



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT

The Director-General

Brussels,  
ENV/DCC

**24 MAI 2019**

Dear petitioner,

Thank you for your e-mail addressed to Commissioner Vella, in which you raise concerns about the need to further reinforce the measures in the amended fertilizer legislation that came into force in June 2017. The Commissioner has asked me to reply on his behalf.

The water quality data submitted by Germany for the period 2012-2015 show that the groundwater is polluted in many areas: 28 % of monitoring stations have nitrate levels above the acceptable limit of 50 mg/litre, and this situation is not improving. The quality of the ground water is the second worst in the EU. The assessment of the surface water of Germany confirms these conclusions and shows that agricultural diffuse pollution remains a significant issue. This has important consequences for water ecosystems and for the health of citizens. It also translates into significant costs for households and consumers who must have their drinking water heavily treated. These costs appear to be much higher than the estimated costs for the proper implementation of new fertilizer legislation<sup>1</sup>.

The Nitrates Directive aims at protecting water against pollution caused by nitrates from agricultural sources. In order to meet these objectives, the Member States are required to monitor their waters, to identify those affected by pollution and to set up appropriate action programmes to prevent and reduce this pollution.

In October 2016, after more than three years of discussion with the German authorities, the Commission referred Germany to the Court of Justice of the European Union for not implementing properly the Nitrates Directive, which requires additional measures or reinforced action in case of serious water pollution from agricultural sources.

In 2017, before the Court's ruling, Germany adopted the new *Düngerverordnung*. Before the formal adoption of this text, the Commission indicated its view that it was not in line with the requirements of the Nitrates Directive.

On 21 June 2018, the Court confirmed the Commission's view that Germany failed to fulfil its obligations under the Nitrates Directive.

Meanwhile, the new Fertiliser Act entered into force on 16 May 2017 and the new Fertiliser Ordinance on 2 June 2017. The Commission services assessed these laws in light of the 2018 Court ruling and concluded that, on a number of points, the new

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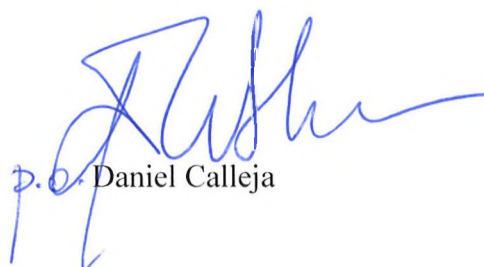
<sup>1</sup> <https://www.umweltbundesamt.de/presse/pressemitteilungen/zu-viel-duenger-trinkwasser-koennte-teurer-werden>

legislation does not comply with the Nitrates Directive and the Court ruling. The Commission services have informed the German authorities accordingly.

The Commission is aware of the implications of the measures needed to comply with the Court judgment, and the challenges that some farmers might face, but it is up for the German authorities to identify the most appropriate measures to comply with the Court ruling and ensure an effective tackling of the pollution problems. The Commission must also ensure equal treatment of Member States of the European Union. Farmers in neighbouring countries where the Nitrates Directive is fully applied are subject to much stricter requirements to reduce fertilisation, such as an obligation to use catch crops, longer closed periods for applying fertilisation, and the prohibition of fertilisation on very steep slopes.

The Commission is in close contact with the German authorities to ensure full compliance with the Directive and the Court judgment as soon as possible, which will be to the benefit of human health, the environment, and a fair competition in the single market.

Yours faithfully,



p. o. Daniel Calleja