

COMMISSION IMPLEMENTING DECISION (EU) 2020/1073**of 17 July 2020****granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources****(Only the Dutch version is authentic)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾, and in particular the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) By Decision 2005/880/EC ⁽²⁾, the Commission granted a derogation requested by the Netherlands pursuant to Directive 91/676/EEC for the purpose of allowing the application of grazing livestock manure up to a limit of 250 kg nitrogen per hectare per year on farms with at least 70 % grassland.
- (2) By Decision 2010/65/EU ⁽³⁾, the Commission amended Decision 2005/880/EC and extended the derogation until 31 December 2013.
- (3) By Commission Implementing Decision 2014/291/EU ⁽⁴⁾, which expired on 31 December 2017, the Netherlands was granted a derogation pursuant to Directive 91/676/EEC to allow the application of grazing livestock manure on farms with at least 80 % grassland up to a limit of 230 kg nitrogen per hectare per year for farms on southern and central sandy soils and on loess soils and up to a limit of 250 kg nitrogen per hectare per year for farms on other soils. The derogation concerned 19 564 farms in 2016, corresponding to 47 % of the total net agricultural area in the Netherlands.
- (4) By Commission Implementing Decision (EU) 2018/820 ⁽⁵⁾, which ceased to apply on 1 January 2020, the Netherlands was granted a derogation pursuant to Directive 91/676/EEC to allow the application of grazing livestock manure on farms with at least 80 % grassland up to a limit of 230 kg nitrogen per hectare per year for farms on southern and central sandy soils and on loess soils and up to a limit of 250 kg nitrogen per hectare per year for farms on other soils. The derogation concerned 18 818 farms in 2019, corresponding to 44,7 % of the total net agricultural area in the Netherlands.
- (5) As recognised in Implementing Decision (EU) 2018/820, over the recent years the implementation by the Netherlands of its manure management policy suffered some set-backs leading to a situation where there were concerns over possible fraud. This situation required the Netherlands to step up its efforts in preventing fraud in the implementation of its manure policy. While the 6th Dutch Action Programme, already provides for measures aimed at reinforcing the control and inspections with a view to improving overall compliance with the rules of the Dutch manure policy, additional efforts were needed to be deployed to foster effective implementation and full compliance. Those efforts included the establishment of an enhanced enforcement strategy, taking into account also

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ Commission Decision 2005/880/EC of 8 December 2005 granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 324, 10.12.2005, p. 89).

⁽³⁾ Commission Decision 2010/65/EU of 5 February 2010 amending Decision 2005/880/EC granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 35, 6.2.2010, p. 18).

⁽⁴⁾ Commission Implementing Decision 2014/291/EU of 16 May 2014 granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 148, 20.5.2014, p. 88).

⁽⁵⁾ Commission Implementing Decision (EU) 2018/820 of 31 May 2018 granting a derogation requested by the Netherlands pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 137, 4.6.2018, p. 27).

the provisions of Directive 2008/99/EC of the European Parliament and of the Council ⁽⁶⁾. The strategy was to be based on an independent assessment of compliance with the rules on Dutch manure policy and contain specific measures aiming at further strengthening inspections and controls and a clear methodology to establish sufficiently dissuasive penalties and sanctions. It was therefore justified to limit the period of validity of Implementing Decision (EU) 2018/820 in order to enable the Netherlands to fully implement the enhanced enforcement strategy.

- (6) By letter of 4 February 2020, the Netherlands submitted to the Commission a request, under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC, for a renewal of the derogation for the period 2020 to 2021 ('the Dutch request').
- (7) The Netherlands applies, in conformity with Article 3(5) of Directive 91/676/EEC, an action programme throughout its whole territory. The Dutch legislation implementing Directive 91/676/EEC includes application standards both for nitrogen and phosphate.
- (8) According to the data provided by the Netherlands, in the period 2016 to 2019, the number of cattle in the country decreased by 0,2 % as compared to the period 2012 to 2015. The number of pigs and poultry in the Netherlands increased by 0,6 % and 3,4 %, respectively, for the same period. Since 2006, Dutch legislation ⁽⁷⁾ sets limitations on the number of pigs and poultry. Moreover, since January 2015, Dutch legislation ⁽⁸⁾ requires that an appropriate share of surplus manure from the dairy sector be processed. In addition, a system of phosphate production rights for dairy cattle has been introduced ⁽⁹⁾ in the Netherlands since 1 January 2018. All of those measures aim at preventing pollution of water bodies.
- (9) The Netherlands reported that, in the period 2014 to 2017, nitrogen use from livestock manure in the Netherlands was 417 000 tonnes, which was an increase of 4,04 % as compared to the period 2010 to 2013. The use of Chemical N fertiliser in the Netherlands increased by approximately 3,3 % in the period 2014 to 2017 compared to the period 2010 to 2013.
- (10) According to the scientific data underpinning provided by the Dutch authorities, the climate in the Netherlands, characterised by an annual rainfall evenly distributed throughout the year and a relatively narrow annual temperature range, promotes a long grass-growing season of 250 days per year.
- (11) Moreover, the information provided by the Netherlands in the context of the previous derogation granted by Implementing Decision 2014/291/EU indicates that that derogation has not led to a deterioration of the Dutch water bodies. For instance, the nitrate concentration in the water leaving the root zone on monitored holdings covered by authorisations has decreased since 2006 and was on average below 50 mg/l in 2017 and 2018. However, provisional data indicate an increase in nitrates concentrations in 2019 in southern sandy and loess soils because of the effects of drought in 2018.
- (12) The data reported by the Netherlands under Article 10 of Directive 91/676/EEC shows that for the period 2012 to 2015, approximately 88 % of the groundwater monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 79 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data also shows that for the period 2012 to 2015, 99 % of the surface water monitoring stations in the Netherlands had mean nitrate concentrations below 50 mg/l and that 96 % of those monitoring stations had mean nitrate concentrations below 25 mg/l. The data indicates a stable or decreasing trend in nitrate concentration in groundwater and surface water compared to the period 2008 to 2011. Nevertheless, in the reporting period 2012 to 2015, 60 % of the freshwaters were eutrophic, 13 % potentially eutrophic and 27 % not eutrophic.

⁽⁶⁾ Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law (OJ L 328, 6.12.2008, p. 28).

⁽⁷⁾ Dutch Fertilizer Act (Meststoffenwet), Articles 19 and 20.

⁽⁸⁾ Dutch Fertilizer Act (Meststoffenwet), Articles 33a-33d.

⁽⁹⁾ Dutch Fertilizer Act (Meststoffenwet), Article 21b.

- (13) After examination of the Dutch request and in the light of the 6th Dutch Action Programme and the experience gained from the derogation granted by Implementing Decision 2014/291/EU, the Commission considers that the amount of grazing livestock manure proposed by the Netherlands, corresponding to 230 kg nitrogen per hectare per year on farms with at least 80 % grassland on southern and central sandy soils and on loess soils, and 250 kg nitrogen per hectare per year on farms with at least 80 % grassland on other soils, will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met by the Netherlands, and is justified on the basis of objective criteria.
- (14) The Netherlands should ensure that the pressure on water bodies as a consequence of growing livestock numbers and the associated manure production does not increase. To that end the Netherlands should ensure that total manure production, both in terms of nitrogen and phosphorus, does not increase beyond the level of the year 2002. New legislation implementing the 6th Dutch Action Programme should therefore provide for a binding manure production ceiling which is not to be exceeded and which can be invoked against individual farmers where needed.
- (15) The authorisations to individual farmers are subject to certain conditions that are aimed at ensuring fertilisation at farm level based on crop needs and reduction and prevention of nitrogen and phosphorus losses to water. Those conditions should therefore include requirements that a fertiliser plan has been established at farm level, that fertiliser practices are recorded through fertiliser accounts, that periodic soil analysis are carried out, that green cover is applied in winter after maize, that specific provisions on grass ploughing are complied with, that no manure is applied before grass ploughing, that the fertilisation takes into account the contribution of leguminous crops, and that no phosphate from chemical fertilisers is applied to the land.
- (16) The report on the impact of Directive 91/676/EEC on gaseous N emissions ⁽¹⁰⁾ concluded that in some regions with high livestock densities, the derogation may result in higher gaseous emissions. That possible consequence of the derogation on ammonia-emission was confirmed in a report of 12 February 2020, prepared by the 'Commissie Deskundigen Meststoffenwet' of the Netherlands, that was provided to the Commission. Those emissions result in extra nitrogen deposition adversely impacting the Natura 2000 sites and affecting the quality of the waters, leading to eutrophication. Therefore, appropriate measures should be taken to reduce ammonia emissions, including low emission spreading techniques, where necessary in combination with a maximum temperature at which manure can be applied.
- (17) In line with the requirements of Implementing Decision (EU) 2018/820, the Netherlands notified its enhanced enforcement strategy on 28 September 2018. A first progress report on the implementation of that strategy was submitted on 28 June 2019. A further update of that progress report was submitted on 18 November 2019. The progress report showed that, despite some efforts taken, there were delays in the implementation of the strategy and the Netherlands was not in a position to demonstrate a reduction in the cases of non compliance or irregularities.
- (18) Additional safeguards and reassurances that the strategy would really deliver on minimising fraud are therefore needed. These should include the setting of deadlines for the full implementation of the strategy and of targets which allow to judge its effectiveness. It is also necessary to provide for the revision of the strategy before the end of 2021, which should include further reinforcement of the controls if necessary in the light of the experience gained during its implementation.
- (19) An update report on the further implementation of the enhanced enforcement strategy should be submitted every year, including the possible impact of the measures to prevent the risk of spreading of the COVID-19 virus on the implementation of the strategy.
- (20) Directive 2000/60/EC of the European Parliament and of the Council ⁽¹¹⁾ provides for a comprehensive, cross-border approach to water protection organised around river basin districts (RBDs), with the objective of achieving good status for European bodies of water. Reducing nutrients is an integral part of that objective. Granting of a derogation under this Decision is without prejudice to the provisions of Directive 2000/60/EC and does not exclude that additional measures may be needed to fulfill obligations derived from that Directive.

⁽¹⁰⁾ The impact of the Nitrates Directive on gaseous N emissions, Effects of measures in nitrates action programme on gaseous N emissions, Contract ENV.B.1/ETU/2010/0009

⁽¹¹⁾ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

- (21) Directive 2007/2/EC of the European Parliament and of the Council ⁽¹²⁾ lays down general rules aimed at the establishment of the Infrastructure for Spatial Information in the Union for the purposes of environmental policies of the Union and policies or activities of the Union which may have an impact on the environment. Where applicable, the spatial information collected in the context of this Decision should be in line with the provisions set out in that Directive. In order to reduce the administrative burden and enhance data coherence, the Netherlands, when collecting the necessary data under this Decision, should, where appropriate, make use of the information generated under the Integrated Administration and Control System established pursuant to Chapter II of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽¹³⁾.
- (22) Considering that the Dutch request concerns a renewal of the derogation granted by Implementing Decision (EU) 2018/820 for the period 2020 to 2021, this Decision should apply for two years as from 1 January 2020.
- (23) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Derogation

The derogation requested by the Netherlands by letter of 4 February 2020, for the purpose of allowing application to the land of a higher amount of nitrogen from grazing livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC ('the derogation'), is granted, subject to the conditions laid down in this Decision.

Granting of a derogation under this Decision is without prejudice to the provisions of Directive 2000/60/EC.

Article 2

Scope

The derogation applies to grassland farms for which an authorisation has been granted in accordance with Article 6.

Article 3

Definitions

For the purposes of this Decision, the following definitions shall apply:

- (1) 'grassland farm' means any holding where at least 80 % of the acreage available for manure application is grass;
- (2) 'grazing livestock' means cattle (with the exclusion of veal calves), sheep, goats, horses, donkeys, deer, and water buffalo;
- (3) 'farmland' means the acreage owned, rented or managed by the farmer under a written individual contract and on which the farmer has a direct management responsibility
- (4) 'grass' means permanent grassland or temporary grassland which lies less than five years;
- (5) 'fertilisation plan' means a calculation of the planned use and availability of nutrients;
- (6) 'fertilisation account' means the nutrient balance based on the real use and uptake of nutrients;
- (7) 'southern and central sandy soils' means soils indicated as southern and central sandy soils under the Dutch legislation implementing Directive 91/676/EEC;
- (8) 'loess soils' means soils indicated as loess soils under the Dutch legislation implementing Directive 91/676/EEC

⁽¹²⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁽¹³⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

*Article 4***General conditions for the derogation**

The derogation is granted on the following conditions:

- (1) The Netherlands shall monitor the amount of manure produced and shall ensure that manure production at national level, both in terms of nitrogen and phosphorus, will not increase beyond the level of the year 2002 corresponding to 504,4 million kg of nitrogen and 172,9 million kg of phosphate.
- (2) The Netherlands shall fully implement 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, as a minimum, include the following elements:

- (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 inspections of the national manure rules 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 and management with a higher risk of deliberate non-compliance with the national rules on manure;
 - (c) a strengthening of the capacity for inspections and controls, which shall be at least equal to 40 % of the capacity required for the field inspections of grassland farms covered by an authorisation as referred to in Article 11(2), including random controls, and a better targeting of that capacity to risk areas of manure handling and management;
 - (d) a clear methodology for establishing sufficiently effective, proportionate and dissuasive penalties and sanctions;
 - (e) full implementation of the enforcement in high risk areas De Peel, Gelderse Vallei and Twente, in spring 2020;
 - (f) real time accountability of manure transport via automation by end 2020;
 - (g) decision on revision of the sanction policy by end of June 2020;
 - (h) individual inspection of 5,5 % of the pig farms. Measures to prevent the risk of spreading of the COVID-19 virus may have an impact on the feasibility of this percentage.
- (3) The enhanced enforcement strategy shall be revised, in the light of the experience gained during its implementation, in particular if, by December 2021, the number of irregularities or cases of non-compliance found is not diminishing, to include reinforced controls and measures. The revised strategy shall be notified to the Commission.

*Article 5***Applications for authorisation**

1. Grassland farmers may submit to the competent authority an application for an annual authorisation to apply grazing livestock manure containing up to 230 kg nitrogen per hectare per year for southern and central sandy soils and loess soils or up to 250 kg nitrogen per hectare per year for other soils.
2. Together with the application referred to in paragraph 1, the applicant shall submit a written declaration that he fulfils the conditions laid down in Articles 7 and 8 and that he accepts that the fertiliser application as well as the fertilisation plan and the fertilisation account referred to in Article 7, may be subject to control.

*Article 6***Granting of authorisations**

Authorisations to apply an amount of grazing livestock manure on grassland farms, including manure excreted by the animals themselves, containing up to 230 kg nitrogen per hectare per year for southern and central sandy soils and loess soils or up to 250 kg nitrogen per hectare per year for other soils, shall be granted subject to the conditions laid down in Articles 7 and 8.

*Article 7***Conditions regarding application of manure and other fertilisers**

1. The amount of manure from grazing livestock applied to the land each year on grassland farms, including manure excreted by the animals themselves, shall not exceed the amount of manure containing 230 kg nitrogen per hectare per year on southern and central sandy soils and on loess soils and 250 kg nitrogen per hectare per year on other soils, subject to the conditions laid down in paragraphs 2 to 8. The total nitrogen and phosphate inputs shall comply with the nutrient demand of the crop and the supply from the soil and shall not exceed the maximum application standards established in the 6th Dutch Action Programme.

2. Phosphate from chemical fertilisers shall not be used.

3. A fertilisation plan shall be prepared and kept at the grassland farm. The fertilisation plan shall describe the crop rotation of the farmland and the planned application of manure and other nitrogen and phosphate fertilisers.] The fertilisation plan for the first calendar year shall be available at the grassland farm by 30 June at the latest. The fertilisation plan for the subsequent calendar years shall be available at the grassland farm by 28 February at the latest.

4. The fertilisation plan shall include the following elements:

- (a) the number of livestock on the grassland farm;
- (b) a description of the housing and manure storage system, including the volume of manure storage available;
- (c) a calculation of the manure nitrogen (less losses in housing and storage) and phosphorus produced on the grassland farm;
- (d) the crop rotation plan, which must specify the acreage of individual fields with grass and other crops, including a sketch map indicating the location of individual fields;
- (e) the foreseeable nitrogen and phosphorus crop requirements;
- (f) the amount and the type of manure delivered to contractors and therefore not used on the grassland farm;
- (g) the amount of imported manure used on the grassland farm;
- (h) a calculation of the contribution from organic matter mineralisation, leguminous crops and atmospheric deposition and of the amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree;
- (i) a calculation of nitrogen and phosphorus application from manure for each parcel;
- (j) a calculation of nitrogen application from chemical and other fertilisers for each parcel;
- (k) calculations for assessment of compliance with the maximum application standards for nitrogen and phosphorus established in the 6th Dutch Action Programme.

The fertilisation plan shall be revised no later than seven days following any changes in agricultural practices at the grassland farm.

5. A fertilisation account for each calendar year shall be prepared and kept for each grassland farm. It shall be submitted to the competent authority by 31 March of the following calendar year.

6. The fertilisation account shall include the following elements:

- (a) the crop acreages;
- (b) the number and type of livestock;
- (c) the manure production per animal;
- (d) the amount of fertilisers imported by the grassland farm;
- (e) the amount of manure delivered to contractors and therefore not used on the grassland farm and the name of those contractors.

7. Periodic nitrogen and phosphorus analysis in soil shall be performed at least every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. One analysis per five hectares of land shall be required as a minimum.

In case grassland is ploughed for grassland renewal, the statutory nitrogen application standard set in the 6th Dutch Action Programme shall be reduced by 50 kg N/ha on sandy and loess soils after 31 May of each calendar year. In case grassland is ploughed for the cultivation of maize on sandy or loess soil, the statutory nitrogen application standard set in the 6th Dutch Action Programme for maize shall be reduced by 65 kg N/ha.

8. Manure shall not be spread in the autumn before grass cultivation.

Article 8

Conditions regarding land management

1. On sand and loess soil, grass or other crops ensuring soil coverage during the winter shall be cultivated after maize.
2. Catch crops shall not be ploughed before 1 February.
3. Grass on sandy and loess soils shall only be ploughed in spring, except for ploughing grassland for grassland renewal, which may be done until 31 August at the latest.
4. Ploughed grass on all soil types shall be followed immediately by a crop with high nitrogen demand and fertilisation shall be based on soil analysis concerning mineral nitrogen and other parameters providing references for estimate of nitrogen release from soil organic matter mineralisation.
5. Where crop rotation includes leguminous or other plants fixing atmospheric nitrogen, fertiliser application shall be reduced accordingly.
6. By way of derogation from paragraph 3, grass ploughing is permitted in autumn for planting flower bulbs.

Article 9

Conditions as regards reduction of ammonia emissions to reduce nutrient depositions also in water

1. On grassland farms benefitting from an authorisation pursuant to Article 6 the following conditions shall apply:
 - (a) Slurry shall be applied on grassland on sandy and loess soils with shallow injection.
 - (b) Slurry shall be applied on grassland on clay and peat soils with shallow injection, with a trailing shoe slurry applicator with a 2:1 dilution of slurry with water or with pulse track injector.
 - (c) Slurry shall not be applied with a trailing shoe applicator where the outside temperature is 20 °C or higher.
 - (d) Slurry shall be applied on arable land with injection or immediately worked in after application in one pass.
 - (e) Solid manure shall be immediately worked in after application in at most two passes.
2. Paragraph 1 shall be applicable as of 1 January 2021 for farmers benefitting from a derogation and for which the provisions of paragraph 1 do not for the moment apply under national law ⁽¹⁴⁾.
3. All grassland farmers benefitting from an authorisation shall be coached on nitrogen emission reducing measures before 31 December 2020.

Article 10

Monitoring

1. The competent authorities shall ensure that maps are drawn up showing the following:
 - (a) the percentage of the grassland farms in each municipality which are covered by authorisations;

⁽¹⁴⁾ Regeling van de Minister van Landbouw, Natuur en Voedselkwaliteit van 28 januari 2019, nr. WJZ/19009285, tot tijdelijke vrijstelling van artikel 5, eerste lid, van het Besluit gebruik meststoffen (Vrijstellingsregeling bovengronds aanwenden runderdrijfmest 2019–2023).

- (b) the percentage of the livestock in each municipality which is covered by authorisations;
- (c) the percentage of the agricultural land in each municipality which is covered by authorisations.

Those maps shall be updated every year.

2. The competent authorities shall establish and maintain a monitoring network for sampling of soil water, streams, shallow groundwater and drainage water at monitoring sites in grassland farms covered by an authorisation. That monitoring network shall provide data on nitrate and phosphorus concentration in water leaving the root zone and entering the groundwater and surface water system.
3. The monitoring network shall comprise at least 300 farms covered by authorisations and shall be representative of each soil type (clay, peat, sandy, and sandy loess soils), the fertilisation practices and the crop rotation. The composition of the monitoring network shall not be modified during the period of applicability of this Decision.
4. The competent authorities shall carry out a survey and a continuous nutrient analysis that provide data on local land use, crop rotations and agricultural practices on grassland farms covered by authorisations. Those data may be used for model-based calculations of the magnitude of nitrate leaching and phosphorus losses from fields where up to 230 kg or up to 250 kg nitrogen per hectare per year of manure from grazing livestock is applied.
5. The competent authorities shall conduct a reinforced water monitoring in agricultural catchments in sandy soils.

Article 11

Controls and inspections

1. The competent authorities shall carry out administrative controls in respect of all applications for authorisation for the assessment of compliance with the conditions set out in Articles 7 and 8. Where it is demonstrated that those conditions are not fulfilled, the application shall be refused and the applicant shall be informed of the reasons for the refusal.

The competent authorities shall carry out administrative controls for at least 5 % of the grassland farms covered by authorisations with regard to land use, livestock number and manure production.

2. The competent authorities shall establish a programme for field inspections of grassland farms covered by authorisations on a risk basis and with appropriate frequency, taking account of the results of controls of the previous years and the results of general random controls of legislation transposing Directive 91/676/EEC and any other information that might indicate non-compliance with the conditions set out in Articles 7 and 8 of this Decision.

Field inspections shall be carried out in at least 5 % of the grassland farms covered by authorisations to assess compliance with the conditions set out in Articles 7 and 8. Those inspections shall be complemented by the inspections and controls referred to in Article 4(2)(c).

3. Where it is established in any year that a grassland farm covered by an authorisation did not fulfil the conditions set out in Articles 7 and 8, the holder of the authorisation shall be sanctioned in accordance with national rules and shall not be eligible for an authorisation the following year.
4. The competent authorities shall be granted the necessary powers and means to verify compliance with the conditions for an authorisation granted under this Decision.

Article 12

Reporting

1. The competent authorities shall, every year by 30 June at the latest, submit a report to the Commission containing the following information:
 - (a) data related to fertilisation in all grassland farms which are covered by authorisations pursuant to Article 6, including information on yields and soil types;
 - (b) trends in livestock numbers for each livestock category in the Netherlands and in grassland farms covered by an authorisation,

- (c) trends in national manure production as far as nitrogen and phosphate in manure are concerned;
- (d) a summary of the results of controls related to excretion coefficients for pig and poultry manure at national level;
- (e) the maps referred to in Article 10(1);
- (f) the results of water monitoring, including information on water quality trends for groundwater and surface water, as well as the impact of the derogation on water quality;
- (g) the data on nitrate and phosphorus concentration referred to in Article 10(2);
- (h) the results from the reinforced water monitoring referred to in Article 10(5);
- (i) the results of the surveys on local land use, crop rotations and agricultural practices referred to in Article 10(4);
- (j) the results of the model-based calculations referred to in Article 10(4);
- (k) an evaluation of the implementation of the conditions for the authorisations set out in Articles 7 and 8 on the basis of controls carried out at farm level, and information on non-compliant farms, on the basis of the results of the administrative controls and inspections referred to in Article 11;
- (l) an update on the implementation of the enhanced enforcement strategy referred to in Article 4 in particular as regards:
 - the implementation of the enforcement in the high risk areas De Peel, Gelderse Vallei and Twente,
 - real time accountability of manure transport via automation by end 2020,
 - the decision on the revision of the sanction policy by end of June 2020,;
 - impact of the measures to prevent the risk of spreading of the COVID-19 virus on the implementation of the strategy;
- (m) the results of the enhanced enforcement strategy referred to in Article 4, in particular as regards:
 - physical controls per type of farm,
 - any reduction in non-compliance cases,
 - administrative sanctions;
- (n) information about judicial sanctions that have been applied.

2. The spatial data contained in the report shall, where applicable, comply with Directive 2007/2/EC. In collecting the necessary data, the Netherlands shall make use, where appropriate, of the information generated under the Integrated Administration and Control System set up in accordance with Article 67(1) of Regulation (EU) No 1306/2013.

Article 13

Period of application

This Decision shall apply from 1 January 2020 until 31 December 2021.

Article 14

Addressee

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 17 July 2020.

For the Commission
Virginijus SINKEVIČIUS
Member of the Commission