



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
The Director-General

Brussels
ENV.D.1/

Ministry of Agriculture, Fisheries,
Food Security and Nature

THE NETHERLANDS

Subject: Manure plans

Dear Mr [REDACTED]

As part of our efforts to assist Member States in implementing obligations under EU law, the Commission had engaged in continuous discussion with the previous government and will continue to do so with the current Dutch government on manure and nitrates emissions. We remain committed to a solution that acknowledges the specific situation and challenges in the Netherlands.

As part of our efforts to assist farmers and Member States, the Commission proposed a solution to allow flexibility on the application of certain types of processed manure (RENURE) above the 170 kg/ha limit under certain safeguard conditions aimed to address the environmental risks involved. We continue the discussions in the Nitrate committee to seek a qualified majority in support of this proposal.

In that spirit, I would like to emphasize the need to anchor discussions over the implementation of the Nitrates Directive and the current derogation for the Netherlands within the latest available scientific evidence, fully recognizing impacts of manure management and observing the existing Union and national rules. One of the key needs of the Dutch farmers is certainty and a longer-term perspective.

With regard to the proposed plans in NL, communicated from Minister Wiersma on manure in a letter to Parliament and in the accompanying Program ⁽¹⁾, we welcome some of the measures that go in the right direction and focus on ammonia emissions even if they are voluntary. In particular, the proposal for further measures to reduce livestock numbers

⁽¹⁾ [Regeerprogramma kabinet-Schoof | Publicatie | Rijksoverheid.nl](#)

coupled with compensation to farmers can be highly effective at reducing nitrate emissions provided they are appropriately designed and implemented.

At the same time, a number of other proposals raise concerns over their effectiveness in reducing the environmental pressures and long-term compliance with the Nitrates directive that is at the benefit of public health. Of particular concern is the reliance on presumed future changes to environmental protection standards at EU level. While the Commission is indeed currently carrying out a comprehensive evaluation of the Nitrates Directive, the evaluation has not been finalized and in the absence of informed conclusions, it is premature and uncertain to subject key aspects of your future policies on it in anticipation.

The Netherlands has by far the highest livestock density of all Member States in the EU. The resulting production of livestock manure gives rise to significant environmental challenges, not only for the protection of freshwater resources and aquatic ecosystems but for air quality and biodiversity. Nitrogen remains a significant source of pollution in the Netherlands, with widespread poor conservation (today 81% Dutch Natura 2000 sites are vulnerable to excessive nitrogen deposition) and no improvements for 44% of Annex I habitat types that are in bad/poor conservation status since the entry into force of the Habitats Directive. Pollution by nitrates also poses significant risks to human health and safety which necessitate considerable efforts and costs by the water companies to treat drinking water to ensure its safety for human consumption. Nitrates and phosphates from agriculture is clearly recognised as a significant pressure on all waters in the Netherlands ⁽²⁾.

In this light, some measures presented in the Program raise questions. We appreciate the clarifications you have provided in the meeting of 11 October and the subsequent exchanges. Having carefully examined this information the following specific aspects remain of concern and therefore we would appreciate any further clarifications:

- **Reduction of safety distance provided by the buffer zones:** have the national authorities examined the planned reduction from 250 metres to 100 metres concerning the impacts of nitrates and ammonia emissions on the nitrogen sensitive protected areas, also considering the amount of agricultural area affected?
- **Increased estimate for gaseous losses from stables and storage in dairy farming:** the planned increase in the ammonia emissions estimate will result in an increased quota for manure to be applied on fields. Have the authorities assessed the impact of such an increase in manure application? Also, what will be the impact of the increased emission estimates on compliance with the limit for ammonia emissions under Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants?
- **Investment in processing and promotion of exports of manure:** have the authorities assessed the impact on ammonia emissions from the increased transport and processing of livestock manure?
- **Extension of period where manure application is allowed:** have the authorities assessed the effect on nitrate leaching from fields where manure has been applied after the end of the growing season? What measures have the authorities put in place or are considering in view of increased risk of fraud in the manure

⁽²⁾ 3rd River Basin Management Plan

management value chain?⁽³⁾ How has the increased risk of manure fraud been managed under the enhanced enforcement strategy (Versterkte handhavingsstrategie (VHS) Mest) and what control and enforcement measures have the authorities put in place?

- **Reconsidering the whole territory approach towards a designation of nitrate vulnerable zones:** In a situation where the average manure production exceeds 250 kg nitrogen for available hectare of agricultural land in the Netherlands, which parts of the country could be considered safe from the pressure of intensive livestock? Could the Dutch authorities explain how this change in approach would deliver better and differently?
- Finally, the plans to address the situation of manure surplus production in the Netherlands by taking out of the **market production rights** in case of sale of the undertaking, seem largely based on the plans of the previous government, which the Dutch Council of State advised on 14 August 2023 as being insufficient to ensure the necessary reduction of manure production (*‘Wet wijziging Meststoffenwet in verband met de maximale mestproductie’*). In this context, how would these plans be sufficient to respect the condition set in the 2022 nitrates derogation and in the longer term effectively address the issue of excess manure production in the Netherlands?

Against the background of the concerning water quality trends ⁽⁴⁾ in the Netherlands, the pressures on human health and the environment of the current amount of livestock manure requires an effective and convincing plan to address those challenges, so as to meet the environmental and human health protection standards of the Nitrates Directive. In the meanwhile, as pointed out in our exchanges, the timely implementation of all conditions of the 2022 derogation for the Netherlands and the Nitrates Action Programme remains paramount, including the conditions to reduce the amount of manure production and to reduce the inputs of fertilizers in polluted areas.

Yours sincerely,



⁽³⁾ In particular in relation to spreading manure above the allowed limits during the prolongation period, acknowledged by the Minister Wiersma
https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2024A05949

⁽⁴⁾ The data reported by the Netherlands under the Derogation and the Nitrates Directive show a further increase in the last four years of nitrates concentrations in groundwaters and eutrophication of surface waters in many areas.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate D – Biodiversity
ENV.D.1 – Land Use & Management

Brussels
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Excellency,

We have the pleasure of enclosing a letter from [REDACTED]
[REDACTED] about the manure plans in the Netherlands to the [REDACTED]
[REDACTED] which I would ask you to transmit at your earliest
convenience.

Yours sincerely,

ENV.D1

Enclosure: Letter

[REDACTED]

[REDACTED]