



Europe's wood pastures: condemned to a slow death by the CAP?



A test case for EU agriculture and biodiversity policy



SUMMARY AND RECOMMENDATIONS

Not all pastures are just grass. In some regions of Europe, pastures are enriched by more diverse vegetation, including shrubs and trees. Pastures with trees are known as “wood pastures”. The density of trees in wood pastures varies, ranging from a thinly dispersed cover, as in parklands, to a complete tree canopy¹ with a grazed understorey of grass and/or shrubs.

Trees and shrubs on pastures have many agronomic functions. They provide additional forage for livestock, with complementary nutrition and fibre: acorns and other fruits provide valuable resources during autumn and early winter; in the dry conditions of southern Europe, trees and shrubs play an essential role in overcoming the lack of grass in summer and early autumn; perennial shrubs and trees are also browsed during the winter, when grass is not available, and they have the effect of extending the grass-growing season into the summer and winter. Trees provide shelter for livestock from sun, wind, rain and snow; and they extract nutrients from deep in the soil and deposit them onto the pasture when they lose their leaves.

Wood pastures are among the most valuable type of farmland for public goods and ecosystem services, including biodiversity, landscape, carbon storage, soil protection, water management and cultural values. Ancient trees add special biodiversity and cultural values to wood pastures. The environmental importance of

wood pastures is confirmed by the classification of some types as Natura 2000 habitats in Annex 1 of the EU Habitats Directive, for example Mediterranean wood pastures with evergreen oaks and Fennoscandian wooded meadows of the Boreal region.

Wood pastures are genuine, productive farming landscapes, allowing farmers to generate an economic output based on the use of low-input, diversified forage resources. For farmers making use of wood pastures, they are crucial for the farm economy. And continued, balanced grazing and regeneration of the tree canopy are essential for conserving wood pastures as productive farmland and as wildlife habitats.

Yet as this booklet explains, since 2005 the Common Agricultural Policy (CAP) has discriminated against pastures with trees and shrubs, incentivising farmers to remove the features that make them so special, to abandon the pastures altogether, or to convert them to forestry use. The designers and managers of the CAP in the European Commission treat trees and shrubs on pastures as a sign of abandonment, or of non-productive farming, making it more difficult for this farmland to receive CAP direct payments.

In many regions, the way the CAP is designed and implemented is giving farmers the wrong messages and may be condemning wood pastures to a slow death. This situation runs against the aims of EU environmental policies,

especially the Biodiversity Strategy, and makes a mockery of claims that the new CAP is “greener”. It is also creating a massive and unnecessary administrative burden and public expense.

To save Europe’s wood pastures, we need a coherent and less bureaucratic policy, with the following changes:

All wood pastures in active farming use should be fully eligible for CAP direct payments, in EU regulations and in Member State implementation

- On farmland, trees and shrubs should NOT be treated a priori as non-productive elements. They should be seen as adding value to farmland, unless they clearly impede farming activity.
- The CAP definition of permanent grasslands/pastures should include all pastures and all types of forage in active farming, without requiring special justifications of “local practices” for non-herbaceous pastures, which creates extra administrative burdens and risks of penalties. In the interests of CAP simplification, the following clear and uncomplicated permanent pasture definition is proposed: “land used to grow grasses or other forage (self-seeded or sown) and that has not been ploughed or reseeded for 5 years or longer”.
- There should be no arbitrary limit for tree numbers on pastures set at EU level and no reductions in eligibility for CAP

payments due to the presence of trees and shrubs for wood pastures if there is an acceptable level of farming use (this should be defined by Member States). The current system causes legal inconsistencies for land designated as not eligible but that in reality is grazed, and therefore must be declared by the farmer.

- CAP rules for “maintaining an agricultural area without production” should include the option of grazing as a maintenance activity, as requested by several Member States. Grazing itself is not agricultural production and there are strong environmental reasons for prioritising grazing over mechanical cutting as a maintenance option.
- The CAP gives full direct payments on grasslands that are taken out of farming and converted to forestry, but penalises wood pastures, even in active farming. This is completely incoherent and should be changed.
- DG AGRI auditors should recognise the realities and values of actively farmed wood pastures as farmland and should not push Member States to implement eligibility rules that discriminate against them.

An urgent evaluation should be undertaken of the impacts of the new CAP eligibility rules for permanent pastures and how to harmonise them with other policy areas

- This should evaluate actual impacts on the ground of the CAP

- rules and their implementation.
- It should assess coherence with wider CAP and environmental policy goals, and study options for improving the system in order to ensure equal treatment for all pasture types and farming systems and to maximise public benefits from direct payments.
- As part of this review, rules affecting wood pastures under different areas of policy (Natura 2000 and CAP) should be harmonised to avoid conflicting messages to farmers at local level, for example conserving woody habitats (Natura 2000) or clearing them (CAP).

Member states should make full use of Rural Development Programme (RDP) measures for supporting positive management of wood pastures

- Rural Development Programmes should implement Agri-environment-climate measures for wood pastures across the EU, in order to incentivise active, ecologically sustainable management. A major expansion in such measures is required in southern Member States.
- RDP grants for afforestation of pastures must not be more attractive (economically or in terms of their simplicity) than the available incentives for the continued farming and conservation of wood pastures.

1. In this paper we use the term “wood pastures” to include wooded meadows, where the grass is harvested for hay.

THE CAP AND WOOD PASTURES

Wood-pastures are found on land where agricultural intensification has been limited by natural or socio-economic conditions. They are semi-natural ecosystems used by farmers for raising extensive livestock and are considered outstanding examples of Europe's High Nature Value (HNV) farmland. Wood pastures cover several million hectares of EU farmland², the majority in southern Member States.

Although such systems are low-yielding, they often produce foods of outstanding quality. Notable products from livestock raised on wood pastures include Avileña Negra beef, goats' cheese from Los Ibores, Nustrale pork from Corsica and Pélardon goats' cheese from Cévennes.

Wood pastures have additional qualities compared with purely herbaceous pastures, for example producing milk with a high casein content, which favours cheeses of high quality and rich in a range of oligo elements. Many local food chains depend on this resource for the production of quality products.

PILLAR 1 Direct payments: rules and implementation discriminate against wood pastures

The CAP provides economic support for farmers in the form of the direct payments under so-called Pillar 1. These income payments are intended

for all farmland where farming activity is taking place, and they are especially needed by extensive livestock farmers: their income from sales is often insufficient to cover costs, and support is particularly justified because the market does not reward the environmental services they provide. Indirectly, CAP direct payments can help to do this.

The CAP applies a raft of rules and regulations that determine what land is eligible for direct payments, and impose particular conditions that the farmer has to meet. The way these rules are designed and implemented has been very problematic for wood pastures since 2005 when CAP support for livestock farming shifted from payments per animal to payments per hectare of farmland, as explained in previous EFNCP reports³.

Since the 1960s, the CAP had supported livestock farmers on all types of pasture, including wood pasture. But when designing the rules for the new "area payments", EU civil servants took the view that pastures should be grass, and that rules were needed to prevent them having too many trees and shrubs. As a result, large areas of wood pasture were excluded from CAP support, and farmers were incentivised to remove trees and other "unwanted" vegetation.

From 2014 the CAP has a new set of rules. The European Commission claims that the new CAP is greener and more sensitive to the

conservation of natural resources. There is a new definition for Permanent Grassland that explicitly allows for non-herbaceous pastures to be eligible for CAP direct payments. The CAP regulations and EC guidance documents make clear that all forage, whether herbaceous or woody, is eligible for CAP direct payments if the vegetation is grazable and accessible to grazing. The rules thus seemed to be adapted to the situation already applying in many older Member States, such as France, Spain and UK.

This all sounds positive. However, whereas the new rules make eligibility simple for pure grass pastures, it is not straightforward if trees and/or shrubs are present. The rules impose a limit of 100 trees per hectare of pasture. If there are 101 trees, then the entire parcel is ineligible for CAP support. To keep the land eligible, the farmer must cut down one tree, a perverse effect with no public benefit. This limit of 100 trees has no agronomic or environmental basis, it is an example

of completely arbitrary bureaucratic rules; many productive and actively farmed wood pastures have many more than 100 trees per hectare, and reducing their number just to fit an EU rule is nonsensical.

However, instead of applying this limit, Member States do have the option to apply a system of pro-rata reductions in a pasture's eligibility, in proportion to the presence of "ineligible features" (10% coverage is allowed without any eligibility reduction). The crucial question is how to define an ineligible feature: some Member States are applying pro-rata reductions due to trees and shrubs that are part of an actively farmed forage system. This makes no sense, is immensely bureaucratic and uncertain for both farmer and administrator and merely incentivises the clearance from pastures of all trees and shrubs.

If more than 50% of a pasture consists of trees and shrubs, a normal situation in some widespread types of pasture, it is even more complicated. Then the pasture's

2. <http://www.efnecp.org/publications/books/>

3. http://www.efnecp.org/download/EFNCP_Permanent-Pastures-and-Meadows.pdf



⁴ *Land Parcel Identification System*

⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:62009J0061:EN:HTML>

⁶ *World Trade Organisation*

⁷ *Good Agricultural and Environmental Condition*

eligibility can only be justified on the basis of “established local practices” to be described and presented to the Commission by the Member State authorities, and indicated on LPIS⁴. Again, the Commission is driving the creation of more bureaucracy based on a completely arbitrary threshold. Why does it matter if grass covers 40%, 50% or 60% of a parcel? According to the rules, any vegetation is eligible so long as it is grazable. Surely the crucial criterion is grazing use, not the type of vegetation?

Focusing on the grazability and actual use of the pasture would make for a much more robust system. The rules already say that, in order to be eligible for CAP direct payments, all farmland must also be in active farming use, or managed according to minimum maintenance requirements. Given this sensible CAP requirement, why should wood pastures have more restrictive rules about the type of vegetation than grasslands? Surely if they are in active farming, or minimum maintenance, they should have the same right to CAP support as pastures with no trees, as they did before 2005?

In fact the European Court of Justice has ruled that the classification of land as “permanent pasture” and, consequently, as ‘agricultural area’, depends on the actual use of the land in question. Thus, an area must be classified as agricultural where it is used as permanent pasture...”⁵

DG AGRI also does not accept grazing as an option for “minimum maintenance” of the land, as an alternative to mechanical cutting, because they say that requiring grazing could be construed as a production

incentive by WTO⁶ members. But grazing is not production, any more than cutting vegetation or ploughing arable land is production. Livestock production is breeding, or milking, not grazing. Several Member States have proposed grazing as an option for maintenance of pastures and we believe that DG AGRI should accept this; it is an environmental priority for many types of wood pasture and prevents a situation where landowners can claim direct payments for land that is mechanically cleared by contractors on an annual basis with no real farming system in place.

Member States have a useful option to include trees and shrubs under the protection of GAEC⁷ rules, and thus to make them automatically part of the eligible farmland area. However, this is administratively burdensome for authorities and farmers, as each element should be identified on . Such tight controls on individual features is not well-adapted to the dynamics of pastoral mosaics of trees, shrubs and grass, where there is an on-going process of management and replacement of vegetation.

Trees and shrubs themselves are perfectly compatible with a pastoral use of the land, what should be avoided is a process of abandonment, shown by gradual scrubbing over and closing of the landscape. Authorities should have the competence to use monitoring and control methods appropriate for this dynamic approach. This means applying robust reference levels against which to monitor grazing activity (e.g. proof of annual grazing) and vegetation dynamics.

But DG AGRI auditors are increasingly insistent on applying the

rules in a rigid manner, regardless of farming realities and of the environmental consequences. Many Member States choose to play safe and do not make use of the available “options” for wood pastures. As a result, many problems remain, and in some countries the situation is getting much worse. This is the case in Spain, where the majority of European wood pastures are found, as explained later in this booklet.

The concern of DG AGRI auditors is to ensure that CAP direct payments are not paid on land with no farming or maintenance activity, which is of course an important objective and one that we support. But the type of vegetation is not a reliable indicator of abandonment in some pastoral landscapes. The result of the DG AGRI approach is that large areas of wood pasture in very active farming are being excluded from CAP direct payments. This discrimination should be a serious concern for the EU institutions.

We acknowledge that full CAP eligibility for wood pastures should not lead to undue levels of direct payments for farmers exploiting very large areas of land. This issue should be addressed with appropriate mechanisms such as degressive payments (smaller amounts per hectare above a certain size), not by putting eligibility restrictions on all wood pastures.

PILLAR 2 Rural Development Programmes: not doing enough to support sustainable management of wood pastures

Through Pillar 2 the CAP provides schemes, such as agri-environment-climate (AEC) payments and aids for the afforestation, to support more specific activities on farmland. In some countries, AEC schemes are used to substitute Pillar 1 direct payments for wood pastures and other types of non-herbaceous pastures, for example in Sweden

and Estonia. This provides a solution of sorts to the exclusion from Pillar 1, but only for limited areas of land, and at a considerable burden to tight AEC budgets.

There is a need to use AEC measures much more widely in wood pastures to address problems of management. In some cases, tree cover is gradually degrading and there is a lack of tree regeneration, sometimes there is damaging clearance of shrub areas, and excessive livestock pressure at certain times of the year, as well as a lack of pressure in other areas. Pillar 1 does nothing to address these issues and to promote balanced grazing or tree regeneration, and in some cases makes them worse. AEC measures therefore are essential for addressing these problems, but unfortunately their use for this purpose has been limited to certain Member States, with little application in southern Member States where most wood pastures are found.



EU BIODIVERSITY STRATEGY AND NATURA 2000

⁸ Olmeda C., Keenleyside C., Tucker G. M. y Underwood E. (2013) *Farming for Natura 2000. Guidance on how to integrate Natura 2000 conservation objectives into farming practices based on Member States good practice experiences. European Commission*

⁹ See for instance: <http://www.bbc.com/news/world-europe-33818276>

The EU Biodiversity Strategy aims to conserve Natura 2000 habitats, and to restore ecosystems and their services, including pastures with trees and/or shrubs. European Commission reports⁸ have found the abandonment of extensive pastoral systems to be a major threat to the objectives of Natura 2000. In the case of habitats consisting of pastures with trees and/or shrubs, and the many Annex 2 species that depend on these mosaic habitats, the Natura 2000 goals will not be achieved if the continued grazing use of this land is not fully supported by CAP direct payments.

Some landscapes, including Annex 1 habitats inside and outside Natura 2000 sites, have suffered a decline

in grazing in recent years following the decoupling of CAP support from production, with consequent encroachment of bracken or scrub. As a result of these changes in vegetation, such landscapes may now be excluded from direct payments, even where extensive grazing continues: perversely, the restrictive application of CAP eligibility rules will ensure their complete abandonment, and potentially their afforestation at a higher subsidised cost than continued farming.

Taking this land out of Pillar 1 and out of grazing threatens to cause a widespread increase in wildfire hazard, with accompanying carbon release and soil erosion. The 2015

Scarce fritillary (*Euphydryas maturna*) a Natura 2000 butterfly species threatened by the abandonment of wood pastures. C van Swaay



Oak pasture used for grazing the village cows and goats Romania. Credit Mihály László

wildfires in Spain, such as the one affecting over 8,000 ha in Sierra de Gata⁹, illustrate the severity of the phenomenon.

In addition to the two types of wood pasture explicitly cited in Annex 1 of the Habitats Directive (Mediterranean wood pastures with evergreen oaks and Fennoscandian wooded meadows), many types of Annex 1 forest habitat have a long tradition of use as wood pastures, and appropriate grazing is a key tool for their conservation management in these cases, especially where they exist in a mosaic with shrub and

grass habitats. Examples include Galicio-Portuguese oak forests of *Quercus robur* and *Quercus pyrenaica* and *Arborescent matorral* with *Juniperus spp.*

The published EU Guidance on Management of Natura Habitats¹⁰ covers very few forest habitats and does not include forest types with widespread grazing use, other than Fennoscandian wooded meadows. Future Guidance should take account of the importance of woodland grazing as a conservation tool for many types of forest, in appropriate circumstances.

¹⁰http://ec.europa.eu/environment/nature/natura2000/management/habitats/models_en.htm

SPAIN

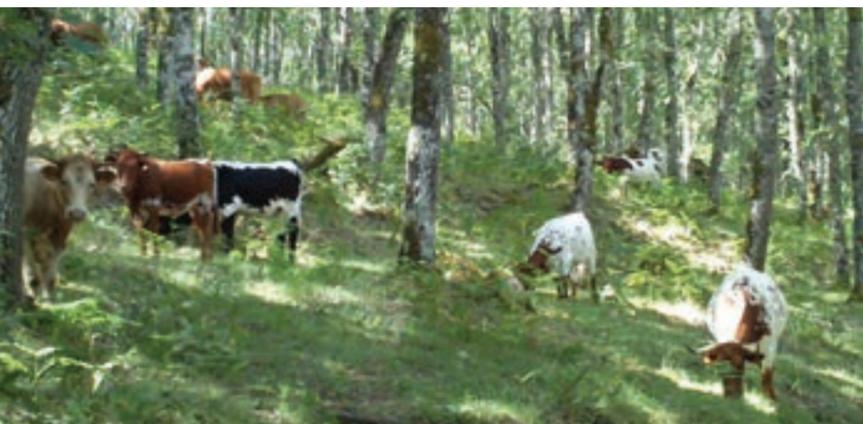
¹¹ *Land Parcel Identification System*

¹² *Agroforestry Systems August 2015, Volume 89, Issue 4, pp 587-598*

¹³ *In terms of Metabolizable Energy (ME)*

Pastures with trees and/or shrubs covered around 16 million hectares of land eligible for CAP payments in Spain in 2013 (LPIS¹¹), making up 86% of all eligible pastures in the country. Pastures with a tree cover of 40-75% are a specific category on LPIS in Spain and account for approximately 5 million hectares, while shrub pastures (40-100% shrub cover) are a separate category, accounting for 11 million hectares. Here we focus on pastures with tree cover.

There is a great diversity of wood pasture types in Spain. Probably the best known are the evergreen oak dehesas of the west and south-west, typically of holm oaks or cork oaks with an open grass understorey. Within a single farm, the tree density may vary from a thin scattering to a 100% closed canopy, and parts of the understorey may have a significant presence of shrubs. López-Díaz et al (2015¹²) found that dehesa pastures partially covered by trees and/or *Retama sphaerocarpa* shrubs were more productive than plots with no trees or shrubs. Output¹³



Cattle conserving Natura 2000 *Quercus pyrenaica* woodland with no CAP payments, Extremadura (Spain). G Beaufoy

of dehesas was optimal with 70% tree cover and 60% retama cover, ironically a situation that faces major problems for CAP eligibility.

Some dehesa merges into Mediterranean woodland or scrubland with quite dense trees and/or shrubs. These latter areas are essential for regeneration of the tree cover and although they may have seasonal grazing, they are usually excluded from CAP support, thus incentivising their clearance.

Other tree species can form open wood pastures with the characteristic grass understorey of the dehesa, including oak species such as *Quercus faginea*, *Q. pyrenaica* and *Q. robur*, beech (*Fagus sylvatica*), ash (*Fraxinus spp.*) or chestnut (*Castanea sativa*). These are less widespread than the typical evergreen oak dehesa.

Many types of wood pasture in Spain have a more closed vegetation of trees and shrubs, resembling grazed woodland more than grassland with trees. However, this does not mean that they are unproductive or in a state of abandonment. They are part of a traditional and recognised farming system in Spain, and data is available on their forage value. For example, in wood pastures of *Quercus faginea* and *Quercus humilis* in Navarra with crown cover >75%, the total value of grass and shrubs has been estimated at 350 Forage Units per ha/year. In addition, there is a forage value in the fruits and foliage of the trees, estimated at 150 Forage Units per ha/year (Vicente Ferrer, pers com).

Under the implementation of the new CAP, large areas of these wood pastures in active farming use are having their eligibility for direct payments reduced or eliminated, against the wording and spirit of the new CAP definition of Permanent Grassland. This is the case for *Quercus pyrenaica* pastures in Extremadura and Castilla y León for example. Farmers have described this process as turning actively farmed pastures into “dead land” because of the disincentive to keep farming.

Wood pastures used for goat grazing are a particular issue, as the CAP rules and their interpretation take no account of the fact that browsed forage from shrubs and trees is a major feed source for goats, and more important than grass for a large part of the year. For example in Andalucía, woodlands of wild olive with thermo-Mediterranean scrub (Annex 1 habitat 9320) are widely used as goat pastures for the production of quality cheeses.

A recent report by the Spanish Platform for Extensive Livestock and Pastoralism for the State Paying Agency FEAGA¹⁴ examines the situation of many wood pastures in different regions and highlights the following specific problems with the implementation of CAP eligibility rules in Spain:

- The Spanish authorities are reclassifying many LPIS parcels originally classed as pastures with trees/shrubs (LPIS codes PA and PR) as Forest (FO), thus removing those parcels from CAP Pillar 1 eligibility. The authorities' own guidance states explicitly that the

farming use of the parcel should NOT be taken into account in this process; the only criterion is the land cover as interpreted from aerial photography. DG AGRI auditors are reported to encourage this process. In many cases active grazing is the main use, and the vegetation is predominantly accessible to grazing, yet the parcel has been reclassified as FO without consulting the farmer.

- The methods of applying the pro-rata Reduction Coefficient used in Spain do not distinguish forage species of trees/shrubs from non-forage species; nor do they take account of the vegetation layer (grass and/or shrubs) below the tree canopy, that is often in active forage use. The actual grazing and grazability of the vegetation are not considered and the system disregards the capacity of goats and other native livestock to browse dense shrubby vegetation. The method used in most regions also penalises pastures on slopes

without agronomic justification. The report to FEAGA reveals many cases of parcels with active grazing comparable to that on a purely herbaceous pasture, yet where the pro-rata system has reduced the eligible area against all agronomic and environmental logic, in some cases to zero.

The eligibility system is being used to penalise land that is perceived as marginal, when in reality these pastures form part of the key productive forage resources of the local extensive livestock systems and most are highly productive in terms of ecosystem services. By penalising such land, the eligibility system is increasing the likelihood of abandonment of wood pastures of high environmental value, including Natura 2000 habitats that require active grazing for their conservation, and to cause a widespread increase in wildfire hazard with accompanying carbon release and soil erosion and danger to life and property.



Verata goats grazing aromatic shrubs and juniper trees in Gredos Natura 2000 site, Extremadura (Spain). G Beaufoy

SWEDEN

¹⁴ *Fondo Español de Garantía Agraria, report available at: <http://www.ganaderiaextensiva.org/InformeElegibilidadPastos.pdf>*

¹⁵ *(Annex 1 habitat 9070)*

¹⁶ *(Annex 1 habitat 6280)*

¹⁷ *In accordance with Art. 10 of Regulation (EU) No 640/2014 and the "LPIS guidance" (DSCG/2014/33).*

Sweden has a tradition of farming on semi-natural pastures and meadows with trees and shrubs. The tree-rich, semi-open grasslands have been a very important part of the agricultural system for centuries, or even millennia. Landscape historians write of the country being one flowering "löväng" or "tree-leaf-meadow," from the very south up to about 2/3rds of the country's length. This farmland with trees and shrubs is of exceptional environmental value and is totally dependent on agricultural activities for its maintenance. Some has been designated for its European importance under Natura 2000 (Fennoscandian wooded pastures, habitat 9070). The forage value of pastures with trees is often not correlated with tree density.

In 2008, Sweden was required to change its eligibility rules following European Commission audits. The pastures most affected by restrictions on CAP eligibility included Natura 2000 wooded pastures¹⁵ (9 000 ha), grazed forests (15 000 ha), and more open alvar grazing¹⁶ (28 000 ha). These were excluded from eligibility due to either an apparent "excess" of tree/shrubs or insufficient forage. These areas were compensated with payments through the Rural Development Programme. As well as these pasture types, Sweden had mountain pastures that were only partly eligible for Pillar 1 payments before the change of rules, and also mosaic and very grass-poor pastures that were not eligible.

The rule changes required by the EC in 2008 had other effects. They

incentivised farmers to carry out considerable clearance of trees and shrubs. In some cases this was needed, as overgrowth was a considerable threat for the extensively managed grassland. However, old trees and veteran trees were cleared to the same extent as other trees, with the result that biodiversity and cultural heritage values, that cannot be recreated within a foreseeable time, were lost. A tendency of decline in the diversity of pastures was observed, which is in conflict with the objectives for the Natura habitats involved.

Because of all these problems, in the negotiations on the new CAP it was a priority for Sweden to achieve regulations that would include pastures with trees, shrubs and other landscape features to a greater extent than the former CAP. Semi-natural pastures constitute 30% of the total agricultural area on livestock holdings in southern parts of the country. If semi-natural pastures are not fully eligible for direct payments, farms with grazing animals will be disadvantaged compared to specialised crop farms. Such a skew would be negative for the ability of CAP to promote delivery of public goods.

The Swedish authorities decided that using a system of pro-rata reductions in eligibility¹⁷ would best serve the semi-natural pastures. To some extent this approach was available in the former set of regulations, but not explored in detail for Swedish purposes. One result is that the former limits of number of trees per hectare are replaced with a system

that focuses on the percentage of the parcel area that can actually be used for grazing and mowing. As long as trees, bushes and other landscape features do not affect forage availability on more than 10 % of the parcel, the pasture is fully eligible for direct payments. If the features affect forage availability on 10-30 % of the parcel the eligible area will be reduced by 20 % and if the effect is on 31-50 % the reduction will be 40 %. If the features affect forage availability on more than 50 % of the parcel then it is not eligible for direct payments, but it may fit specific agri-environment schemes.

Any not grazable feature that is bigger than 0.05 ha is not counted in the eligible area of the parcel. However,

landscape features, natural or man-made, that have a cover of grasses, herbs or maintained heather are included in the eligible area.

This is a clear improvement on the pre-2014 situation, when areas with more than a certain number of trees¹⁸ were non-eligible regardless of the availability of forage in the understorey. The upper limits for shrubs and landscape features were 5% of the parcel and patches of 0.01 hectares, compared to the new 10% and 0.05 hectares. Preliminary results from parcel updates show that considerably less than one percent of the grassland parcels are subjected to a pro-rata reduction. At the same time about 60% of the ineligible patches on parcels with the old system¹⁹ are

¹⁸ *A maximum of 60 trees per hectare was allowed on trivial grassland and 100 trees per hectare on grassland with high conservation values. The latter category had to be approved for the high-level AE-payments for grassland.*

¹⁹ *Approximately 20% of the semi-natural pastures had at least one non-eligible patch in 2013.*



Permanent pastures with trees and shrubs have a long tradition in many parts of Sweden, and often provide a substantial part of the grazing on livestock farms. P Einarsson

now included in the eligible area. That means that there is no longer an incentive for farmers to clear them. Also the authorities can now put requirements on the maintenance of these areas within the pastures based on conservation needs, something that was not possible when they were excluded from the eligible area.

Sweden has notified managed heather as a pasture type that is used under Established Local Practices (ELP). Heather managed by grazing and/or burning is environmentally important and a valuable habitat, created from traditional use as pastures in Sweden. There is no reduction coefficient applied for these ELP pastures.

So the changes to Pillar 1 eligibility are sufficient for the bulk of Swedish pastures, including wooded pastures (habitat 9070) and other relatively shrub and tree-rich pastures (e.g. habitat 6270). However, some of the pasture types excluded in 2008 after the EC audits have still not been able to re-enter Pillar 1, and Sweden found it was not possible to notify them as pastures of Established Local Practices. These pastures consist

of mosaic pastures, alvar pastures, forest grazing and other very grass-poor pastures, covering approximately 45,000 ha in total.

In the case of alvar and mosaic pastures, the problem was the high presence of bare ground and rocks. If these non-eligible elements cover more than 50% of a parcel the Commission recommends that the parcel should not be eligible. Forest grazing is different from the wooded pastures that are used only for farming: in Swedish grazed forests wood production is also a significant economic activity. Also, parts of the forest grazings are very dense with no understorey. It was considered too complex to delimit what is eligible and what is not, even with the new regulations, in a way that would not hamper the conservation values.

Farmers therefore will not receive Pillar 1 payments for these pastures, but will be compensated through agri-environment payments if they comply with certain maintenance requirements. The specific pasture types are described below.

Pasture type	Characteristics	Approximate extent within AES (hectares)
Mosaic pastures	Pastures with such a high presence of bedrock, bushes and other features, that less than 50 % of the parcel consists of forage. Commonly found along the coasts.	3 600
Alvar pastures	Alvars have rich, but sparse vegetation on a thin covering of soil. They are characterised by areas of bare limestone or dolostone.	27 000
Forest grazing	Forests with understorey vegetation that is clearly favoured by grazing, showing that it has historically been managed with grazing animals. The forest shall consist mainly of self-seeded trees and have a considerable element of old growth trees.	14 000
Very grass-poor pastures	Pastures with high conservation values coupled to a fairly dense tree and shrub layer or to the existence of permanent water. The maintenance of these conservation values is dependent on mowing or grazing.	1 200

ROMANIA

A typical wood pasture in Romania is a pasture with scattered trees and shrubs. Lowland regions are dominated by oak (e.g. *Quercus robur*, *Q. petraea*, *Q. cerris*, *Q. pubescens*), pear (*Pyrus sp.*), hornbeam (*Carpinus betulus*), willow (*Salix sp.*) or other species depending on the local environmental and cultural conditions. At higher altitudes, beech (*Fagus sylvatica*), alder (*Alnus sp.*) birch (*Betula pendula*) and coniferous trees tend to dominate.

In the Transylvanian part of Romania the tree density per hectare is typically below 10 (e.g. oak wood pastures), and rarely exceeds 50 (e.g. birch wood pastures). Trees were historically valued on pastures especially due to the shade for livestock, fruits, mast, leaves and timber. While we don't know the overall extent of wood pastures in Romania, they might exceed 200,000 ha in Transylvania alone. The largest wood pastures in lowland Transylvania are dominated by oak (*Q. robur*, *Q. petraea*) and pear (*P. communis*, *P. pyraeaster*) and each pasture is between 1,000-1,500 hectares; this large size is unique for lowland areas of Central and Eastern Europe. Wood pastures with

old, hollowing trees are particularly common in this region of Romania; our estimates suggest over 7,000 hectares with ancient trees. These exceptional wood pastures should be identified and protected.

The extensive native grassland together with the scattered trees and shrubs maintained by farming practices confers wood pastures a High Nature Value character. Traditional extensive grazing with cattle and buffalo also maintains crucial wetlands for the protected yellow bellied toad (*Bombina variegata*), while the old, hollowing trees are important habitats for protected insects (e.g. *Lucanus cervus*, *Cerambyx cerdo*). Wood pastures have distinct and richer passerine bird communities compared to managed forests and open pastures from the same region. In the farming landscapes of lowland-hilly areas the largest trees are typically in wood pastures, not in forests, so that the dead-wood-dependent organisms from whole regions are concentrated on wood pastures with ancient trees.

The new CAP has the potential to contribute to the sustainability of Romanian wood pastures, but

this has to work alongside existing national laws and institutions. Table 1 presents the potential beneficial aspects of the CAP regulations related to direct payments, which also includes the Good Agricultural and Environmental Condition (GAEC) and Statutory Management Requirements (SMR) standards as adopted in Romania. Table 1 also suggests ways to improve CAP policies in order to more effectively address the socio-economic and ecological sustainability of wood pastures.

A positive aspect of the Romanian regulations is that SMR 3 targets the conservation of natural habitats and the wildlife species both in protected areas (SMR 3.1) and outside them (SMR 3.2). This SMR also recognizes the habitat value of the trees on pastures (SMR 3.2.b, and see GAEC 7, below), their removal being forbidden. GAEC 7 explicitly protects trees on pastures because of their value for the farming landscape and as refuge sites for livestock in hot summers. However, if trees are dead or significantly injured, then they can be removed with a special permit from the forestry authorities (GAEC 7 1).



²⁰ Article 10, point 3 as downloaded from the official web site of the Agency for Payments and Interventions for Agriculture 1 October, 2015

Our experience suggests that such permits are relatively easy to obtain; we know of several old, hollowing trees removed from pastures managed under direct payments. From a biodiversity point of view these trees should not be removed, as the ageing bark and the hollowing, dead elements are natural components of the trees, which disproportionately increase their habitat value for saproxylic organisms and hollow-nesting birds.

There also seem to be inconsistencies in the transposition of the European Regulations into Romanian policy. In particular, the crowns of the trees are considered 'ineligible elements' in Ordinance no. 3/2015 for the approval of the payment schemes²⁰, which is likely to encourage a gradual disappearance of trees as they die off and are removed by farmers; Yet the trees are also protected under GAEC7 in Romania, which should make them automatically part of the eligible area, with no deductions.

Compact patches of shrubs exceeding 0.01 ha (100m²) are excluded from the area eligible for direct payments. Our field experience from many wood pastures of Transylvania shows that shrubs are often completely removed because farmers are afraid that they will be penalized if they allow any to remain. As shrubs are crucial wildlife elements (e.g. for protected birds), the maintenance of shrubs should be explicitly promoted. We also suggest the introduction of the name 'wood pasture' in the CAP, including in the rural development measures, as these are important components of the cultural identity of rural regions (Table 1).

Currently the Romanian regulations apply the eligibility limit of 100 trees

per hectare, which is not a problem as wood pastures in this country typically have fewer trees than this. However, from 2018 the system will change to the pro-rata reduction in eligibility in proportion to the coverage of ineligible features on pastures. It is essential that trees and scattered shrubs are counted as eligible features under this new system; otherwise farmers will have an incentive to gradually remove them before 2018.

We suggest five points for effectively addressing the economic, socio-cultural and ecological sustainability of Romanian wood pastures, to be promoted by the CAP and the national level institutional structures (see also Table 1):

- No deductions of tree canopy or scattered shrubs from the CAP eligible area of actively grazed pastures
- Make an inventory with a characterisation of the wood pastures of Romania, and create a scientific database for informing policy makers
- Develop a regional and national evaluation system for wood pastures. Identify criteria for priority wood pastures (e.g. the ancient wood pastures could be such priorities)
- Based on the inventory and evaluation, develop agri-environment measures to incentivise the maintenance of priority wood pastures
- Conduct awareness raising campaigns for the authorities, from local to national level, and for farmers and other wood pasture users.

Table 1. The importance of CAP policies for wood-pastures and suggestions for further improvements in Romania

Wood-pasture component	CAP aspects beneficial for Romanian wood-pastures	Suggestions for further improvements
Grassland component	<ul style="list-style-type: none"> • Minimal maintenance by grazing (i.e. 0.3 LU) and/or mowing • Burning prohibited • Maintenance of permanent pastures 	<ul style="list-style-type: none"> • Establish an upper level of grazing pressure to avoid overgrazing • Adjust livestock type with grassland type (e.g. xerophytic, mesophytic) • Distinguish ancient pastures from the new (e.g. 5 year old) ones
Shrub component	<ul style="list-style-type: none"> • Shrubs can be maintained in pastures (up to 100m² compact cover) • The biodiversity value of shrubs is indirectly recognized in Natura 2000 areas 	<ul style="list-style-type: none"> • Explicitly promote the maintenance of some shrubs scattered in wood-pastures for their biodiversity value • Recognize the value of thorny shrubs for protecting seedlings and facilitating tree regeneration
Tree density	<ul style="list-style-type: none"> • Maintenance of up to 100 trees per hectare in pastures 	<ul style="list-style-type: none"> • Better harmonize the tree-density related policies with the national level policies (e.g. forestry) regulations • Harmonize the policy documents regarding the eligibility / ineligibility of trees in pastures
Trees as habitats	<ul style="list-style-type: none"> • Trees are recognized as valuable habitats for wildlife • Trees are recognized as valuable refuges for livestock in hot summer • Trees are recognized as characteristic components of farming landscape 	<ul style="list-style-type: none"> • Explicitly recognize the importance of large, old, hollowing (often dying) trees as keystone habitat structures and promote their maintenance under GAEC7 • Do not deduct the tree crown from the eligible area for CAP support • Better integrate the above regulations with the forestry regulations at National level
Trees as nutrient resources	-	<ul style="list-style-type: none"> • Recognize the nutrient value of trees, such as oak (acorn), beech (mast), pear and other trees.
Trees as important genetic resources	-	<ul style="list-style-type: none"> • Recognize the value of traditional tree varieties • Recognize the value of old trees
Tree regeneration	<ul style="list-style-type: none"> • Tree regeneration on pastures is not explicitly prohibited 	<ul style="list-style-type: none"> • Explicitly promote tree regeneration while maintaining the traditional physiognomy of wood-pastures
Wetlands	-	<ul style="list-style-type: none"> • Recognize the value of small wetlands for protected wildlife • Recognize the important link between wetland maintenance and grazing
Wood-pastures as social-ecological systems	-	<ul style="list-style-type: none"> • Recognize the wood-pastures as multifunctional farming landscapes with high economic, socio-cultural and ecological values e.g. by introducing them in the basic definitions (e.g. in Article 4, Regulation 1307/2013, EC, and national level policies for direct payments) explicitly mentioning them within the measures of rural development (Pillar 2).

FRANCE

²¹ Centre d'Études et de Réalisations Pastorales Alpes Méditerranée - www.cerpam.fr

²² Protected Denomination of Origin

Wood pastures are not a separate category French landuse statistics, so the area they cover is not known. A proxy for their maximum extent can be taken as the area of "low-productivity permanent grassland/pastures" in the agricultural census, as much of this land has a presence of trees and/or shrubs. In 2010, such pastures covered 1.4 million hectares in the whole French territory, which is 5% of the total farmland and 18% of all permanent grassland/pastures. CERPAM²¹ estimates that in the Mediterranean area, wood pastures represent roughly 40-45% of all pastures, covering several hundred thousand hectares.

In Languedoc-Roussillon, a more detailed study shows that wood pastures largely overlap with Natura 2000 areas and more generally with high nature value areas as identified in the French Inventory of Fauna and Flora. In Provence-Alpes-Côte d'Azur, there is a similar coincidence between low-productivity permanent grassland and Natura 2000 areas.

The role of wood pastures in the economy of many farms in less favoured areas in France is backed up by research in the Mediterranean and mountain regions and in marshy areas, carried out since at least the 1980s. Collaboration between the administration, technical bodies, local experts and researchers has generated a good understanding of grazing in wood pastures in the last 40 years.

The management of wood pastures varies with the agro-geographical context. In arid areas, sheep and goats

are predominant, grazing on these irreplaceable fodder resources during the dry season and/or in autumn (e.g. for chestnuts/acorns). Bovines may also be found in wood pastures, but mostly in humid or semi-humid regions, in systems such as the "prés-bois" (literally "wood-meadows") typical of the Comté cheese PDO²² zone. In all cases, herding, fencing and watering are key pastoral practices for getting the best out of wood pastures. Research by INRA has shown that animals are "educated" in order to make the best use of such pastures, in the sense that they learn what to graze, and when.

Understanding the implementation of the CAP in the previous period (2007-2013) is key to explaining the current situation. Direct payments for wood pastures relied on the option for sub-regional (Département) State administration to determine "local practices" for permanent pastures, both in terms of eligibility and good agricultural and environmental conditions (GAEC). While the "woody rangeland" class (parcours ligneux) was only explicitly identified in Corsica in the old CAP declaration form, in practice the "heathland and rangeland" category (landes et parcours) available anywhere else in France could encompass wood pastures, as long as there was evidence of grazing of the area in question. Administrations produced photo reference manuals to support the process of declaration and control.

For the new CAP, the guiding principle in France has been not to "lose" areas which are actually grazed from the area which was eligible in the previous

period. The current CAP implementation thus adapts the previous scheme, recognising the following LPIS categories under the heading "permanent meadows and pastures" (the underlined items are those corresponding to wood pastures):

- Long term grassland (6 years or more)
- Permanent grassland - predominantly grass (ligneous forage absent or scarce)
- Pasture land - predominantly ligneous forage
- Pasture land - predominantly grass but ligneous forage present
- Grazed woodland
- Chestnut groves managed by pigs or small ruminants
- Oak groves managed by pigs or small ruminants
- Reed bed

The French government has chosen the system of pro rata reductions to determine the eligible area of pastures with trees and/or shrubs, rather than imposing a limit of 100 trees per hectare. The government planned to provide farmers with an initial estimate of the pro rata eligibility of their land based on orthophotos, but also to give farmers the option to estimate their pastures' eligibility themselves based on the percentage of ineligible features on the ground and the type of forage resources present.

Farmers were advised to make their own estimates in the case of pastures with trees and/or grazed shrubs, as the government's orthophoto system cannot distinguish different tree/shrub species, nor can it detect the understorey and whether it is accessible for grazing. The official guidance shows the following example of a grazed woodland that would have zero eligibility based on orthophotos but that if assessed from the ground by the farmer could be justified as 100% eligible.



It should be noted that the French administration has made significant efforts to give support to farmers and associated bodies (Chambres d'Agriculture, farm advisers). This takes the form of comprehensive guidance notes about the eligibility of permanent pastures and concrete examples of different types of pastures — including wood pastures — in diverse agro-climatic contexts. An extract of this guidance is presented in the table below, including representative pictures of pastures and estimates of their eligibility for direct payments.

Woodland with herbaceous understorey Woodland with woody understorey

Humid Mountains
(30-50% ineligible elements
= 60% pro rata eligible area)



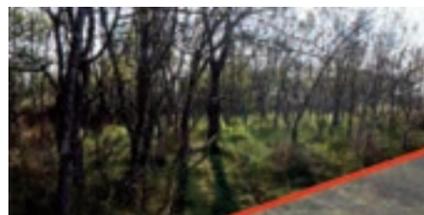
Dry Mountains
(30-50% ineligible elements
= 60% pro rata eligible area)



Lowlands
(30-50% ineligible elements
= 60% pro rata eligible area)



Coastal and humid areas
(10-30% ineligible elements
= 80% pro rata eligible area)



Traditional chestnuts/oak groves under Established Local Practices (10-30% ineligible elements = 80% pro rata eligible area)



This detailed and complex approach to permanent pasture eligibility has to be seen in the light of the recent budgetary "adjustment", in which the EC called on France to pay back nearly a billion euro due to a 'lack of clarity' in the former LPIS system, notably in relation to the flexible approach which allowed local administrations to define local practices.

This search for more rigorous definitions and guidance has led to a complicated system when implemented at the farm level, despite all the supporting documents. Not only can the precise nature of the pasture be difficult to establish in local conditions, but also the delineation of eligible or ineligible landscape features is still very rigidly defined, although it is positive that large features such as hedges and groups of trees are now eligible due to inclusion in GAEC (hedges up to 10m width, groups of trees up to 0.5ha in area). Farmers dealing with complex pastures are understandably anxious about inspections and possible penalties, which start with 3% deviations

between the estimations of the farmer and the inspector, so many have opted to "play safe" and declare relatively a low pro rata eligible area.

In practice it seems that the first year of application of the new system (2015) has been somewhat experimental and it is expected that some adjustments will come once the experience has been assessed. In terms of the direct payments which this effort will eventually yield, the pro rata reductions to eligible hectares will reduce the area of land on which payments will be calculated for wood pastures. However, the convergence applied in France during 2015-19 to the rate of basic payments will result in considerably higher rates of payment per hectare for wood pastures, due to the redistribution from areas such as the arable farming regions of Northern France towards less productive land.

Overall, it seems that France has devised a system that saves wood pastures from exclusion from direct payments, and thanks to the

convergence mechanism they will see an increase in support under the new CAP. However, the system is very complex to implement and also very rigid, with the risk of limiting the flexible and adaptive practices that ensure the resilience of such farming systems (e.g., occasional or shared use of certain pastures).

Recommendations:

- The photographic guidance prepared by pastoralist services is an excellent tool for on-the-ground estimation, but needs to be further extended and improved to be fully consistent and meet the highest standards required by the EC.
- The implementation of a degressive system of direct payments would be a more efficient and less bureaucratic approach to limiting CAP payments on large expanses of low-productivity pastures, rather than a highly complex system that discriminates against woody vegetation but does not address the issue on low-productivity grass pastures.

ENGLAND

Wood pasture is located throughout England, on land where there are old trees in a matrix of scrub and grassland or heath, and in former formal parkland. Sites in good condition are grazed by livestock, ideally cattle. Most sites today are small and fragmented remnants of a once much more widespread land use. More work is required to provide a precise figure for the area of wood pasture in England; current estimates vary from 10,000 ha to 200,000 ha.

In England, wood pasture sites are descended from medieval deer parks, royal hunting forests and wooded commons, which gives rise to a diversity of wood pasture types in the landscape today. Few large areas remain, with the exception of iconic sites such as the New Forest, where beech trees predominate, and Windsor Great Park and Forest where the main tree is oak, which is the case in the majority of wood pastures in England. Some graziers still use forage from the trees to provide supplementary food for their livestock, but this practice is

not widespread in the UK. Trees are valued for the shade they provide and for their contribution to improving water quality.

The Natura 2000 Annex 1 habitats do not recognise UK wood pastures in their own right, but many English wood pasture sites have been included in Natura 2000 as old growth examples of Annex 1 forest habitat types. There is concern in some quarters that this will lead to inappropriate woodland management requirements, which would result in a loss of the unique biodiversity features of wood pastures over the long term.

The English approach to CAP eligibility for pastures covered by scattered trees is different from other parts of the UK. England is treating areas under 'permanent grassland with scattered trees' as fully eligible for Basic Payment Scheme payments, since the trees themselves will be covered by England's domestic implementation of cross compliance (GAEC7)²³. This means in practice that

²³ Under Article 9(2) of Delegated Regulation (EU) No 640/2014

²⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406452/BPS_Handbook_-_final_v1.0.pdf

²⁵ Hart K and Radley G (forthcoming [in 2015]), *Scoping the environmental implications of aspects of Pillar 1 reform 2014-2020, a report for the Land Use Policy Group*



there should not be a significant change from the previous application of the derogation under the Single Payment Scheme rules which allowed 'grazable woodland' to be eligible for payment.

While individual trees may exceptionally be protected by domestic laws, and the wording of GAEC7c sets out a number of them, it is interesting that the additional protection offered by GAEC is limited to a ban on cutting or trimming a tree on the farm between 1 March and 31 August (inclusive), except in certain limited circumstances or with prior written permission from the authorities.

Since all scattered trees will be regarded as part of the eligible area, the 100 trees per hectare maximum density will not apply in England. It will also not be necessary for claimants to make any pro-rata deduction (representing either the tree canopy or base of the tree) from the eligible area. This is an extremely important result of the English implementation – not deducting the basal area of the trees does not have a major influence on a parcel's eligible area, but it frees farmers and administrators from huge amounts of unhelpful bureaucracy. Consequently, the wording on page 27 of the Rural Payments Agency BPS Handbook²⁴ is as follows:

“Land with trees on is eligible if the trees:

- *are scattered within an agricultural land parcel*
- *allow agricultural activity to be carried out in the same way as in parcels without trees in them*

But not eligible if they prevent the growth of vegetative under-storey (plants growing beneath the canopy of the trees) that is suitable for grazing.

Farmers don't need to reduce the area of land they claim for if they have eligible trees on it (they don't need to deduct the area taken up by tree trunks or tree cover).”

More generally, work recently commissioned by the Land Use Policy Group has recognised that problems still persist with the eligibility of features in relation to the Basic Payment Scheme, with these being symptomatic of the “fundamental tensions within the CAP”. Hart and Radley (forthcoming) conclude that, “If these issues continue it may be that we find ourselves in a situation in which Pillar 2 agri-environment-climate payments need to have an option to 'buy-out' the basic payment under Pillar 1 to encourage farmers to enter into agreements to manage their land environmentally, rather than destroy its environmental value in order to receive direct payments. The need to compensate under one part of the CAP a payment that is made under another part of the CAP would seem very inefficient and particularly perverse and is reminiscent of previous decades when CAP subsidies were still production focussed.”²⁵

The issue which causes managers of wood pasture the most problems is the lack of recognition of wood pasture as a habitat in its own right in the Natura 2000 series of habitats. Many wood pastures are categorised as woodland, which in some

instances results in inappropriate management aims such as not permitting grazing, and tree planting at too high a density. Veteran trees that grew up in open landscapes managed as wood pastures are now surrounded by woodland, through lack of grazing or deliberate planting and these areas are now largely managed by foresters.

In England, the Countryside Stewardship (or new agri-environment) scheme offers options for land managers to manage and maintain wood pasture and parkland, and to create wood pasture, as well as offering some specific options for managing veteran trees to encourage their retention. The aim is to retain the biodiversity interest of the continuity of veteran trees and the wood decay they contain.

Recommendations:

- Avoid homogenisation of pasture eligibility rules across Europe. Standard permitted numbers of trees and scrub is useful as guidance, but tree cover on pastures across Europe is not uniform, and the scheme should avoid creating a situation where the 'standard' becomes a requirement.
- Explicit recognition of Europe's main types of wood pasture in Natura 2000 Annex 1 (currently only two types, in Boreal and Mediterranean regions, are listed)
- Raise awareness of the value of wood pastures (and trees) in farming systems in the UK among land managers and policy makers.

CONCLUSIONS

The country examples illustrate that CAP implementation varies enormously across Member States. However, there is also a common thread in the form of DG AGRI auditors who in recent years have driven a process of restrictive interpretation of EU rules on wood pasture eligibility. Member States have responded in different ways to this drive.

Spain has by far the largest extent of wood pastures of any Member State. Like the EU regulations, the Spanish law implementing CAP direct payments provides all the necessary formulas for wood pastures to be eligible. But in practice the State and regional administrations, with DG AGRI encouragement, are engaged in a process of reclassifying wood pastures as forest on LPIS (thus losing all CAP eligibility), and applying severe pro-rata reductions in eligibility to some types of wood pasture. Thousands of farmers are negatively affected by this process.

Sweden has taken advantage of the new CAP rules to improve its national system of determining eligibility on pastures with trees and shrubs. The old, and problematic, limits on tree numbers have been replaced with a system of pro-rata reductions; patches of shrubs that previously were excluded are now counted as eligible, while heather pastures are fully eligible under the formula of Established Local Practices. Nevertheless, some 45,000 ha of wood pastures and other low-productivity semi-natural pastures in active farming use continue to be excluded from Pillar 1 support. Instead they receive AEC payments under Pillar 2.

Romania has chosen to implement the maximum limit of 100 trees/hectare for pastures to be eligible for the CAP. This limit is not a problem as in this country wood pastures generally have fewer trees per hectare. However, the tree canopies are deducted from the eligible area of the pasture, thus effectively “penalising” farmland with trees and giving farmers an incentive to remove trees once they have died of natural causes, and not to replace them. Fortunately, living trees are protected from removal.

France has taken what appears to be a well-adapted approach. Farmers have the option to calculate the eligibility of the land they farm, on the basis of practical guidance publications. The formula of Established Local Practices is

applied to two types of wood pasture. All this has been put in place at considerable cost to the public administration, and some farmers' groups are critical of the resulting bureaucracy and fear of penalties on legitimate farmland. At the end of the day it is difficult to see what the European Commission has achieved by requiring this complex new system, other than an increase in bureaucracy.

England has relatively small areas of wood pasture and previously has allowed CAP eligibility on these pastures in a quite pragmatic way, applying the principle established in the EU rules that farming “can be carried out in a similar way as on parcels without trees in the same area”. To prevent perverse effects from the EU limit on tree numbers and from pro-rata reductions in eligibility, England counts all farmland trees as automatically eligible, as they are covered by the national application of GAEC protection. There is no limit on the number of trees and no reduction in eligibility so long as there is a clear farming use.

Overall it seems that Member States and regional authorities have struggled to find ways of keeping wood pastures eligible for CAP direct payments within the complex and tortuous system of EU rules, guidance and auditors' interpretations. Some partial solutions have been found (more in some countries than in others), but wood pastures in all of the Member States reviewed here face difficulties with CAP eligibility and associated controls, compared with other types of farmland.

The Commission's initiative for CAP simplification offers important opportunities for improving the eligibility rules for permanent pastures with trees and shrubs. There is great scope for simplifying the CAP definition of permanent pastures and for removing unnecessary and bureaucratic criteria about permitted numbers of trees, creating a far more cost-efficient administrative system. The focus should shift away from the type of vegetation to the actual use of the land. The rules, and the interpretation applied by DG AGRI auditors, should be adapted to take account of the realities faced by extensive livestock farmers. So long as they are making effective use of available forage, whether this forage is grass, shrubs or trees should not be a concern for auditors.



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