

## MEP Briefing- July 2017

### The fertilizers regulation revision should not be used as a vehicle to allow for more pollution from animal waste!

Ahead of the 13 July vote in IMCO on the on the Fertilizers Regulation, the EEB, BirdLife Europe, EurEau, Greenpeace, IFOAM, Slow Food, CIWF and WWF call on Members of the Internal Market Committee (IMCO) to oppose a revision through the back door of the Nitrates Directive, a fundamental piece of EU environmental legislation which aims to protect water through certain restrictions of use of manure in polluted areas. More specifically this requires **voting against any amendments proposing to use the current revision of the Fertilisers Regulation** (procedure number: 2016/0084(COD)) **to amend the definition of manure in the Nitrates Directive.**

Voting against such an amendment means preventing potentially very harmful increases in the nitrates pollution of Europe's ground and surface waters and standing up for clean water, human health and biodiversity.

#### What is at stake?

There is an attempt by some Members of the European Parliament to use the current revision of the Fertilisers Regulation to amend the definition of manure in the Nitrates Directive. Their objective is to exclude processed manure with a Nitrate Fertiliser Replacement Value of 80% from the rules applied to manure within the context of the Nitrates Directive and, in practice, to allow for the application of processed manure in areas above the environmental safety threshold of 170 kg N/ha in water polluted areas. This could lead to disastrous environmental and health consequences in areas in which ground and surface waters are already heavily polluted by nitrates.

#### The importance of the Nitrates directives

The Nitrates Directive<sup>1</sup>, established in 1991, aims to protect water quality across Europe by preventing nitrates from agricultural sources polluting ground and surface waters - it is one of the key instruments in the protection of waters against agricultural pressures. It aims to protect water provision through certain **restrictions of use of manure in polluted areas**, which includes a limit of 170kg nitrogen per hectare per year from livestock manure in water polluted areas. This limit is essential for the protection of human health, water ecosystems and keeping the costs of drinking water provision at reasonable levels.

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<sup>1</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources

The 170kg N/ha limit from the Nitrates Directive applies where there are already heavy water pollution problems, they do not apply to more than 40% of the agricultural land of the EU. The Nitrates Directive does therefore not hinder in any way the development of manure processing as processed manure can still be traded and freely used in the areas that are not subject to this restriction .

It is also worth noting that the Directive allows Member States to get derogations to go beyond the 170 kg/ha limit, under strict conditions.<sup>2</sup>

### **Livestock, manure, environment and health**

Land, water and air are all affected by the concentration of animals and associated waste production. If overused and not handled correctly, manure can have detrimental effects both during storage and after application on the land.

Excess manure ends up running off fields and contaminating rivers, waterways, groundwater and the oceans with excessive amounts of nutrients – resulting in an explosive overgrowth of plants and algae which depletes oxygen levels in water, killing aquatic life (a process also referred to as eutrophication). The reduced quality of the water resources used for drinking water production results in extra treatment (and increased costs) necessary to comply with the Drinking Water Directive and make water safe for us to drink. The overall environmental costs of all nitrogen losses in Europe is estimated at €70–€320 billion per year, with the highest societal costs associated with loss of air quality and water quality, linked to impacts on ecosystems and especially on human health. Earlier this month the German Environment Agency UBA has estimated that the price of drinking water in Germany could increase by up to 45% over the coming years due to rising costs of removing nitrates present in groundwater because of excessive use of fertiliser.<sup>3</sup>

The success of nutrient recovery and reuse from manure heavily depends on the livestock density in the farm. As with mineral fertilisers, if levels exceed sustainable limits, we are faced with the same environmental and health problems as with an excess of mineral fertilizers. Good nutrient recovery and reuse from manure in Europe is therefore intrinsically linked with the evolution of the livestock sector and better consideration of ecological limits.

### **The risks of such an amendment**

The proposed amendments to the Nitrates Directive would make it possible for processed manure to be applied above the environmental safety threshold of 170 kg N/ha in water polluted areas thus significantly weakening the possibility of reducing water pollutions to safe levels.

Additionally the definition of manure is not only linked to the 170 kg/ha threshold but also to some storage and closed periods obligation to avoid leaching (and air pollution) where there is no plant

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<sup>2</sup> They have to demonstrate that they can meet the Directive's objectives by improving other measures and reducing nutrient losses in other ways. They must offer objective justifications for using higher quantities of manure than correspond to 170kg nitrogen per hectare per year, which are allowed under the Directive: for example, long growing seasons, crops with high nitrogen uptake, high net precipitation or exceptional soil conditions. The derogation is granted through a Commission decision, following a positive opinion from the Nitrates Committee.

<sup>3</sup> [www.umweltbundesamt.de/presse/pressemitteilungen/zu-viel-duenger-trinkwasser-koennte-teurer-werden](http://www.umweltbundesamt.de/presse/pressemitteilungen/zu-viel-duenger-trinkwasser-koennte-teurer-werden)

uptake. Waving some material from the definition of manure would also exclude them from these obligations.

In a context of the absence of milk quotas, related intensification of the dairy sector as well as the increase of pigs in some regions of the EU, this reduction of restrictions of use in polluted areas could possibly lead to a further intensification of the livestock sector in Europe meaning more pressure on already depleted natural resources but also further disruption of the dairy and pig sectors in the internal market risking crisis as we have recently witnessed.

Diffuse pollution from agriculture is one of the main pressures on water ecosystems in Europe, and Nitrates Directive is a basic measure to deal with the pressure under the Water Framework Directive (WFD). It is assessed that even a full implementation of the Nitrates Directive does not secure a good status in many water bodies, requiring supplementary measures to be applied (COM(2015) 120 final). Such amended could further impede or even undermine the achievement of WFD's objectives.<sup>4</sup>

There are limits to how much plants can absorb from manure's organic matter and therefore nitrogen recycling from manure should in no way be used as a pretext to ease restrictions on nitrate levels in soil and water, nor should it be used to allow for further growth in the meat and dairy sectors in areas which have reached ecological limits.

This attempt to circumvent the limitation on the use of processed manure in polluted areas is missing the point about sustainability. Nitrate pollution is caused by excessive intensive livestock production, and should be solved by incentivizing a transition in the most polluted areas towards agroecological practices and organic farming, which allow nutrient recycling and respect for land carrying capacity.

Exceeding sustainable limits of manure is not "circular" and leads to leakages which are environmentally harmful. Successful nitrogen recovery from manure goes hand in hand with sustainable management of manure, which requires taking full account of the limits established to ensure public health and the quality of our natural environment.

**Therefore we ask MEPs to oppose the revision of a fundamental piece of EU legislation protecting against over pollution through the back door.**

**For more information, please contact:**

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<sup>4</sup> Despite the fact that 63 % of river basin districts reported that implementation of the Nitrates Directive is not enough to tackle diffuse pollution to the level needed to secure WFD objectives, necessary measures have not been added to address the remaining shortcomings.