



Nitrates Committee Meeting  
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# **DRAFT questionnaire on controls within the framework of the Nitrates Directive**

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## Objective of the questionnaire

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- mapping the different control systems applied in the MS within the context of the implementation of the Action Programmes
- exchange of information between MS
- basis for a discussion within this Committee





# Questionnaire

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- **Questions are grouped in 3 categories:**
  - Legal framework – Competent authorities
  - Data gathering and management
  - Control activities

**Following remarks of some MS, number of questions has been reduced. Questions in brackets are aimed at helping the elaboration of the answer; they should be answered when possible.**

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## Legal framework – Competent Authorities

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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?
    - [Are control activities integrated in one control body or do there exist shared competences between different bodies or the ministries of environment/agriculture?]
    - 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? [ do the controlling body for cross compliance/RDP and the body competent for controls on implementation of the action programmes share information?]
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## Legal framework – Competent Authorities

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4. How are the advisory services organised? [ Are advisory services independently operating from controlling services? Is there a feedback given from controlling bodies to advisory services 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? [ 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)? What is the level of administrative fines in function of the infraction?]
7. How is the effect of the control systems ensured? (E.g. Is the fine to be paid until the measure is correctly implemented)?





## Data gathering and management

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1. How is the data gathering/management organised?  
[ 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 are data gathering and processing 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

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1. To which extent is 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 regular updated in function of changing policy options?]
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## Control activities

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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 is the control 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.]





## Control activities

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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/regions/processing plants/abroad)?





## Control activities

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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?]





## Next steps

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- Finalisation of the draft questionnaire and distribution to MS by early February
- Replies to DG ENV by mid March
- Processing of data and presentation + discussion of results in the next Nitrates Committee
- Eventual continuation in the following nitrate Committee
- Preparation and distribution of a summary document reflecting the outcome of this exercise





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# DISCUSSION

