



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT

The Director-General

Brussels,
ENV D1/WD

Marion Logtenberg-Lamers
Dambroek 3
NL - 7223 DT Baak

Subject: Your application for access to documents – Ref GestDem No 2020/6829

Dear Mrs. Logtenberg-Lamers,

We refer to your e-mail of 05/11/2020 in which you make a request for access to documents, registered on 9/11/2020 under the above mentioned reference number.

You request access to all reports and communication between the Netherlands and the European Commission in 2018, 2019 and 2020, about the conditions and the proposal for derogation for 2020 and 2021.

I enclose a copy of the documents requested. A list of the documents details is attached in Annex to this letter.

Concerning the documents emanating from the Commission, you may reuse them free of charge for non-commercial and commercial purposes provided that the source is acknowledged, that you do not distort the original meaning or message of the documents. Please note that the Commission does not assume liability stemming from the reuse.

The documents received by the Commission from the Dutch authorities are disclosed for information only and cannot be re-used without the agreement of the originator, who holds a copyright on it. They do not reflect the position of the Commission and cannot be quoted as such.

Since some of the documents concerned originate from the Dutch authorities, the originators of the documents have been consulted on 17 November 2020. The Dutch authorities replied on 2 December 2020, not to give access to documents when its disclosure would undermine the protection of the purpose of inspections, investigations and audits. The reasons for which this ground for refusal is indicated is in the interest of the investigation and prosecution of criminal offenses. The documents provide insight into the way in which RVO.nl and NVWA have developed the risk-oriented enforcement policy. The content is therefore of such a strategic nature that it cannot be made public.

Following an examination of the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents and taking into account the reply of the Netherland, I inform you that your application cannot be fully granted. Disclosure of these documents requested would undermine the protection of the purpose of inspections, investigations and audits. Therefore, the exception laid down in Article 4(2) third indent of

Regulation (EC) No 1049/2001 applies to these documents. The documents for which access is not granted or partially granted are also listed in the Annex to this letter.

Furthermore, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access to a document has to be refused if its disclosure would undermine the protection of privacy and the integrity of the individual, in particular in accordance with European Union legislation regarding the protection of personal data.

Therefore a complete disclosure of the identified documents in the annex is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the following personal data:

- the names/initials and contact information of Commission staff members not pertaining to the senior management;
- the names/initials and contact details of other natural persons;
- handwritten signatures/abbreviated signatures of natural persons;
- other information relating to an identified or identifiable natural person

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express particular interest to have access to these personal data nor do you put forward arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, I conclude that, pursuant to Article 4(1)(b) of Regulation (EC) No 1049/2001, access cannot be granted to the personal data, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretary-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Bruxelles

or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,

(e-signed)

Florika FINK- HOOIJER

Annex: Document details

No	Date	Author of the document	Title - kind (email, note) of document	Reference	Access Decision (Y: granted, where needed with the exception of personal data, P: partial access)
1	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Additional information on enforcement strategy and water quality	Ares(2020)6684543	P
2	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Voortgangsrapportage versterkte handhavingsstrategie mest en update waterkwaliteit derogatiebedrijven	Ares(2020)6684543 annex 1	Y
3	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Voortgangsrapportage Handhaving en Uitvoering Mestbeleid	Ares(2020)6684543 annex 2	Y
4	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Update van trends in nitraatconcentratie op derogatie bedrijven in Nederland	Ares(2020)6684543 annex 3	Y
6	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Additional information on enforcement strategy and water quality	Ares(2020)6685596	P
7	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Progress report on the Enhanced Manure Enforcement Strategy and update on water quality on derogation farms	Ares(2020)6685596 annex 1	Y
8	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Progress report on the enforcement and implementation of manure policy	Ares(2020)6685596 annex 2	Y
9	18/11/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Update of trends in nitrate concentrations on derogation farms in the Netherlands	Ares(2020)6685596 annex 3	Y
10	18/11/2019	European Commission DG Environment	Additional information on enforcement strategy and water quality	Ares(2020)6685724	P
12	18/12/2019	Ministerie van Landbouw,	Follow-up of meeting 3 December	Ares(2020)206669	Y

		Natuur en Voedselkwaliteit	2019		
13	18/12/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Answers to questions DG ENV on progress report enhanced enforcement strategy	Ares(2020)206669 annex 1	Y
14	18/12/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Wijziging van de Meststoffenwet in verband met de implementatie van het zesde actieprogramma Nitraatrichtlijn	Ares(2020)206669 annex 2	Y
15	18/12/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Timelines measures	Ares(2020)206669 annex 3	Y
16	18/12/2019	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Regels voor de aanpak van de stikstofproblematiek in relatie tot natuur (Spoedwet aanpak stikstof)	Ares(2020)206669 annex 4	Y
17	30/01/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Phosphate and nitrogen excretion 2019	Ares(2020)1147127	Y
18	30/01/2020	Centraal Bureau voor de Statistiek	Monitor fosfaat- en stikstofexcretie in dierlijke mest Vierde kwartaal 2019	Ares(2020)1147127 annex	Y
19	14/02/2020	Permanent Representation of the Kingdom of Netherlands	NL – derogation/meeting with Commissioner Sinkevicius	Ares(2020)1152701	Y
20	14/02/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Progress of the sixth Nitrates Directive action program and reinforced manure enforcement strategy for derogation from the Nitrates Directive	Ares(2020)1152701 annex	Y
21	21/02/2020	Koninkrijk der Nederlanden	Progress of the sixth Nitrates Directive action program and reinforced manure enforcement strategy for derogation from the Nitrates Directive	Ares(2020)1328088	Y
22	21/02/2020	Commissie Deskundigen Meststoffenwet (CDM)	Milieueffecten bij geen derogatie van de Nitraatrichtlijn	Ares(2020)1328088 annex 1	Y
23	21/02/2020	Centraal Bureau voor de Statistiek	Monitor fosfaat- en stikstofexcretie in dierlijke mest Vierde kwartaal 2019	Ares(2020)1328088 annex 2	Y

24	21/02/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Progress of the sixth Nitrates Directive action program and reinforced manure enforcement strategy for derogation from the Nitrates Directive	Ares(2020)1328088 annex 3	Y
25	21/02/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Voortgang stikstofproblematiek: maatregelen landbouw en verdere impuls gebiedsgerichte aanpak	Ares(2020)1328088 annex 4	Y
26	21/02/2020	Permanent Representation of the Kingdom of the Netherlands	Request extension derogation Nitrate directive	Ares(2020)1328449	Y
27	21/02/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Verzoek om verlenging van derogatie van de Nitraatrichtlijn voor de periode 2020-2021	Ares(2020)1328449 annex	Y
28	21/02/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Nitrates Committee 2 March	Ares(2020)6638883	Y
29	27/02/2020	European Commission DG Environment	Nitrates Committee 2 March	Ares(2020)6609625	Y
30	31/03/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Overview on measures taken to reduce ammonia emission in the Netherlands with respect to agriculture (manure and stables)	Ares(2020)1911137	Y
31	31/03/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Overview on measures taken to reduce ammonia emission in the Netherlands with respect to agriculture (manure and stables)	Ares(2020)1911137 annex	Y
32	01/04/2020	European Commission DG Environment	Follow-up of our conversation of last Tuesday	Ares(2020)6639032	N
33	08/04/2020	European Commission DG Environment	Draft decision	Ares(2020)2041961	Y
34	08/04/2020	European Commission DG Environment	Draft decision granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source	Ares(2020)2041961 annex	Y

35	20/04/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Derogation_2020_2021_NL_response 20 April 2020.docx; vrijstellingssregeling bovengronds uitrijden.pdf	Ares(2020)2157349	Y
36	20/04/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Draft decision granting a derogation requested by the Netherlands with Comments	Ares(2020)2157349 annex 1	Y
37	20/04/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Vrijstellingssregeling bovengronds aanwenden runderdrijfmest 2019–2023 [Regeling vervalt per 01-01-2024.] Geldend van 19-02-2019 t/m heden	Ares(2020)2157349 annex 2	Y
38	24/04/2020	European Commission DG Environment	Update recitals	Ares(2020)6638797	Y
39	24/04/2020	European Commission DG Environment	Recitals in Decision (EU) 2018/820, that should be updated	Ares(2020)6638797	Y
40	01/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Update recitals	Ares(2020)6638697	Y
41	01/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Recitals in Decision (EU) 2018/820, that should be updated	Ares(2020)6638697 annex 1	Y
42	01/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Landbouw; gewassen, dieren en grondgebruik naar regio	Ares(2020)6638697 annex 2	Y
43	05/05/2020	European Commission DG Environment	23.04.20 Derogation 2020_2021.docx; Scientific underpinning temperature manure application NL.docx	Ares(2020)2367991	Y
44	05/05/2020	European Commission DG Environment	Draft decision granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural source	Ares(2020)2367991 annex 1	Y
45	05/05/2020	European Commission DG Environment	Scientific underpinning for a maximum temperature for applying slurry with a trailing shoe.	Ares(2020)2367991 annex 2	Y
46	05/05/2020	Ministerie van Landbouw,	Draft decision		Y

		Natuur en Voedselkwaliteit		Ares(2020)2368450	
47	07/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Draft decision	Ares(2020)2542655	Y
48	19/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Draft decision	Ares(2020)2739156	Y
49	19/05/2020	Ministerie van Landbouw, Natuur en Voedselkwaliteit	Voortgang verlenging derogatie en diverse dossiers mestbeleid	Ares(2020)2739156 annex	Y