maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works. Provided that the work to which the Honourable Member refers can be considered as a project under the class mentioned, it would have been made the subject of an examination.

The Commission will take the appropriate steps in order to gather detailed information about the matter and to ensure the observance of relevant Community law.


1. Is the Commission aware of the rise in the volume of fertiliser produced in the Flemish Region? If so, what is the Commission's attitude towards this trend in the light of the adverse effect on compliance with the nitrates directive? If not, what is the Commission's assessment of compliance with the nitrates directive in the Flemish Region?

2. What arguments and positions did the Commission refer to in its recent letter to the Belgian Federation concerning compliance with the European nitrates directive? Does the Commission give proposals and a timetable in this letter to ensure full and proper compliance with the nitrates directive in the Belgian Federation, and in particular in the Flemish Region? If so, what proposals and what timetable?

Answer given by Mrs Wallström on behalf of the Commission

(22 February 2000)

The Commission is aware of the serious problems in the Flemish Region of Belgium caused by the presence of large quantities of nutrients (phosphorus and nitrogen) resulting from the use of chemical fertilisers — over 300 kilograms of nitrogen per hectare — and the spreading of livestock manure on farmland, also representing over 300 kilograms of nitrogen per hectare. These excessive quantities are the cause of diffuse groundwater pollution, to which the Vlaamse Milieumaatschappij (Flemish Environmental Association) draws attention in its reports, and the eutrophication of most surface waters; they are also contributing to the eutrophication of the North Sea.

Given this situation, the Flemish Region of Belgium has not, in the Commission's view, designated as vulnerable zones, under Article 3 of Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (?), all the areas of its territory concerned. Under the terms of Article 5 of the Directive, vulnerable zones must be the object of an action programme including measures which ensure that, for each farm or livestock unit, the amount of livestock manure applied to the land each year, including by the animals themselves, does not exceed a specified amount per hectare. The specified amount per hectare is the amount containing 210 kilograms of...
nitrogen for 1999 to 2002 and 170 kilograms of nitrogen from 2002. These limits will lead to a restriction on the amount of slurry and solid manure spread on the land, and will therefore restrict the phosphorus input as well. The action programmes must also lay down, as required by Annex III.1.3 of the Directive and in order to comply with Annex II.A.6 requirements, the maximum amounts of nutrients which may be applied to the land, taking account of crop requirements, soil supply and chemical and organic nitrogen input and maintaining a balance between them. This implies careful use of both chemical and organic fertilisers.

As part of the infringement procedure initiated against Belgium, the Commission sent Belgium a reasoned opinion as provided for in Article 226 (ex Article 169) of the EC Treaty. If the comments submitted by the Belgian authorities are judged unsatisfactory, the Commission could bring the matter before the Court of Justice.

The Commission does not publicise the details of infringement procedures. It did, however, publish a press release (2) when it decided to send Belgium the aforesaid reasoned opinion. The press release indicated that Belgium had not, in the Commission's view, applied the Directive's criteria when designating the vulnerable zones. The Belgian authorities had failed to include waters which had been reported to be polluted by nitrates. Moreover, the action programmes are incomplete for Flanders and inexistent for Brussels and Wallonia, the monitoring system is inadequate and the first implementation report presented by Belgium was unsatisfactory.

Lastly, it should be pointed out that in a reasoned opinion the Commission does not suggest what measures should be taken by the Member State concerned or when it should take them to ensure that the Directive in question is properly implemented, since the Directive itself indicates what has to be achieved and by when. The Commission's role is to check that the measures the Member States adopt comply with the provisions of the Directive.

(2) IP 99/450, 2.7.1999.