



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.10.1997  
COM(97) 473 final

REPORT OF THE COMMISSION TO THE COUNCIL  
AND EUROPEAN PARLIAMENT

**The Implementation of Council Directive  
91/676/EEC concerning the Protection of  
Waters against Pollution caused by  
Nitrates from Agricultural Sources**

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## 1. INTRODUCTION

Six years after the adoption of the Nitrates Directive<sup>1</sup> most Member States have failed to implement it. As a result, the pollution of waters by nitrates continues to be a problem in all the countries of the Community. Many sources of drinking water exceed the 50 mg/l level set on public health grounds in both the "Surface Water for Abstraction of Drinking Water"<sup>2</sup> and the "Drinking Water Directive"<sup>3</sup>. Environmentally, the inputs of nitrate from Member States to the North Sea, Baltic Sea, Mediterranean and Black Sea are particularly significant in causing eutrophication. The diffuse nature of nitrate pollution makes its reduction a challenge for Community environmental policies, a fact that is compounded by the principal polluters, the agricultural industry, being particularly vulnerable to land-use changes which impact upon their economic viability.

Six years ago, in 1991, the Council adopted the Nitrates Directive, which sought to reduce water pollution caused or induced by nitrates from agricultural sources and to prevent further such pollution. This represented an important step in the development of water policy with the Directive adhering to both the polluter pays, and the prevention at source principles, and seeking to tackle diffuse pollution. Although the most significant of the Directive's measures remain to be taken in many of the Member States it is apparent already that there is strong resistance to the requirements of the Directive in certain quarters, which is likely to be contributing to the poor state of implementation across the Community. The present situation the Commission considers to be extremely grave. At the present time 13 out of the 15 Member States are the subject of legal proceedings with respect to both the non-transposition and/or the incorrect application of the Directive. This implementation report, required under Article 11 of the Directive represents therefore a timely opportunity to highlight the significant lack of progress made by Member States in their application of the Directive.

The report will commence with a brief examination of the background to the Directive before analysis of the current status of implementation is presented. The final section clearly demonstrates why, given the tardy state of implementation, the Commission considers it inappropriate to come forward with proposals for a revision of the Directive at this time.

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<sup>1</sup> OJ No L 375 31.12.1991, p1. Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources

<sup>2</sup> OJ No L 194, 25.7.1975, p26. Council Directive 75/440/EEC of 16 June 1975 concerning the quality required of surface water intended for the abstraction of drinking water in the Member States

<sup>3</sup> OJ No L 229 30.8.1980, p11. Council Directive 80/778/EEC of 15 July 1980 relating to the quality of water intended for human consumption

## 2. BACKGROUND TO THE DIRECTIVE

### 2.1 The Nitrate Problem

In the European Union the concentration of nitrate in drinking waters has been regulated since 1980 by the Drinking Water Directive. This establishes a guide level of nitrate of 25 mg/l and a maximum admissible concentration of 50 mg/l. These levels are now widely accepted on human health grounds, and significantly, have not been challenged by Member States during the negotiations on the Commission's proposal for a revision of the Directive. Nitrate in drinking waters is considered to be a public health problem because nitrate rapidly reduces to nitrite in the body. The major effect of nitrite is the oxidation of blood haemoglobin to methaemoglobin which is unable to transport oxygen to the tissues. The reduced oxygen transport manifests itself particularly in young infants up to six months old, and causes the condition methaemoglobinaemia or blue-baby syndrome. This phenomenon has only been observed at nitrate levels significantly above the 50 mg/l level therefore this level delivers sufficient protection against this occurring. In addition, nitrite reacts with compounds in the stomach to form products which have been found to be carcinogenic in many animal species, although the link to cancer in humans is at the moment suggestive. Nevertheless, these two factors together totally justify a precautionary approach being taken in the establishment of this parameter<sup>4</sup>.

The Dobbris assessment<sup>5</sup> quotes model concentrations of nitrate leaching from agricultural soils that indicate that 87% of the agricultural area in Europe has nitrate concentrations in the groundwater that are above the guide level value of 25 mg/l, and 22% that are above the 50 mg/l level. In many areas these levels are increasing with existing sources of drinking water having to be closed or being subject to expensive treatment processes at the expense of the consumer.

Elevated levels of nitrates are also significant contributors to eutrophication, particularly in marine and coastal areas. In these areas they stimulate high levels of algal growth which lead to marked changes in the nature of the ecosystem, usually to its detriment. Large areas of the North Sea coastlines have been identified as suffering from eutrophication, as well as areas of the Mediterranean. The most efficient way of reducing such eutrophication is to reduce the inputs of nitrate and other nitrogen sources.

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<sup>4</sup> It is also relevant to note that in April 1997, the World Health Organisation reviewed their guideline value for nitrate and nitrite in drinking water, and concluded that on the basis of the latest scientific evidence, the value of 50 mg/l should be maintained.

<sup>5</sup> Stanners D, Bourdeau P, Eds., (1995) Europe's Environment. The Dobbris Assessment. EEA.

## 2.2 The Causes of the Nitrate Problem

Post war agricultural policies have focused on maximising production. Price support and guaranteed markets have tended to result in intensive production methods. This has been the case in the EU with the Common Agricultural Policy as in other countries. Overall, the policy, which has been very successful in achieving increased production, has had what can now be seen to be a detrimental effect on the environment. In the context of nitrate pollution, intensive production has resulted in increased use of chemical fertilisers, and more significantly large numbers of livestock being concentrated on small areas of land. In some regions of the EU intensive livestock production has led to structural exceedances of the quantities of manure produced. In other words there is more manure than can be disposed of on land without causing nitrate pollution.

It can take many years for nitrate pollution to reach a water body once it has left the soil rooting zone. Indeed much of the high concentrations of nitrate in waters today has been caused by agricultural practices of past decades. It also follows that today's agricultural practices will determine future nitrate pollution levels<sup>6</sup>. There is no doubt that agricultural practices have improved from an environmental point of view during the last decade, but it is still the case that agricultural practices and structural exceedances contribute to nitrate pollution. It remains necessary, therefore, for there to be changes to current agricultural practices. The European Community is committed to the application of the polluter pays principle. In the context of the Nitrates Directive this means that the cost of the measures necessary to change current practices to reduce pollution should be borne by the agricultural operators themselves. Changes in the Common Agricultural Policy, such as the MacSharry reforms of 1992 that led to reductions in support prices and the Agri-Environment Regulation<sup>7</sup> will assist this policy, as could any further reforms that shift the emphasis away from support for production.

## 2.3 History of Directive

In 1988 the Frankfurt ministerial seminar on water reviewed the existing legislation and identified a number of improvements that could be made and gaps that could be filled. So far this has resulted in the adoption by the Council of the Urban Waste Water Treatment Directive<sup>8</sup> and the Nitrates Directive.

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<sup>6</sup> This is of particular pertinence to the Associated Countries of Central and Eastern Europe as it is likely that any intensification of agriculture similar to that which occurred in Western Europe during the post-war period will lead to an increase in the pollution of waters by nitrates from agricultural sources.

<sup>7</sup> OJ No L 215 30.7.1992, p85 Council Regulation No 2078/92 of 30 June 1992 on agricultural production methods compatible with the requirements of the protection of the environment and the maintenance of the countryside.

<sup>8</sup> OJ No L 135 30.5.1991, p40. Council Directive 91/271/EEC of 21 May 1991 concerning urban waste water treatment

The Nitrates Directive began life as a "Proposal for a Council Directive concerning the protection of fresh, coastal and marine waters against pollution caused by nitrates from diffuse sources"<sup>9</sup>. An amended proposal was published in 1990<sup>10</sup> following the opinion of the European Parliament<sup>11</sup>. Overall the Directive took nearly three years to negotiate and was finally concluded under the Dutch Presidency, being signed on 12.12.1991 and notified to Member States on 19.12.1991.

## 2.4 Outline of Directive

The objectives of the Directive are two-fold: to reduce water pollution caused or induced by nitrates from agricultural sources and; to prevent further such pollution. These the Directive seeks to ensure by requiring Member States to identify waters affected by pollution and waters which could be affected by pollution and designating these areas as Vulnerable Zones<sup>12</sup> on the basis of the results of monitoring requirements in the Directive. In these zones the Member States must draw up Action Programmes which contain mandatory measures concerning agricultural practices, including the stipulation of maximum amounts of manure that can be applied to land every year. Member States are also bound to establish at least one Code of Good Agricultural Practice which is implemented on a voluntary basis outside the Vulnerable Zones, and is mandatory within them. Member States are obliged to monitor the nitrate concentrations of waters to assess the impacts of the measures put in place.

The timetable for the implementation of the Directive can be found in Figure 1. below.

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<sup>9</sup> OJ No C 54 3.3.1989, p4

<sup>10</sup> OJ No C 51 2.3.1990, p12

<sup>11</sup> OJ No C 158 26.6.1989, p487

<sup>12</sup> Technically where a Member States designates the whole of their territory under Article 3(5) of the Directive it is not labelled a Vulnerable Zone. However the requirements for these areas, are exactly the same and so where a vulnerable zone is referred to this will include those Member States using Article 3(5), except where monitoring requirements are being discussed.

*Figure 1: The Timetable for the Implementation of the Directive*

Requirement	Relevant Directive Article	Stipulated Completion Date <sup>13</sup>
Transposition into National Law	12	20.12.1993
Monitoring	5(6) or 6	20.12.1993
Designation of Vulnerable Zones	3	20.12.1993
Establishment of Code of Good Agricultural Practice	4	20.12.1993
Establishment of first four year Action Programme	5	20.12.1995
Submission of Summary Report to Commission	10	20.6.1996
Completion of the Review of Designations	3	21.12.1997
Start of the year during which maximum of 210 kg N ha may be applied	5	20.12.1998
Completion of first Action Programme	5	20.12.1999
Start of the year during which maximum of 170 kg N ha may be applied	5	20.12.2002
Completion of second Action Programme	5	21.12.2003

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<sup>13</sup> These follow Council Regulation (EEC, Euratom) 1182/71, of 3.6.71 determining the rules applicable to periods, dates and time limits. OJ L 124, 8.6.1971, p1

### 3. IMPLEMENTATION OF THE DIRECTIVE

The implementation of the Directive should proceed at the same speed in all Member States. Austria, Finland and Sweden, who joined the EU on 1.1.1995 receive no special dispensations.

#### 3.1 Transposition into National Law

Article 12 of the Directive states that Member States must "bring into force the laws, regulations and administrative provisions necessary to comply with the Directive within two years of its notification" i.e. by 20.12.1993. Four years after the deadline only four Member States have been judged to have complied with their obligations. Figure 2 indicates the date on which the Member State communicated transposing measures and whether the Commission considers that these fulfil their obligations.

*Figure 2: The Transposition of the Directive into National Law (as of 30.7.1997)*

Country	Date of Communication (Date due 20.12.1993 <sup>14</sup> )	Conformity of Measures
Austria	26.1.1996	Check ongoing
Belgium	-	-
Denmark	17.12.1993	Yes
Finland	24.3.1995 <sup>15</sup>	No
France	27.8.1993	Yes
Germany	1.4.1996	No
Greece	-	-
Ireland	17.7.1995	No
Italy	-	-
Luxembourg	26.10.1994	Yes
Netherlands	-	-
Portugal	-	-
Spain	11.3.1996	Yes
Sweden	25.1.1996	Check ongoing
United Kingdom	28.6.1996	No

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<sup>14</sup> For Austria, Finland and Sweden 1.1.1995

<sup>15</sup> Finland submitted further transposing measures on 23.10.1995 and 14.8.1996



### 3.2 Codes of Good Agricultural Practice

Article 4 of the Directive states that "Member States shall, within a two-year period following the notification of this Directive [i.e. by 20.12.1993], establish a code or codes of good agricultural practice to be implemented by farmers on a voluntary basis which should contain provisions covering at least the items mentioned in Annex II A". The majority of Member States have now completed this exercise as can be seen from Figure 3 below. However, when the Commission undertook a preliminary study of the Codes in late 1994 this was not the case. Although some of the requirements of the Codes can be considered quite unspecific the Codes represent important tools both in the context of the Directive and also in the integration of environmental considerations into agriculture. Therefore it is the Commission's intention to undertake a further study on them. This will look not just at the compliance of the Codes with the requirements of Annex II, but also at the consistency of the Codes between areas of similar cultivation patterns in the Community as well as the wider issue of agricultural good practice.

*Figure 3: Codes of Good Agricultural Practice (as of 30.7.1997)*

Country	Date of Communication (Date due 20.12.1993 <sup>16</sup> )
Austria	26.1.1996
Belgium	-
Denmark	17.12.1993
Finland	24.3.1995
France	10.2.1994
Germany	1.4.1996
Greece	5.5.1994
Ireland	20.8.1996
Italy	22.12.1993
Luxembourg	25.3.1996
Netherlands	5.1.1994
Portugal	-
Spain	-
Sweden	25.1.1996
United Kingdom	10.11.1994

<sup>16</sup> For Austria, Finland and Sweden, 1.1.1995

### 3.3 Designation of Vulnerable Zones

Article 3(1) of the Directive states that "waters affected by pollution and waters which could be affected by pollution if action pursuant to Article 5 is not taken shall be identified by the Member States in accordance with the criteria set out in Annex I". Article 3(2) then goes on to state that "Member States shall, within a two-year period following the notification of this Directive [20.12.1993<sup>17</sup>], designate as vulnerable zones all known areas of land in their territories which drain into the waters identified in paragraph 1"

Waters have to be designated if they meet one or more of the criteria laid down in Annex I. This means that for surface waters and groundwaters areas must be designated which contain or could contain more than 50 mg/l of nitrate. In addition all waters which are found to be eutrophic or in the near future may become eutrophic have to be designated. It is important to note that the definitions in all the points above apply to all waters and not just those currently used for the abstraction of drinking water. Therefore Member States are required to assess all waters, irrespective of whether they are used for drinking water.

It is also necessary to stress that the 50 mg/l level may not be sufficient to reduce eutrophication. Therefore this is not considered to be the defined limit in the Directive, indeed it is likely that it would be significantly too high to reduce eutrophication.

Under Article 3(5) Member States are exempted from the requirement to identify specific vulnerable zones if they establish and apply action programmes throughout their national territory. Thus far five Member States have used this possibility. Figure 4 indicates when Member States have designated according to Article 3, and if this has been completed, whether the zones have been designated, or the whole territory. As can be seen from this Figure most of the countries who have chosen not to use Article 3(5) have failed to fulfil this obligation, meaning that those areas requiring protection have not been identified, six years after the passing of the Directive.

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<sup>17</sup> For Austria, Finland and Sweden, 1.1.1995

Figure 4: The Designation of Vulnerable Zones (as of 30.7.1997)

Country	Date Designations Completed (Date due 20.12.1993 <sup>18</sup> )	Area Covered
Austria	26.1.1996	Whole Territory
Belgium	-	
Denmark	12.7.1993	Whole Territory
Finland	-	
France	-	46% of agricultural land*
Germany	7.11.1994	Whole Territory
Greece	-	
Ireland	17.7.1995	No Zones*
Italy	-	
Luxembourg	19.10.1994	Whole Territory
Netherlands	5.1.1994	Whole Territory
Portugal	-	
Spain	-	
Sweden	25.1.1996	5 Vulnerable Zones*
United Kingdom	10.2.1997	69 Vulnerable Zones*

\* These decisions are currently being examined by the Commission.

The Commission is cognisant of the necessity of checking that all areas that should have been designated as vulnerable zones by Member States have been. To this end it intends to commission a study, once sufficient information has been received from Member States, to advise on such verifications. At the present time, such a study is not possible since only three of the Member States who have opted for designating vulnerable zones have completed their designations.

Article 3(4) contains an obligation for Member States to "review and if necessary revise or add to the designation of vulnerable zones as appropriate and at least every four years, to take into account changes and factors unforeseen at the time of the previous designation". This will have to be completed by 21.12.1997 and communicated to the Commission by 21.6.1998. It is therefore too early to suggest whether the amount of territory in the Community covered by Article 3 is likely to change.

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<sup>18</sup> For Austria, Finland and Sweden, 1.1.1995

### **3.4 Monitoring**

Monitoring is covered in both Articles 5 and 6 of the Directive. Member States who have chosen to apply Article 3(5) are exempt from the requirements of Article 6, except if they decide to change and designate zones under Article 3(2). In this case they would need to conduct the stated monitoring for a period of one year before making the change. Article 5(6) applies to Member States who make use of Article 3(5). They are required to "monitor the nitrate content of waters (surface waters and groundwater) at selected measuring points which make it possible to establish the extent of nitrate pollution in the waters from agricultural sources".

Member States who designate vulnerable zones have to comply with Article 6. This provides guidance as to the monitoring methods for all waters. Member States must review the eutrophic state of fresh surface waters, estuarial and coastal waters every four years. The nitrate concentrations of freshwaters should have been measured over a period of one year between 19.12.1991 and 20.12.1993 and in every subsequent four year period (i.e. by 21.12.1997). The only exception to this and subsequent revisions is for sampling stations where during the last monitoring period all previous samples were below 25 mg/l and no new factor likely to increase the nitrate content has appeared. In this case the monitoring programme need be repeated only every eight years.

It is difficult for the Commission to judge the compliance or otherwise of the monitoring undertaken by Member States as the only obligation on the Member States to submit monitoring data to the Commission is contained in the Article 10 Summary Report. Even information submitted in this manner need only be a summary. Nevertheless several Member States have noted in their Reports that their monitoring is, at present, insufficient to comply with that required by the Directive. Indeed a recent study<sup>19</sup> concluded that many Member States have even yet to establish the monitoring and administrative infrastructures necessary to deal with monitoring requirements from a range of Directives.

### **3.5 Action Programmes**

Article 5 of the Directive states that "within a two-year period following the initial designation referred to in Article 3(2) or within one year of each additional designation referred to in Article 3(4), Member States shall, for the purpose of realising the objectives specified in Article 1, establish action programmes in respect of designated vulnerable zones". Action programmes last for four years; the first should have commenced on 20.12.1995 and is scheduled to end on 20.12.1999. A second action programme will then begin and last for a further four years, finishing on 21.12.2003.

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<sup>19</sup> Evaluation of the Costs of Groundwater Inspection in the Member States, study conducted for the European Commission, DG XI in the framework of contract B4-3040/95/000345/MAR/D1

The action programmes are the key requirements of the Directive as they require mandatory restrictions on the activities of farmers to achieve the objectives of the Directive. These are listed in Annex III. Of these two requirements are the most significant. Paragraph 1 of Annex III requires the land application of fertilisers to be based on a balance between the nitrogen requirements of the crops and the nitrogen supply to the crops from the soil and from fertilisation.

Paragraph 2 sets down a maximum of 170 kg N per hectare per year that can be applied to land in the form of animal manure. However, the Directive allows for up to 210 kg N per hectare per year during the first action programme. Both of these maximum quantities apply in the fourth year of their respective action programmes, i.e. 210 kg N per hectare per year from 20.12.1998 and 170 kg N per hectare per year from 20.12.2002. This paragraph of the Directive also allows for Member States to have derogations from these quantities, but only where they are justified on the basis of objective criteria and do not prejudice the achievement of the objectives of the directive.

Member States should have started their action programmes on 20.12.1995. However, as can be seen from Figure 5, which also considers whether the action programmes are in compliance with the Directive, few Member States have done so. Given that these measures represent the key to the Directive this failure is difficult to justify.

*Figure 5: Action Programmes (as of 30.7.1997)*

Country	Date of Notification (Date due 20.12.1995)	In Compliance?
Austria	11.11.1996	Under examination
Belgium	-	
Denmark	8.1.1996	Under examination
Finland	-	
France	-	
Germany	1.4.1996	No
Greece	-	
Ireland	-	
Italy	-	
Luxembourg	19.10.1994	No
Netherlands (see below)	-	
Portugal	-	
Spain	-	
Sweden	25.1.1996	Under examination
United Kingdom	-	

In addition it is important to consider the case of the Netherlands. On 22.12.1995 the Dutch authorities submitted their action programme to the Commission and informed them that they would be using the derogation possibility in Annex III. The Commission, after examining the justifications for the derogation and discussing these with the Dutch authorities decided that they were not in a position to recommend to the Nitrates Committee that the derogation be accepted. During the 7th meeting of the Nitrates Committee in November 1996 the Dutch authorities withdrew their action programme and informed the Commission that they were no longer seeking a derogation.

If, at any stage of implementation of the Directive it becomes apparent that the measures laid down in the Directive are not sufficient to achieve its objectives, the Member States are required by Article 5(5) to take such additional measures or reinforced actions as they consider necessary. To aid in the attainment of this objective all Member States are required, under the first paragraph of Article 5(6) to draw up and implement monitoring programmes to assess the effectiveness of action programmes

### **3.6 Summary Reports**

Article 10 of the Directive states that "Member States shall, in respect of the four-year period following the notification of this Directive and in respect of each subsequent four-year period, submit a report to the Commission containing the information outlined in Annex V". Annex V requires basic information on the items discussed in the above sections.

Member States should have submitted this information to the Commission by 20.6.1996. Under Article 11 of the Directive the Commission should have sent summary reports to the European Parliament and to the Council by 20.12.1996. From Figure 6, below it can be seen that most Member States were late in submitting their reports. It is for this reason that the Commission has had to delay the publishing of its report.

Figure 6: Summary Reports (as of 30.7.1997)

Country	Date of Communication (Due date 20.6.1996)
Austria	11.11.1996
Belgium	-
Denmark	20.12.1996
Finland	19.9.1996
France	23.12.1996
Germany	12.11.1996
Greece	19.11.1996
Ireland	17.7.1995
Italy	-
Luxembourg	4.2.1997
Netherlands	9.7.1996
Portugal	8.10.1996
Spain	-
Sweden	4.9.1996
United Kingdom	9.1.1997

The reports received have been of differing formats and content, with considerable variations in length. Although the Commission will present a consolidated report on this information, the varying standards of response will not facilitate the production of the most useful document possible. During the 6th meeting of the Nitrate Committee on 1.6.1995, the Commission presented a draft for a common reporting format which was commented upon by Member States. However as a finalised version was not presented early enough this was not used by any Member State. In future the Commission intends to present to the Committee a framework in which results should be submitted, in order to increase the usefulness of the final document.

#### 4. INFRINGEMENT PROCEEDINGS

The Commission can begin infringement proceedings according to Article 169 of the Treaty establishing the European Communities against a Member State where it fails to comply with the requirements of the Directive. As is evident from the above Figures the majority of Member States are behind schedule in implementation, some of them very significantly. Indeed, as was recognised in the Commission's Communication on Implementing Community Environmental Law<sup>20</sup> there is a need to take action against most Member States for the same infringements of this Directive. Naturally these proceedings develop at different paces depending on the nature of the infringement and the degree of dialogue that has occurred between Member States and the Commission. Some Member States also have two separate actions against them.

At present the majority of infringement cases are based on either the non-transposition of measures or the basic non-conformity of the measures taken with those of the Directive. At this stage therefore, there is no evidence to suggest that the measures laid down in the Directive will not have a significant effect on nitrate pollution when they have had the opportunity to take effect. This represents therefore the primary argument for the Commission not coming forward with proposals to modify the Directive. The status of infringement proceedings against Member States is shown in Figure 7. The information in this table is presented according to Commission rules on information that can be disclosed, therefore it should not be assumed that there are not proceedings against Member States that are not listed, or for any parts of the Directive not indicated for a particular Country.

*Figure 7: The Status of Infringement Proceedings against Member States (as of 30.7.1997)*

Country	Transposition	Designation	Code	Action Programme	Report
Belgium	FN				
Finland	FN				
France		RO*			
Greece	Court	Court			
Ireland	RO*	RO*			
Italy	Court	Court	Court		
Netherlands	FN				
Portugal	Court	Court	Court		
Spain		Court	Court	RO*	RO*
UK	FN				

FN = Letter of Formal Notice. RO = Reasoned Opinion. Court = Proceedings before the Court of Justice

\* = Decision taken by the Commission and publicised in a press release, but yet to be executed

<sup>20</sup> COM(96) 500 final, 22.10.1996



## 5. A REVISION OF THE DIRECTIVE?

As stated in section 4 the principle reason for the Commission not coming forward with proposals for the revision of the Directive is the late implementation of the Directive, which makes it impossible to assess the effectiveness or otherwise of the Directive. The Commission is however aware that it could be argued that the fact that so many Member States have failed to respect their obligations with respect to this Directive means that it is the Directive that is at fault. The Commission believes that this argumentation is not sustainable as the majority of the measures that have to be taken by Member States (i.e. transposition, monitoring, designations, codes of good agricultural practice and reporting) are straightforward. Whilst there may be problems in co-ordinating the efforts of different ministries (in particular Environment and Agriculture) these are simply procedural problems which can be surmounted.

As there is no obligation in the Directive to report on the problems experienced in the implementation of the Directive it is not possible to provide accurate information on the grounds for the delays in implementation. The Commission is aware, however, that the lack of baseline information on the extent of nitrate pollution has been a problem, as has been the co-ordination between different ministries as mentioned above.

## 6. CONCLUSION

Six years on from the adoption of this Directive the status of its implementation in most Member States is unsatisfactory, so much so that any revision of the Directive would be inappropriate. The failure to implement the Directive fully, in addition to its legal aspects, constitutes a failure to deal with serious environmental and human health problems. Whilst the Commission will do all in its powers to ensure implementation of the Directive, in particular through the use of infringement proceedings, these may not, in themselves, attain the objectives of the Directive. It is therefore essential to seek all means to generate the necessary pressure for implementation immediately.

ISSN 0254-1475

COM(97) 473 final

# DOCUMENTS

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14 03

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Catalogue number : CB-CO-97-488-EN-C

ISBN 92-78-25029-5

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Office for Official Publications of the European Communities

L-2985 Luxembourg