



Technical Meeting – preparation NL derogation

9 June

General conditions for the derogation

- Square the circle: give derogation for grasslands despite worsening water quality, but then additional general conditions are necessary to ensure overall EU requirements of water protection can be reached
- Derogation given under the condition that regional plans with compulsory targets will apply from 2023, which will be more stringent than the current derogation.
- Previous derogation - Article 4 laid down several general conditions
 - N and P ceiling
 - Enhanced enforcement strategy

General Conditions: transition derogation

- (1) The derogation is **granted as a transitional measure** to accompany reforms of the agriculture and livestock sector in the Netherlands in order to meet EU environmental and climate requirements in relation to nitrogen emissions (ammonia) and nutrients in water.

General conditions: manure ceilings

- (2) The Netherlands shall monitor the **amount of manure produced** and shall ensure that manure production at national level, both in terms of nitrogen and phosphorus, shall not exceed the levels of year **2020** (this is 489,4 million kg of nitrogen and 150,7 million kg of phosphorous), and, that, as a result of the implementation of the reforms, the amount of manure produced will gradually decrease and in 2025 shall not exceed N 440,4 P: 135,6 (10% reduction)

General conditions: anti-fraud

(3) The Netherlands shall pursue the implementation of the **enhanced enforcement strategy**. The enhanced enforcement strategy shall, as a minimum, include the following elements:

- (a) continued independent assessment of fraud cases and identification of areas and actors of manure handling and management with a higher risk of deliberate non-compliance with the national rules on manure.
- (b) Continued implementation of the enhanced enforcement in the high risk areas De Peel, Gelderse Vallei and Twente; The enhanced enforcement strategy shall progressively be extended to all regions by the end of 2025, taking into account the experience and best practices gained.
- (c) in all regions, specific focus of the enforcement strategy on high-risk actors in the manure value chain, notably intermediaries and co-digesters.
- (d) real time accountability of manure transport via automation starting 1 January 2023.
- (e) Continued strengthening of the capacity for inspections and controls,
- (f) individual inspection of at least 5,5 %yearly of the pig farms.

General Conditions: fertiliser register and fertilisation plan

- All farms shall make an annual fertilisation plan before the growing season (note - controls of the plan only for derogated farms cfr article 7)
- An electronic fertiliser register shall be in place as of January 2024 in accordance with the 7th NAP, registering application of mineral fertilisers and manure production and application on the land. By 1 January 2025 all farms shall use the register. The authorities shall monitor and analyse the application rates, and provide advice on methods to reduce the overall fertilizer application rates.

General conditions: agriculture activity near and within Natura 2000 sites

- exclude from derogation all Natura 2000 sites

[exclude from derogation all nearby areas with catchments flowing into N sensitive and overloaded Natura 2000 sites.]

Polluted areas: orange and red

	Zand noord	Zand oost	Gelderse Vallei	Westelijk Noord-Brabant zand	Oostelijk Noord-Brabant en Limburg zand	Lössgebied	Noordelijk veengebied	Noordelijk zeekleigebied	Westelijk zeeklei	Centraal zeeklei (Flevopolders)	Rivierengebied	Westelijk veengebied	Zuid-Westelijk zeekleigebied	Westelijk zandgebied (bollenregio)
	1	2	3	4	5	6	7	8	9	10	11	12	13	14
P oppervlaktewater	orange	orange	red	orange	orange	red	green	orange	red	orange	green	red	orange	red
N oppervlaktewater	green	orange	orange	orange	orange	red	orange	green	orange	orange	green	orange	orange	orange
Nitraat grondwater	orange	orange	red	orange	red	red	green	green	green	orange	green	green	orange	orange

groen – geen opgave

rood – grote opgave

oranje – beperkte opgave

Data from 2021 derogation report
Shows further deterioration
of water quality

Need mapping with soil categories used in previous derogation and Provinces

General conditions : Areas with Groundwater pollution

Derogation application rate starting point reduced

Overall and gradual reduction of fertilisation rate (manure + chemical) of 20% of the fertilization rates of the 7th NAP by end of 2025

No derogations in groundwater protection areas (After several years of voluntary measures it is expected that only 50% of the hotspots will reach the 50 mg norm)

GWPA: Gradual reduction of fertilization (chemical +manure) to the range for organic/sustainable agriculture.

General conditions: Areas with surface water pollution & eutrophication

Derogation application rate starting point reduced

Buffer strips: 3m everywhere as a minimum (with minimum, only well justified exceptions) (or more as proposed in 7th NAP + addendum)

Overall and gradual reduction of fertilisation rates prescribed by 7th NAP (manure + chemical) by 20% by 2025

Article 6 Application rates for derogation

- In line with the ambition of Netherlands to convert the dairy sector to a fully land based dairy sector, the maximum amount of livestock manure to be applied every year shall be reduced as follows
- Year 2022 : 250 /230
- Year 2023 : 230/ 210
- Year 2024: 210 / 190 -> **200/200**
- Year 2025 : 190 / 170 _> **190/190**
- Year 2026 : no derogation

Articles 7 and 8 Conditions for derogated farms

- Similar, except if similar conditions to be adopted in 7th NAP for all farmers
- Possibility to reduce admin burden on farmers

Article 9: conditions on ammonia emissions

- Similar as existant.

Article 11 : controls and inspections

- Admin controls 5% per year
- Field inspections 5% per year
- Should this be increased to 10%?

