

DRAFT Questionnaire on controls on the implementation of the Nitrates Directive

This questionnaire aims at mapping the different control systems applied in the MS within the context of the implementation of the Action Programmes. The information gathered will be only used for the exchange of information between MS within the Nitrates Committee and serve as a basis for a discussion within this Committee.

N.B. questions between brackets are only aimed at helping the elaboration of the answer.

Legal framework – Competent authorities

1. How is the control on implementation of the Action Programmes legally established? [E.g. Are control provisions included in the legal texts implementing the Nitrates Directive or is there a separate act on controls?]
2. Who is the competent authority for carrying out controls?
 - a. [Are control activities integrated in one control body or do there exist shared competences between different bodies or the ministries of environment/agriculture?
 - b. Do control activities belong to regional competences or is there a federal control body that coordinates the control activities?]
3. How do controls on cross compliance and nutrient related agri-env measures relate to controls on implementation of the Action Programmes? [E.g. do the controlling body for cross compliance/RDP and the body competent for controls on implementation of the action programmes share information?]
4. How are the advisory services organised? [E.g. Are advisory services independently operating from controlling services? Is there a feedback given from controlling service to advisory ones on implementation of measures?]
5. Are all farms (within NVZ, in case there has been a designation) obliged to implement the Action Programme(s) or are there exclusion criteria (e.g. minimum size)? If yes, please mention the criteria.
6. How is the sanction system organised? [E.g. Which types of infringements are sanctioned by administrative enforcement actions (administrative orders, administrative fines etc.) and which types of infringements are sanctioned by criminal punishment (legal procedures)? Which is the level of administrative fines in function of the infraction?]
7. How effectiveness of control systems is measured? (E.g. Is the fine to be paid until the measure is correctly implemented)?

Data gathering and management

1. How is the data gathering/management organised? [E.g. Which type of data are farmers obliged to record? Which types of data are farmers obliged to submit to the (controlling) authorities? Which types of data are recorded directly by the authorities? To which extent data gathering and processing is computerized?]
2. What kind of systems registers manure and nitrogen production/use/transport? In case NVZ have been designated, are the same registration systems used inside and outside the vulnerable zones?

Control activities

1. To which extent are data, submitted to the authorities, checked (e.g. completeness of data, mathematical errors, inconsistent data, etc)? [How are files selected for administrative controls (randomly, risk assessment, priority actions)?]
2. What is the share of inspections at the farm (expressed in terms of number of controlled farms as percentage of the total number of farms)? Which are the criteria used for selection of farms to inspect? [E.g. Do control bodies work on the basis of an overall control action plan that, for instance, includes control priorities? If so, are those action plans regularly updated in function of changing policy options?]
3. (this question only applies to Member States having a derogation on the maximum application standard of manure) To which extent do controls on derogation farms differ from controls on other farms? [E.g. Are derogation farms controlled more than regular farms?]
4. How the control is carried out? [E.g. Indicate for each of the measures included in annex II (to be included in codes of good agricultural practices and in action programmes) and III (to be included in action programmes) of the Directive how the specific controls are carried out in practice. In particular:

ANNEX II

- A.1. periods when the land application of fertilizer is inappropriate;
- A.2. the land application of fertilizer to steeply sloping ground;
- A.3. the land application of fertilizer to water-saturated, flooded, frozen or snow-covered ground;
- A.4. the conditions for land application of fertilizer near water courses;
- A.5. the capacity and construction of storage vessels for livestock manures, including measures to prevent water pollution by run-off and seepage into the groundwater and surface water of liquids containing livestock manures and effluents from stored plant materials such as silage;
- A.6. procedures for the land application, including rate and uniformity of spreading, of both chemical fertilizer and livestock manure, that will maintain nutrient losses to water at an acceptable level.
- B.7. land use management, including the use of crop rotation systems and the proportion of the land area devoted to permanent crops relative to annual tillage crops;
- B.8. the maintenance of a minimum quantity of vegetation cover during (rainy) periods that will take up the nitrogen from the soil that could otherwise cause nitrate pollution of water;
- B.9. the establishment of fertilizer plans on a farm-by-farm basis and the keeping of records on fertilizer use;
- B.10. the prevention of water pollution from run-off and the downward water movement beyond the reach of crop roots in irrigation systems.

ANNEX III

- 1.1. Periods when the land application of certain types of fertilizer is prohibited;
- 1.2. the capacity of storage vessels for livestock manure; this capacity must exceed that required for storage throughout the longest period during which land application in the vulnerable zone is prohibited, except where it can be demonstrated to the competent authority that any quantity of manure in excess of the actual storage capacity will be disposed of in a manner which will not cause harm to the environment;
- 1.3. limitation of the land application of fertilizers, consistent with good agricultural practice and taking into account the characteristics of the vulnerable zone concerned, in particular: (a) soil conditions, soil type and slope; (b) climatic conditions, rainfall and irrigation; (c) land use and agricultural practices, including crop rotation systems; and to be based on a balance between: (i) the foreseeable nitrogen requirements of the crops and (ii) the nitrogen supply to the crops from the soil and from fertilization corresponding to:

- the amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree (outstanding amounts at the end of winter),
- the supply of nitrogen through the net mineralization of the reserves of organic nitrogen in the soil,
- additions of nitrogen compounds from livestock manure,
- additions of nitrogen compounds from chemical and other fertilizers.

2. The amount of livestock manure applied to the land each year, including by the animals themselves, shall not exceed a specified amount per hectare, corresponding the amount of manure containing 170 kg N.

5. How is available data processed and double-checked to ensure that data are concurrent with what was actually done (Especially for information which is not directly controllable, such as i) Number of animals; ii) Amount of manure produced; iii) Amount of manure used on the farms fields; iv) Use of manure; v) Use of chemical fertilizer vi) export of manure, etc)?
6. How are manure streams followed up and verified (exports towards other farms/processing plants/abroad)?
7. Has the legislation established standard figures (maximum application standards, manure N and volume excretion figures, manure N efficiency, crop N needs, etc...) to be used by farmers on obligatory basis? How is the respect of these figures controlled? Are there any exceptions foreseen in the legislation, allowing farmers to deviate from standard figures? [In this case, how are controls carried out to check if derogated figures reflect the real situation?]