

To: Commissioner Jessika Roswall, Commissioner for Environment, Water Resilience and a Competitive Circular Economy

CC: Paulina Dejmek Hack, Head of Cabinet of Commissioner Jessika Roswall, Eric Mamer, Director General DG Environment, Ion Codescu, Head of Unit, Land Use and Management (ENV.D.1)

RE: Closing the implementation and enforcements gap in the Nitrates Directive

Brussels, 4 December 2025

Dear Commissioner Roswall,

Healthy coastal and freshwater ecosystems are the foundation of Europe's climate resilience, stability, prosperity and competitiveness. The Nitrates Directive is a key piece of EU environmental legislation to protect water from agricultural pollution, thereby ensuring public health and biodiversity protection while reducing the burden on public budgets. **We call on you to maintain the ambition of the Nitrates Directive, by not opening it up for revision, and instead focusing on closing the implementation, enforcement and financing gaps**, which will also help achieve the environmental objectives of the Water Framework Directive.

Nitrate pollution remains a key pressure on water bodies across the EU. More than a third of rivers, lakes and coastal waters are reported as eutrophic¹, and more than a third of groundwater bodies are impacted by agricultural pollution². This comes at a high cost for biodiversity, human health and ultimately public budgets that pick up the healthcare and cleaning bill:

- **More than 220,000 people in Spain cannot drink their tap water** due to harmful levels of nitrate, and the number of towns whose drinking water is undrinkable due to nitrate contamination rose by 50% from 2022 to 2023 [1]
- **In Brittany, France, three people and at least 30 animals have died because of toxic gases released by algal blooms** resulting from nutrient pollution from the region's high number and concentration of pig farms [2]
- **Denmark could save lives and more than \$300 million a year by reducing the amount of nitrate in drinking water**, due to the 15% increased risk for colorectal cancer at nitrate levels above 9.25 mg/L in drinking water [3].

The Nitrates Directive requires Member States to prevent water pollution by monitoring water quality, applying good agricultural practices and limiting manure application. We believe that the Directive is as **simple as it can be, while providing significant flexibility to Member States in adapting measures to local circumstances**.

European Environmental Bureau

• Rue des Deux Églises 14-16, 1000 Brussels, Belgium • ☎ +32 228 91090 • eeb@eeb.org • www.eeb.org
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Yet, Member States are far from meeting their obligations to bring Europe's waters to good status. The latest Nitrates Directive implementation report (from 2021) shows that improvement of nitrate pollution has stalled in the past decade. However, the Commission could not assess if eutrophication of surface waters has improved or worsened since the previous reporting period due to **lack of data from Member States**, as well as differences in methodologies to define eutrophication.

The European Court of Auditors has also noted that **multiple Member States failed to present data on key indicators**, such as livestock numbers, manure and mineral fertiliser use, nutrient balances and nitrogen discharges in their 2016-2019 implementation reports. This limits the Commission's ability to assess how manure management requirements are applied.³

These examples show **there is ample room to improve implementation**, which has also been confirmed by national court rulings. Recently, the German Federal Administrative Court ruled that the current nitrate action program is insufficient and must be revised to limit nitrate pollution. The High Court of Justice of Galicia has also confirmed that the Spanish authorities have breached residents' fundamental rights by failing to address pollution caused by industrial pig farms, resulting in serious health risks from contaminated water.

Despite the slow progress on implementation, the Commission has only launched three new infringements in the last ten years, while several previously launched cases were closed, despite ongoing issues with nitrate pollution. **Therefore, there is also more room for better enforcement of the Nitrates Directive by the Commission.**

A recast of the Directive, on the other hand, would create legal uncertainty and lead to further delays in the implementation. **We therefore urge you to not revise the Nitrates Directive, but instead focus on implementation and enforcement, including in closing data gaps.** Only this will help to make EU more competitive and resilient.

Yours sincerely,

Patrick ten Brink

Secretary General of the EEB



References

[1] Ecologistas en Acción (2025), <https://www.ecologistasenaccion.org/330851/la-contaminacion-por-nitratos-aumenta-dejando-sin-agua-potable-a-un-50-mas-de-poblaciones-que-el-ano-anterior-mas-de-220-000-personas/>

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[2] France Nature Environnement (2018), Algues vertes : le littoral empoisonné, <https://fne.asso.fr/dossiers/algues-vertes-le-littoral-empoisonne>

[3] University of Copenhagen (2023), We can save lives and millions with less nitrate in drinking water <https://science.ku.dk/english/press/news/2023/we-can-save-lives-and-millions-with-less-nitrate-in-drinking-water/>

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