapt to the effects of climate change", no intervention was adopted to ensure the increase of accessibility of forests although the average density of forest roads in Romania is 6.4 km/ha, while the recommended one to prevent the effects of climate change but also to ensure a higher processing of the wood in products with added-value is 20-25 km/ha. The development of forestry infrastructure is also needed to be able to apply "close to nature" forestry measures, as promoted by the European Biodiversity Strategy 2030 and the European Forestry Strategy. An adequate sorting of wood depends on the existence of a minimum forest infrastructure and is absolutely necessary for the superior use of wood. These are basic conditions without which we cannot speak of a proper application of the principle of cascading timber or of a sustainable circular economy as assumed by the European Forestry Strategy for 2030. The immediate consequences are the loss of added-value through superior wood processing and the drastic shortening of the carbon storage period in reclaimed wood. The transition from widespread sale of standing timber to higher capitalisation through the sale of distinct assortments of timber at the first placing on the market is a basic strategic direction with multiple and significant implications in promoting responsible forest management and relaunching a sustainable circular bioeconomy with high added-value.

In relation with the Specific Objective 6 "Contribution to the protection of biodiversity, improvement of ecosystem services and conservation of habitats and landscapes", the needs assessment established that "in order to improve the environmental conditions specific to forest ecosystems, in addition to the environmental protection measures provided by national legislation, it is necessary to apply restrictive measures of forestry interventions, income for which forest owners must be compensated". Nevertheless, no action was planned in this regard in the CSP: these compensations could be planned under Article 72

(Area-specific disadvantages resulting from certain mandatory requirements), and in particular for disadvantages in Natura 2000 agricultural and forestry areas designated under Directives 92/43/EEC and 2009/147/EC.

III. COMMISSION RECOMMENDATIONS FOR ROMANIA'S CAP STRATEGIC PLAN

The Commission's Recommendations for Romania's CAP Strategic Plan include the "Contribution to the EU Green Deal's objective in terms of agricultural landscape elements by improving the conservation status of agricultural and forestry habitats, by supporting sustainable management practices, by fully respecting biodiversity-friendly ecological principles (including wild pollinators) and by contributing to the achievement of the specific objectives of nature-related legislation, in particular in Natura 2000 sites". As noted previously, one of the proposed interventions was indeed for **payments for Natura 2000** specific disadvantages. These disadvantages lie in the provisions of the management plans per se, but also in the need for compliance to the European procedures that must be ensured in the case of the plans and programmes developed within Natura 2000 sites. The current version of the Romanian CAP Strategic Plan does not contribute to improving the conservation status of forest habitats and thus to the achievement of objectives related to Natura 2000, although 39% of Romania's forested area is found in N2000 sites.

The Commission also recommended that Romania ensures in its Strategic Plan the following: "Promoting sustainable forest management and afforestation, increasing the multi-functionality and the role of forests as carbon sinks, protecting forests and restoring forest ecosystems to achieve good habitat and species strengthen resilience to threats such as the impact of climate change on forests by developing appropriate measures, such as results-based payments". Proposed interventions that were not adopted in the Strategic Plan:

- **Support for the creation of agro-forestry systems**, namely ensuring sustainability measures for the est. 500,000 ha forested areas outside the national forest registry, associated with agricultural lands. The Commission found that in Romania, "The forest area has increased since 2010 by 1%, reaching 6.9 million ha in 2020, covering 30% of the total area". About 500,000 ha of forest of the 6.9 million ha identified by the Commission are found outside the national forest registry on abandoned grasslands. These forests do not benefit from management measures and thus they are exposed to deforestation, driven also by the "eligible hectare" provisions of maximum 100 sqm woody vegetation on agricultural lands, as mentioned above. Our proposal aimed at addressing the risk of deforestation with a minimum set of voluntary measures for a sustainable management of these areas that would contribute to increasing the multi-functionality of these woody grasslands, carbon sequestration and conservation of priority habitats. At the same time, we proposed that grasslands that have been subject to intensive vegetation clearing in compliance to the eligible hectare provisions be supported with a restoration measure for the recovery of native flora and shrub that are important both for biodiversity and animal husbandry, but also for the overall integrity and agro-cultural identity of these landscapes.
- **Ensuring a minimum of forest biomass after the execution of forestry works**. In the context of energy production pressures and vulnerabilities at European level, forest biomass is becoming increasingly popular on the market, leading those responsible to harvest all the timber from the forest, including debris and stumps. This practice affects the productivity of the forest, significantly reduces the diversity of microhabitats, affects forest resilience to threats posed by climate change, and reduces its ability to fix carbon. Our proposal was to encourage the preservation of operating debris in the forest to ensure its multi-functionality, the role of forests as carbon sinks, the conservation of habitats and species, and resilience to threats such as the impact of climate change on forests.
- **Forestry infrastructure**, meaning an infrastructure that would help reduce the effects of climate change on forests and to ensure a higher processing of wood, in order to reduce carbon emissions. Thus, the wood resources would be made much more efficient, contributing as well to the efforts aimed at advancing the circular economy. To this aim, it is necessary to ensure the following:
 - Creating access roads to streamline efforts to reduce the effects of extreme weather events and to ensure sustainable forest management,
 - Building wood sorting platforms in the forest to ensure a superior processing and capitalisation,
 - Building minimum sanitary ditches with a role in fragmenting the areas that could be affected by fires.

- Another intervention that implements the Commission Recommendations would be for **payments for smart forestry works**, as follows:
 - Afforestation schemes adapted to new climatic conditions and challenges,
 - Adoption of intervention intensities in forestry works that will increase the resilience of managed forests,
 - Building minimum sanitary ditches.

Other EC recommendations for the RO NSP were around “Making farmers’ income less vulnerable to external factors, including climate change, by supporting: sustainable agricultural management practices [...]; the use of risk management tools; investments in new technologies; [...], and around “Improving nutrient management, as well as soil protection and water management, by supporting appropriate farming practices, [...], longer and more diverse crop rotations, agro-ecological practices, investments in animal housing and water management systems, that will secure the sustainable water use and reduce the agricultural water footprint”. These recommendations cannot be properly implemented without a solution to address **wetland and water management**, and associated ecosystem services, **along the Danube and in the Danube Delta**.

It’s been documented that 80% of the aquatic ecosystems along the Danube were destroyed before 1989 by applying policies meant to increase the agricultural area in the Danube floodplain, a region naturally dominated by wetlands including peatlands. Now these areas are facing soil degradation and desertification, brought about also by the clearing of vegetation and landscape simplification, and therefore there is a need for irrigation (using irrigation systems designed in the 70s and 80s). The European Court of Auditors’ report² on desertification as a growing threat in the European Union identifies Romania (mainly the plains in the south-west, south and south-east regions) as one of the European countries with the highest risk of vulnerability to desertification.

A group of stakeholders in different fields (local community representatives, professional associations, environmental NGOs, academics) prepared and submitted a concept paper to present a scientifically-justified case for testing nature-based solutions in the Danube region. The concept paper presents a set of measures and incentives with the aim to support farmers and local communities in the Danube floodplain and Danube Delta to diversify and boost their income and cope with climate change through the restoration, conservation and sustainable management of floodplain-specific wetlands, on lands that are not suitable (anymore) to agriculture; these measures would also aim to protect water bodies from nitrate pollution generated by the conventional agriculture systems which are in place in this region. The following are part of this concept which contributes to four of the CAP objectives and two Green Deal objectives (of the Farm to Fork and Biodiversity Strategies), and answers to several of the needs identified in the Needs assessment stage:

- **Conservation of wetlands and natural ponds** identified through satellite imagery of agricultural fields, by introducing them in GAEC 2 or GAEC 8,
- **Creation of non-productive protection/buffer strips along water courses, covered with natural riparian vegetation**, through an eco-scheme that goes beyond GAEC 4 requirements, while GAEC 4 should also introduce a non-intervention/non-productive regime for related buffer strips,
- **Ecological restoration of former wetlands**, for biodiversity and ecosystem restoration, and carbon sequestration, and respectively for the management of floods and prevention of droughts, through a Pillar II grant (as per Art. 68) coupled with an area-based payment for maintenance (as per Art. 65).

We also think it necessary, from the point of view of enhanced nutrient management and prevention of water pollution, to encourage the introduction of a simplified fertilisation plan for small farms, and mandatory regular soil testing and monitoring on large farms. To this remit, a helpful tool would indeed be a nutrient management app available publicly to all farmers, which would centralise and process farm details (spatial, temporal, crop and yield references), soil test results, indications on nutrient limits, and recommendations.

² European Court of Auditors (2018). *Special report n°33/2018: Combating desertification in the EU: a growing threat in need of more action* <https://www.eca.europa.eu/en/Pages/DocItem.aspx?did=48393>

The restoration of aquatic ecosystems in certain areas of the Danube floodplain and tributary river beds can function as an adaptation measure to climate change (given the carbon sequestration power of peatlands), with benefits for agriculture by regulating the microclimate and the well-being of communities in the area by providing goods and services from these ecosystems (fish, reeds, improved water quality, flood protection, water filtration etc.) coupled with modern agricultural practices that would help optimise the use of water, increase soil moisture and thus reducing irrigation costs.

We believe that preserving wetlands and natural ponds (areas with increased soil moisture) around and on agricultural lands is necessary, given the challenges posed by climate change, and timely, given the new directions in European policies involving mitigation and adaptation to these changes, as well as ecological reconstruction, which are beginning to be translated into binding targets for Member States. In this regard, we call for the creation of incentives such as those mentioned above, whereby water in these wetlands is maintained in natural conditions, in tandem with agricultural activity, through integrated spatial planning, thus contributing to needs identified in the Needs assessment in relation to General Objective 2 - "Maintenance or adoption of extensive farming practices designed to reduce GHG emissions", Increasing carbon sequestration on agricultural lands", and "Adaptation of agricultural practices in areas associated with climatic risks generated by climate change".

Additionally, considering that in order to obtain subsidies, in the Danube Delta in the last three years about 5,000 ha of water surface (fish farms) have been converted into agricultural land, to the detriment of typical local economic activities (extensive fish farming / aquaculture and other related economic benefits resulting from gastronomic tourism, fishing, etc.). The agricultural policy continues to support the conversion of the Delta, a UNESCO Biosphere Reserve, into an agricultural landscape without proper spatial planning and a limitation of subsidies in certain areas/replacement with support for other types of interventions. We call for a ban on subsidies in protected natural areas where agriculture is not a traditional activity and involves the conversion of land with valuable natural habitats. This proposal is aligned to the special statute of the Danube Delta described in the SWOT assessment, where an opportunity has been clearly identified in relation to the 6th Specific Objective ("Contribution to the protection of biodiversity, enhancement of ecosystem services and conservation of habitats and landscapes"): "The unique character of the Danube Delta - UNESCO Heritage - and financing measures for biodiversity protection and habitats and natural landscapes conservation".

Lastly, we proposed a comprehensive concept with an integrated set of measures and incentives for beneficial agricultural practices which support **pollination** by protecting wild and domestic pollinating insects. This concept is based on Commission's Recommendations on "Contributing to the EU Green Deal target on farm landscape features [...]" and on "Contributing to the Green Deal target on pesticide risk and use [...]". The concept comprises the following measures which contribute to all three CAP objectives on climate and biodiversity, two objectives of the Green Deal (from the Farm to Fork and Biodiversity Strategies), and to several needs listed in the Needs assessment:

- **Eco-scheme** for the following actions: for annual crops - sowing green/wildflower strips on at least 10% of the agricultural land and without the application of pesticides and fertilisers, for perennial crops - planting two other plant species/varieties with pollen/nectar resources in between perennial crops and without the application of pesticides; selecting crops based on their demonstrated nectar/pollen potential and with long flowering periods; the elimination of preventive use of pesticides (seed coating and spraying)
- **Agri-environment intervention** for: permanent landscape/non-productive features important for pollinators on a bigger area than GAEC 8 (more than 10%); crop rotation on longer periods than GAEC 7 (2/4/7 years).

Unfortunately, the current version of the CSP makes no reference to pollinators except for the specific support measures for beekeeping that have been in place under the former National Beekeeping Programme. These measures do not cover necessary actions such as those listed above, but only some of the operating costs with the management of bee colonies, including for annual restocking of bee families. It is worth mentioning that according to the SWOT Analysis the measure from the National Beekeeping

Programme with the highest absorption between 2015-2019 was by far the one supporting restocking. Given the current European decline in bees and butterflies, and given the fact that Romania has issued annual derogations for the continued use of banned neonicotinoids, ever since 2014, the lack of measures for the protection of pollinators and the pollinating service is extremely worrying.

IV. CONDITIONALITY

In our view in the case of Romania there is a clear case of "re-interpreting" the conditionality standards given the lack of representation of **GAEC 8**. The list of measures that are recommended in the framework of GAEC 8 have been considered to a small extent by Romania, and small ponds, small wetlands, streams were excluded - even though these features have been presented by stakeholders as potential features contributing to Green Deal objectives and feasible to be applied during the implementation period. The CSP in its current form takes into account artificial forms of water body management (ditches, small ponds) without considering the protection or restoration of natural landscape formations (streams, small wetlands). There is also a problem in the Romanian translation of the provision under GAEC 8 whereby "a farmer commits to devote at least 7% of his/her arable land to non-productive areas or features, including land lying fallow, under an enhanced eco-scheme in accordance with Article 31(6), [...]" - the term "under an enhanced eco-scheme" was translated into "an enhanced ecological system", which is extremely vague and at odds with the text agreed in English. Lastly, in relation to GAEC 8, we are strongly calling for a bigger share of the agricultural area devoted to non-productive/landscape features - at least 10%, in line with all the scientific literature on this topic³. The current minimum percentages, stemming from the CAP Regulation, are insufficient and compromising the objective of creating and maintaining such features, especially in the context of climate change and biodiversity decline, and especially when we look at productive landscapes in the plains, where conventional agriculture has stripped the land of all natural features.

Thank you for allocating the time to go through our proposals and concerns and we remain at your disposal for further information.

We look forward to the publication of your Observation Letter related to the Romanian CSP.

Yours sincerely,

Orieta Hulea

Director General WWF-Romania



³ Evidence to support consideration of a requirement for at least 10% of agricultural land being under non-productive features/areas: An annotated reference list by ENCA
https://www.encanetwork.eu/fileadmin/inhalte/enca/pdf/2020_non_productive_agriland_information.pdf