

EU Common Agricultural Policy (CAP) measures and peatlands – part of the solution or part of the problem?

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Project RoVer - Roadmap for the rewetting of organic soils in Germany

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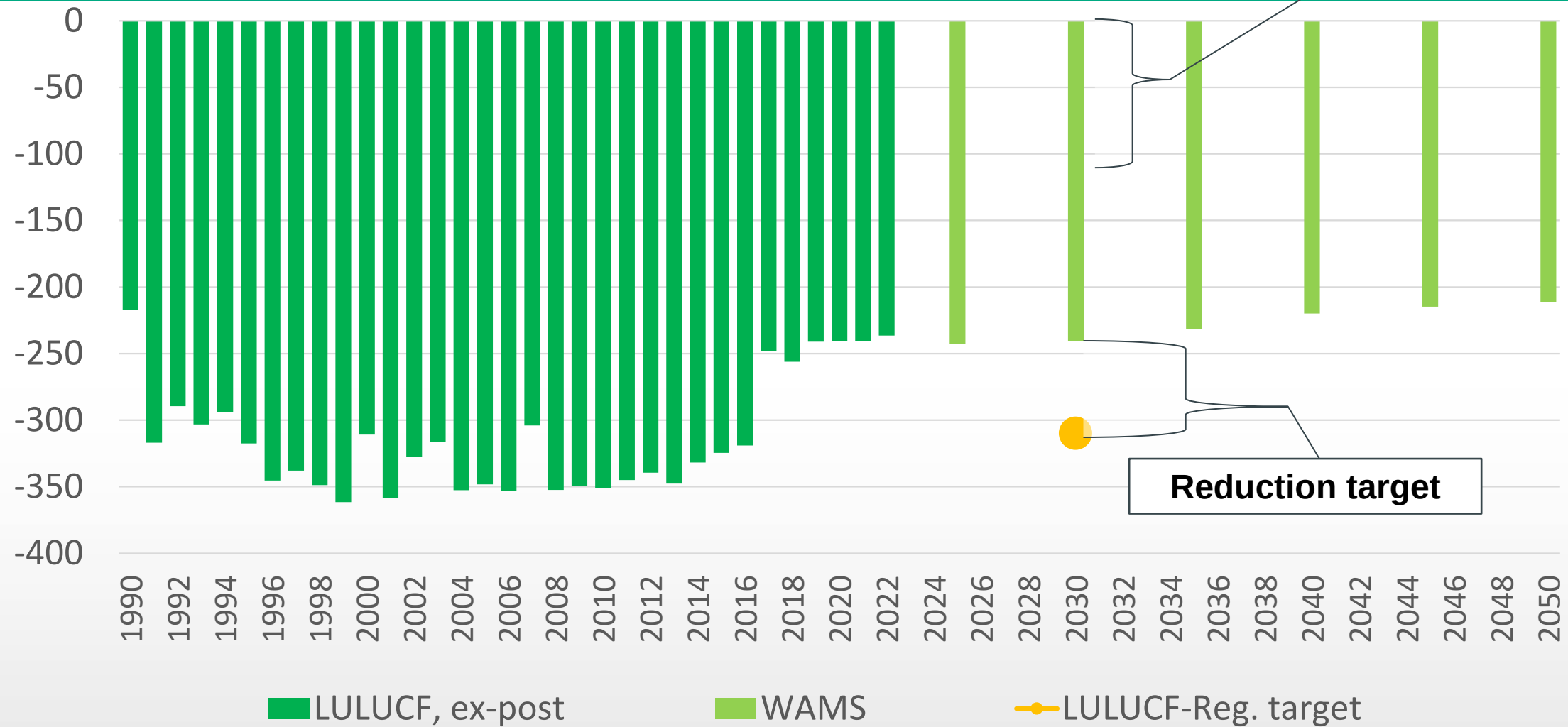
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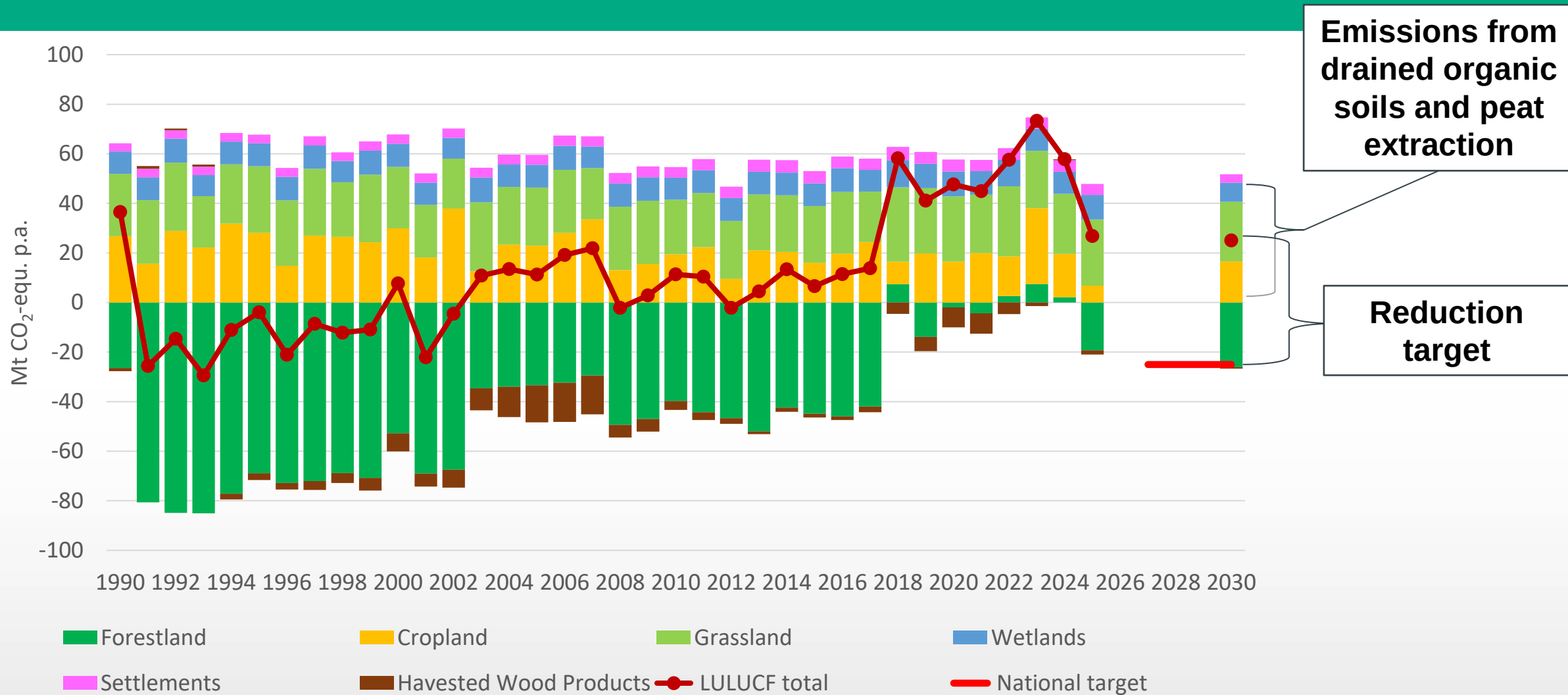
Background: EU climate targets for LULUCF

- The EU LULUCF Regulation (EU) 2023/839 amending Regulation (EU) 2018/84 sets an EU-wide target of -310 Mt CO₂-eq by 2030 (= carbon removals)
- Nature-based carbon removals in the LULUCF sector shall serve to compensate remaining GHG emissions in other sectors, e.g. agriculture
- According to projections of the EU member states (EU biennial technical report, 2024), there is a gap of 70 to 86 Mt CO₂-eq expected
- Currently, it remains unclear how the EU intends to reach the -310 Mt CO₂-eq target
- Impact of climate change on the forest sink are in the focus of the EU climate debate
- Peatland emissions are „hidden“ in the net statistics, but relevant (> 100 Mt CO₂-eq)
- Peatland emissions from agricultural dominate – here comes the CAP into play

Net sink development of the EU LULUCF sector



Net sink/source development of the German LULUCF sector



CAP measures and rules relevant for rewetting and paludiculture

Key challenges:

- Rewetting of peatlands limits „dry“ agricultural land use
- Paludiculture is not a traditional agricultural land use (except wet grasslands/pastures)

Supportive elements of the CAP

- Pillar 2 rural development measures
- Conditionalities, esp. „GAEC 2 Protection of wetland and peatland“ (carbon-rich soils)

Hindering elements of the CAP

- High and dominant CAP P1 and P2 support for „dry“ agricultural land use
- Restrictive eligibility rules for direct payments on rewetted peatlands
- Restrictive definition of grassland and forage plants, no legal definition of paludiculture
- Maintenance of permanent grassland (GAEC 1, and GAEC 2 and GAEC 9 Natura 2000)
- Minimum use or maintenance of areas

Supportive elements of the CAP

Pillar 2 rural development measures

- „Tool-box“ of several measures needed for rewetting peatland, such as land consolidation, non-productive investments, agri- and forest-environmental and climate measures
- **DE:** Support of paludi crops on up to 5.090 ha until 2027 (2 German Laender)
- **DE:** AECM peatland-saving water management, on up to 25.900 ha (5 Laender)
- **DE:** total peatland area under agric. use > 1.000.000 ha

GAEC 2 Protection of wetland and peatland

- Options to restrict drainage and ploughing of peat soils
- **DE:** maintenance of permanent grassland, no deep tilling or ploughing of peat soils, renewal of drainage only with permission

Hindering elements of the CAP: eligibility rules

Agricultural activity (Art. 4, 2a GAP-SP-Reg.)

- Includes paludicultures (but there is no legal definition)

Agricultural area (Art. 4, 3 GAP-SP-Reg.)

- Definition of arable land, permanent crops, permanent grassland and pasture, based on crops and farm products in Annex I TFEU (Treaty for the EU), as basis of common tariff system (Reg. (EEC) 2658/87)
- Most paludicultures are not part of Annex I TFEU -> labeled as „non-agricultural land“
- grasses and other herbaceous forage shall remain predominant on permanent grassland, member states may define exemptions for other pasture land (e.g. heather)

Eligible area (Art. 4, 4c ii GAP-SP-VO)

- Exemption for non-annex paludicultures on areas formerly eligible and with CAP P2 or national payments with the objective of climate mitigation, biodiversity, etc.

Hindering elements of the CAP: maintenance of permanent grassland

GAEC 1 - Maintenance of permanent grassland (Art. 13 GAP-SP-Reg. and annex III)

- Conversion into arable land / permanent crops only with permission and eventually with obligation to provide a compensation area with new permanent grassland
- Establishment of paludi crops may be accounted for as conversion of permanent grassland
- No permission if loss of permanent grasslands goes beyond a threshold of max. 5 %

GAEC 2 - Protection of wetland and peatland (Art. 13 GAP-SP-Reg. and annex III)

- Member states can restrict conversion of permanent grassland into arable land or permanent crops
- Exemptions possible due to environmental, nature or climate objectives

GAEC 9 - Ban on converting or ploughing permanent grassland designated as environmentally-sensitive permanent grasslands in Natura 2000 sites (Art. 13 GAP-SP-Reg. and annex III)

DE: Since 12/2024 GAEC 2 allows the establishment of paludi crops on permanent grassland, for GAEC 9 remains a restrictive interpretation of „converting permanent grassland“

Eligibility in CAP P1

before 2023



reed canary
grass



sedges



rushes



Peatmoss



Reed, cattail



Wet grassland with
bushes, reed

since 2023: forage plants predominant, i.e. other plants on <50% of area



<50%

<50%



<50%

since 2023: Area with CAP P2 or national area support (e.g. AECM)



Potential problems: labeled as „non-agricultural land“
and conflicts with maintenance of permanent grassland

Discussion

State of the CAP – more hindering peatland rewetting than supporting it

- Most paludicultures and dominating non-pasture vegetation are eligible for P1 direct payments only if there is an area-related P2 or national payment
- Rewetted peatlands can lose their state as permanent grassland -> conflict with GAECs
- Labeling rewetted peatlands as non-agric. land is critical because legal privileges are lost
- GAEC 2 is rather conserving the state than providing improvements

Future of the CAP – ready for the net-zero climate target?

- Define paludicultures as agricultural activity **and** as agricultural crops, with an exemption from Annex I TFEU, like the exemption for cotton or short rotation coppice
- Allow for succession of vegetation on eligible farm land and rewetting, with the objective of climate mitigation and compliance with EU LULUCF regulation
- Reshape rules for maintenance of permanent grassland and GAEC 2

State of the reform of the CAP post-2027

COM Proposal (7/2025)

- CAP as part of a new single, cross-sectoral EU fund
- obligatory farm income support
- higher national co-financing rates for former P2 measures
- No mentioning of paludiculture or rewetting
- Annex 1 Part C: Rules on protective practices:
(a) Protection of carbon-rich soils, ...

Amendments proposed by European Parliament (6-7/2026)

- Text on paludiculture as agric. activity and agric. product
- No definition of paludiculture
- No solution of conflicts with maintenance of permanent grassland



Thank you for your attention!

... and thanks to my Thünen-colleagues of the RoVer Project

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