Recitals in Decision (EU) 2018/820, that should be updated

(4) On 31 May 2018, the Commission adopted Implementing Decision (EU) 2018/820[1]. In that Decision the Netherlands was granted a derogation pursuant to Directive 91/676/EEC to allow the application of grazing livestock manure on farms with at least 80 % grassland up to a limit of 230 kg nitrogen per hectare per year for farms on southern and central sandy soils and on loess soils and up to a limit of 250 kg nitrogen per hectare per year for farms on other soils. The derogation concerned 18.118 farms in 2019, corresponding to 44,7 % of the total net agricultural area in the Netherlands.

(8) According to the data provided by the Dutch authorities, in the period 2016 to 2019, the number of cattle in the Netherlands decreased by 0,02 % as compared to the period 2012 to 2015. The number of pigs respectively poultry in the Netherlands increased by 0,6% and 3,5% for the same period. Since 2006, Dutch legislation sets limitations on the number of pigs and poultry. Moreover, since January 2015, Dutch legislation requires that an appropriate share of surplus manure from the dairy sector is processed. In addition, a system of phoshate production rights for dairy cattle has been introduced in the Netherlands since 1 January 2018. All of those measures aim at preventing pollution of water bodies.

(9) In the period 2014 to 2017, nitrogen use from livestock manure in the Netherlands was 417 000 tonnes, which was a increase of 4,0 % as compared to the period 2010 to 2013 . The use of Chemical N fertiliser in the Netherlands increased by approximately 3,3 % in the period 2014 to 2017 compared to the period 2010-2013 .

(11) Moreover, the information provided by the Dutch authorities in the context of the previous derogation granted by Implementing Decision 2014/291/EU indicates that derogation has not led to a deterioration of the Dutch water bodies. For instance, the nitrate concentration in the water leaving the root zone on monitored holdings covered by authorisations has decreased since 2006 and was in average in 2017 and 2018 below 50 mg/l. However, provisional data indicate an increase in nitrates concentrations in 2019 in southern sandy and loessial soils because of the effects of drought in 2018.

(12) The data reported by the Netherlands under Article 10 of Directive 91/676/EEC shows that for the period 2012 to 2015, approximately 88 % of the groundwater monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 79 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data also shows that for the period 2012 to 2015, 99 % of the surface water monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 96 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data indicates a stable or decreasing trend in nitrate concentration in groundwater and surface water compared to the period 2008 to 2011. Nevertheless, in the reporting period 2012 to 2015, 60 % of the freshwaters were eutrophic, 13 % potentially eutrophic and 27 % not eutrophic.

[1] Commission Implementing Decision (EU) 2018/820/EU of 31 May 2018 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 sources (OJ L 137, 4.6.2018, p. 27).