

# **Common Framework for Biodiversity-Proofing of the EU Budget**

## **Guidance for Common Agricultural Policy funds (EAGF and EAFRD)**

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# 1 Guidance on biodiversity proofing the implementation cycle of the Common Agricultural Policy (EAGF and EAFRD)

**Note, this document should be read in conjunction with Medarova-Bergstrom *et al* (2014), which provides the rationale for the Common Framework together with generic guidance on key biodiversity proofing principles and the application of key proofing instruments. This is hereafter referred to as the Generic Guidance.**

The purpose of this guidance is to help Managing Authorities and biodiversity experts to 1) maximise the possibilities presented by the CAP Regulations for integrating biodiversity priorities into the CAP implementation cycle, where it is relevant, in their Member States and regions and 2) to ensure that biodiversity proofing is adequately understood and proposed.

## 1.1 Introduction to the funds

The Common Agricultural Policy (CAP) is a policy with the greatest impact on the habitats, species and characteristic landscape features of agricultural and the wider countryside. It is also the main source of EU funding for forestry. The CAP is structured within two ‘pillars’:

- Pillar 1 which is funded by the European Agricultural Guarantee Fund (EAGF) and mainly provides direct payments to farmers per hectare of land farmed; and
- Pillar 2, funded by the European Agricultural Fund for Rural Development (EAFRD), finances the Rural Development Programmes (RDPs) of the Member States and provides *inter alia* specific funding for environmental purposes, including biodiversity-friendly agricultural and forest management.

Ensuring minimum damage to biodiversity needs to be mainstreamed in relation to the main parts of the CAP, particularly when thinking about the design and content of measures. Table 1-1 provides an overview of the principal impacts on biodiversity of key agricultural practices on different types of farmland habitat. A CAP that is fully biodiversity-proof would benefit both extensive farming systems, including those on Natura2000 sites and High Nature Value (HNV) farmland, and biodiversity in highly productive areas (eg by supporting pollinators and genetic diversity). Further benefits would be achieved for the sustainable resource base associated with agricultural and forest land and the ecosystem services that are essential to human well-being that the EU’s rural land provides. These functions will be even more important in the post-2014 period since sustainable management of natural resources is one of the overarching objectives of the CAP and applies to both Pillar 1 and Pillar 2<sup>1</sup>.

EAGF Pillar 1 direct payments to farmers<sup>2</sup> represent the non-programmed element of the CAP, and Member States each define their own direct payment schemes within the

<sup>1</sup> Commission Communication on CAP 2020; and Article 4 of Regulation 1305/2013.

<sup>2</sup> Supported by European Agricultural Guarantee Fund (EAGF) according to Article 4 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008

requirements set by the Regulations. The 2013 CAP reform has given Member States much more choice and responsibility for the design of Pillar 1 measures than in the past. This means that there is also more opportunity for biodiversity proofing direct payment schemes and related measures at national (and regional level in the case of federal Member States). From 2015 Member States (or regions) must use 30 per cent of their allocation under Pillar 1 direct payments for the new Greening Payment for agricultural practices beneficial for the climate and the environment<sup>3</sup>. The EAFRD supports Pillar 2 Rural Development Programmes (RDPs) with a wide range of measures to address environmental, social, and economic priorities in the agricultural and partly forestry sectors, and rural areas. Member States and regions are given a very large degree of flexibility in designing their seven-year RDPs to meet their specific needs. The Pillar 2 policy cycle comprises the same stages as in the pre-2014 period. RDPs must be approved by the Commission to ensure that they address specific EU priorities for rural development, set out in the EAFRD Regulation<sup>4</sup> and the Common Strategic Framework and Partnership Agreements<sup>5</sup>.

There are six priorities for EU rural development policy<sup>6</sup>, of which one is directly focused on ecosystems, but others have the potential to indirectly influence biodiversity achievements (especially in relation to the elements marked in bold below):

- **Fostering knowledge transfer and innovation** in agriculture, forestry, and rural areas.
- Enhancing farm viability and competitiveness of all types of agriculture in all regions and promoting innovative farm technologies and **sustainable management of forests**.
- Promoting food chain organisation, including processing and marketing of agricultural products, animal welfare and risk management in agriculture.
- **Restoring, preserving and enhancing ecosystems related to agriculture and forestry**.
- Promoting resource efficiency and supporting the shift towards a low carbon and **climate resilient economy in agriculture, food and forestry sectors**.
- Promoting social inclusion, poverty reduction and **economic development** in rural areas<sup>7</sup>.

At least four of the above EU priorities must be addressed by RDPs, in addition to principles for infrastructure investments that are set out in Partnership Agreements. RDPs should be also consistent with the Member State's Prioritised Action Frameworks (PAFs) for Natura 2000 sites<sup>8</sup>. Member States must ensure that 30 per cent of the total EAFRD contribution to each RDP is reserved for environment and climate related measures for farmland and forests, and that the agri-environment-climate measure is used throughout their territories.

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<sup>3</sup> Articles 43 to 47 of Regulation (EU) No 1307/2013 of 17 December 2013. Greening Payment (GP) requirements cover crop diversification, maintenance of permanent grassland and Ecological Focus Areas (EFA). Farmers in Natura 2000 areas will only have to comply with the parts of the green requirements that are compatible with the Natura 2000 site objectives..

<sup>4</sup> Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD).

<sup>5</sup> Common Provisions Regulation No 1303/2013.

<sup>6</sup> Article 5 of Regulation 1305/2013.

<sup>7</sup> Ibid.

<sup>8</sup> Required under Article 8 of the Habitat Directive, these provide information on Natura 2000 strategies, objectives, potential measures and EU funding possibilities in the designated sites.

The implementation of Pillar 1 and Pillar 2 in the post-2014 period is much more closely intertwined than was the case in the past. A range of policy decisions is in the hands of the Member States<sup>9</sup>. The environmental baseline for the majority of land based financial support under both Pillars of the CAP continues to be set by cross-compliance requirements<sup>10</sup>. However the farm-level requirements of the Pillar 1 Greening Payment must be considered in calculating the agri-environment-climate premia, to avoid double funding. Together with cross-compliance the Green Payment thus provides the basis on which Pillar 2 support for biodiversity must build. Two important cross-cutting requirements of the CAP which must be implemented by all Member States include revised requirements for monitoring and evaluation and for the Farm Advisory Service<sup>11</sup>. These can have significant impacts on biodiversity outcomes from policy interventions under both Pillars. Further cross-cutting CAP components involve information and training, exchange of best practice between experts, and innovative approaches including innovation in biodiversity management. These are important for ensuring good biodiversity management too (ENRD, 2013b) and should be the focus of the proofing process. Pillar 2 provisions for co-operation and innovation, links to the European Innovation Partnership and the European Network for Rural Development are the principal tools that facilitate these actions.

The Common Monitoring and Evaluation Framework (CMEF) specifies mandatory measures to monitor the combined impact of all CAP instruments from 2014<sup>12</sup> (see Section 1.2.5). It includes a suite of indicators for baseline values and outputs, results and impacts. Biodiversity specific indicators include both result indicators (such as ‘area of land subject to successful management for biodiversity’) and impact indicators (‘farmland bird index’ and the ‘maintenance of HNV farmland’). Annual reporting, *ex-ante*, and *ex-post* evaluation against these indicators is a mandatory policy requirement for RDPs<sup>13</sup>. Biodiversity proofing can build further on these requirements by promoting the use of additional national biodiversity indicators (ENRD, 2013b).

Figure 1-1 demonstrates the main stages of the policy cycle for Pillar 2 in particular, and the principal opportunities for biodiversity proofing in accordance with the Common Framework as described in the Generic Guidance.

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<sup>9</sup> Pillar 1 and Pillar 2 are linked in several ways. Member States’ decisions about funding transfers between EAGF and EAFRD determine the size of their RDP budget and hence affect the scope for biodiversity expenditure. The way in which Member States define GAEC standards, ‘agricultural activity’, ‘permanent grassland’ and eligible farm/parcel size in Pillar 1 determines whether or not important areas of HNV farmland, including Annex 1 habitats, are eligible for direct payments (this matters both for the economic viability of these HNV farming systems and for the efficient use of RDP funding for biodiversity support). Decisions in Pillar 1 about GAEC standards, farm-level requirements for Greening Payments and environmental designation of permanent grassland can all affect the management requirements and payment calculations for agri-environment-climate schemes funded by Pillar 2.

<sup>10</sup> Articles 91 to 95 of Regulation No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy.

<sup>11</sup> Regulation No 1306/2013

<sup>12</sup> Article 110 of Regulation 1306/2013 and Articles 67-70 of Regulation 1305/2013.

<sup>13</sup> Articles 76-78 of Regulation 1305/2013.

**Table 1-1: Summary of principal impacts of key agricultural practices on biodiversity**

Key: Green cells indicate largely positive impacts on biodiversity, purple cells indicate largely detrimental impacts, no colour indicates no or variable impacts. Source: Adapted from Poláková et al (2011)

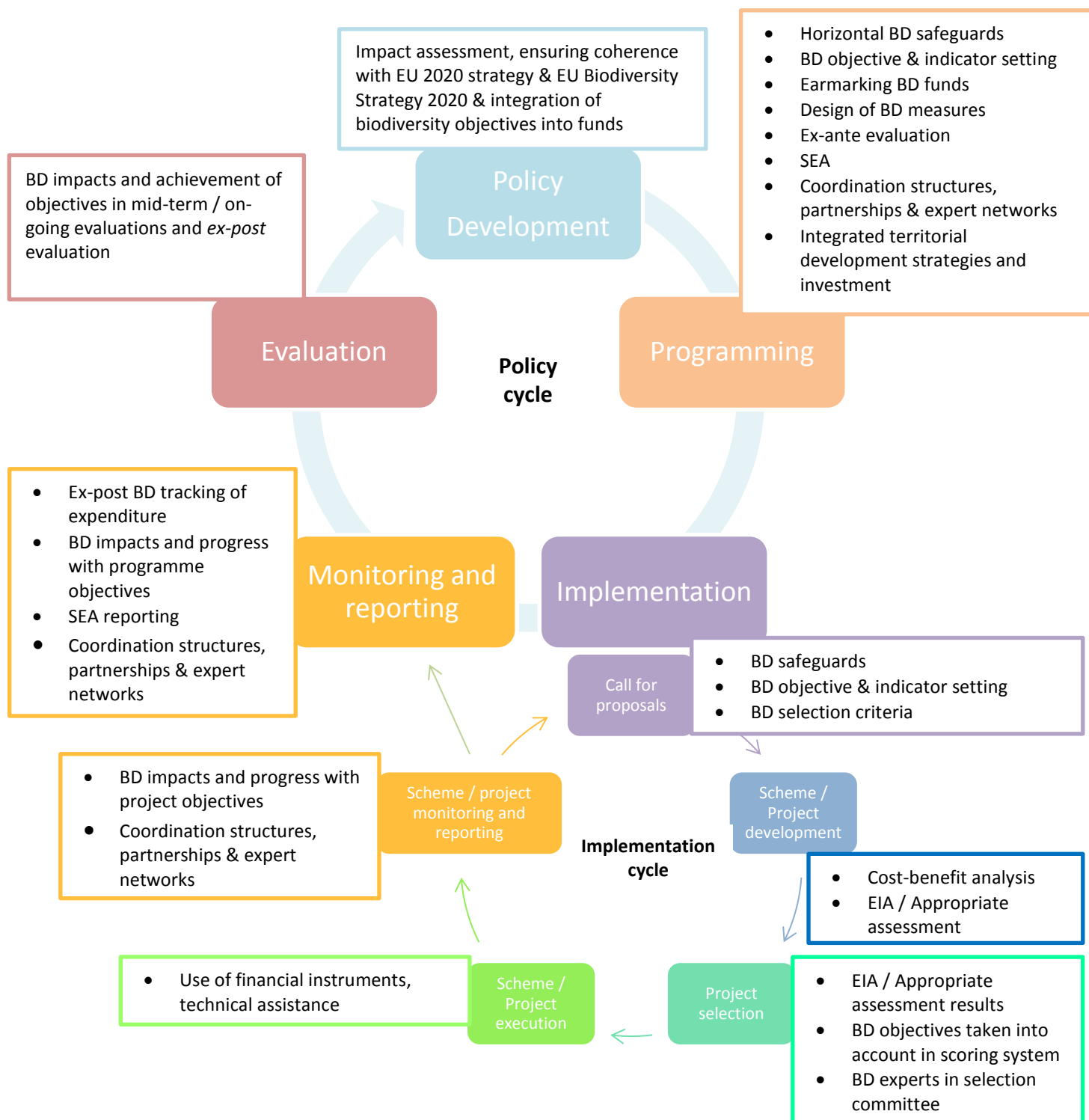
	Permanent grasslands and other grazed habitats					Crops					
Habitat types	Natural habitats	Semi-natural habitats		Improved grassland		Cultivated			Permanent		
		Pastures	Meadows	Organic	Conventional	Extensive	Organic	Intensive	Extensive	Organic	Intensive
Grazing	Grazing is normally not required, and may be detrimental to sensitive species	Extensive grazing is normally the prime factor that maintains the habitat, appropriate grazing also increases botanical diversity, and associated fauna	Seasonal grazing helps to maintain botanical diversity, and associated fauna	Outdoor grazing can provide benefits, especially for invertebrates and birds	Grazing levels are often too high to maintain plant diversity and associated fauna; can provide feedings benefits for birds, but high nest losses from trampling	Grazing of fallows and stubbles is important for biodiversity	Temporary grasslands are sometimes grazed, but stocking levels too high to maintain plant diversity and associated fauna; can provide feedings benefits for birds, but high nest losses from trampling		Grazing of ground cover vegetation under permanent crops is beneficial for biodiversity		Not grazed
Mowing	NA	NA	Mowing for hay at appropriate times maintains the habitat and increases biodiversity	Mowing is normally for silage and is early and frequent, reducing plant and animal diversity, and causing high losses of ground nesting birds, but losses can be reduced by wildlife friendly cutting		NA	Mowing of temporary grasslands is normally for silage and is early and frequent, reducing plant and animal diversity, and causing high losses of ground nesting birds, but these can be reduced by wildlife friendly cutting		Some mowing of ground cover for hay, which can increase biodiversity		Not mown
Cultivation & planting	Destroys the habitat	Normally causes significant damage, restoration can be difficult or impossible		Cultivation and reseeded of grasslands results in loss of semi-natural elements and much reduced biodiversity, recovery is possible if seed banks remain but is slow		Low intensity cultivation techniques beneficial for some species	Frequent use of some cultivation techniques may damage soils, and lead to reduced biodiversity		Traditional cultivation techniques (eg terraces) are beneficial for biodiversity	Frequent use of some cultivation techniques may damage soils, and lead to reduces biodiversity	
Rotations and fallow periods	NA	NA		NA		Rotations, especially those that contain fallow, increase crop diversity, which provides more options for species in terms of food and breeding habitat. Fallow land also reduces cultivation			NA		

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	Permanent grasslands and other grazed habitats				Crops						
Habitat types	Natural habitats	Semi-natural habitats		Improved grassland		Cultivated			Permanent		
		Pastures	Meadows	Organic	Conventional	Extensive	Organic	Intensive	Extensive	Organic	Intensive
						frequency and associated soil impacts, and can also provide good breeding habitats for birds due to the lack of farming operations.					
Hydrology	Drainage is highly damaging, and hydrological management is not normally necessary	Drainage is highly damaging, but some habitats require or benefit from appropriate hydrological management eg to allow winter flooding, or high water tables		Some habitats may benefit from appropriate hydrological management eg to allow winter flooding, or high water tables		Hydrological management not normally carried out (except rice) but existing drainage systems are maintained			Hydrological management not normally carried out but existing drainage systems are maintained		
Fertiliser	Usually destroys the habitat	High rates of artificial fertiliser, slurry and farmyard manure use reduces plant diversity and associated fauna (however low levels of farmyard manure may be beneficial)				Absence of use helps support biodiversity	Very high rates of artificial fertiliser, slurry and farmyard manure use reduces plant diversity and associated fauna, and creates vegetation that is often too tall and dense for birds to nest and feed in		Even low rates of use may reduce plant diversity in ground cover	Use of manure may provide some benefits	Use has little impact due to highly artificial nature of the vegetation
Pesticides	NA	NA		Organic compounds used occasionally, usually with few significant impacts	Herbicide use has significant impacts on many species as a result of direct toxicity and indirect impacts from the disruption of food webs	Absence of use helps support biodiversity	Organic compounds used occasionally, usually with few significant impacts	Pesticide use has significant impacts on many species as a result of direct toxicity and indirect impacts from the disruption of food webs	Absence of use helps support biodiversity	Organic compounds used occasionally, usually with few significant impacts	Pesticide use has significant impacts on many species as a result of direct toxicity and indirect impacts from the disruption of food webs
Irrigation	Destroys the habitat but not normally carried out	Not normally carried out	Traditional irrigation systems can increase habitat diversity	Traditional systems can increase habitat diversity, modern systems leads to significant intensification and associated significant detrimental impacts		Traditional irrigation systems can increase habitat diversity	Leads to significant intensification and associated significant detrimental impacts		Leads to significant intensification and associated significant detrimental impacts		



**Figure 1-1: Application of the Common Framework for biodiversity proofing to EAFRD under the CAP**



## 1.1 Opportunities for proofing biodiversity impacts

Table 1-1 summarises, for different types of agricultural land use, the principal beneficial and detrimental impacts of key agricultural practices on biodiversity. In proofing biodiversity impacts particular attention should be paid to the direct and indirect impact of CAP implementation on Natura 2000 and other areas of biodiversity importance including farmland, forests and other wooded land (e.g. *dehesa* and *montado*) of High Nature Value.

**Error! Reference source not found.** summarises the potential for using specific EAFRD measures to promote biodiversity, and identifies some of the potential risks to biodiversity of other ways of using these measures. It is particularly important that proofing RDPS takes account of both these aspects.

### 1.1.1 Minimising detrimental impacts

Where detrimental impacts are likely to be significant, because of the farm-level impact and/or the scale of implementation of a specific CAP measure then proofing should be used as an opportunity for measures to be identified, implemented, monitored and reported on, and action taken to avoid or reduce impacts to acceptable levels. If impacts are not evident until the CAP measures are implemented, then the opportunity should be used to quantify remaining residual impacts (after feasible rehabilitation), and to plan for post-proofing compensatory actions to archive no net loss of biodiversity. This could include, for example, using the opportunities to amend GAEC standards, Greening Payment requirements and RDPs during the programming period, to offset these impacts (eg promoting habitat restoration measures using RDP non-productive investment funding). Such measures should be in accordance with the EU's No Net Loss Initiative<sup>14</sup>, which is currently being developed under EU Biodiversity Strategy Action 7. An objective of the No Net Loss initiative is to support Target 2 of the Strategy which is to maintain and restore ecosystems and their services by establishing green infrastructure and restoring at least 15 per cent of degraded ecosystems by 2020.

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<sup>14</sup> [http://ec.europa.eu/environment/nature/biodiversity/nnl/index\\_en.htm](http://ec.europa.eu/environment/nature/biodiversity/nnl/index_en.htm)

**Table 1-2: Summary of key EAFRD measures with potential to deliver biodiversity benefits and the risks of detrimental effects**

Article 1305/2013	Measure number and description	Potential benefits to biodiversity	Potential risks to biodiversity
14	1 Knowledge transfer and information	Biodiversity specific training courses, demonstrations and farm/forest exchanges aimed at those managing Natura 2000/HNV and other land with potential benefit for/risks to biodiversity.	<p>Actions under this measure:</p> <ul style="list-style-type: none"> <li>• are targeted at other priorities or beneficiaries</li> <li>• ignore potential impact (of training etc) on biodiversity</li> </ul>
15 and (for FAS) 12-14 of Reg 1307/2013	2 Advisory services, farm management/relief services	<p>Design specific FAS advisory services Natura 2000 and HNV farmers on:</p> <ul style="list-style-type: none"> <li>• how to implement SMR/GAEC and Greening Payments to protect (not damage) key habitats and species</li> <li>• availability and implementation of relevant RDP schemes under measures 9-12, and non-productive investments under measure 4.</li> </ul> <p>Provide advice on improving farm-level biodiversity management. Train specialist and general advisers in habitat/species management</p>	<ul style="list-style-type: none"> <li>• Natura 2000 and HNV farmers are not in the categories of farmers prioritised by MS for access to appropriate advice</li> <li>• SMR/GAEC and Greening Payments advice is inappropriate for Natura 2000 and HNV farming</li> <li>• Member States ignore option to provide additional biodiversity advice under FAS or separately</li> <li>• Adviser training ignores biodiversity opportunities/risks</li> </ul>
17(1)d	4 Non-productive investments	<p>Use non-productive investments (up to 100% rate)</p> <ul style="list-style-type: none"> <li>• with measure 10 for ‘up-front’ work to enable environmental management</li> <li>• improve conservation status of Natura 2000 habitats and species (eg habitat restoration)</li> <li>• enhance public amenity value of Natura 2000 areas and other (defined) HNV systems.</li> </ul>	<p>Scope and biodiversity benefits of measures 10 and 15 are limited because this measure not used.</p> <p>HNV farm and forest systems fail to benefit because they were not defined in RDP.</p>
17(1) a-c	Investments in farm performance, competitiveness, infrastructure, land consolidation, restructuring	Use to improve economic viability of Natura 2000/HNV farming systems that are at risk of abandonment/intensification, in a way that safeguards characteristic systems and practices on which biodiversity depends(e.g. on-farm processing, livestock handling/housing, specialist machinery).	High risk that investments aimed at improving economic performance , restructuring and young farmers ignore impact on characteristic systems and practices on which existing valuable biodiversity depends, and cause long-term loss of HNV farming systems and landscapes in particular.
19	6 Farm and business development	Use to improve family income/ encourage part-time farming of Natura 2000/HNV farms (eg setting up non-	Risks similar to measure 4 (above). Additional risk that part-time farming is treated as a problem (to be solved by

Article 1305/2013	Measure number and description	Potential benefits to biodiversity	Potential risks to biodiversity
		agricultural activities/ businesses) and small farms. Require young farmers' to include biodiversity impact in business plans.	intensification/major restructuring), not as an opportunity for rural employment, diversification of the local economy, and biodiversity management.
20	7 Basic services and village renewal in rural areas	Prepare Natura 2000 and HNV management plans; studies and investments associated with maintenance of HNV sites and rural landscapes; small scale tourism infrastructure; broadband for farmers/foresters.	Ignore Natura 2000 and HNV priorities and opportunities; new infrastructure damages key sites.
21 -26	8 Investments in forest development/viability; afforestation, woodland creation; agro-forestry; prevention and restoration of damage from fires, natural disasters, catastrophes; invest in resilience and environmental value of forest ecosystems, new technologies and processing/ marketing	Create/extend/improve networks of native woodland (including by natural regeneration) Use with measure 15 to: <ul style="list-style-type: none"> <li>restore/improve biodiversity management of semi-natural forests and Natura 2000 woodland habitats; Article</li> <li>restore/extend traditional agro/forestry systems such as <i>dehesa</i> and <i>montado</i></li> </ul> Support HNV pastoral livestock management of fire breaks in and adjacent to Mediterranean forests.	Risk of biodiversity damage by supporting: <ul style="list-style-type: none"> <li>afforestation of HNV grasslands (especially where partially/recently abandoned)</li> <li>planting non-native species cultivars/genotypes of trees</li> <li>plantation forests using single species (especially fast-growing non-native species such as <i>s</i> for biomass production)</li> </ul>
27	9 Setting up producer groups	Set up groups specifically for quality Natura 2000/HNV farm and forest produce.	Needs/ potential for added value of Natura 2000/HNV completely ignored, or subsumed within larger groups.
28	10 Agri-environment-climate	Very flexible measure that can support biodiversity management by (groups of) farmers and other land-managers. Can be used (with measure 4) for very specific management of habitats, species and landscape features, with management requirements tailored in detail to biodiversity needs. Possible to use at landscape scale and with payments linked to biodiversity results.	Schemes not designed for/targeted at priority habitats, species and HNV farming systems and practices. Annex 1 grazed habitats are not recognised as 'agricultural' land because they have trees. Poor uptake because payments do not take into account full costs of management of HNV farmland at risk of abandonment; and/or failure to pay for farmers' transaction costs.
29	11 Organic farming	Increase uptake of organic certification/payments by groups of Natura 2000/HNV farms would support economic viability. Organic farms are <i>ipso facto</i> compliant with Greening Payment requirements.	Needs of Natura 2000/HNV farms are ignored by certification authorities.
30	12 Natura 2000 and Water Framework Directive payments	Compensation payment that can support economic viability of Natura 2000 farms and forests, and be used	Cannot be used if there is no Natura 2000 management plan or equivalent legal instrument that places restrictions

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Article 1305/2013	Measure number and description	Potential benefits to biodiversity	Potential risks to biodiversity
		with measures 10, 15, 4, 8 and 7 (management plans) for positive habitat/species management.	on land managers.
31-32	<b>13</b> Payments to/designation of areas facing natural or other specific constraints	Can support economic viability of Natura 2000/HNV extensively managed pastoral livestock systems	Payments do not take full account of additional costs/severity of natural constraints in HNV pastoral and Annex 1 habitats. Minimum stocking rates set too high.
34	<b>15</b> Forest-environmental/climate services, forest conservation	As for measure 10, for forests, woodland and other wooded land.	Schemes not designed for/targeted at priority habitats, species and HNV forest management systems and practices upon which these depend.

Although not part of policy implementation cycle and Common Framework for biodiversity proofing outlined in Figure 1-1, **there are high priority and urgent proofing actions that should be taken for components of Pillar 1 funding** alongside proofing RDPs. In particular, Member States' choices of definition for underlying CAP elements for Pillar 1 can affect substantially the quality of biodiversity spending under both Pillars, and should be proofed for detrimental impacts (such as excluding Natura 2000 farmland habitats from Pillar 1 support by failing to define them as non-herbaceous permanent pastures) or failing to include protection of key HNV farmland features in Member State defined cross-compliance standards, and not taking advantage of the options to include landscape features and up to 100 trees per hectare as eligible land. These policy elements should be streamlined with Pillar 1 Greening Payment requirements, for example by limiting farmers' choice of Ecological Focus Areas to options with highest biodiversity benefits (fallow land, terraces, permanent grassland buffer strips, landscape features) to promote continued management of semi-natural habitats and features<sup>15</sup>. It is thus important to proof these underlying Pillar 1 elements. Existing guidance developed for the Commission (Olmeda et al, 2014) can be used by Member States to ensure that land eligibility criteria are interpreted so as to ensure access of biodiversity rich habitats (especially Annex 1 farmland habitats, including wooded pastures, grazed heathland and fens and other non-herbaceous pastoral land) to Pillar 1 direct payments. It is equally important to ensure that the combined impact "at the farm gate" of all CAP payments from both Pillars do not cause inappropriate management (eg intensification) of these habitats, but do support the low-intensity farming systems on which continued biodiversity management depends.

Cross-compliance requirements are defined by Member States within a common EU framework covering environment and climate, public, animal and plant health and animal welfare. Statutory Management Requirements (SMR) result from national transposition of EU legislation, the most relevant for biodiversity being those under the habitats, birds and nitrates Directives (although animal welfare requirements can have a significant impact on some HNV pastoral systems). Standards of Good Agricultural and Environmental Condition (GAEC) from 2015 must cover water protection, soil management and landscape features. The revised landscape standard includes the retention 'where appropriate' of hedges, ponds, ditches, trees (in lines, groups or isolated) field margins and terraces. It also stipulates a 'ban on cutting hedges and trees during the bird breeding and rearing season and, as an option, measures for avoiding invasive plant species'<sup>16</sup>.

Members States are given discretion to design GAEC land management requirements according to their local conditions, and it is important that proofing assesses the impact of GAEC standards on the protection of key structural elements of farmland, especially where these contribute to connectivity of habitats and green infrastructure and have the potential to contribute to the No Net Loss initiative. Proofing should ensure that the both the scope (in terms of landscape features covered) and the farm level requirements of GAEC standard

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<sup>15</sup> Continued farming is highly beneficial in semi-natural habitats that depend on low intensity management practices (Cooper et al, 2009; Tucker et al, 2010; Keenleyside et al, 2014). In some Member States eligibility rules have in the past been interpreted in a way that excluded some valuable biodiversity rich habitats (including grazed wooded pastures, fens and heathlands) from the receipt of Pillar 1 payments as a result of little or no use made by authorities in using the flexibility in rules (Keenleyside et al, 2014).

<sup>16</sup> Regulation 1306/2013 Article 93 and Annex II.

7 is sufficiently ambitious both to avoid negative impacts on biodiversity associated with landscape features, and to provide a sound basis for active biodiversity management under Greening Payments and Pillar 2 agri-environment-climate schemes. However it is important to bear in mind firstly that the EU GAEC framework requires the retention of landscape features (rather than pro-active biodiversity management or restoration); and secondly that the ‘policy reach’ of GAEC standards is limited by farmers’ perception of the costs of implementation versus the risks of penalties. The proofing of the content of the GAEC standards should therefore focus on protection of characteristic landscape features from damage or destruction and should be closely linked to proofing of both the Greening Payment requirements and of the RDP agri-environment-climate measures, to maximise biodiversity benefits

Although one of the EU priorities for Pillar 2 RDPs is “restoring, preserving and enhancing ecosystems related to agriculture and forestry” it is still necessary to proof RDPs carefully to minimise potential direct or indirect negative effects, especially of RDP measures aimed at other priorities. Proofing for negative impacts should consider the following three issues:

1. Does the proportion of the RDP budget allocated to the ecosystem priority (compared to the allocation to other priorities) reflect the farmland and forest biodiversity needs identified in the *ex ante* assessment?
2. Is there a screening process in place to check if individual applications for land-based support payments or investment projects, which might have an impact on Natura 2000 habitats or species or other important habitats (such as HNV semi-natural pastures), require EIA and/or Appropriate Assessments under the Habitats Directives (see Annex A1.10 of the Generic Guidance). Because these assessments often do not capture potentially damaging effects on semi-natural habitats driven directly or indirectly by sub-optimal policy design or implementation, this stage of proofing should also consider if there is a need to put in place additional safeguards against adverse effects from capital investment projects that are not subject to EIA procedures, such as drainage and major capital investments on farms.
3. Where there is a legal requirement within the EAFRD for Member States to define specific technical safeguards for afforestation<sup>17</sup> and irrigation<sup>18</sup>, has this been done, and are the technical standards adequate to protect characteristic biodiversity that might be at risk (eg protection of peatland and species-rich HNV grasslands and from afforestation)?

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<sup>17</sup> Article 22 of Regulation 1305/2013, and Article 6 of Delegated Regulation 807/2014.

<sup>18</sup> For investments in irrigation Article 46 of Regulation 1305/2013.

### **1.1.2 Maximising beneficial impacts**

Provision of advice focussing on biodiversity is an important element for helping farmers reducing the environmental footprint of EU farms (European Commission, 2009) and improving the uptake and cost-effectiveness of CAP biodiversity measures (Olmeda *et al*, 2014; Keenleyside *et al*, 2014).

One of the mandatory cross-cutting elements of the CAP obliges Member States to set up a Farm Advisory Service (FAS) that provides= farmers with advice on: their obligations under SMR and GAEC cross-compliance, Greening Payment requirements, the Water Framework Directive, EU legislation on use of plant protection products and integrated pest management; and on RDP measures supporting business development and innovation<sup>19</sup>. It is important for the proofing process to check that the FAS covers both the ‘what’ and the ‘why’ of biodiversity requirements (for example under the Habitats and Birds Directives, GAEC standard 7, protection of permanent grassland (especially HNV pastures and Annex 1 habitats) and implementation of Ecological Focus Areas. Member States must ensure that the FAS provides beneficiaries with access to advice reflecting the specific situation of their holding<sup>20</sup>. Proofing should ensure that the FAS provides biodiversity relevant advice tailored to the needs of Natura 2000 and HNV farmers. Member States also have the option to provide a much wider range additional advice through the FAS, including on the correlation between biodiversity and agro-ecosystem resilience and on how best to prevent the spread of invasive alien species<sup>21</sup>.

CAP Pillar 2 is the largest funding source available for positive biodiversity management across EU farmland. It can target biodiversity located inside and outside Natura 2000 sites and areas under HNV farming, including support to forest-environment and climate services, pollinators and genetic diversity in agriculture, as well as promoting biodiversity friendly forest management. Its intervention logic is focused, *inter alia*, on delivering positive environmental outcomes, including biodiversity (Keenleyside *et al*, 2014; Poláková *et al*, 2011). Biodiversity proofing is therefore an excellent opportunity to ensure that the available Pillar 2 funds are used by Member States in a way that contributes to EU and national biodiversity objectives by:

- maintaining existing beneficial HNV farming systems and practices,
- supporting biodiversity friendly practices in highly productive agricultural areas, including support to pollinators and agricultural genetic diversity,
- restoring degraded habitats,
- designing relevant measures for Natura 2000 sites and in particular Annex 1 habitats and Annex 2 species that are dependent on agriculture and have a high proportion in unfavourable conservation status, and
- establishing coherent packages of RDP measures (and relevant Pillar 1 direct payments) that support biodiversity management and ensure stable incomes in extensively farmed areas.

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<sup>19</sup> Article 12 -15 of Regulation 1306/2013

<sup>20</sup> Article 14 of Regulation 1306/2013

<sup>21</sup> Article 12(3) and Annex I of Regulation 1306/2013.



Overall, there are three types of RDP measures that can deliver benefits to biodiversity:

- **Land based schemes** (Article 28 agri-environment–climate, Article 34 forest-environment, Article 17(d) non-productive investments, Article 30 Natura 2000 and WFD compensation payments and Article 31 payments for areas with natural constraints).
- **Capital investment projects** (e.g. Article 17 Investment in physical assets, Article 19 Farm and business development, Article 22 and 23 afforestation and agroforestry investments, Article 26 investment in forestry technologies).
- **Supportive measures** (e.g. Article 14 Training and information Article 15 Advisory Service, Article 16 Quality schemes, Article 27 setting-up of producer groups, Article 20 Basic services (including Natura 2000 and HNV management plans), Article 35 Co-operation).

Of these the **agri-environment-climate measure** is the most important CAP measure for the delivery of biodiversity benefits in agricultural habitats, as emphasised in Commission guidance on land management and funding for Natura 2000 areas (Olmeda et al, 2014), and Commission reports on HNV farming (Keenleyside et al, 2014) and support to biodiversity across EU farmland (Poláková et al, 2011). Proofing should pay particular attention to the positive use of this measure to address biodiversity risks, opportunities and priorities identified in the RDP; and to using it in combination with non-productive investment support and, where relevant, the Natura 2000 compensation payments.

The key opportunity for maximising biodiversity benefits within Pillar 2 is during the programming phase (largely outside the scope of this guidance). Three strategic steps of programming are the focus of much recent guidance to Member States (eg European Commission, 2012; ENRD, 2012; ENRD, 2013a). They can *inter alia* improve biodiversity outcomes through:

- analysis of the context (SWOT analysis);
- assessment of needs; and
- definition of priorities and areas of intervention, choice of *ex-ante* conditionalities, choice of relevant measures and an allocation of financial resources on the basis of the expected outcomes.

Highly important tools for biodiversity proofing at national and regional level should focus on maximising the potential biodiversity benefits by:

- Including appropriate criteria in the performance framework to undergo performance review in 2019<sup>22</sup>.
- Use of appropriate methods for biodiversity needs analysis, such as targeting spatially relevant geographic areas and particular priority ecosystems/habitats and species, in particular those of Community interest listed in the Habitats and Birds Directives that have a high proportion in unfavourable conservation status and rely on appropriate farmland management (Olmeda et al, 2014).

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<sup>22</sup> Articles 21-22 of Regulation (EU) No 1303/2013.

- Spatial targeting, such as to Natura 2000 sites and wider HNV areas, as well as areas that could be restored (eg to increase the size and/or connectivity of small isolated sites).
- Design of effective and efficient biodiversity measures for target ecosystems, habitats and species (Keenleyside et al, 2014; Olmeda et al, 2014).
- Designing supporting measures to improve economic viability of farms that deliver significant biodiversity benefits in extensive systems, and providing biodiversity safeguards.

Another key opportunity to improve biodiversity outcomes is to proof the design of the monitoring and IT systems established at national and regional levels under the CMEF (ENRD, 2013b). The systems should be able to separate and collect biodiversity data, and ideally integrate them with agricultural data, even for measures whose primary objective is not biodiversity. For this to happen appropriate monitoring systems including IT systems should be designed early on, so that they are able to collect and separate relevant biodiversity related data

Proofing can also aim to ensure that biodiversity indicators relevant to Pillar 1 Green Payment are specified at a national level under the CMEF and monitored throughout the 2014-2020 period.

## **1.2 Guidance for biodiversity proofing the CAP implementation cycle**

**Note:** Key proofing tools for which guidance is provided in the annexes of the Generic Guidance are highlighted in bold and italic font.

### **1.2.1 Call for proposals**

Managing Authorities have the opportunity to take proofing actions particularly at the stage of defining criteria for the calls for investment proposals and for the design of land-based payment schemes (such as agri-environment-climate and forest-environment schemes and sub-schemes) and other measures. The proofing should identify the ***criteria*** that are particularly relevant to securing beneficial biodiversity impacts and avoiding the risk of damaging impacts (see Table 1-2). Proofing can help identify the criteria that are appropriate to the types and focus of the call or scheme. For example, in relation to calls for:

- Farmers to participate in an agri-environment-climate scheme, proofing can ensure that the farmers with the land most likely to deliver cost-effective biodiversity benefits are targeted by relevant information and advisory services, and that they are aware of the availability of relevant related measures such as non-productive investments (eg, for habitat restoration) and Natura 2000 compensation.
- RDP investment projects should be proofed to ensure that grant applicants are aware (before they design their project) of the technical ***safeguards*** they must observe and of any need for environmental assessment.

- Business plans for co-operation activities, and for EIP operational groups should be proofed to ensure that biodiversity priorities are mainstreamed in plans and activities
- Networks to implement small grants need to be proofed to ensure that biodiversity criteria are integrated in further activities of networks.

### **1.2.2 Project/scheme development**

The developers of investment projects and the agencies designing agri-environment scheme “menus” and farm-level requirements should use good quality biodiversity advice, information and knowledge exchange on best practice both in avoiding adverse impacts on biodiversity and maximising biodiversity benefits. Managing Authorities may find the best technical biodiversity advice in other institutions (environmental NGOs, universities, biological research institutes). The proofing process should examine the need for, and extent of, targeting of land-based schemes and calls for investment, with the aim of maximising biodiversity cost-effectiveness. Schemes and investments can be targeted geographically in several ways at specific biodiversity hotspots (in particular Natura 200 sites), HNV farming systems or landscapes.

The use of differing rates of investment support, and of agri-environment-climate payment calculations for specific habitat types and the addition transaction costs (up to 30 per cent addition for agri-environment-climate group applications) can stimulate the preparation of projects/schemes that target agricultural biodiversity in highly productive areas; as well as developing holistic packages of measures for farmers engaged in biodiversity management in Natura 2000 sites and other areas of HNV farmland. For example, project/scheme developers can utilise synergies between capital investments for processing and marketing farms, producer group support, advice, training, extension services, diversification and non-productive investments for development in rural areas. **Coordination structures, partnerships and expert networks** can support biodiversity delivery, and the use of the Leader approach can involve a wider range of actors in RDP biodiversity delivery, including civil society.

### **1.2.3 Project/scheme selection**

At this stage Managing Authorities can ensure that required mechanisms are in place to screen applications for funding for potential negative biodiversity impacts (eg **EIA, Habitat Directive**). Screening processes should check that where adverse effects have been identified in applications, actions have been proposed (eg changing the route or design of infrastructure), to avoid, mitigate or compensate for impacts in accordance with the mitigation hierarchy.

In addition, applications may be screened for positive biodiversity benefits against any other biodiversity relevant criteria defined in RDPs and where appropriate thresholds can be set and/or applications ranked in order of biodiversity benefit. This is particularly useful when applications exceed available budget allocations. An example may be prioritisation of applications submitted by applicants from Natura 2000 areas. Selection procedures should use scoring methods that encourage investment projects with positive biodiversity impacts and projects with appropriate mitigation measures for negative biodiversity impacts. Biodiversity proofing can also ensure that applications respect mandatory technical

safeguards, for example for afforestation and irrigation, or additional safeguards where they were specified, such as for drainage. In addition, applications may be screened against any other biodiversity relevant criteria defined in RDPs, including the protection of HNV farming and forest systems and the development of green infrastructure. Incorporation of **biodiversity experts within the selection committee** is a pre-requisite for the successful biodiversity proofing of rural development policy.

#### **1.2.4 Project/scheme execution**

Beneficiaries should be able to use information, advice and knowledge exchange relating to biodiversity impacts of executed projects and schemes on a routine basis. The proofing process should provide them with tools for doing so, for example, through checklists, guidance documents, and opportunities to raise concerns and queries with project staff. It is important also to proof the availability of staff with appropriate biodiversity expertise in both delivery and paying agencies.

#### **1.2.5 Monitoring, reporting and evaluation**

The scale of opportunities for biodiversity proofing in the area of monitoring and evaluation of **individual investment projects and schemes** corresponds to the operational scale of RDP measures, which is often very small compared to other EU funds<sup>23</sup>. In the implementation cycle Managing Authorities should particularly focus on the improvements in monitoring and evaluation of targeted biodiversity data for funded activities that were a risk to biodiversity in the past (for example involving afforestation, irrigation and drainage) and the outcomes of major investments. This can feed into the monitoring and evaluation of the effectiveness of the safeguards and the evaluation of the whole programme.

In terms of the biodiversity related elements of monitoring of the whole **programmes**, there is a considerably strengthened framework set out for the post-2014 implementation cycle. This should improve the stream of biodiversity related monitoring, **ex-ante** and **ex-post evaluations**, particularly at the backdrop of the pre-2014 evaluation outputs which generally side-lined biodiversity (Poláková et al, 2011). Proofing can further strengthen the implementation of biodiversity related CMEF requirements during the whole policy cycle. It should also focus on **ex-post biodiversity tracking of expenditure**, and proper assessment of biodiversity indicators. The monitoring and IT systems will have been designed at the programming stage but proofing should check that **biodiversity data** are properly collected through these systems and publicised. The national and European Networks For Rural Development should be mobilised to exchange information on biodiversity outcomes that may be missed in the monitoring and IT systems.

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<sup>23</sup> Given the generally small scale of these activities compared to the scale of investments under Cohesion or Connecting Europe Facility, extensive environmental monitoring of these activities may be too costly and ineffective. (ENRD,2012).

### 1.3 Checklist for biodiversity proofing the CAP implementation cycle

The checklist in Table 1-3 below is proposed for use by the Managing Authorities to assist with biodiversity proofing primarily within the implementation of RDP schemes but also refers to events in the policy cycle (after the initial policy design stage in 2014) which should be proofed because of their potential impact on the remainder of the implementation cycle. More detailed and context-specific lists may need to be developed by authorities in consultation with other stakeholders to inform the design process along the way. **It is important that Managing Authorities follow the proofing principles referred to in section 3.3 of the Generic Guidance. The checklist below (Table 1-3) does not aim to identify legal obligations but to highlight key considerations in biodiversity proofing.**

**Table 1-3 Check-list for biodiversity proofing CAP cross-cutting requirements and Pillar 2 requirements**

1) Cross-cutting requirements and Pillar 1 requirements relevant to the implementation cycle of RDPs	
Have you ensured that cross-cutting elements of the CAP (Statutory Management Requirements, GAEC standards, Farm Advisory System, monitoring and evaluation procedures) are in accordance with the requirements CAP legislation ?	
Have you considered how funding transfers between Pillars, direct payments, Pillar 1 definitions of land eligibility and permanent pasture, GAEC standards and agricultural activity requirements, Green Payment requirement, and Pillar 2 RDP programmes can contribute to achieving the EU's headline biodiversity target or national biodiversity targets?	
For RDP capital investment measures, have you put in place screening requirements to identify potential negative impacts on biodiversity; and in such situations have you the tools in place to take action to avoid reduce, rehabilitate and offset impacts and ensure their mitigation where appropriate	
Have you checked if ecological and other technical / scientific assessments, evaluation and advice related to biodiversity will be carried out by suitably qualified and experienced biodiversity experts?	
Have you ensured that RDP funding allocations, measures and mandatory technical safeguards are in accordance with the CAP legislation?	
You have considered how RDP programmes, targeting and choice of funded measures can contribute to achieving the EU's headline biodiversity target, and other specific targets and actions in the Biodiversity Strategy?	
For RDP investment measures, you have assessed whether there are potential negative impacts on biodiversity to avoid; and whether you have taken actions in such situations to reduce, rehabilitate and offset impacts and ensure their mitigation where appropriate. Have you assessed if there is a need to focus non-productive investments on specific biodiversity priorities?	
Have you ensured that the Farm Advisory System provides both obligatory and optional biodiversity advice tailored to the needs of specific types of farmers?	
2) Implementation cycle	
<i>Call for proposals</i>	
For RDP capital investment projects, you have assessed whether there are potential negative impacts on biodiversity to avoid; and whether you have taken actions in such situations to reduce, rehabilitate and offset impacts and ensure their mitigation where appropriate	
Have you consulted and used the expertise of environmental authorities, NGOs, and academia to help draw up calls and develop schemes that are targeted at support biodiversity benefits and minimising detrimental impacts?	
Have you consulted and used the expertise of environmental authorities, NGOs, and academia to create networks that support cooperation and innovations complementary to biodiversity objectives?	

Have you consulted and used the expertise of environmental authorities, NGOs, and academia to create holistic packages of measures to support biodiversity and associated ecosystem services (eg through RDP thematic sub-programmes for HNV/Natura 2000 areas river catchments, and appropriate types of farmland)?	
On the basis of the biodiversity related objectives of programmes, have you defined biodiversity safeguards for projects and targets for land-based schemes and included these in project selection criteria?	
Have you trained advisors and paying agency staff on biodiversity aspects of measures, schemes and investment projects so that they provide state-of-art information to possible beneficiaries?	
Have you provided guidance and examples of good practice in biodiversity schemes and investment for applicants?	
<b>Management Authorities: Development of schemes and investment projects</b>	
Have you provided guidance and examples of good practice to project developers on how to meet required technical standards (for afforestation and irrigation projects); on the need for EIA and Appropriate Assessments and the use of other tools to avoid adverse impacts on a Natura 2000 site and other HNV farmland or forests; and how to improve biodiversity mainstreaming?	
Have you set up networks that can promote exchange of best practice and information on how to <b>avoid adverse impacts on a Natura 2000 site and other HNV farmland or forests</b> and how to improve biodiversity mainstreaming in scheme implementation?	
Have you provided guidance on how to create synergies with integrated territorial development strategies to scheme delivery staff?	
<b>Selection of investment projects</b>	
Has selection taken into account the results of EIAs and other assessments of the expected beneficial and detrimental biodiversity impacts, to ensure that at a minimum detrimental impacts are within acceptable levels (normally achieving no net loss or ideally a net gain) and that RDP investment projects with lowest detrimental impacts and greatest beneficial impacts are favoured (eg using an appropriate scoring system)?	
Has selection taken into account the biodiversity safeguards for RDP investment projects?	
Has selection taken into account the reliability of proposed mitigation measures and, where necessary, compensation measures for residual impacts?	
Does the selection committee include sufficient biodiversity expertise?	
<b>Execution of schemes and projects</b>	
Have you ensured that beneficiaries have sufficient guidance on the need to carry out the RDP contract/investment project according to requirements and to acceptable standards?	
Is specialist biodiversity support available to help beneficiaries that are having difficulties with meeting their biodiversity objectives?	
Have you ensured good quality of support under training, advice, so that beneficiaries are able to improve biodiversity impacts of RDP investment projects?	
Have you included actions to support the cooperation and innovation actions relating to the biodiversity concerns?	
<b>Monitoring and reporting</b>	
Have you established both CMEF and national/regional reporting requirements on biodiversity related aspects of RDP measures and the whole programme? Are internal feedback/review systems in place to adjust RDP scheme design and delivery during the course of the programme to take account of monitoring and evaluation results?	
Do the CMEF and national/regional monitoring results indicate anticipated and acceptable biodiversity performance levels for Greening Payments and RDP measures/schemes, or is it necessary to implement contingency / adaptive management measures to achieve agreed biodiversity objectives?	
Are their mechanisms for identifying, documenting and publicising lessons learnt from the monitoring of impacts and the effectiveness and efficiency of implemented mitigation and compensation actions?	
Have you planned for thematic biodiversity-related evaluations of schemes, investment projects and programmes, such as the review of Greening Payments?	

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