

From: [REDACTED]
Sent: jeudi 7 avril 2022 14:36
To: [REDACTED]
Subject: FW: Flash report - technical meeting on NL Nitrates derogation request 30 March 2022

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From: [REDACTED]
Sent: Thursday, April 7, 2022 2:35 PM
To: [REDACTED]
Subject: Flash report - technical meeting on NL Nitrates derogation request 30 March 2022

DG ENV [REDACTED] met delegation from the NL Ministry of Agriculture to discuss the conditions for a possible derogation under the Nitrates Directive.

ENV [REDACTED] recalled the context in which the discussions take place : While many uncertainties remain as the new approach still needs to be defined, end of February, the Commissioner proposed the possibility to start working on a transition derogation, which would need to be based on strict requirements and shaped to accompany the transition towards the upcoming plans for rural areas and sustainable agriculture.

The following points were discussed

1. Timing:

Progress on the first phase of the planning of the National Programme Rural areas – results of the ecological analysis (planned March 2022): NL explains that everything is on schedule. Several changes are planned in the Manure Law : the implementation of the land-based dairy farming by 2030, the relevant 7th NAP aspects, and in the future the adaptations of production cuts following results of the buyout scheme. The legal text for the implementation of the 7th Nitrates Action programme should be ready before the summer.

2. 2020-2021 Derogation

NL will check whether it can deliver the derogation report of 2021 in May (rather than June). The report should include water monitoring data as requested by Article 12 of the Derogation.

NL will send the part of water quality from the 2020 derogation report.

3. Starting point of maximum derogation amount.

This would depend on the on the water situation and effort to be done.

Problematic regions: Loess and sand, and nearly all clay regions, will need to be discussed. NL will come back with suggestions.

4. Transition derogation:

The derogation should reflect the progressive implementation of the plans to

- Reducing livestock, buying farms -> progressive reduction in manure
- Extensive dairy farming -> reduction in manure
- Structural measures

- Progressive increase of water quality per region

NL will provide information on

- Targets for 2025
- Estimation of reduction in manure and derogation for the next four years
- Insight into the possible spatial distribution of nitrogen reduction per province
- Insight into Provincial progressive objectives on water quality.
Estimation of Yearly targets for improving of water quality: 2027 deadline for WFD, targets in 2023, 2024, and 2025
- Detailed explanations on the mechanism the government will activate to put additional conditions in place in case these objectives are not achieved.

5. Additional conditions:

Fertiliser register (better controls, better awareness, ...). Among the countries with very high agricultural pressure and derogations, NL is the only one without fertilizer register.

ENV ■ also asks NL to clarify its intentions regarding a second derogation request for Renure. NL explains it believes a derogation is fully in line with the F2F objectives, and explains it would prefer to have one derogation covering both issues.

ENV ■ explains that this is not possible as the request for derogation being discussed now concerns grassland farms only. Such a different type of derogation requires a separate demand.

ENV ■ also recalls earlier discussions where NL said it would not ask for 2 derogations as it was not in line with the new policy of the government.

NL explains that they have found that derogations are good for water quality and provides incentives for not transforming grasslands in arable lands.

NL said they would send a new request for derogation with Renure.