

Stefanova V., Kazakova Y. (2021): Governance on common grasslands in Bulgaria. Main findings and recommendations. STEP, Sofia

common grazing = historical tradition farmers of a settlement graze their animals on the common grazing land
 1990: land restitution process => common land = land owned by a **municipality**/state (grasslands in majority owned by municipality)
 2007: EU accession => allocation of grazing rights for common use/individual use for a certain period of time

Act on ownership and use of agricultural land (AQUAL) = legal definition of common land use *meri* = public pastures

Recommended steps for the municipal administrations for implementation of the Act related to the leasing/renting of municipal pastures, *meri*

2015-2016: and meadows for common and individual use

=basis for the proposal of changes on national level to meet the needs of local livestock owners - it was accepted

- Main objectives:
- regulatory framework for allocation of municipal grasslands for individual and common users is transparent enough for farmers?
 - grasslands of common use are managed and maintained sustainably? are there regulations needed to secure sustainable maintenance?
 - to improve the sustainability of pastoral activity from ecological and social point
 - to gather and promote good practices for sustainable management of commonly used grasslands

Approach: -review of rules for allocation of municipal pastures, *meri* and meadows

-2019: assessment of public pastures, *meri* and meadows at municipal level for BG + mapping of results by the criteria:

- overall availability of grasslands
- availability of public grasslands
- share of public grasslands/all grasslands/municipality
- share of public grasslands available for CAP Pillar I support/all eligible grasslands
- area of public grasslands recognised as priority habitats under EU Habitats Directive

-municipalities with highest total area of public grassland short-listed for analysis -> first 14 -> review of existing rules for allocation of public grasslands

-review of current rules in municipalities with good practices from earlier

-conclusions, recommendations for municipalities + changes for the national legal framework drawn up

Total area of common grasslands in BG in 2021: 858 563 ha = state grasslands: 90 647 ha + municipal grasslands: 599 141 ha + grazing lands in forests: 168 995 ha

current use directly influenced by CAP: direct payments in Pillar I + coupled support provided by livestock numbers

long-term abandonment => 20-40% of common grasslands overgrown by shrubs => not eligible for CAP support

Existing rules of allocation and use of the common grasslands in Bulgaria in the national legislation AQUAL art. 24a, 37i

Municipal Councils allocate common grasslands (state and municipality) without tender or competition to owners/users of livestock holdings with grazing animals

- registered in the Integrated Information System of the Bulgarian Food Safety Agency (BFSA)

- allocation done per grazing livestock unit:

Grassland category (land productivity)	Maximum ha/livestock unit	Breeds/production system
best quality 1-7	1.5 ha	any
1-7	2 ha	autochtonous breeds
8-10	3 ha	any
poorest quality 8-10	4 ha	autochtonous breeds

<u>Steps of the allocation:</u>	1-10	6.6 ha	conversion to organic production/organic production	Deadline
	BFSA updates their official register of livestock farms + nr. of grazing animals			01.02.
	- used for cross-checking the rights of livestock breeders to grasslands			
	- if nr. of grazing animals in farm decrease with more than 30% compared to the agreement year -> grasslands are decreased respectively			
	1 Minister of agriculture defines available state-owned grasslands -> publishes it on the website of the Regional Agricultural Directorates			01.03.
	2 Municipal council defines the area of municipal grasslands available for use -> publishes it on the municipal website and in the settlements			01.03.
	3 Livestock breeders apply for use			10.03.
	4 Mayor appoints a Commission to allocate grasslands following the rules above	-> allocation protocol published		01.05.
	priority given to breeders that already use the grassland			
	rest is allocated first to the breeders with the smallest number of animals			
	5 If grasslands of the settlement are not sufficient -> grasslands of the adjacent settlement are allocated	-> final allocation protocol published		01.06.
	6 Final allocation protocol published on municipality website and settlement hall	-> appeals can be made in 14 days		
	7 In case of grassland insufficiency the Commission sends the protocol to the Ministry and requests for state grassland allocation			10.06.
	8 Directors of the regional MAF directorate appoint a Commission for allocation of state grasslands when necessary	-> publish a protocol		01.07.
		-> appeals can be made in 14 days		
	9 Agreements with livestock breeders signed.	- minimum duration of agreement: 5 years		
		- maximum duration of agreement: 10 years		
		- market prices of lease/rent of the settlement are used		
	10 Remaining grasslands	-> allocated through competition/tender		
		- duration of these agreements: 1 year		
Municipal council	-> responsible for publishing a decision (on their website) with:	- available parcels for common or individual use		
		- their location and size		
		- rules for the use		

Content of the Rules for the use and management of the common grasslands as stipulated by the Law:

- 1 Operational grazing plan
- 2 Parts of meri, pastures, meadows allocated for common + individual use + their differentiation
- 3 Parts of meri, pastures, meadows used primarily for mowing
- 4 Moving of farm animals to the places for grazing + watering
- 5 Measures for protection, maintenance, improvement: cleaning for bushes/unwanted veg., anti-erosion measures, fertilization, temporary fencing
- 6 Veterinary prophylaxis
- 7 Parts of meri, pastures, meadows allocated for temporary/artificial pastures + sowing
- 8 Construction of sheds
- 9 Introduction + alteration of plot use of pasture complexes

Main concerns: ruled so not require from the municipality to develop specific measures for environmental + grassland biodiversity protection/conservation measures
some municipalities include such measures

Important amendments compared to previous rules: provisions + rules for voluntary consolidation parcels of grasslands for the livestock breeder
provisions to allocate grasslands to registered beekeepers with minimum 10 beehives: 3-10 mp/bee family

Conclusions: (compared to 2015 legislation)

- current use and claim of grasslands is still dominated by CAP support
- legislation + AOUAL significantly amended: providing clear steps for distribution -> but still mainly focusing on grasslands of individual use
- BFSA registers for grazing animals, livestock breeders, livestock farms are publicly accessible -> easier and more transparent procedure
- the ratio of grassland allocation takes into account:
 - nr., type, breeds (autochthonous/not) of grazing animals
 - grassland productivity and fertility (= land category)
 - production system (organic/conventional)
- does not take into account:
 - HNV
 - inside Natura 2000
- period of use and lease of grasslands without competition/tender procedure increased significantly: from 5 to 10 years
- national provisions for the content of the rules for use and management should be improved:
 - with provisions for nature conservation value of grasslands
 - with recommended use loads

Review of the existing municipal regulations and good practices for governance management and use of the common grasslands

14 municipalities selected with the highest area of total public grasslands: 6 519 ha - 14 628 ha

Municipal regulation and documents reviewed:

- Municipal regulations for the procedures of acquisition, management and governance of the municipal properties
- Municipal regulations to determine the volume of livestock activities and the places for keeping farm animals
- Municipal regulations for the use of wood outside the Forest fund
- Municipal regulations for governance, management and use of the municipal agricultural lands and forests
- Annual grazing plans
- Municipal rules for use, maintenance and governance of the grasslands

existing national legislation -> transposed to municipal regulation with almost no changes/amendments

- as part of the regulations for the procedures of acquisition, management and governance of the municipal properties

- few municipalities have specific regulations for governance, management and use of the municipal agricultural lands/forests
- documents downloadable from municipal websites but difficult to find

2018 -> regulations adopted in municipalities for: - volume of livestock = national veterinary and phyto-sanitary regulations transposed

- places for keeping them

- maximum nr. of animals kept for **subsistence** (Art.4a/2020/Ord.44/2006):

= users of grasslands designated for common use

2 cattle + offsprings 12 month

10 sheep+goats + offsprings 9 month

3 pigs for fattening + sows, boars

2 equines + offsprings 12 month

10 rabbits + offsprings < 100

50 poultry

100 broilers

active/commercial livestock farms = individual users of public/common grasslands

Annual grazing plans/Municipal rules for use -> obligations for users

- content more or less identical

- developed on annual basis

1 No change in permanent land use of grasslands

2 No ploughing of grasslands

3 Prevention of pollution of grasslands with household, construction, production, hazardous and other waste

4 Forbidden to burn the vegetation

- 5 Fertilization with sewage sludge prohibited
- 6 Permanent grasslands bordering forests prevented from bush/woody vegetation entry
- 7 Grasslands protected from fires
- 8 Respect of GAEC and SMR

Additional obligations from municipalities:

- 1 Protect grasslands from erosion, swamping, salinization
- 2 **For farmers who maintain the grasslands by mowing:**
 - no use of mineral fertilizers and PPP (except those allowed in organic farming)
 - no construction of new drainage systems
 - mowing between 15 June - 15 July for lowland areas
 - mowing between 30 June - 15 August for mountainous areas
 - mowing manually/slow mowers, from center to periphery/from one end to an other with low speed
 - grass dried and collected in piles/taken out of the plot
- 3 For farmers with permanent grasslands used for grazing: **min. 0.15 LU/ha**
- 4 Existing field boundaries of physical blocks maintained
- 5 Felling of standing trees/groups of trees carried out only with specific permission by municipality
- 6 Fences not allowed, only electric fences
- 7 Passage of motor vehicles on grasslands prohibited

- all livestock breeders obliged to comply with Natura2000 designation restrictions
- comply with Natura2000 Management Plan after its approval in accordance to the Biodiversity Act
- + - no change in permanent land use of grasslands
- fences not allowed, only electric fences
- passage of motor vehicles on grasslands prohibited

Example of good provisions related to the conservation of Natura2000 sites: **Svilengrad** municipality

Conclusions (compared to 2015):

- municipal regulations, rules, grazing plans more advanced and developed, all requirements of national legislation transposed
- difficult to find most of the documents + decisions on municipal websites + many repetitions -> difficult to follow, understand for farmers
- public municipal grasslands -> mainly allocated for individual use to active/commercial livestock farms
- grasslands for common use used by subsistence farmers that raise grazing livestock in the backyard
- obligations for users mainly follow the requirements existing in legislation/rules to receive CAP Pillar 1 & 2 support (GAEC + SMR)
- no specific requirements for the use of grasslands in compliance with HNV
- monitoring of the environmental + habitats status of grasslands not provisioned in municipal regulation - however municipality is responsible for the overall conservation of the municipal grassland habitats

Main recommendations:

Recommendations for the national legislation:

- AQUAL amended with provisions about nature conservation values of grasslands
 - conservation sensitive grazing density considered in allocation ratio referring to individual use of grasslands in HNV/Natura2000 areas: min. 6.6 ha/LU (as in organic farming)
- introduce to allocate a minimum (not maximum) area/LU -> otherwise overgrazing happens
- introduce provisions to the AQUAL for procedures of allocation of grasslands for common use

- at the moment not clear how the area is calculated, which grazing animals are taken into account, what level of grazing density is considered
- provisions for monitoring + reporting of the status and condition of municipal grasslands (incl. environmental status) introduced in national legislation + clear communication to municipalities
- currently status of grasslands determined only by eligibility under CAP Pillar 1 support or not

Recommendations for the municipal regulations and documents:

- content of main documents for use and governance optimized:
 - limiting repetitions, rules = part of annual grazing plans
- allocation should take into account their environmental status (Natura2000 + HNV), especially in municipalities with common grasslands overlapping with EU Habitat Directive priority habitats
 - allocation of Natura2000 + HNV grasslands to be a separate step of the procedure
- information about the size of grasslands allocated for common use should be publicly available -> prevention of overgrazing/undergrazing of common grasslands
- monitoring of environmental + habitat status provisioned in municipal documents (because municipality is responsible for conservation)

34% of Bulgaria's territory falls in Natura2000 sites -> implementation of CAP rules + supporting mechanisms have crucial role in conservation

Pillar 1 payments for permanent grasslands

EU Framework: basic payments calculating systems: - flat-rate system for all farmland
 - flat-rate system but with a lower payment specifically for certain types of land
 - regionalised system designed to maintain as far as possible the historic distribution of payments
 = very low payments on permanent grasslands and much higher payments on irrigated cropland
 => similar types of land with similar livestock use with very different payment across EU

Use of payment regions: 2014-2020 SAPS = single region system

Payment rates, redistributive criteria and small farmers:

SAPS 2015:	85 EUR/ha		
greening payment 2015:	66 EUR/ha		
redistributive payment 2015:	77 EUR/ha	on the first 30 ha	> 51 000 farmers participated farms not eligible if divided after 18.10.2011.
Small farmers' scheme:	0.5 - 2.2 ha farm size	500-1250 EUR/farm	expectation: 100 000 farmers 21 000 farmers showed interest in 2015 9000 farmers applied in 2015 -> ~1250 EUR/farm received
	farmer registered in farmers register		
	apply for support till 15.10.2015 (next call in 2020)		
	keep at least the area that he applied for the next 5 years		
Use of reduction coefficients:			no reduction coefficients for pastures with landscape features and trees grass parcels with > 100 trees or scrubs/ha have 0 eligibility for Pillar 1 SAPS support

Implications for pastures: system applied largely the same as in the previous 2007-2013 period = > 1/3 of the grasslands not eligible for Pillar 1 payments
 expectation: positive effect of redistributive payment on small farms > positive effect of specific small farm support scheme

Pillar 1 coupled payment for livestock

Implementation, objectives, targeting criteria to favour certain farming systems: Other coupled support for: fruits, vegetables, protein crops

continuation of 2007-2013 period program

	EUR/head payment rate	minimum animal number to be eligible for payment	
dairy cows	123	10	
suckler cows			minimum retention period: 80 days after the submission of claim
heifer	114	5	only one scheme/animal
dairy cows under selection	198	10	
suckler cows control			
ewes	23	10-49	
mother-does			
ewes under selection	31	50	
mother-does control			
buffalos	215	10	

Implication for pastures: not clear, difficult to evaluate

Pillar 1 eligibility rules for pastures with landscape features and trees

EU Framework: EC Delegated Regulation 640/2014 on IACS -> options to design rules + LPIS Guidance Document (DSCG/2014/33) = supplement

Choices: 1. subtracting each ineligible feature, including a limit for permitted nr. of trees/ha
 2. applying pro-rata reduction in proportion to the % of the parcel covered by ineligible features

Key points: pastures with >50% tree/shrub cover should be classified as PG-ELP = permanent grasslands with established local practices -> should appear as such in the national LPIS
 -> no upper limit, pasture can be dominated by trees/shrubs but must be classed as PG-ELP in LPIS

if trees-shrubs are grazable "for their whole area"= entirely accessible to grazing
 if not grazable for their whole area -> limit: max. 100 trees/ha (if more => whole parcel ineligible)
 alternatively: pro-rata system = "reduction-coefficient" -> reduce the eligible area in proportion to ineligible features
 should be no reduction for grazable trees/shrubs
 groups of trees that hamper agricultural activities -> not eligible, should be classed as woods
 landscape features/trees can be protected under GAEC 7 => automatically 100% eligible even if not grazable
 PG-ELP: practices for areas for livestock grazing which are traditional in character and are commonly applied on the areas concerned
 practices which are important for the conservation of habitats listed in Annex I to Council Directive 92/43/EEC and of biotopes and habitats covered by Directive 2009/147/EC of the European Parliament and of the Council

Approach applied to grazable/not grazable vegetation, accessible vegetation, patches of shrubs/trees
 Treatment of pastures with trees: BG grasslands divided to 3 groups: 1. grasslands used for grazing

- 2. grasslands used for mowing
- 3. grasslands maintained in good agricultural condition

up to the farmer to decide how he declares the land use of grassland

Ordinance 2/17.02.2015. Art. 6.,7., 9. -> eligibility criteria

- 1 Grasslands eligible for support if:
 1. <100 trees/ha higher than 0.5 m (no height criteria for Pinus mugo, Juniperus sp.) scattered across the parcel
 2. <10% occupied by scattered buildings, rocks, cliffs, eroded land after excluding ineligible areas under Art.7 (=buildings, rocks, cliffs, eroded land located compactly that take > 100 mp individually or jointly)
- 2 Both permanent and temporary grasslands eligible for support if meet the above criteria
Grasslands for mowing eligible if mowing has been carried out in such a way that the grass height does not exceed 0.7 m at any time of the year (depending on soil and 3 climate conditions)
Permanent grasslands maintained in good agricultural condition are eligible if minimum activities are carried out (Art. 6/1/3,4: grass cutting and/or removal of weeds; 4 removal of bushes) and ensured that the grass height does not exceed 0.35 m at any time of year
Burned/partially burned grasslands not eligible, however grasslands user can submit a document issued by the Fire Safety office of the Ministry of Internal Affairs certifying 5 that the burning was a result of a natural phenomenon or of the actions of others
- 6 For grasslands within Natura 2000 paragraphs 3 and 4 applied according to these conditions:

Treatment of other features: "dense scrub" -> not eligible

Implementation of GAEC 7 on pastures:

retention and maintenance of the following landscape features: existing field boundaries
existing terraces
permanent pastures kept from the invasion of unwanted vegetation: Pteridium aquilinum, Veratrum spp., Ailanthus altissima, Amorpha fruticosa
hedges and standing trees must not be trimmed during the nesting period: 1 March – 31 August

Use of PG-ELP and other specific inclusion/exclusion of land cover types:

no clause is used in BG, no code in LPIS/IACS in BG

Implications for pastures:

2015: Ministry of Agriculture and Food (MAF) published for the first time the "permanent grassland layer" in the LPIS = pastures, meadows, meri

-> coverage of grasslands in BG in 2015: 881 895 ha private, public, collective, church or other ownership

-> 73% included in LPIS "eligibility layer": 642 895 ha

2007-2013: SAPS eligibility rule = max. 50 trees or shrubs/ha

2007: 751 000 ha eligible grassland in LPIS

2009: 436 000 ha eligible grassland in LPIS

<= decrease due to eligibility rule: exclusion of grassland blocks with > 50 trees or shrubs/ha = LPIS code 6, irrespective of the grazing

2015: threshold increased to max. 100 trees/ha => increase of eligible grassland by 47% = 206 895 ha added compared to 2005

National agricultural statistics department: 1 368 665 ha permanent grassland incl. productive pastures, alpine pastures, low productivity grasslands, orchard-meadows
~ 500 000 ha "loss" in LPIS due to eligibility criteria and different classifications in LPIS and BANCIK systems

Land Use Monitoring Report of MoA: 473 476 ha used grassland reduction: from 1 842 141 ha in 2007 to 1 368 665 ha in 2014

Issues revealed by the data:

- eligibility rule not adopted to local conditions: they do not encourage active livestock farmers, but favour "subsidy farming"
- PG-ELP not used because it would need additional efforts to make rules, and would "add" to the "lost" grassland:
- farmers (especially livestock breeders and small farmers) were not well informed about recent changes
- associations complained (National Association of Farmers and Livestock Breeders – Struma 2012, National Union of Small Family Farmers and Producers)
 - asked for a regional definition of permanent pastures taking into account altitude, geographical situation and the specific characteristics of the region
 - proposal was made also to at least develop different definitions for lowland permanent pastures and the pastures in mountain ANC
 - introduction of reduction coefficients
- > MAF did not accede
- Natura 2000 grassland habitats map => regional differentiation of grasslands would make sense from biodiversity conservation perspective

Pillar 1 "maintenance" and "minimum activity" rules

EU Framework:

Delegated Regulation 639/2014 supplementing Regulation 1307/2013

MS define:

- min. 1 activity/year carried out by the farmer
 - if justified from environmental reasons -> activities can be carried out every second year
- characteristics to be met by an agricultural area in order to be deemed maintained in a state suitable for grazing or cultivation

-> to fulfill the obligation to maintain the agricultural area in a state suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries

- criteria must not require production
- EC has stated in several meetings that they do not want to see minimum LU/ha as a requirement, for fear of WTO complaints about incentivising production
- recommended mechanical cutting as the minimum activity on grazing lands

Implementation: BG grasslands: - pastures
- meadows
- grasslands maintained in a condition suitable for mowing and/or grazing by cutting the grassland removing the shrubs, or by cleaning and use of herbicide
Regulation 2/17.02.2015 = minimum activity rules
-> agricultural area maintained in a state suitable for grazing or cultivation, depending on the land use -> at least one of the following activities is done
- ploughing not on
- disking grasslands
- grass cutting and/or removal of weeds
- cleaning and treatment with herbicides

Implications for grasslands: - up to the farmer/applicant to decide how to claim his grassland
definition of the "minimum activity" -> allows "subsidy farmers" to maintain the agricultural land without real production
<- direct payments > costs of ploughing or mowing
=> some mountain areas in Natura 2000: grass is cut and left on the pastures (Godech)
=> HNV grassland not in Natura 2000: can be kept 'in a state suitable for grazing or cultivation' by the application of herbicides
= real threat
- maintaining the pastures by only topping the grass is a short term solution with no clear environmental benefit:

before 2007: historical regulations -> common use pastures and meri
CAP support => changes in common land distribution and use: - requirements for GAEC
- establishment of associations of land users
=> levy for the use
=> new legal frame for the municipal grasslands distribution and use = legal right to use the grasslands needed in order to be eligible for CAP area-based payments

2007-2014: 1 842 141 ha grassland -> 1 363 984 ha = 26% loss
- municipal councils taking decision for the use of municipal pastures
1. pastures for common use were defined based on the livestock of the 'small farms'
2. individual use was decided by a tender procedure
=> legal frame did not work well: because any farmer in the country with or without livestock had legal rights to participate in the tender and apply for the management of the municipal pasture

2014: legal framework changed => right to the livestock breeders in each settlement to use the grasslands individually depending on their stock and without tender procedure
2015: LPIS: 881 909 ha permanent pastures -> 417 748 ha municipal pastures -> 74% eligible for CAP support

Currently: - municipal grasslands and meadows are leased to livestock farmers (farm registered in settlement, livestock registered in Integrated Information System of the Food Safety Agency)
1. available grasslands in the settlement is published in the municipality (including the municipality website) before 1 March each year
2. farmers submit written request for the municipal grasslands till 10 March each year to the mayor of the settlement
- distribution by following ratio: 1 ha/LU 1.5 ha/LU for suckler cows, autochthonous for grasslands with good soil quality (1-7)
2 ha/LU 3 ha/LU breeds for grasslands with poor soil quality (8-10)
- distribution starts with the ones of the settlement, following the ones in the neighbour settlement
- offered to the farmers till 1 June each year
- agreements signed before 1 July for a period of minimum 5 years
- remaining grasslands tendered out only to livestock breeders for a period of 1 year
- in case of excess grasslands -> second tender -> farmers without livestock can apply only for this

Important provisions aimed to support the grazing and improve the pastures use and management
- If grasslands outside the SAPS eligibility layer are contracted, the farmers do not pay any levy for the first year
- All farmers that have a contract for using municipal grasslands have the right till 1 February next year to buy grazing animals if they want to continue to use the municipal grassland
=> not sure yet if effective, but the aim is to reduce the number of 'subsidy farmers'
=> in Godech the registered grazing livestock increased significantly:

	2014	2016
Grazing animals/Year		
Cattle	401	1422
Sheep	706	3835
Goats	130	342
Horses	162	269

Protection of environmentally sensitive grasslands

EU framework: DG ENV -> Direct Payments Regulation 1307/2013 Art. 45:
Directives 92/43/EEC, 2009/147/EC -> MS designate environmentally sensitive grasslands within the areas (incl. peatlands & wetlands) = need strict protection to meet the Directives' objective:
MS may define other sensitive areas, outside the areas of the Directives, on carbon-rich soils

=> Farmers shall not convert or plough permanent grassland situated in areas designated by MS under the above two paragraphs:

New CAP - Regulation (EU) No 1306/2013 Art. 72(1)

-> prevent an overall decline in the ratio of grassland to other farmland

= areas of permanent grassland/total agricultural area declared by the farmers ratio does not decrease by more than 5 % compared to a reference ratio to be established by MS in 2015

Environmentally sensitive permanent grassland areas outside the Directives designated by one or more of the following criteria

- organic soils with a high percentage of organic carbon (peatlands, wetlands)
- hosting habitats Annex I of Directive 92/43/EEC/protected by national law
- hosting plant species Annex II of Directive 92/43/EEC/protected by national law
- of significant importance for wild bird species Annex I of Directive 2009/147/EC
- of significant importance for wild animal species Directive 92/43/EEC/protected by national law
- permanent grassland of high nature value (defined by objective criteria to be established by MS)
- soils with a high risk of erosion
- located in a sensitive area designated within the river basin management plans pursuant to Directive 2000/60/EC
- MS may add new areas each year + inform farmers in due time

Implementation of ESPG:

Environmentally-sensitive grassland definition and identification:

BG definition of ESG = all grasslands in Natura 2000
identification by PG (permanent grassland) layer in LPIS

Criteria for PG layer in LPIS:

- grassland parcel > 0.1 ha
- classified as pastures, meadows, commons (meri) or other grasslands in the Land restitution map (cadastre map)
- located in physical blocks with permanent grasslands, in which payments for grasslands have been claimed at least once in the last 5 years

=> ESG = subset of PG layer covering all grasslands in Natura 2000

+ HNV layer in LPIS -> if within HNV but outside Natura 2000 -> not ESG -> can be ploughed with a written permission of the Minister of Agriculture

Rules concerning ploughing and conversion:

Two types of controls for permanent grasslands:

- 1 ESG is ploughed/coverted -> farmer sanctioned on the basis of the 'Greening' requirements set out in EU Regulations each year by 1st of March the Minister of agriculture can allow by exception to convert grasslands that are not included in the ESGs layer if the area of the newly created grasslands is higher than the converted ones
 - can happen only when an application is submitted in the period 1st October till 31st January, explaining the reasons and indicating the areas for compensation (converted into grassland)

- 2 plough a grassland outside the ESG -> only with the written permission of the Minister of Agriculture, if not this case -> penalty

Implications for pastures:

- too early to estimate effectiveness
- if applied correctly they can prevent ploughing
- no clear guidance for farmers how the system works
- sanctions and penalties are not described/developed, except for the ones relating to over-declaration
- again "learning-by-doing" experience for administration and farmers

Control of the ratio of permanent pasture area to the total agricultural area declared by farmers

Implementation nationally and for individual farmers:

- control of permanent pasture area/total agricultural area ratio applies only at national level
- does not affect individual farmers unless the ratio at national level decreases by more than 5%
- control is over the ratio, not the absolute area => abandonment of arable land or pastures both have impacts on national compliance

Implications for pastures:

- actual permanent pasture rule unlikely to help maintaining the total grasslands area:
 - <- many of the grasslands are not included in the PG layer
 - <- 101 Scrub and grasslands category in LPIS considered "non-agricultural area" -> excluded from support
 - no data whether part of these areas are grazed or mowed, but for sure most of them are HNV
 - <- only 46% of HNV grasslands were eligible for SAPS support in 2013 (even when only the areas categorised as "agricultural area" considered)

Pillar 2 payments

Relationship between eligibility for Pillar 1 payments and for Pillar 2 area payments

- similar eligibility criteria under Pillar 1 and Pillar 2

exceptions: Maintenance of HNV grasslands scheme under Measure 10 "Agri-environment – climate"
Measure 12 "Natura 2000 payments"

Definition and support of HNV farmland: -> for implementing measure 214 "Agri-environmental payments" of RDP 2007-2014

mapping: - CORINE 2000 -> 13 classes associated with HNVF selected
 - Natura 2000 data base -> types of habitats threatened by abandonment of extensive agricultural practices: *newtoni*), viable tortoises populations, depending on extensive pastures and meadows, selection of butterfly species indicative for extensive agricultural land utilisation
 - LPIS layer overlapped with the created GIS "Biodiversity" layer
 - potentially associated HNVF physical blocks were defined: arable land, permanent crops, mixed utilization in urban areas, permanent grasslands, mixed utilization, other agricultural land, other than agricultural land use, unclear utilization
 - HNV farmland GIS layer has been re-assessed and modified in next years + some on-the spot-verifications

2013: 1 694 834 ha HNVF -> 1 051 240 ha (62%) included in SAPS eligibility layer
 - HNVF physical blocks -> less restrictive LPIS land eligibility requirements for permanent grasslands for Pillar 1 support = up to 75 trees and/or shrubs/ha and the dispersed buildings, equipment, rocks, rocky areas, eroded or bare areas up to 20%
 - HNV and Natura 2000 grasslands -> eligible for support under Pillar 2 Agri-environment and Natura 2000 measures (even if they were not eligible for SAPS payments)
 - higher Pillar 1 payments -> farmers willing to remove the "excess trees/bushes" to become eligible for support by both Pillar1 and Pillar 2

CAP context indicators on grassland habitats and on extensive livestock

Indicator on grassland habitats:

Indicator 36 = new CAP indicator = Conservation status of agricultural habitats (grassland) = same data as reported by MS to the Commission under Article 17 of the Habitats Directive, on the conservation status of Annex I habitats

Commission guidance on the CAP indicators:

- essential for the diagnostic and SWOT of RDPs
- enable to assess the level of ambition of the Natura 2000 measures proposed by MS
- complementary to the FBI (farmland birds index) which is not an indicator on habitats and only focused on common birds
- relevant for the first pillar as EFA
- 2001-2006 reporting: BG, RO and HR were not covered
- 2007-2012 reporting: data available for grassland for each MS at national level + biogeographical level (+ NUTS 2 level)
- indicator will be provided in 2014-15 (depending on MS reporting) -> for monitoring of progress in reaching Target 3a of the EU 2020 Biodiversity Strategy
- 2013-2018 reporting: feasibility of a split at NUTS 2 level under discussion

Implementation: - Data for RDP context indicator 36 -> based on the 2012 EIONET survey: 21% of the habitats FV
 43% of habitats U
 - Bulgarian Priority Action Framework (PAF): 84% of Annex 1 habitats U1
 5% of Annex 1 habitats FV
 1% of Annex 1 habitats X
 94% of the grasslands habitats in Natura 2000 U1

-> substantial difference between EIONET figures

Main threats for Annex I habitats:

- intensive grazing
- burning
- urbanization
- pollution
- afforestation with alien species

Farming intensity indicator:

EU framework: Indicator 33 = farming intensity incl. areas of extensive grazing = UAA with cattle/sheep/goats density < 1 LU/ha of forage area = forage crops, permanent pastures and meadows and common land

Implementation: Bulgarian RDP context indicator from 2007 and 2010: = percentage of the grasslands in the UAA (not area under extensive grazing)
 => not reflecting the requirement of the indicator, misleading

mid-2015: Ministry of Agriculture developed new implementation rules for the allocation of state and municipal pastures and mer
 = response to the issue of "subsidy farmers" + effect on land use intensity
 - 1ha/LU for good quality grasslands, 2 ha/LU for lower quality pastures => drive further intensification of the actual
 - no differentiation if the pastures lie within Natura 2000 or HNV areas use of common pastures expected

Implications for pastures: 94% of grassland habitats in Natura 2000 = U1 conservation status
 - review of new CAP greening and agri-environment/Natura 2000 payment -> very little to nothing done to address this problem
 - no regional differentiation of definition of permanent grassland => pressure to clear-cut or even plough
 - large proportion of grasslands with scrub outside the Pillar 1 eligibility layer
 Ministry of Agriculture -> no real efforts to properly calculate the new CAP context indicators on grasslands and farming intensity
 Ministry of Environment -> no objections raised

Conclusions:

- 2014-2020 implementation approach -> will continue

Monitoring and analysis in the coming two years proposed to focus on:

- eligibility of grasslands and ESG (in Natura 2000) + their inclusion in the PG layer
- potential usefulness of regional grassland definitions + management requirements
- minimum activity definition + introducing differentiated support (grasslands managed by livestock farmers + those managed only by mowing) -> in in Pillar 1 + Pillar 2
- lower grazing density in Natura 2000 = management criteria + basis for allocating the municipal grasslands to farmer:
- analysis of the distribution of Natura 2000 grasslands habitats -> habitats supported by Natura 2000 payment/HNV scheme of the AEM share in support + effects on their conservation status