



3.2.2021

## NOTICE TO MEMBERS

**Subject: Petition No 0751/2016 by R. V. (German) on the concern for excessively high nitrate content in groundwater**

**Petition No 1025/2016 by G.K. (German) on nitrate levels in ground water**

**Petition No 0793/2017 by Manfred Häßner (German) on excessive nitrate pollution of waterways linked to manure processing in certain German localities**

**Petition No 0819/2017 by T.H. (German) on nitrate pollution of drinking water sources across Germany**

### 1. Summary of petition 0751/2016

The petitioner alleges that the groundwater in Hankenberge (municipality of Hilter) shows signs of excessively high nitrate content and that, as a consequence, the drinking water is bought from springs elsewhere in order to halve its current nitrate content of 100 mg/l (maximum nitrate content for adults is 50 mg/l and 10 mg/l for babies and small children). It was indicated during an information session on the subject that the industrialisation of farming is causing the continued increase in groundwater nitrate content through intensive stock-rearing and the consequent inundation of slurry, which contains concentrated amounts of growth hormones and antibiotics. Furthermore, the petitioner complains about the modern consumer and throwaway society, particularly in the agricultural sector, and says that EU funding is encouraging intensive stock-rearing by multinational companies and that climate change, as well as water wastage, is advancing further due to the production and increasing wastage of food. Moreover, he mentions specifically the threat to fauna and flora caused by so-called 'maizification' of agriculture; the hitherto scarce funding for organic farmers; the ongoing approved use of 'glyphosate'; and the by-catch of mammals in the fishing industry.

### Summary of petition 1025/2016

According to the petitioner, Germany is doing too little to combat the increase of nitrates in ground water. Reasons are the excessive spreading of manure on the fields and heavy over-fertilisation. The petitioner gives an example that in the Viersen/Kleve district (North Rhine Westphalia) out of 27 water samples, every third sample had a nitrate content that was too high. The limit for nitrates in drinking water is 50mg/l; levels of 162mg/l were measured, and springs in the region came up as three times the limit. The petitioner asks the European Parliament to call on Germany to take measures immediately to protect its citizens.

### **Summary of petition 0793/2017**

The petitioner calls for an investigation of a long-standing issue of nitrate pollution of drinking water in his home region of Hannover, Germany, caused by intensive agricultural manure processing. The petitioner provides copies of complaints submitted to local authorities, covering a period of 12 years.

### **Summary of petition 0819/2017**

The petitioner calls for urgent EU action on nitrate water pollution in Germany, referring to a press article in the German journal Spiegel documenting the problem. The petitioner calls for the imposition of a prohibition on the over-use of fertilisers in agriculture, which has caused the water pollution in question. The petitioner also calls for a curb to the continuous increases in the price of water.

## **2. Admissibility**

Petition 0751/2016 declared admissible on 7 December 2016.

Petition 1025/2016 declared admissible on 10 January 2017.

Petition 0793/2017 declared admissible on 4 December 2017.

Petition 0819/2017 declared admissible on 5 December 2017

Information requested from Commission under Rule 216(6).

## **3. Commission reply to petition 0751/2016, received on 31 May 2017**

The Nitrates Directive (Council Directive 91/676/EEC of 12 December 1991) aims to protect water quality across Europe by preventing nitrates from agricultural sources, polluting ground and surface waters, and by promoting the use of good farming practices. It requires Member States to monitor their waters and identify those affected by pollution as well as set up appropriate action programmes aiming at preventing and reducing such pollution. This Directive is an essential instrument for achieving the objectives of the Water Framework Directive (Directive 2000/60/EC) and is in particular one of the key instruments in the protection of waters against agricultural pressures. Excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae which chokes other life. This process, known as eutrophication, entails a serious deterioration of water quality and loss of biodiversity. The presence of nitrates in drinking waters above 50 mg/l can have considerable health impacts on populations.

With regard to the high nitrate levels in groundwater and their impact on drinking water the Commission is actively monitoring the situation in Germany. It has started infringement proceedings and filed an application against Germany before the Court of Justice of the

European Union CJEU) in October 2016 for violation of the Nitrates Directive 1991/676 and failing to take stronger measures to combat water pollution caused by Nitrates.

One of the main objectives of the Common Agricultural Policy (CAP) is to promote a sustainable management of natural resources used for agriculture and climate action. Cross-compliance is a mechanism developed to better link the CAP with the expectations of society. Hence like all farmers, also farmers applying for CAP support have to comply with a set of basic rules established to protect the environment but also with rules ensuring animal welfare as well as public, plant and animal health. A farmer applying for CAP support but infringing e.g. those rules of the Nitrates Directive included in the scope of the cross-compliance will see his/her CAP support reduced in proportion to the severity, extent and permanence of the infringement determined. Further, the CAP's rural development measures offer Member States many possibilities - through a set of relevant measures such as environmentally-related investments or agri-environment-climate measures - to provide support for actions aimed at improving the sustainable management of natural resources.

As to food waste, the Commission considers that CAP support is independent of the degree of waste and that direct payments neither directly nor indirectly provide an incentive to produce agricultural products. In Germany all direct payments (about 90% at EU level) are decoupled from production and are not related to any particular production. Farmers who receive them can exercise an agricultural activity such as maintaining the agricultural land in a state suitable for grazing or cultivation without production. Agriculture primary production only generates limited food losses which is a fully different issue than food waste. Food waste is mainly concentrated on the rest of the food supply chain including processing, retail and consumption.

The CAP direct support to farmers is decoupled from production and the CAP, therefore does not distort trade at world level. No export subsidies to agriculture products have been provided for a number of years.

With regard to subsidies for organic farming, the rural development policy provides support covering costs incurred and income foregone compared to conventional agriculture to compensate farmers who on a voluntary basis decide to convert their agricultural production towards organic farming systems or to maintain it. In the period 2009-2015, the area under organic agriculture increased by 30% in the EU-28.

With respect to greenhouse gas emissions (GHG), EU agriculture contributes 10% to total GHG emissions in 2012 (EEA, 2015) and shows a downward trend of 24% between 1990 and 2012. With regard to glyphosate, the comprehensive and transparent assessment of all available data and information in the framework of the EU peer review included both regulatory guideline studies and scientific peer-reviewed open literature. The outcome, as presented in the EFSA Conclusion, is that glyphosate is "unlikely to pose a carcinogenic hazard to humans". It is well-established that glyphosate absorbed after ingestion (e.g. through residues in food products) is rapidly and completely eliminated via urine. The glyphosate residue levels in the German beer samples that were brought to the attention of the Commission services in 2016 suggest that the concentrations were well below the legal limit, which in turn is based on the residue levels expected according to good agricultural practice and well below the level that would be necessary to protect human health.

On 13 April 2016, the European Parliament adopted a resolution, calling on the Commission to renew the approval of glyphosate for seven years, and to take a number of measures to better address the Parliament's concerns regarding the use of glyphosate-containing plant protection products. Several of the issues raised in this resolution have been taken up by the Commission, resulting in the adoption of a measure<sup>1</sup>, supported by Member States, to strengthen the approval conditions for glyphosate as regards the ban of the co-formulant POE-tallowamine, and enhanced scrutiny of uses in public spaces and close to harvest. Furthermore, the approval of glyphosate was extended by 18 months to allow completion of the hazard assessment by the European Chemicals Agency (ECHA). On 15 March 2017 the Risk Assessment Committee (RAC) of ECHA reached an agreement on the classification of glyphosate which confirmed by consensus that glyphosate should not be classified as a carcinogen<sup>2</sup>. Furthermore, RAC concluded that glyphosate should not be classified as mutagenic or toxic for reproduction. Once the Commission has received the final RAC Opinion following an editorial check by ECHA, discussions will restart with Member States concerning the possible renewal of approval of glyphosate. A decision has to be taken within 6 months of receipt of the RAC Opinion from ECHA, or by the end of 2017 - at the latest.

## Conclusion

The petitioner raises many environmental and societal impacts associated with intensive agriculture in Germany. Many of the issues are best dealt with most directly at national level and through intervention of the German competent authorities.

The Commission is awaiting the judgment of the CJEU in the Nitrates case. In parallel, it follows work undertaken in Germany to amend the Fertilizer Law and Fertilizer Regulation with a view to making both more compliant with the applicable Union legislation.

## **4. Commission reply to petition 1025/2016**

### **4.1. Commission reply, received on 2 May 2017**

The Nitrates Directive (Council Directive 91/676/EEC of 12 December 1991)<sup>3</sup> aims to protect water quality across Europe by preventing nitrates from agricultural sources, polluting ground and surface waters, and by promoting the use of good farming practices. It requires Member States to monitor their waters and identify those affected by pollution as well as set up appropriate action programmes aiming at preventing and reducing such pollution. This Directive forms an integral part of the Water Framework Directive (Directive 2000/60/EC) and is one of the key instruments in the protection of waters against agricultural pressures. Excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae. This process, known as eutrophication, entails a serious deterioration of water quality and loss of biodiversity. The presence of nitrates in drinking waters above 50 mg/l can have considerable health impacts on populations.

The Commission notes the claims made by the petitioner that the high nitrate levels in

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<sup>1</sup> Commission Implementing Regulation (EU) 2016/1313 of 1 August 2016 amending Implementation Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance glyphosate (OJ L 208, 2.8.2016, p. 1.)

<sup>2</sup> <https://echa.europa.eu/fr/-/glyphosate-not-classified-as-a-carcinogen-by-echa>

<sup>3</sup> OJ L 375, 31.12.1991, p. 1–8.

groundwater in some areas in Germany are beyond the level permitted in the Nitrates Directive.

The Commission considers that additional measures and reinforced actions are necessary where water quality objectives are not being achieved. It also believes that a more efficient use of fertilizers based on balanced fertilization that suits the needs of crops and grasslands, and thus would not lead to surplus run off, would be beneficial to restore water quality.

With regard to the high nitrate levels in groundwater and its impact on drinking water, the Commission is actively monitoring the situation in Germany.

The Commission opened an infringement procedure against Germany on the absence of additional measures and revision of the action programme to reduce the pollution of waters with nitrates of agricultural origin in October 2013.

The case was referred to the Court under Article 258 of the Treaty on the Functioning of the European Union in October 2016.

### Conclusion

The Commission is awaiting the judgment of the Court of Justice of the European Union in the Nitrates case. In parallel it follows work undertaken in Germany to amend the Fertilizer Law and Fertilizer Regulation with a view to making both more compliant with the applicable EU legislation.

#### **4.2. Commission reply (REV.), received on 13 August 2018**

In its judgment of 21 June 2018, the Court of Justice of the European Union (CJEU) concluded that Germany has failed to fulfil its obligations under the Nitrate Directive by not adopting additional or reinforced measures as soon as it became apparent that the measures of the German Action Programme were insufficient and by not revising this action program with the purpose of introducing additional measures.

In the meantime, on 16 May 2017, a new Fertiliser Act and on 2 June 2017, a new Fertiliser Ordinance entered into force. Both pieces of legislation have been notified to the Commission.

The Commission is now in contact with the German federal authorities to discuss how they intend to comply with the judgment of the CJEU. The German federal government will have to formally notify to the Commission the measures they plan to take to this effect, as well as the calendar for their implementation.

#### **5. Commission reply to petition 0793/2017, received on 27 April 2018**

The Nitrates Directive (Council Directive 91/676/EEC<sup>1</sup> of 12 December 1991) aims to protect water quality across Europe by preventing nitrates from agricultural sources from polluting ground and surface waters, and by promoting the use of good farming practices. It requires Member States to monitor their waters and identify those affected by pollution, as well as to set

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<sup>1</sup> Official Journal L 375, 31/12/1991, p. 0001 – 0008.

up appropriate action programmes aiming at preventing and reducing such pollution. This Directive forms an integral part of the Water Framework Directive (Directive 2000/60/EC) and is one of the key instruments in the protection of waters against agricultural pressures. Excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae. This process, known as eutrophication, entails a serious deterioration of water quality and loss of biodiversity. The presence of nitrates in drinking waters above 50 mg/l can have considerable health impacts on the population.

The Commission notes that the region of Lower Saxony has a high number of groundwater monitoring stations that show values beyond the level permitted in the Nitrates Directive.

The Commission considers that additional measures and reinforced actions are necessary where water quality objectives are not being achieved. The Commission also believes that a more efficient use of fertilizers based on balanced fertilization that suits the needs of crops and grasslands, and thus would not lead to surplus run off, would be beneficial to restore water quality.

With regard to the high nitrate levels in groundwater and its impact on drinking water, the Commission is actively monitoring the situation in Germany.

The Commission opened an infringement procedure against Germany on the absence of additional measures and revision of the action programme to reduce the pollution of waters with nitrates of agricultural origin in October 2013. The case was referred to the Court of Justice of the European Union (CJEU, "the Court") under Article 258 of the Treaty on the Functioning of the European Union (TFEU) in October 2016.

On 16 May 2017, a new Fertiliser Act- and on 2 June 2017, a new Fertiliser Ordinance entered into force. Both pieces of legislation have been notified to the Commission.

### Conclusion

The Commission is awaiting the judgment of the CJEU in the Nitrates case. The Court case is still pending and the Commission will assess the new Fertilizer Act and the Ordinance in the light of the ruling of the Court.

### **6. Commission reply to petition 0819/2017, received on 27 April 2018**

The Nitrates Directive (Council Directive 91/676/EEC of 12 December 1991) aims to protect water quality across Europe by preventing nitrates from agricultural sources, polluting ground and surface waters, and by promoting the use of good farming practices. It requires Member States to monitor their waters and identify those affected by pollution as well as set up appropriate action programmes aiming at preventing and reducing such pollution. This Directive forms an integral part of the Water Framework Directive (Directive 2000/60/EC) and is one of the key instruments in the protection of waters against agricultural pressures. Excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae. This process, known as eutrophication, entails a serious deterioration of water quality and loss of biodiversity. The presence of nitrates in drinking waters above 50 mg/l can have considerable health impacts on populations.

The Commission notes that the region of Lower-Saxony has a high number of groundwater monitoring stations that are beyond the level permitted in the Nitrates Directive.

The Commission considers that additional measures and reinforced actions are necessary where water quality objectives are not being achieved. The Commission also believes that a more efficient use of fertilizers based on balanced fertilization that suits the needs of crops and grasslands and thus would not lead to surplus run off would be beneficial to restore water quality. With regard to the high nitrate levels in groundwater and its impact on drinking water, the Commission is actively monitoring the situation in Germany.

The Commission opened an infringement procedure against Germany on the absence of additional measures and revision of the action programme to reduce the pollution of waters with nitrates of agricultural origin in October 2013.

The case was referred to the Court of Justice of the European Union (CJEU) under Article 258 of the Treaty on the Functioning of the European Union in October 2016.

On 16 May 2017, a new Fertiliser Act and on 2 June 2017, a new Fertiliser Ordinance entered into force. Both pieces of legislation have been notified to the Commission.

#### Conclusion

The Commission is awaiting the judgment of the CJEU in the Nitrates case. The case is still pending and the Commission will assess the new Fertilizer Act and the Ordinance in the light of the ruling of the CJEU.

#### **7. Commission reply (REV) to Petitions 0793/2017 and 0819/2017, received on 13 August 2018**

In its judgment of 21 June 2018, the Court concluded that the Federal Republic of Germany has failed to fulfil its obligations under Nitrate Directive by not adopting additional or reinforced measures as soon as it became apparent that the measures of the German Action Program were insufficient and by not revising this action programme.

In the meantime, a new Fertiliser Act and a new Fertiliser Ordinance entered into force, on 16 May 2017 and 2 June 2017, respectively. Both pieces of legislation have been notified to the Commission.

#### Conclusion

The Commission is currently assessing the new Fertilizer Act and the Ordinance in the light of the ruling of the Court. The Commission is also in contact with the German federal authorities to discuss how these intend to comply with the judgment of the Court of Justice of the EU. The German federal government will have to formally notify the Commission the measures they plan to take to this effect, as well as the calendar of their implementation.

#### **8. Commission reply to Petitions 0751/2016, 1025/2016, 0793/2017 and 0819/2017, received on 3 February 2021**

## The Commission's observations

The Nitrates Directive<sup>1</sup> aims to protect water quality across Europe by preventing nitrates from agricultural sources polluting ground and surface waters, and by promoting the use of good farming practices. It requires Member States to monitor their waters and identify those affected by pollution as well as set up appropriate action programmes aiming at preventing and reducing such pollution. This Directive is an essential instrument for achieving the objectives of the Water Framework Directive<sup>2</sup> and is in particular one of the key instruments in the protection of waters against agricultural pressures. Excess levels of nitrates can damage freshwaters and the marine environment by promoting the growth of algae which chokes other life. This process, known as eutrophication, entails a serious deterioration of water quality and loss of biodiversity. The presence of nitrates in drinking waters above 50 mg/l can have considerable health impacts on populations.

With regard to the high nitrate levels in groundwater and their impact on drinking water, the Commission is actively monitoring the situation in Germany. It has started infringement proceedings concerning Germany and referred it to the Court of Justice of the European Union (the Court) in October 2016 for violation of the Nitrates Directive and failing to take stronger measures to combat water pollution caused by nitrates<sup>3</sup>.

On 21 June 2018, the Court concluded that Germany failed to fulfil its obligations under the Nitrates Directive by not taking additional measures or reinforced measures as soon as it became clear that the measures under the old action programme were insufficient, and had not revised this action programme.

In the meantime, on 16 May 2017, a new Fertiliser Act and on 2 June 2017, a new Fertiliser Ordinance entered into force. The Commission assessed this new legislation and concluded that it was still not in line with the judgment of the Court.

Considering the lack of progress since the judgement of the Court, the Commission sent a letter of formal notice (LFN 260) to Germany on 26 July 2019, to which Germany replied on 26 September 2019, followed by expert discussions with the Commissions being organised.

On 1 May 2020, a new fertilizer legislation was published and entered into force (i.e. *Düngeverordnung*), which introduces reinforced measures to reduce and prevent pollution of water caused by nitrates from agriculture. This is a major step forward in the correct implementation of the Nitrates Directive and towards compliance with the judgment of the Court.

One of the main objectives of the Common Agricultural Policy (CAP) is to help tackle climate change and the sustainable management of natural resources. Cross-compliance is a mechanism developed to better link the CAP with the expectations of society. Hence, all farmers, including those farmers applying for CAP support, have to comply with a set of basic rules established to protect the environment but also with rules ensuring animal welfare as well as public, plant and animal health. A farmer applying for CAP support but infringing, for example, those rules of the

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<sup>1</sup> Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, *OJ L 375, 31.12.1991, p. 1–8*.

<sup>2</sup> 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. 1–73*.

<sup>3</sup> C-543/16 - Commission v Germany.



Nitrates Directive included in the scope of cross-compliance will see his/her CAP support reduced in proportion to the severity, extent and permanence of the infringement determined. Further, the CAP's rural development measures offer Member States many possibilities - through a set of relevant measures such as environment-related investments or agri-environment-climate measures - to provide support for actions aimed at improving the sustainable management of natural resources, including manure management, input reduction or sustainable grazing management.

As to food waste, the Commission considers that CAP support is independent of the degree of waste and that direct payments neither directly nor indirectly provide an incentive to produce agricultural products. In Germany all direct payments (about 90% at EU level) are decoupled from production and are not related to any particular production. Farmers who receive them can exercise an agricultural activity such as maintaining the agricultural land in a state suitable for grazing or cultivation without production. Agriculture primary production only generates limited food losses which is a fully different issue than food waste. Food waste is mainly concentrated on the rest of the food supply chain including processing, retail and consumption.

The CAP direct support to farmers is decoupled from production and the CAP, therefore, does not distort trade at world level. No export subsidies to agriculture products have been provided for a number of years.

With regard to subsidies for organic farming, the rural development policy provides support covering costs incurred and income foregone resulting from the commitments made to compensate farmers who, on a voluntary basis, decide to convert their agricultural production towards organic farming systems or to maintain it. In the period 2009-2015, the area under organic agriculture increased by 30% in the EU-28.

With respect to greenhouse gas emissions (GHG), EU agriculture contributes 10% to total GHG emissions in 2012 (European Economic Area (EEA), 2015) and shows a downward trend of 24% between 1990 and 2012. With regard to glyphosate, the comprehensive and transparent assessment of all available data and information in the framework of the EU peer review included both regulatory guideline studies and scientific peer-reviewed open literature. The outcome, as presented in the European Food Safety Authority (EFSA) conclusion, is that glyphosate is "unlikely to pose a carcinogenic hazard to humans". It is well-established that glyphosate absorbed after ingestion (e.g. through residues in food products) is rapidly and completely eliminated via urine. The glyphosate residue levels in the German beer samples that were brought to the attention of the Commission services in 2016 suggest that the concentrations were well below the legal limit, which in turn is based on the residue levels expected according to good agricultural practice and well below the level that would be necessary to protect human health.

On 13 April 2016, the European Parliament adopted a resolution, calling on the Commission to renew the approval of glyphosate for seven years, and to take a number of measures to better address the Parliament's concerns regarding the use of glyphosate-containing plant protection products. Several of the issues raised in this resolution have been taken up by the

Commission, resulting in the adoption of a measure<sup>1</sup>, supported by Member States, to strengthen the approval conditions for glyphosate as regards the ban of the co-formulant polyethoxylated (POE)-tallow amine, and enhanced scrutiny of uses in public spaces and close to harvest.

Furthermore, the approval of glyphosate was extended by 18 months to allow completion of the hazard assessment by the European Chemicals Agency (ECHA). On 15 March 2017 the Risk Assessment Committee (RAC) of ECHA reached an agreement on the classification of glyphosate which confirmed by consensus that glyphosate should not be classified as a carcinogen<sup>2</sup>. Furthermore, RAC concluded that glyphosate should not be classified as mutagenic or toxic for reproduction. This opinion of ECHA is shared by many other regulatory bodies, both inside and outside the EU, including authorities in Canada, Australia, New Zealand and Japan as well as the Food and Agriculture Organization of the United Nations-World Health Organization (FAO-WHO) Joint Meeting on pesticide residues.

The Commission renewed the approval of glyphosate by Commission Implementing Regulation (EU) No 2017/2324<sup>3</sup> until 15 December 2022 (i.e. for 5 years), following a comprehensive scientific review in the European Union. The decision took into account the conclusions<sup>4 5</sup> of the EFSA and the opinion of the ECHA<sup>6</sup> and was supported by a qualified majority of Member States.

In accordance with the procedure and requirements set in Regulation (EC) No 1107/2009<sup>7</sup> as to the periodic review of the approval of all active substances, the Glyphosate Renewal Group (a task force of companies) submitted an application for the renewal of approval of glyphosate post-2022 to the Assessment Group on Glyphosate (AGG) composed of four Member States (France, Hungary, the Netherlands and Sweden) acting jointly as ‘rapporteurs’ for the assessment of the substance. The AGG found the application admissible. The full scientific dossier will have to be submitted in June 2020 to the AGG, which, after a thorough evaluation, will have to present its draft assessment in June 2021, followed by a peer-review of the other Member States and EFSA.

Further information is available at the following dedicated webpage of the Commission: [https://ec.europa.eu/food/plant/pesticides/glyphosate\\_en](https://ec.europa.eu/food/plant/pesticides/glyphosate_en)

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<sup>1</sup> Commission Implementing Regulation (EU) 2016/1313 of 1 August 2016 amending Implementation Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance glyphosate, OJ L 208, 2.8.2016, p. 1.

<sup>2</sup> <https://echa.europa.eu/fr/-/glyphosate-not-classified-as-a-carcinogen-by-echa>

<sup>3</sup> Commission Implementing Regulation (EU) 2017/2324 of 12 December 2017 renewing the approval of the active substance glyphosate in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 (Text with EEA relevance. ), OJ L 333, 15.12.2017, p. 10–16.

<sup>4</sup> EFSA (European Food Safety Authority), 2015. Conclusion on the peer review of the pesticide risk assessment of the active substance glyphosate. EFSA Journal 2015;13(11):4302, 107 pp. doi:10.2903/j.efsa.2015.4302.

<sup>5</sup> EFSA (European Food Safety Authority), 2017. Conclusion on the peer review of the pesticide risk assessment of the potential endocrine disrupting properties of glyphosate. EFSA Journal 2017;15(9):4979, 20 pp. <https://doi.org/10.2903/j.efsa.2017.4979>.

<sup>6</sup> European Chemicals Agency (ECHA) (2017). Opinion of the Committee for Risk Assessment proposing harmonised classification and labelling of glyphosate (ISO); N-(phosphonomethyl)glycine (EC Number: 213-997-4; CAS Number: 1071-83-6).

<sup>7</sup> Regulation (EC) No 1107/2009 concerning the placing of plant protection products on the market, OJ L 309, 24.11.2009, p. 1–50.

## Conclusion

The petitioner raises many environmental and societal impacts associated with intensive agriculture in Germany. Many of the issues are best dealt with directly at national level and through intervention of the German competent authorities.

With the entering into force of the new fertiliser legislation on 1 May 2020, which introduces reinforced measures to reduce and prevent pollution of water caused by nitrates from agriculture, a major step forward in the correct implementation of the Nitrates Directive was taken.

The Commission will continue to closely monitor the implementation of the revised fertiliser legislation in Germany, which includes:

- correct identification of the polluted areas by the *Länder* (“red zones”);
- adoption of the appropriate additional measures under responsibility of the *Länder*;
- establishment of a consistent and appropriate nationwide monitoring system for water pollution by nitrates to assess the effectiveness of the action programme.

The Commission will assess the judgment of the Court as executed only when the German authorities will have put in place all the measures needed to fully comply with the Nitrates Directive as encompassed by that judgment.

In case the revised rules are not fully implemented, in particular if the polluted areas are not correctly identified and if the reinforced measures are not applied as of 1 January 2021, the Commission would need to consider referring Germany back to Court with proposals for fines.

The Commission renewed the approval of glyphosate for 5 years (until 2022). The procedure for a new assessment as to whether glyphosate continues to meet the strict approval criteria of Regulation (EC) No 1107/2009 has already commenced in December 2019 and a decision on a possible further renewal of approval of glyphosate beyond 2022 will be taken at the end of that renewal process.