

From: [REDACTED]
Sent: lundi 25 mai 2020 11:28
To: [REDACTED]
Subject: FW: Draft decision
Attachments: 200518
Voortgang+verlenging+derogatie+en+diverse+dossiers+mestbeleid.
pdf

Categories: [REDACTED]

ARES

From: [REDACTED]
Sent: Tuesday, May 19, 2020 11:26 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Draft decision

Dear [REDACTED]

As you probably know, as a follow-up to the their telephone conversation of 1.5 week ago, today Mr Calleja called Mrs Sonnema about the draft decision. We have understood the draft decision itself remains unchanged and is currently ready to start ISC with the aim to be on the agenda of the Nitrates Committee of June 22. We very much appreciate your efforts to keep this process up to speed, so thank you very much for that. The issue of the exemption for the surface spreading of cattle slurry on grassland by circular farmers was also discussed between them, and it was agreed no exemption will be made in the derogation decision, meaning that as of 2021 farmers will have to choose whether they want to participate in this exemption or make use of derogation since they can no longer participate in both. However, a solution for the year 2020 will have to be found outside the decision, given legal certainty issues for farmers that are already making use of the exemption since the application period started Mid February and could not foresee this would exclude them from derogation. I propose I will call you tomorrow to discuss how we can deal with this. Would this suit you in the morning or early afternoon?

Furthermore, I would like to inform you about several changes in our legislation that we have published for public consultation yesterday. These concern several measures of the 6th Action Programme, the enhanced enforcement strategy and the phosphate rights system. The publication shows we are on track with implementing the 6th AP and enforcement strategy, by which fulfill the respective conditions in the (draft) derogation decision. In summary, it concerns the following:

- The Enhanced Enforcement Strategy on manure includes the introduction of a new system for 'real-time' digital accountability for manure transports. Yesterday we have published the regulation to implement this measure for public consultation (link: www.internetconsultatie.nl/rvdm). The duration of the consultation is a period of four weeks. After that, legal procedure will be followed to implement this system. Herewith we are fulfilling the respective condition that is included in the draft derogation decision for 2020-2021.
- The 6th AP includes a substantial package of measures that are implemented during the period 2018-2021. So far, all measures have been implemented according to the planning of the 6th AP and yesterday we have published several measures for public consultation, with the aim of implementation by 1 January 2021 (in accordance with

the 6th AP) (link: https://www.internetconsultatie.nl/wijzigingbgm_en_ubm). Among others, the measures concern implementation of precision fertilization for the cultivation of corn by a shift in the period of spreading slurry starting on April 1st instead of February 15th. The duration of the public consultation is four weeks.

- Finally, the public consultation started with respect to modify the law on clarifying the scope of the phosphate rights system, in accordance with the previously established policy rule for young cattle. Also the exemption for 'zoogkoeien' will be embedded in the law by this modification. This change in the law was previously discussed with your colleagues of DG COMP. The duration of the consultation is also four weeks (link: <https://www.internetconsultatie.nl/wvsbegripmelkveefosfaatregelenstelsel>).

Enclosed you can find a letter our Minister sent to Parliament yesterday, which gives a further explanation of these measures.

Ofcourse, I can give you a further explanation of these measures when we talk by phone, hopefully tomorrow.

Best regards,

[Redacted]

Van: [Redacted]

Verzonden: dinsdag 5 mei 2020 00:58

Aan: [Redacted]

CC: [Redacted]

Onderwerp: RE: Draft decision

Dear [Redacted]

I hope this message finds you all well.

We are progressing to conclude the internal procedures in time for a vote in the Committee on 22 June.

Thank you for your comments to the draft proposal and the additional updated figures

We have taken most of them on board (see document attached).

As regards the restrictions on application above a certain outdoor temperature, we have made it less restrictive yet we are convinced (on the basis of the evidence attached) that it is necessary to minimise the ammonia emissions generated by a higher application of manure. Therefore it must be included as a condition for derogated farms under the conditions specified therein.

We will continue with the procedure to be in time since now, in these difficult times, other more pressing matters are taking priority in the planning of Commission decision making.

Best regards

[Redacted]

From: [Redacted]

Sent: Monday, May 4, 2020 5:36 PM

To: [Redacted]

Cc: [Redacted]

[Redacted]

Subject: RE: Draft decision

Dear [Redacted]

When do you expect to be able to share with us your response to our feedback regarding the draft decision?
Hope to hear from you soon.

Best regards,

[Redacted]

Van: [Redacted]

Verzonden: dinsdag 21 april 2020 11:21

Aan: [Redacted]

CC: [Redacted]

[Redacted]

Onderwerp: RE: Draft decision

Dear [Redacted]

Thanks for your reply and explanations.

We will look at it carefully and get back to you asap.

On the restriction linked to the spreading above 15° C we will share with you our scientific evidence.

All the best

[Redacted]

From: [Redacted]

Sent: Monday, April 20, 2020 10:48 PM

To: [Redacted]

Cc: [Redacted]

[Redacted]

Subject: RE: Draft decision

Dear [Redacted]

I hope you and your families are still all in good health.

Thanks again for sending us the draft decision. As agreed, you find our input and feedback on the draft in the attached file. We have included our text proposals in track changes with a further explanation under the relevant Articles.

In summary, the most important points are the following:

- In art. 4 we propose some specific text comments that bring the decision fully in line with the content of the letter from DG Sonnema to DG Calleja of 14 February 2020.
- In art. 9 we propose several adjustments.
First, we do not see ground for the condition that manure may not be applied on grassland if the outside temperature is above 15 °C. We have checked at experts of Wageningen University, but found no scientific research indicating that such a condition would be beneficial for ammonia emissions. We do see important practical consequences of such a decision, most importantly a very significant limitation of the period in which manure can be applied, which brings an increased risk of nitrate leaching. Therefore, we propose to leave out this condition. Second, we propose some changes in the text to bring the decision in line with applicable national regulation, which is a.o. differentiated for types of soil.
Third, we propose to take into account the exemption 'surface spreading of cattle slurry on grassland'. This is a relatively small, existing exemption that has its basis in the 5th and 6th Action Programme. Attached you can find a copy of this exemption (legal text, in Dutch).
- In art. 12 we propose some small textual adjustments.

I hope our comments and proposals are clear. Of course, we are available to answer any questions and/or further discuss any topics. If needed, we can plan a video conference should this help to keep the process up to speed.

Looking forward to your reply,

Best regards,

[Redacted signature]

Van: [Redacted]

Verzonden: woensdag 8 april 2020 17:56

Aan: [Redacted]

CC: [Redacted]

Onderwerp: Draft decision

Dear [Redacted]

I hope you are all well as so are your families.

Thank you for the information on the measures taken by the Netherlands to reduce ammonia emission. This has been very useful in preparing the draft proposal.

As agreed during our phone consultation of 24 March, please find herewith our draft proposal for a new Decision. The draft is based on Decision (EU) 2018/820, to which in particular the following changes are proposed to be introduced:

- **Article 4.2(e),(f),(g),(h)** : additional provisions guaranteeing to the full implantation of the enhanced enforcement strategy based on the letter by Mrs Sonema
- **Article 4.3**: requirement as regards the revision of the strategy
- **Article 9**: new article, with conditions as regards reduction of ammonia emissions to reduce nutrient depositions also in water
- **Article 12(I)**: reporting of the results of the enhanced enforcement strategy

We will send you later some recitals that also that will need to be updated or changed taking into account the more recent developments and new requirements.

As agreed, the Netherlands will provide further input and feedback on the draft **by 20 April**.

I wish you all a very nice Easter break despite the circumstances. Keep safe.

All the best

[Redacted signature]

[Redacted text]


European Commission
DG Environment

[Redacted text]

[Redacted text]

Address: BU-5 05/188- Avenue de Beaulieu 5 (metro Beaulieu)- B- 1160 Brussels

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