

DVL recommendations

Collective approaches – added value for nature and climate pro- tection in the agricultural landscape



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Many current issues in climate or biodiversity protection are related to our domestic land use. In this respect, the future direction of the Common Agricultural Policy is being discussed intensively. A central question is how farmers as agricultural entrepreneurs can be strongly attracted to corporate public welfare objectives such as species, biodiversity and climate protection, peatland and water protection or biotope networking. This requires new ideas and new concepts: thinking on the part of individual farms must be linked synergistically with collective action!

In these recommendations, Landcare Germany (DVL) wants to provide an initial guideline on how cooperation in the 1st and 2nd pillars of the Common Agricultural Policy should be approached for the benefit of all, and which tools and mechanisms must be used to achieve this. DVL bases these recommendations on the experience and expertise of its 181 Landcare associations. The Landcare associations are present in all German regions and work together with farmers for the protection of nature and climate.

1. Starting point and framework

1.1 Collective approaches in Germany

There are already various successful approaches and experiences in Germany for a cooperative implementation of agricultural nature conservation and landscape management.

Since the 1980s, organisations have emerged independently in many federal states (e.g. called Landschaftspflegeverband, Biologische Station, Landschaftserhaltungsverband). Together with farmers interested in and committed to nature conservation, they organise corporate agricultural nature conservation in the cultural landscape. Many of the participating farmers have built up an additional source of income through landscape conservation.

Landcare associations develop (corporate) landscape management concepts in participatory processes with all relevant actors¹ and organise the regional consensus. They contribute their expertise, guarantee a high conservatory standard, coordinate the concepts with public authorities, advise farmers on agricultural nature conservation measures on a defined landscape scale area, support farmers with the application process and provide technical support for the implementation. Landcare associations are thus a key success factor for high-quality nature conservation in the agricultural landscape.² Such proven structures have not yet developed nationwide, but the Landcare associations united in DVL alone are active on about two thirds of the area of Germany.

Such existing professional structures, which already organise cooperation described below as “collective community”, offer the starting point and opportunity to tackle the acute need for action and move forward new ideas and the collective support for nature and among farmers. They can use local networks and nature conservation know-how in a goal-oriented way and further expand them through personal contacts.

1 The landscape management concepts are developed in close cooperation with the participating farmers and other users of the area. These could be, e.g.:

- Recognised nature conservation and environmental associations that already perform tasks in the area
- Regional authorities and other public agencies
- Water and Ground Associations,
- Hunting societies, etc.

2 METZNER (2013): Landschaftspflegeverbände – Markenzeichen des kooperativen Naturschutzes in Deutschland: Strukturen, Arbeitsweise, Potenzial. In: Naturschutz und Landschaftsplanung. 45 (10/11), S. 299–305, <https://www.nul-online.de/Magazin/Archiv/Landschaftspflegeverbaende-Markenzeichen-des-kooperativen-Naturschutzes-in-Deutschland,QUIEPTQwMjQzNjcmTUIEPTgyMDIw.html>, retrieved 23.08.2021

1.2 Placement of the collective community in the future agricultural and environmental policy

The future Common Agricultural Policy (CAP) requires member states to contribute more strongly to achieving specific environmental and climate-related targets than in the current funding period.³ Therefore, new ways are needed to produce public goods such as biodiversity, climate and water protection in the cultural landscape on a voluntary basis. Farmers are the central partners, who's voluntary public services should be remunerated according to their extent and in a way that generates income.

In the future agricultural and environmental policy, two practice-oriented levels must be considered for this purpose:

- (1) the farm level, where the production of “public goods” creates a particular company branch, and
- (2) the collective level, where public welfare objectives are implemented on a landscape scale, performing higher than the sum of the individual farm activities.

The national implementation of the upcoming CAP 2023–2027 should already provide options for both levels – farm and collective – that lead to practical, effective results and find acceptance among farmers. Farmers can thus develop business models in the sense of a “modern mixed farm”, that increasingly diversifies its production of (public) goods in the direction of biodiversity, climate and water protection.

2. Collective community

2.1 Definition

The **collective community** is a voluntary association of farmers and further land users with its own legal status, operating in a landscape area with coordinated protection targets for nature and climate. Within the scope of its general administrative tasks, the “collective community” takes over the development of nature conservation and other (preliminary) planning, the coordination, the farm advice and the implementation as well as, in certain cases, the group applications.

The only members of the collective community (in the following referred to as “land users”) are farmers in the landscape area and, depending on regional requirements, also other land users, i.e. those who manage agricultural ecosystems or land owners⁴. Experience has shown that the composition of the collective community should be regionally adapted to the conditions and requirements of the land use, also with regard to the regionally set targets.

3 https://ec.europa.eu/info/sites/default/files/food-farming-fisheries/key_policies/documents/factsheet-cap-reform-to-fit-european-green-deal_en.pdf, retrieved 30.06.2021.

4 If the community pursues climate protection targets in peatlands that require raising water levels, the consent of the owners is obliged.

All land users relevant to the nature and climate protection targets should become members of the collective community. Only members can make use of the services of the collective community and participate in collective funding. The approval and control authorities are not members of the community.

2.2 Targets and measures for the collective implementation

A well-coordinated, collective implementation of respective measures is a key success factor for achieving environmental, nature conservation and climate targets. A wide range of targets and measures can be approached, all of which are incorporated into a **landscape management concept**, planned and implemented collectively. The following non-exhaustive list gives some examples:

1. Targets

- Special protection of species and habitats
- Biotope network
- Ground water protection
- Protection of peat soils
- Water retention in the landscape
- Flood protection
- Erosion control.

2. Measures

- Management of protected areas with respective restrictions on use such as Natura 2000 sites, catchment areas of the European Water Framework Directive
- Insect protection measures such as flower or old grass strips
- Meadow bird programmes, hamster protection, special species protection (Montagu's harrier, red kite, etc.)
- Establishment and maintenance of species-rich grasslands
- Establishment and maintenance of buffer strips along watercourses
- Establishment and maintenance of game and wildlife habitats.

To ensure a successful implementation of these targets and measures, the DVL proposes different "modules".

3. Modules for implementation

Based on the experience of the Landcare associations, DVL has identified challenges that need to be approached collectively to target the successful implementation of corporate action plans in Germany. The challenges are presented below as modules.

Module 1: Professional community management,

Module 2: Landscape management concept,

Module 3: Farm advice, knowledge transfer, exchange of experience.

In addition, there are modules that are only required for certain forms of collective implementation.

Module 4: Community bonus: for measures that are applied for by an individual farm/er based on a management concept.

Module 5: Group application: for measures that are applied for by the collective community.

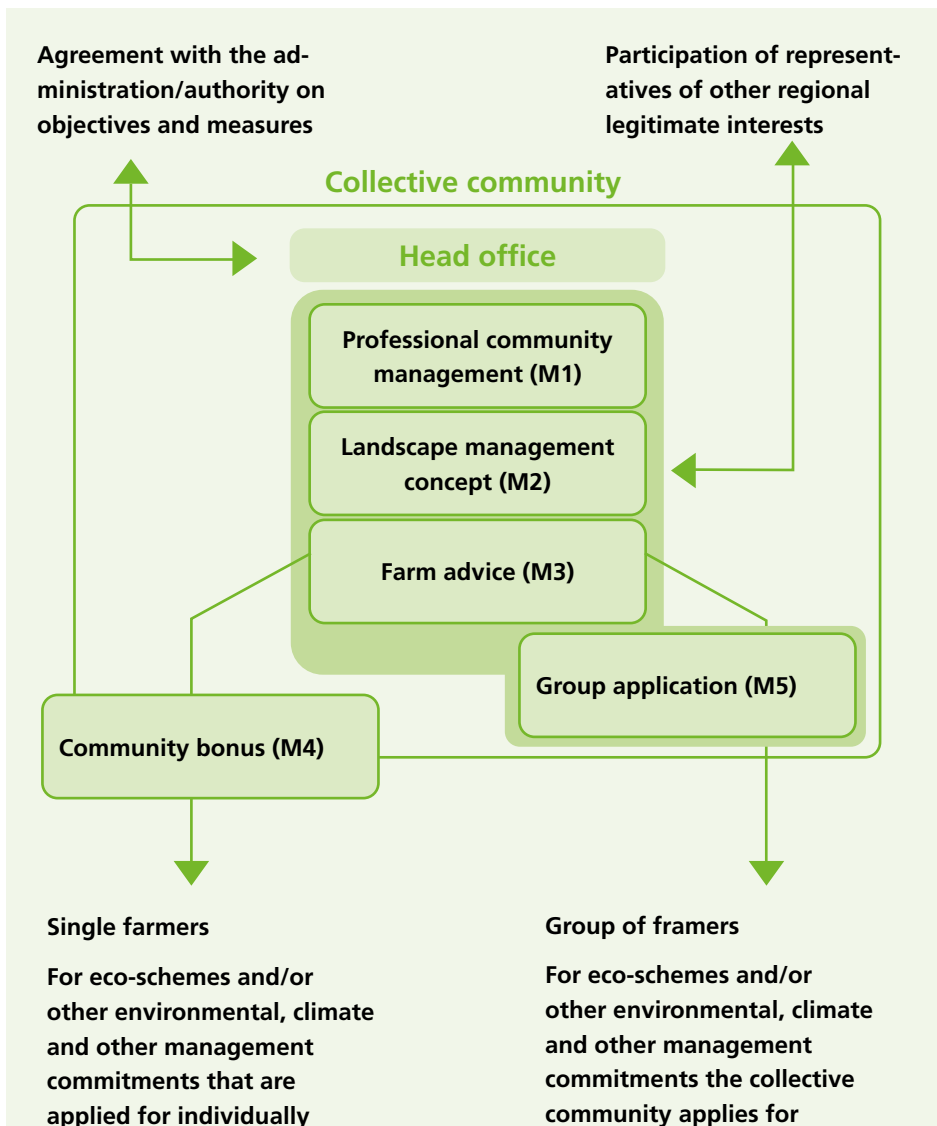


Figure 1: Structure of the collective community of farmers and other land users, as well as its head office with an assignment of the five modules.

3.1 Module 1: Professional community management

Professional community
management (M1)

Experience to date shows that a professionally organised coordination of nature conservation and climate protection measures increases the likelihood of complex and demanding agricultural nature conservation measures being implemented by farmers.⁵

As with other forms of cooperation among farmers (e.g. machinery ring, producer organisation), the head office plays a central role for the ecological and economic success of the organisation. It supports the farmers in the selection and localisation of measures on site and during the application process, or takes on the application as collective community.

A model for the head office, its organisational design and scope of tasks are explained in chapter 4.

3.2 Module 2: Landscape management concept

Landscape management
concept (M2)

The landscape management concept for collective implementation is a crucial requirement for a regionally suited, high-quality nature, species and climate protection. It is also possible to draw on an existing regional concept that is ready for implementation.

The management concept should be participatory, geared to practice and adjusted to regional conditions. It is developed by the collective community of land users and their head office in accordance with representatives of other legitimate interests of the region. The composition of the representatives is adapted to the regional requirements. Among others, representatives of nature conservation and species protection interests, regional development and municipalities can contribute their interests. The collective community and its head office are in charge of the implementation of the management concept.

The quality of nature conservation must be ensured. This can be achieved by the professional guidance of the management concept, by consulting public authorities and specialists for certain requirements, and by considering already existing plans for the target region.

The participatory process in the target region requires preparation and good coordination. A regional organisation with experience in such processes, legitimized by the collective community as its head office, is suitable for this management. A trustful cooperation with public authorities as well as involving local key persons ensure an efficient process design.

5 TIETZ, *et al.* (2016): Ex-post-Bewertung. PROFIL – Programm zur Förderung im ländlichen Raum Niedersachsen und Bremen 2007 bis 2013. Braunschweig: Thünen-Institut (vTI). https://www.ml.niedersachsen.de/download/121441/Ex-Post-Bewertung_Endbericht.pdf, retrieved 23.08.2021.

The management concept can be composed of:

- Geographical delimitation of the area
- Area-based analysis and description of the landscape structure
- Analysis of the (socio-)economic and agricultural structure
- Description of general objectives of landscape planning, environment and nature protection relevant to the region.
- Analysis of landscape-scale nature conservation potentials
- List of structural and nature conservation development targets
- Presentation of the development strategy and the fields of action
- Derivation of concrete measures required to achieve the targets and the allocation of measures to the members' farmland
- Work and time schedule
- Criteria for the evaluation of target achievement
- Accompanying monitoring and evaluation
- Cost and financing plan.

It is crucial that the management concept grows with the challenges in the region and is updated consistently. The collective community emphasises on the coordination, implementation and guidance of its respective measures.

3.3 Module 3: Farm advice, knowledge transfer, exchange of experience

**Implementation advice
(M3)**

Implementation advice is given to the farms based on the management concept. A qualified advisory service is crucial not only for individual farms, but also for group applications. In many cases, group advisory service has also proven to be an effective instrument.

The participants' identification with the collective approach and their own motivation are strengthened by a qualified advisory service, by mutual learning and by a regular exchange of experience. Furthermore, advisory service and farmer exchanges ensure the correct implementation of agricultural nature conservation measures.⁶

Knowledge transfer must not be limited to the local collective community but can be expanded across different regions. The head office can organise the regular exchange with other collective communities and thus establish a land user network.

6 <https://genres.de/weitere-themen/netzwerke-biodiversitaetsbetriebe/>, retrieved 23.08.2021.

3.4 Module 4: Community bonus

A so-called “**community bonus**” should be introduced, to guarantee a higher participation of land users in individual applications for landscape related agricultural nature conservation measures. It rewards the additional effort of the land users to adjust their farm operation to a management concept. This should lead to ecological strengthening effects through a higher density of measures on adjacent land. The reception of the bonus could be tied to a minimum participation of eligible land. The bonus could be covered by transaction costs (see Chapter 5).

The *Scientific Advisory Board on Agricultural Policy, Food and Consumer Health Protection* at the Federal Ministry of Food and Agriculture, for example, has proposed an “agglomeration bonus” as an instrument to encourage as many eligible land users as possible to participate in landscape-scaled measures. The Council also proposes the bonus to be tied to a minimum level of participation.⁷

An already existing example similar to a participation bonus is the top-up payment of 100 € per hectare, if farmers are getting advice for optimizing nature conservation in the establishment of structural flowering areas in Lower Saxony.⁸

Community bonus (M4)

3.5 Module 5: Group application

For measures that can only be applied on a collective basis, the head office takes over the application process. The head office coordinates the community members (internal), based on the management concept, and takes over the communication with the funding agency (external), such as the application procedure (see chapter 4). This reduces the administrative expenses for the individual land users in the collective community and gives them a pecuniary advantage.

The head office as applicant is responsible for the correct implementation of the measure. The collective community, as applying organisation, bears the risk of errors and penalties for the applied measure area. The originator-related allocation is regulated in the internal relationship within the framework of bylaws or rules of procedure.

Group application (M5)

7 WISSENSCHAFTLICHER BEIRAT FÜR AGRARPOLITIK, ERNÄHRUNG UND GESUNDHEITLICHEN VERBRAUCHERSCHUTZ BEIM BUNDESMINISTERIUM FÜR ERNÄHRUNG UND LANDWIRTSCHAFT (2019): Zur effektiven Gestaltung der Agrarumwelt- und Klimaschutzpolitik im Rahmen der Gemeinsamen Agrarpolitik der EU nach 2020: Stellungnahme Mai 2019. https://www.bmel.de/SharedDocs/Downloads/DE/_Ministerium/Beiraete/agrarpolitik/Stellungnahme-GAP-Effektivierung-AUK.html, retrieved 23.08.2021.

8 https://www.ml.niedersachsen.de/startseite/themen/landwirtschaft/agrarforderung/agrarumweltmassnahmen_aum/aum_details_zu_den_massnahmen/bs1_einjahrige_bluhstreifen_bs11_bs12/bs-1-anlage-von-einjahrigem-bluehstreifen-auf-ackerland-122369.html, retrieved 23.08.2021.

4. Head office

Head office

The head office is responsible for the general coordination of the management concept. During its implementation, the head office guides and advises the farmers. It has no regulatory competences, but is, according to the statutes, the executive body of the collective community with the necessary legal form.

At the same time, the head office works closely together with the public authorities on a result basis and with regional focus to shape objectives and measures to be achieved and implemented. Thus, the head office can be perceived as a partner by both the public authorities and the land users. This creates a good basis for a trustful cooperation.

To take over the group application, the chosen legal entity, such as an association, must be classified as a group of active farmers or other beneficiaries and thus eligible to apply in all relevant areas.

4.1 Collective coordination of targets and synergy effects

The interests in the agricultural landscape are heterogenous and partly compete for land. Agriculture, making up for the largest portion of land use, prioritises the economic efficiency. The targets of nature and species conservation, climate, water and soil protection and other forms of land use, e. g. for infrastructure measures, overlap with the agricultural use of land and some compete between one another. The head office as coordinating body should moderate conflicts of interest and develop solutions in open discussions.

In addition, the head office may raise synergic effects by coordinating the heterogenous targets and interests, which occur in its operating range. The head office represents the collective community in its public perception and towards the public authorities, especially regarding the targeted achievement levels in the management concept.

4.2 Organisational classification

The coordination of the collective community is conceivable in different forms:

If there is a present organisation, that is generally accepted in the region and by its farmers, the head office of the collective community – procurement regulations considered – could also be established there. An organisation with already existing structures and relationships saves time and resources, while taking over the coordination and administrative work of the head office. An additional business area and/or the extension of the statutory functions could provide the basis therefore. Otherwise, the establishment of a new head office is compulsory. In that case, additional resources and time are necessary for its preparation.

4.3 Service range offered by the office

Above all, the head office should be able to offer the following services:

- a) (Preliminary) planning and participatory preparation of the management concept, further development of existing concepts and plans
- b) Contribution of nature conservation expertise and/or consultation of additional expertise
- c) Coordination with the public authorities
- d) Implementation of the counselling
- e) Coordination, planning and implementation of measures
- f) Passing on external impulses (administration, special strategies, etc.) to the collective community and back (interface), maintaining contact with authorities
- g) (Internal) success monitoring
- h) Administrative tasks, accounting, internal audit
- i) Error and penalty management (enforcement of internal rules/ statutes)
- j) Acquisition of new members
- k) Public image: social media, marketing
- l) Land user network: exchange of experience and knowledge with other collective communities
- m) If necessary, joint ventures, e.g. with service providers, universities, associations, upstream and downstream sectors
- n) If necessary, monitoring and quality assurance
- o) If necessary, application for projects and funding programmes.

Depending on the form of joint implementation, the range of tasks of the office may vary.

5. Funding requirements and sources

5.1 Funding requirements per module

There are various financing options for the five modules of the collective implementation of agricultural nature conservation measures. The funding sources listed in the following table and their combination possibilities depend on the regional conditions:

<p>Module 1 Professional community management</p>	<ul style="list-style-type: none"> – Art. 65 Environmental, climate and other management commitments (SPR proposal ⁹⁾) – Art. 71 Cooperation (SPR proposal) – MSUL-management for implementation, advice and quality assurance of the funding section 4A “cooperation in rural areas for market-adapted and site-adapted land management” of the GAK ¹⁰ – Countries Financial resources (Länder) – Membership fees
<p>Module 2 Landscape management concept</p>	<ul style="list-style-type: none"> – Art. 68 Investments (SPR proposal) – Art. 71 Cooperation (SPR proposal) – MSUL-concepts of the funding section 4A “cooperation in rural areas for market-adapted and site-adapted land management” of the GAK – GAK funding No. 4A MSUL concepts and concept development – Countries Financial resources (Länder)
<p>Module 3 Farm advice, knowledge transfer, exchange of experience</p>	<ul style="list-style-type: none"> – Art. 71 Cooperation (SPR proposal) – Art. 72 Knowledge exchange and information (SPR proposal) – GAK funding area 4A MSUL management for implementation, advice and quality assurance
<p>Module 4 Community bonus</p>	<ul style="list-style-type: none"> – Transaction costs of the respective AECM (Art. 65 SPR proposal) – Art. 28 6 (a) payments additional to the basic income support by the scheme for the climate and the environment (Eco-schemes) (SPR proposal)
<p>Module 5 Group application</p>	<ul style="list-style-type: none"> – Transaction costs for (preliminary) planning and coordination in advance to the application process – Membership fees

Table 1: Financing options for the modules of a collective implementation of agricultural nature conservation measures.

9 Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52018PC0392>, retrieved 23.08.2021

10 MSUL (market-adapted, site-adapted and ecologically-compatible land management, including contractual nature conservation and countryside stewardship) of the GAK (Joint Task for the “Improvement of Agricultural Structures and Coastal Protection”). <https://www.bmel.de/EN/topics/rural-regions/rural-development-support/gak.html>, retrieved 23.08.2021

The regional cooperation of the LEADER programme may also be considered for support of collective environment and climate actions in duly justified cases to achieve the specific environmental and climate-related objectives set out in points (d), (e) and (f) of Article 6(1). However, whether this fits with the local development strategy is up to the local action groups.

5.2 Additional financing requirements

The information, coordination and promotion actions for collective agricultural nature conservation measures require additional financial resources in the programming of measures and their budgets. The following are some points that should be considered here:

Increased budget for measures

Experience has shown that the coordinating advice increases the participation of land users in complex agri-environmental programmes.¹¹ Therefore, complex programmes should be aligned with the target achievements and provided with a sufficient budget so that their implementation is not hampered by oversubscription of the programme.

Higher transaction costs

In case the head office engages in group application, the transaction costs calculated into the measures must cover the costs of preparation ((preliminary) planning and coordination). The transaction costs should also cover the additional effort of the land users for integrating agricultural nature conservation measures into the management concept. Further details should be regulated by internal rules of the collective community.

The *European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020* allow 20–30% of the measure costs as transaction costs¹² for collective coordination and the additional costs for the individual farm.

Basic funding for coordination

A basic funding for the key tasks of the head office – uncommitted to the scope of implemented measure – must be ensured with public funding (e.g. via Art. 35 / (new) Art. 71 Cooperation). Depending on the respective regional conditions, a small co-payment can be borne by the collective community itself, e.g. financed through membership fees.

11 BATHKE (2016): Ex-post-Bewertung PROFIL 2007 bis 2013: Modulbericht 7.11_MB Qualifizierung für Naturschutzmaßnahmen (ELER-Code 331-B). Braunschweig von Thünen-Institute (vTI). https://www.eler-evaluierung.de/fileadmin/eler2/Publikationen/Projektberichte/7-Laender-Bewertung/2016/NI/7-11_MB_Qualifizierung_fuer_Naturschutzmassnahmen.pdf, retrieved 23.08.2021.

12 “Where necessary the aid may also cover transaction costs to a value of up to 20% of the premium paid for the agri-environment-climate commitments. Where commitments are undertaken by groups of undertakings, the maximum level must be 30 %.” From: *European Union Guidelines for State aid in the agricultural and forestry sectors and in rural areas 2014 to 2020* (2014/C 204/01), PART I. COMMON PROVISIONS Chapter 1 (223). [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0701\(01\)&from=LT](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014XC0701(01)&from=LT), retrieved 23.08.2021.

6. Collective application in the current system of funding, controls and penalties

In Module 5, land users assign the application for appropriately designed measures to the head office of the collective community. This is expected to lead to a more effective target achievement and a greater effectiveness for complex measures.

The implementation of agricultural nature conservation measures at a landscape scale requires adjustments to the system of funding and penalties for collective programmes. These must regulate the following:

1. For collective measures, controls and potential penalties can only affect the collective community in its respective legal form.
2. Considering that not all measures can be successful in such complex projects, or that the risk of error increases with a higher area coverage of implemented measures, the single-area control of measures is associated with an extremely high risk of penalties. Two aspects need to be considered in the control of measures:
 - a. When controlling the area coverage, a maximum area should be specified (missing areas for one member can be compensated by area buffers of another member) in order to still be able to fulfil the contractual obligations in case of partial area denials and thus reduce the risks of errors and penalties.
 - b. As a matter of principle, there can be no room for manoeuvre in the monitoring of conditions (e.g. no use of synthetic chemical pesticides). For this purpose, a clear and legally secure mechanism must be established in the internal relations of the collective community as to how the reduction and, if necessary, the penalty is applied to the individual area or the respective main polluter.
3. The control system should be simplified as far as possible.
4. The administrative expense lies with the mandated community, which is to be provided with staff and infrastructure. The sources of funding for the activity are mentioned in Chapter 5.

The individual land user is no longer the applicant, beneficiary or liable party. The obligations for these collective measures are taken over by the head office of the collective community. The mutual rights and obligations within the collective community are regulated internally by statutes, internal rules or similar.

To do this, the office needs to be mandated by the public authorities (legal form, eligibility) and by the land users in the target region.

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