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From:

Sent:

Wednesday 6 July 2022 14:29

To:

Cc:

Subject:

Flash report meeting on NL Nitrates Derogation between Commissioner SINKEVIČIUS with NL Minister of Agriculture [REDACTED] - 6 July

Dear [REDACTED]

Please find the flash report of the meeting.

Thank you,

Flash report meeting on NL Nitrates Derogation between Commissioner SINKEVIČIUS with NL Minister of Agriculture

6 July 2022

The meeting took place at the request of Minister [REDACTED] in view to finalise discussions on the conditions for the derogation requested by NL under the Nitrates Directive.

Commissioner Sinkevičius first summarised the state of play, emphasising the efforts already made by DG ENV to meet NL requirements, and highlighted that as agreed between them in February the derogation should be a transition derogation, accompanying the planned NL reforms and commitments, but cannot be contrary to the national goals. He explained that the margin of manoeuvre is very restricted as compliance with the Nitrates Directive and EU law must be achieved, and the Commission is under increasing scrutiny to apply derogation in a very restrictive way.

Minister [REDACTED] reiterated the commitments of the Dutch Government to the agricultural reforms, including reducing N emissions by 50% in 2030 resulting in reducing livestock by 30%, even if it will face important opposition from the sector. The derogation is an important step for NL to have a predictable path for farmers. The Minister raised three points:

- 1) Derogation request for the replacement of chemical fertilisers by processed manure (RENURE). The Minister assured that RENURE is not a way to circumvent reduction of livestock, but suggested to postpone this discussion for the moment, emphasising it is an important element of NL strategy to reduce GHG emissions and dependency on chemical fertilisers.
- 2) The derogated application standards: NL agrees to have a gradual reduction and is committed to end the derogations in 2026. The reduction path proposed by NL would leave time for farmers to adapt.
- 3) Designation of polluted areas: NL accepts that it will have to designate polluted areas also for areas where freshwater is eutrophic. Legislation would be prepared by January 2024 as part of the ongoing reform programme. The Minister suggests to take up this discussion at technical level.

Commissioner Sinkevičius suggested the following way forward on these 3 points:

- 1) Derogation for RENURE: Agree to leave it out of the discussion now. The cumulative effects of the two derogations require a very careful analysis, and the priority with the first derogation is to reduce fertilisation and reduce nutrients losses in polluted areas. The Commission will look at this issue of recycling of nutrients and replacements of chemical fertilisers in the context of the Integrated Nutrient Management Action Plan.
- 2) Application standards: this is a key issue as the derogation needs to support the reforms and should not be used as an instrument to delay them. The effect of the announced reforms should be visible by the end of the

derogation period and there should be preparations for a future without derogation. Equality between Member States must be respected. The slower reduction proposed by NL could be accepted if by the latest in 2024 there are measures in place to bridge the gap between 2025 and 2026 (without derogation), and, if, no additional chemical fertilisers are used on top of the manure.

- 3) Designation of polluted areas: the identification needs to be done in line with EU law, and must include eutrophication. This approach is used for all Member States and there can be no exception for NL.

Finally, the Commissioner stressed the time constraints. The draft text needs to be finalised tonight to be on time for the procedural steps, Nitrates Committee in September and ensure adoption by the College still in 2022. NL authorities agreed to come back before the end of the date to be able to finalise the text on time.