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EEB feedback to the Commission initiative to extend the RENURE act

The EEB would like to express its deep concerns regarding the Commission's initiative to extend the RENURE act to include digestate. The RENURE act and its proposed expansion allows the application of an additional 80 kg nitrogen of certain processed manure products above the limit set in the Nitrates Directive. This represents a near 50% increase in the amount of nitrogen from manure that can be authorised in Nitrogen Vulnerable Zones, i.e. areas identified as polluted or at risk of being polluted by nitrogen from agricultural sources.

The initiative lacks robust scientific backing and risks exacerbating the already acute environmental and human health impacts of high nitrogen emissions from excessive manure production, making it more difficult to achieve the objectives of the Nitrates Directive and the Water Framework Directive. Furthermore, it goes directly against the unequivocal findings of the Commission's Evaluation of the Nitrates Directive that "*the manure application limit is* ***effective, scientifically sound and cost-efficient****, although, in polluted areas, it may* ***not be sufficient to achieve the Directive's objectives***".

Procedural issues

The EEB has already raised concerns with how the Commission prepared the RENURE act, including in our response to the feedback consultation (May 2024), as well as in a letter to the Commission (October 2025). All the same issues apply to this proposed amendment, which we have also raised in a joint letter to the Commission (June 2026).

The main issues we see concern the following:

- **The RENURE act and its expansion raises several questions regarding its compatibility and coherence with EU water protection, climate and zero pollution goals** and fails to respond to how the initiative will help achieve the objectives of the Nitrates Directive. Article 11 of the Treaty on European Union and the better Regulation Guidelines underline that the policy-coherence principle should apply at all stages of the policy-making process. Additionally, the European Climate Law requires that all EU draft measures and legislative proposals include a climate-neutrality assessment. **Countries and regions where livestock densities remain high** (above 3 Livestock Units per hectare), **are drivers of nitrate (as well as phosphorus and ammonia) pollution**. The evaluation of the Nitrates Directive noted that **derogations from the manure application limit have in many cases led to negative environmental effects and/or jeopardised the attainment of the objectives of the Nitrates Directive**. Similar findings have been done by the European Court of Auditors that recommended the Commission limit the use of derogations. The RENURE act and its proposed expansion will allow Member States an exemption from the manure limit allowing a manure production at a level corresponding to nearly 3 LSU/ha. The Commission has not produce any Staff Working Document or any other explanatory documents accompanying the draft Act and therefore, to the best of our knowledge has not conducted any climate consistency or any other policy consistency assessment related to the climate, environmental, human health, economic or social impacts of the proposed amendments to the Nitrates Directive. **A full impact assessment of the proposed policy options should have been carried to respond to how the initiative fits with water protection, climate and zero pollution objectives.**

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- **The initiative is not based on the best available evidence.** The manure application limit was established to provide **a minimum common basis across the EU to curb the negative impacts of intensive livestock production** and to provide a **level playing field among farmers**. As the Commission's own evaluation makes clear, it is not an agronomic threshold, but a tool to regulate livestock densities (to 2 Livestock Units per hectare). The RENURE act and its proposed expansion are each supported by a single JRC report, which only looks narrowly on the safe application of processed manure and do not address the wider environmental and socio-economic impacts of allowing exemptions from the minimum standard for farmed animal densities and associated manure production volumes in areas already polluted or at risk of being polluted by nitrogen from agricultural sources. The Commission's own evaluation, concluded that "the manure application limit is **effective, scientifically sound and cost-efficient**, although**, in polluted areas, it may not be sufficient to achieve the Directive's objectives**." Further, it noted that **derogations from the manure application limit have in many cases led to negative environmental effects** and therefore have been phased out as the higher livestock concentrations and ensuing high manure production allowed by derogations have contributed to negative effects on water, soil, air quality and protected habitats, undermining the objectives of the Nitrates Directive. The RENURE act and its proposed expansion constitutes a derogation from the manure application limit and is contrary to the findings of the Commission's evaluation. Finally, the initiative seeks to reduce the Union's dependencies on imported fertilisers. A recent JRC report (not cited by the draft Act) has concluded that recycling of organic waste (including manure) can at most substitute 10% of mineral nitrogen fertilizer. As outlined further down, there are more efficient measures to strengthen the EU's strategic autonomy. By basing the initiative on one single narrowly focused JRC study, while ignoring the outcome of its own fitness check evaluation as well as other scientific studies, including from its own research and knowledge centre, **the Commission is not basing the initiative on best available evidence, which is not in line with the Better Regulation Guidelines**.
- The Commission presented the RENURE act as an interim solution awaiting the results of the evaluation of the Nitrates Directive **without properly justifying the urgency** of adopting those changes. The European Ombudswoman has since recommended the Commission to improve compliance with the Better Regulation Guidelines when preparing proposals that it considers urgent to ensure a transparent, evidence-based and inclusive law-making process. Yet, the draft Act expanding the RENURE act to digestate again cites urgency, but **the Commission does not justify the deviation from the Better Regulation Guidelines**. We also question the alleged "urgency" used to provide justification for further eroding a long-standing environmental safeguard that the Commission itself (in the evaluation of the Nitrates Directive) has dubbed as a "pivotal benchmark" for curbing the negative environmental impacts of intensive animal farming.
- Article 8 of the Nitrates Directive allows the Commission to amend non-essential elements of the Directive to adapt it to scientific and technological developments. However, we view the manure application limit as an essential element of the Directive and that **the Commission has acted outside the scope of its implementing powers**. The importance of the limit is demonstrated by the fact that Member States must receive approval from both the Commission and the Nitrates Committee if they intend to derogate from it and the Commission's own evaluation of the Directive has also just underlined the importance of the manure application limit to limit the negative impacts of intensive animal farming, not only on water but also for safeguarding air quality and protected habitats.

The European Ombudswoman has acknowledged the EEB's concerns about the preparation and adoption of the RENURE act and found similarities with other complaints that have mounted to

maladministration. The Commission has been informed about this, but is still pursuing with an expansion of the RENURE act.

Environmental concerns

EU Member States have failed to fully comply with the objectives of the Nitrates Directive, directly hindering the achievement of the targets of the Water Framework Directive. For unclear reasons the Commission has still not published the EU-wide implementation report for the 2019-2023 implementation period, but snapshot reporting shows that progress to improve nitrogen pollution in surface and groundwater has stagnated in recent years, and even deteriorated in a number of areas (both for surface and groundwater).

Nutrient pollution in the EU is beyond safe ecological limits and comes with a substantial cost for society, estimated to cost EU taxpayers €22 billion yearly, including for drinking water treatment. In 2020, the Commission set a target to cut nutrient losses in half by 2030 and announced to address this issue in an Integrated Nutrient Management Action Plan. Unfortunately, that Action Plan seems to have been dropped by the Commission. Meanwhile, there has so far been zero progress on achieving the objective of reducing nutrient losses.

The Commission's initiative to allow the application of processed manure products above the legal threshold in the Nitrates Directive instead provide a **legal loophole** to the control of animal densities initially intended by the Directive. While the RENURE act was phrased as an interim solution, investments in manure processing facilities require an operational timespan of multiple years. This creates a demand for manure which keep animal densities high in the surrounding area and therefore risk locking in unsustainably high livestock concentrations. This will only make it more difficult to reach the objectives of the Nitrates Directive and the Water Framework Directive, in particular in those areas that most would benefit from deintensification. A recent JRC study, supporting the evaluation of the Nitrates Directive, concluded that **a reduction of livestock densities to 2 LSU/ha could cut nitrate leaching and runoff by over 50% in hotspot regions**, such as the Netherlands and Belgium.

The Commission's evaluation finds that the manure application limit in many cases is not sufficiently protective to prevent water pollution. It is therefore a minimum baseline for all Member States to adhere to, beyond which further measures should be taken as needed. Reducing manure application below the limit in the Nitrates Directive has been shown to have positive results for water quality. For example, limiting organic fertilisation (including digestates) on farms to less than 120 kg N per hectare resulted in a decline in groundwater nitrate concentration by approximately 40% in Lower Saxony, Germany.

While the adopted RENURE act includes some safeguards, we are not convinced these provide sufficient protection for water to counter the risks associated with the proposed amendment, considering that **this exemption will apply in the very regions where there is already too much nitrogen in soils and water.**

Circularity and reducing dependencies

The EEB fully supports the aim of reducing the EU's dependency on imported fertilisers and helping farmers reduce their input costs. The long-term objective must be to bring nutrient cycles within ecological boundaries and to move from the current linear and wasteful model to fully circular nutrient management at regional level. This proposal will not achieve either objective, and could even undermine them.

Imports of fertilisers and animal feed are the main inputs to the EU nutrient cycle, and the vast majority of nitrate pollution of water stem from animal farming and feed production. The extreme

farmed animal densities in hotspot regions is only possible due to imports of animal feed (as the land is not sufficient to meet the feed requirements). The RENURE act, and its expansion, risk locking in the equivalent of nearly 3 LSU per hectare, a density that in most cases will require imports of feed and fertilisers.

The first course of action for those regions and Member States that currently have unsustainably high animal concentrations that result in excessive production of manure should be to reduce the manure production to sustainable levels, before turning to reuse and recycling options in line with the waste hierarchy.

Transporting nutrient surpluses across Europe does not address the structural causes of nutrient imbalances, and loosening manure limits only makes it harder for Member States that have not yet brought farmed animal densities - and the resulting manure volumes - to sustainable levels, to achieve water quality objectives.

Solutions that limit dependencies on external inputs already exist. Organic and agroecological farming practices that prioritise territorial, crop-livestock integration in mixed farming systems, and long and diverse crop rotations with legumes, have proven capable of reducing fertiliser use while strengthening resilience, biodiversity and farmer autonomy. Evidence, including from the Commission's own science and knowledge service, shows that a transition to such practices, together with a shift to more sustainable, plant-rich diets, is also the most efficient way to reduce nitrogen emissions. Supporting this transition would make the Zero Pollution objective to reduce nutrient losses by 50% by 2030 more attainable, while shielding farmers from volatile fertiliser prices, strengthening Europe's strategic autonomy, and ensuring food and drinking water production in the long term.

Conclusions and recommendations

The RENURE act and its proposed expansion do not provide any avenue to support the necessary transition towards agroecological practices and extensification of animal farming that allow food production to remain safely within ecological boundaries, that also ensure drinking water production and healthy ecosystems in the long term.

The lack of integrated policy solutions leaves Europe's farmers facing continued market pressure to "intensify or go bust" which are not sufficiently countered by agricultural policies and which the proposed loophole further exacerbates. This is a model which inherently hooks the agricultural sector to unhealthy dependencies on imports and associated volatile input prices.

We recommend that the Commission withdraws not only this draft act, but also the adopted RENURE act, and instead:

- works with Member States to improve the implementation of the Nitrates Directive;
- supports farmers to improve their nutrient use efficiency and to integrate legumes in their crop rotations and pastures;
- explores solutions to "support extensification in regions with high livestock concentrations" as proposed in the Vision for Agriculture and Food and;
- promotes the use of processed manure within safe ecological boundaries that protect water, as part of the Integrated Nutrient Management Action Plan that should be published as soon as possible;
- ensures that any future initiative on this topic is informed by a proper Impact Assessment (also informed by a risk assessment), public consultation and climate consistency assessment.