

**ANNEX 01, Version 03**

**Applicable legislation and international conventions**

The purpose of this annex is to clarify and specify the obligation for legal compliance and compliance with international conventions. It provides an overview of applicable international conventions, provisions of the EU Common Agricultural Policy and other applicable provisions of European Union legislation.

**International Conventions**

Conventions and Recommendations of the International Labour Organisation (ILO) No. 87 Freedom of Association and Protection of the Right to Organise Convention, 1948 No. 98 Right to Organise and Collective Bargaining Convention, 1949 No. 29 Forced Labour Convention, 1930 No. 105 Abolition of Forced Labour Convention, 1957 No. 138 Minimum Age Convention, 1973 No. 182 Worst Forms of Child Labour Convention, 1999 No. 100 Equal Remuneration Convention, 1951 No. 111 Discrimination (Employment and Occupation) Convention, 1958 No. 129 Labour Inspection (Agriculture) Convention, 1969 No. 169 Indigenous and Tribal Peoples Convention, 1989 No. 184 Safety and Health in Agriculture Convention, 2001 (No. 184) No. 155 Occupational Safety and Health Convention, 1981 Code of practice on safety and health in agriculture
United Nations Convention on the Rights of the Child, Art. 28
Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat
Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Annex III
Stockholm Convention on Persistent Organic Pollutants
Convention on International Trade in Endangered Species of Wild Fauna and Flora

**EU Legislation**

The following list gives an overview of the most important directives and regulations of the European Union to be complied with.

**Social and Labour Regulations**

Treaty on the Functioning of the EU
2000/C 364/01 Charter of fundamental rights of the EU, Art. 14,
European Convention on Human Rights
Directive 89/391/EEC, on the introduction of measures to encourage improvements in the safety and health of workers.
Directive 89/654/EEC, concerning the minimum safety and health requirements for the workplace
Directive 89/655/EEC and Directive 89/656/EEC on Personal Protective Equipment for workers.
Directive 2001/45/EC, concerning the minimum safety and health requirements for the use of work equipment by workers at work
Directive 92/58/EEC, on the minimum requirements for the provision of safety and / or health signs at work
Directive 2003/88/EC (Working Time Directive)

Directive 94/33/EC, on the Protection of Young People at Work
Council Directive 2000/78/EC, on establishing a general framework for equal treatment in employment and occupation
Directive 2006/54/EC, on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation
Directive 2011/36/EU, on preventing and combating trafficking in human beings and protecting its victims.
Directive 91/533/EEC, on an employer's obligation to inform employees of the conditions applicable to the contract or employment relationship.

### **Food Safety**

Regulation (EC) No 178/2002, on the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety
Regulation (EC) No 852/2004, on the Hygiene of Food-stuffs
Regulation (EC) 2009/41 (GMO Contained Use in Experiments)
Regulation (EC) 2001/18 (Introduction of GMOs)
Regulation (EC) 1829/2003 (Food and Feed)
Regulation (EC) 1830/2003 (Traceability and Labeling)

### **Environment**

Directive 92/43/EC (Habitat Directive).
Directive 2009/147/EC (Wild Birds)
Regulation (EU) 2023/1115 (Deforestation)
Decision 1386/2013/EU of the European Parliament and of the council, on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet
Regulation (EU) 1143/2014 (Prevention and management of the introduction and spread of invasive alien species)
Council Directive 2000/29/EC (Protection against the introduction and spread of organisms harmful to plants or plant products)
Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.
Directive 2008/98/EC (Waste Framework Directive)
Directive 2000/60/EC (Water Framework Directive)
Council Directive 80/68/EEC (Protection of Groundwater against pollution with Dangerous Substances)
Directive 2006/118/EC (Groundwater Directive)
Council Directive 91/676/EEC (Nitrate Directive)
Regulation (EG) Nr. 2003/2003 (Approved Fertilizers)
Council Directive 86/278/EEC (Sewage Sludge Directive)
Directive 2009/128/EC, on sustainable Use of Pesticides
Regulation (EC) 1107/2009, on Placing Plant Protection Products on the Market
Directive 2009/127/EC, on Pesticide Application Machinery

## Conditionality

The rules on conditionality, listed in Annex III to Council Regulation (EU) No 2021/2115, relate to the following areas: climate and environment; public health, and plant health; animal welfare. Donau Soja farmers located in the European Union are subject to conditionality. Areas not relevant for arable crop production are left out (e.g. animal welfare, identification of animals).

Topic	Requirements and Standards
Water (SMR 1)	Directive 2000/60/EC of 23 October 2000 of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1): Article 11(3), point (e), and point (h), as regards mandatory requirements to control diffuse sources of pollution by phosphates
Water (SMR 2)	Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, p. 1): Articles 4 and 5
Biodiversity and landscape (SMR 3)	Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7): Article 3(1), Article 3(2), point (b), Article 4(1), (2) and (4)
Biodiversity and landscape (SMR 4)	Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna (OJ L 206, 22.7.1992, p. 7): Article 6(1) and (2)
Food safety (SMR 5)	Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, p. 1): Articles 14 and 15, Article 17(1) (6) and Articles 18, 19 and 20
Food safety (SMR 6)	Council Directive 96/22/EC of 29 April 1996 concerning the prohibition on the use in stockfarming of certain substances having a hormonal or thyrostatic action and beta-agonists, and repealing Directives 81/602/EEC, 88/146/EEC and 88/299/EEC (OJ L 125, 23.5.1996, p. 3): Article 3, points (a), (b), (d) and (e), and Articles 4, 5 and 7
Plant protection products (SMR 7)	Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1): Article 55, first and second sentence
Plant protection products (SMR 8)	Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71): Article 5(2) and Article 8(1) to (5) Article 12 with regard to restrictions on the use of pesticides in protected areas defined on the basis of Directive 2000/60/EC and Natura 2000 legislation

	Article 13(1) and (3) on handling and storage of pesticides and disposal of remnants
Climate change (GAEC 1)	Maintenance of permanent grassland based on a ratio of permanent grassland in relation to agricultural area at national, regional, subregional, group-of-holdings or holding level in comparison to the reference year 2018 Maximum decrease of 5 % compared to the reference year
Climate change (GAEC 2)	Protection of wetland and peatland
Climate change (GAEC 3)	Ban on burning arable stubble, except for plant health reasons
Water (GAEC 4)	Establishment of buffer strips along water courses
Soil (GAEC 5)	Tillage management, reducing the risk of soil degradation and erosion, including consideration of the slope gradient
Soil (GAEC 6)	Minimum soil cover to avoid bare soil in periods that are most sensitive
Soil (GAEC 7)	Crop rotation in arable land, except for crops growing under water
Biodiversity and landscape (GAEC 8)	<ul style="list-style-type: none"> <li>—Minimum share of agricultural area devoted to non-productive areas or features (5)</li> <li>—Minimum share of at least 4 % of arable land at farm level devoted to non-productive areas and features, including land lying fallow.</li> <li>—Where a farmer commits to devote at least 7 % of his/her arable land to non-productive areas or features, including land lying fallow, under an enhanced eco-scheme in accordance with Article 31(6), the share to be attributed to compliance with this GAEC standard shall be limited to 3 %.</li> <li>—Minimum share of at least 7 % of arable land at farm level if this includes also catch crops or nitrogen fixing crops, cultivated without the use of plant protection products, of which 3 % shall be land lying fallow or non-productive features. Member States should use the weighting factor of 0,3 for catch crops.</li> <li>—Retention of landscape features</li> <li>—Ban on cutting hedges and trees during the bird breeding and rearing season</li> <li>—As an option, measures for avoiding invasive plant species</li> </ul>
Biodiversity and landscape (GAEC 9)	Ban on converting or ploughing permanent grassland designated as environmentally-sensitive permanent grasslands in Natura 2000 sites