



Ministry of Agriculture, Nature and  
Food Quality of the Netherlands

# Control and enforcement of the Nitrates directive

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## Context: Agriculture in the Netherlands

**Intensive agriculture**

**Effect on compliance**

**Small area**

**High production**

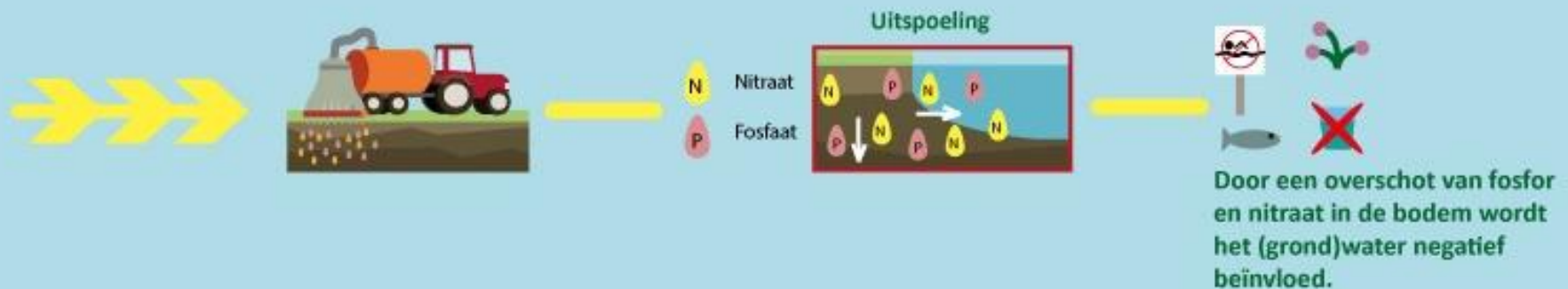
**Much manure**



# 6th Nitrates Action Program 2018-2021

Additional measures in 6th NAP:

- Special attention to control and enforcement as there are indications of non-conformity with manure policy
- To prevent non-conformity and to minimize environmental risk, sharing expertise between supervising authorities for mutual benefit is important





## Derogation decision (EU) 2018/820

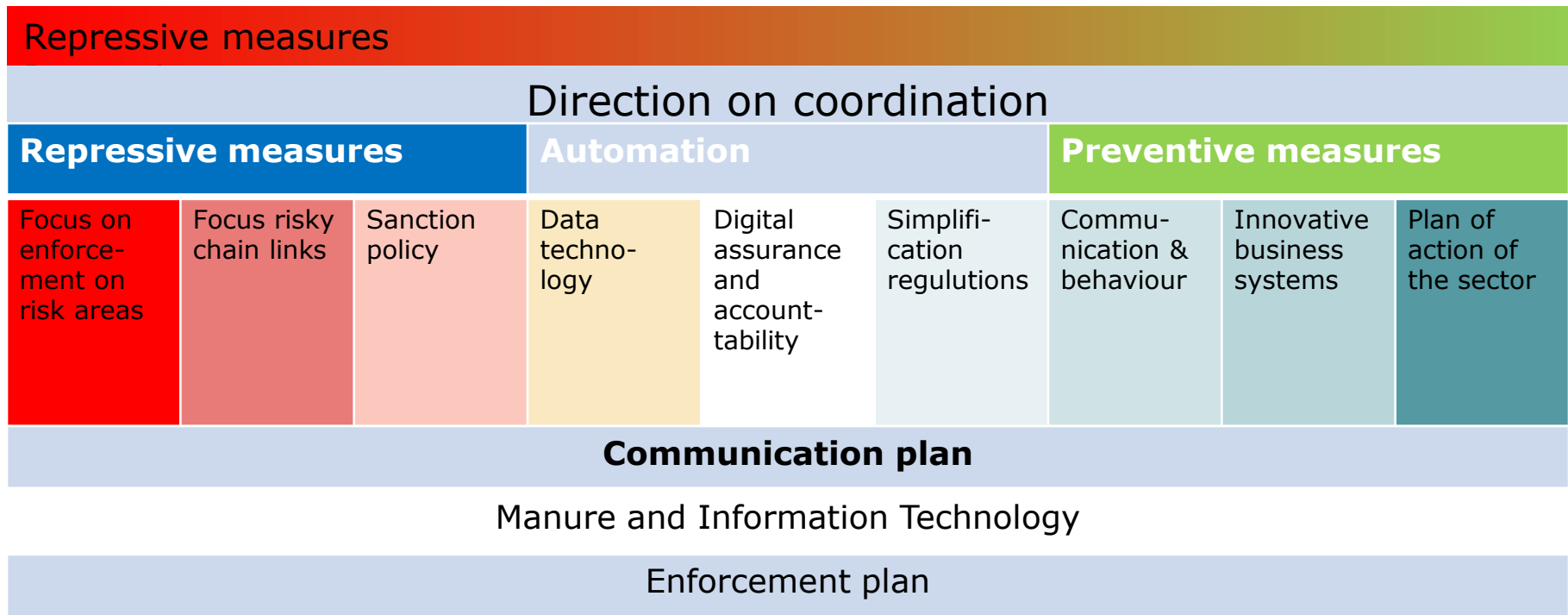
### Article 4.2

The Netherlands shall establish an **enhanced enforcement** strategy aiming at strengthening the compliance with the rules on Dutch manure policy and at ensuring that any information pointing at situations of non-compliance is followed up effectively. The enhanced enforcement strategy shall comprise the following elements:

- a) An independent assessment of the scale and scope of cases of **deliberate non-compliance**
  - (a) an independent assessment of the scale and scope of **cases of deliberate non-compliance** with the national rules on manure. This assessment should be carried out by the competent national authorities responsible for the national rules on manure, together with the competent national authorities responsible for investigating and prosecuting offences of a criminal nature;
- b) An identification of the areas of manure handling with higher risks
  - (b) an **identification of the areas** of manure handling and management with higher risk of deliberate non-compliance with the national rules on manure;
- c) A strengthening of the capacity for inspections
  - (c) a **strengthening of the capacity** for inspections and controls, which is at least equal to 40 % of the capacity required for the inspections of grassland farms covered by authorisations referred to in Article 10(2), including random, and a better targeting of that capacity to risk areas of manure handling and management;
- d) A clear methodology to establish sufficient effective, proportionate and dissuasive penalties and sanctions
  - (d) a clear methodology for establishing sufficiently effective, proportionate and dissuasive **penalties and sanctions**.



# Model reinforced enforcement strategy manure

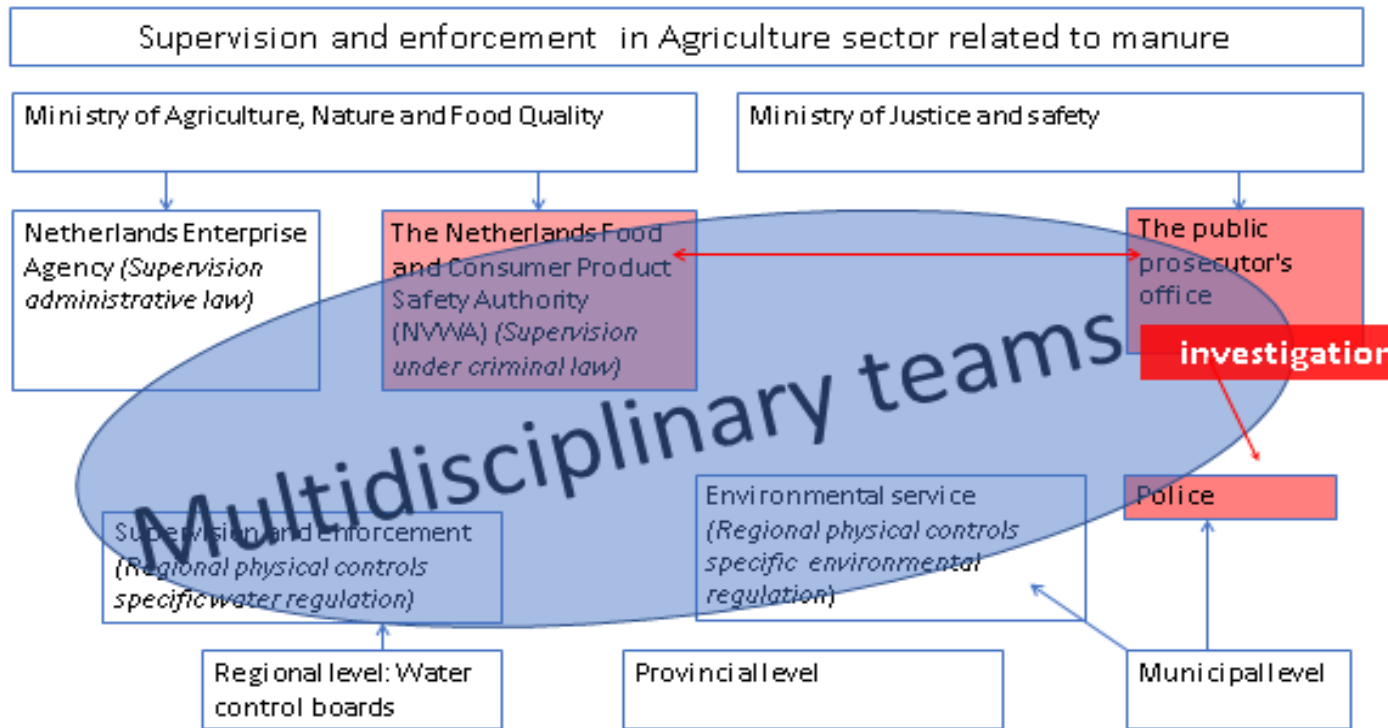






## Strengthening of the capacity

Cooperation between governmental organizations for monitoring, enforcement and investigation in high risk areas



- Mutual powers
- Sharing knowledge and information
- Risk based selection area or chain link
- Visibility and rising of perception strong supervision
- Accumulation of incidences justify stronger sanctions



# Identification of higher risk of deliberate non-compliance (regions)



- The focus is on area's where water quality is not compliant
- Soil types (sand and loess) sensible for leaching of nutrients and
- High pressure to reduce cost of transport of animal manure and
- High density of livestock



## Identification of higher risk of deliberate non-compliance Chain of animal manure

An intermediary connects between supply and demand of manure, transports the manure from supplier to receiver, takes care of the administration and provides storage.



- intermediaries is a critical link
- fairly easy to apply fraud
- modify transport as being exported to other member states, but use in Netherlands
- Cheat with volumes and nutrient concentrations





## Penalties and sanctions

- Penalties and Sanctions are needed to define proper rules and make sure they are followed
  - Penalties are made up of a punishing part and a part to take away benefits.
  - Penalties could be a fine, but also no subsidy (or both).
  - A fast penalty works best
- 
- research indicates that in general the fines and sanctions are sufficiently large to take away economic benefits of non-compliance.
  - Individually this can be different.





## Automation of manure transport and use

1. An information analysis has been performed on reporting manure transports. This is the basis for a design for changing the regulations.
  2. It will be assessed whether manure storage should also be registered and digitally justified in real time. Also set up of a competence center and general control room.
  3. A government and business cooperation project: transport tracking systems and "Near Infrared Spectroscopy".
- Sequential for the digital and real-time account of manure transport and manure usage.
  - Data scientists and data analysts from the NVWA, RVO.nl and the regional authorities have jointly carried out risk analyses.





## Change attitude with regard to animal manure

- The agriculture sector is held fully responsible for sustainable use of manure.
- Self regulation will help the sector to improve transparency in the fertilizer market and stimulate Good Agriculture Practices.
- Self regulation does not influence the level of regulation. It's extra, but can be used as a criteria in risk-analysis.





## Additional actions in 6 NAP

- Better accessibility for agrarians of current scientific knowledge
- Communication of policies to clarify better why measures are taken.
- Behavioral interventions to influence the culture and to invite to participate in protection of the environment.



*Arable farmers learn to measure nitrate concentrations themselves*



## Summary: Enhanced enforcement strategy

- Improve knowledge
- Simplification of legislation with fewer exceptions
- Enforcement based on gathering and use of large amounts of data
- More cooperation between institutions working on control and enforcement
- Implement use of data-technology and real-time monitoring of manure transport (NIRS, GPS, Flowmeter)





## Zapytaj?

