



VIRGINIJUS SINKEVIČIUS
Commissioner for Environment
Oceans and Fisheries

Brussels, 19/12/2022
Ref. Ares (2022) 9490486

Mr Piet Adema
Ministry of Agriculture, Nature and Food Quality
Bezuidenhoutseweg 73
2594 AC The Hague
THE NETHERLANDS

Dear Minister,

I am referring to the letter you sent to the Dutch Parliament on 2 December 2022¹, in which you inform notably on the progress in the implementation of the Decision of 30 September 2022² (hereafter: the 2022 Derogation Decision). I am writing to you to express concerns over the compatibility of the implementation process described in that letter with the conditions set out in the 2022 Derogation Decision.

The Commission agreed to grant this derogation to the Netherlands under specific legal conditions, which have been extensively discussed with the Dutch authorities since March 2022 when the request for renewal of the derogation was made. The conditions were necessary to make sure that spreading manure in the fields in excess of the threshold set out by the Nitrates Directive does not put at risk the objectives of this Directive, in considering the trends in pollution of water by nitrates and eutrophication in the Netherlands.

If the Netherlands does not respect the agreed conditions included in the 2022 Derogation Decision, including the timeframes, it cannot rely any longer on that Decision for authorising spreading manure on the fields in excess of the 170 kg N/ha which is laid down in the Nitrates Directive.

In light of this, it is particularly worrying that your letter seems to indicate that the obligation to establish buffer strips would become effective only as from 1 January 2024, whereas the 2022 Derogation Decision clearly indicates that that condition applies from 1 January 2023. Equally worrying is that whilst the Derogation Decision requires the Netherlands to have in

¹ Kamerbrief diverse onderwerpen mestbeleid

<https://www.rijksoverheid.nl/documenten/kamerstukken/2022/12/02/diverse-onderwerpen-mestbeleid>

² COMMISSION IMPLEMENTING DECISION of 30.9.2022 on 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, C (2022)6859

place as of 1 January 2023 an intermediate designation of polluted zones, the said letter indicates that this will not be done before spring 2023.

In addition, I note that you intend to delay key measures of the 7th Nitrates Action Programme. I would like to recall that the derogation was granted on the basis the of 7th Nitrates Action Programme and its addendum, as well as the conditions laid down in the 2022 Derogation Decision, complementing the measures foreseen in these programmes where deemed insufficient.

Finally, we would need to evaluate whether a possible prolongation of the pilot on mineral concentrates (processed manure/ReNure) would amount to a derogation under the Nitrates Directive, as the current size of the project and more than a decade of implementation may not justify it anymore as a ‘research pilot project’.

I would therefore be grateful if you could reassure us that the Netherlands will fully and timely implement the 2022 Derogation Decision, the Dutch 7th Nitrates Action Programme and its addendum.

Yours sincerely,

A large rectangular grey box used to redact the signature of the official.

Virginijus Sinkevičius