

Draft ESPP input to EU consultation on Nitrates Directive evaluation

Deadline 8th March 2024

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/14051-The-protection-of-waters-against-pollution-caused-by-nitrates-from-agricultural-sources-Evaluation_fr

ESPP welcomes the centring of the Nitrates Directive evaluation around agriculture resilience, food security, sustainability and climate, taking into account the objectives of nutrient recycling and reducing nutrient losses.

ESPP notes that the Nitrates Directive has not, since its entry into force in 1991, resulted in reductions in groundwater nitrate pollution. The average nitrate concentration in EU groundwaters has not been reduced, many regions show steady or increasing concentrations and the number of groundwater monitoring stations with nitrate concentrations greater than 50mg/l has increased (EEA [2023](#) and Mussachio [2019](#)). This is despite a [small reduction](#) in EU livestock production over this period but an [increase](#) in production of major crops (wheat, maize). This absence of measured results may be due to the delay period between reducing nitrate losses and reduction of nitrates in water bodies, in particular in groundwaters, and the situation would probably have been worse without the Nitrates Directive.

ESPP notes that the Nitrates Directive continues to lead to disputes in different countries and regions, and that the regionalisation of Action Plans leads to variable levels of progress towards Water Framework Directive Quality Status Objectives.

The Nitrates Directive has not to date reduced regional nutrient misbalances resulting from concentration of livestock production. However, this is not the objective of this Directive and this challenge should be addressed by EU agriculture policy (CAP) and regional policy, food and diet policy, and trade policy, taking into account the impacts on farmers and the need to ensure farmer livelihood other than by intensification towards seemingly low-cost livestock production (low cost if externalities of environmental and societal costs are not considered).

ESPP suggests that the 1991 Nitrates Directive should today be updated to address the following key EU policy objectives:

- **Maintain the Nitrates Directive overall objective of reducing nitrate losses to water**, but update to ensure coherence with the requirements of the 2000 Water Framework Directive (water Quality Status Objectives) and with the target set by the EU Farm-to-Fork Strategy, Biodiversity Strategy and Convention on Biological Biodiversity to reduce nutrient losses by 50% by 2030.
- **Address phosphorus as well as nitrogen**. Phosphate Rock is on the EU Critical Raw Materials List since 2014, and phosphorus is the main factor leading to Water Framework Directive Quality Status failure of surface waters. Point sources of phosphorus emissions have been considerably reduced, and this will continue with the current update of the Urban Waste Water Framework Directive. Agricultural phosphorus losses need to be addressed by a revised Nitrates Directive.
- **Enable recycling of manure nutrients, where the recovered nutrient product is a mineral fertiliser** (as defined by the EU Fertilising Products Regulation, i.e. <1% organic carbon), that is the recovered nutrient product is essentially “the same” as a synthetic fertiliser. This is important to address the current unlevel playing field and unjustified obstacle posed to nutrient recycling by the 170 kg/ha limit for manure in a processed form. This should only apply to materials which no longer have manure characteristics (significant organic carbon) and which are chemically and functionally indistinguishable from equivalent synthetic mineral fertilisers.
- **Address climate change and atmospheric emissions: N₂O, ammonia**. This is coherent with developing nutrient recycling (ammonia stripping/ recovery).