



This project is co-funded by  
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# Protection Of Waters Against Agricultural Pollution Through Establishment Of A Monitoring And Reporting Methodology For The Nitrate Action Plans

EuropeAid/140563/IH/SER/TR

## NATIONAL CONFERENCE PROTECTING WATERS AGAINST AGRICULTURAL POLLUTION

### Examples from selected EU Member States Dr Darko Znaor

June 2, 2022  
Ankara



This project is co-funded by  
the European Union and the Republic of Turkey.

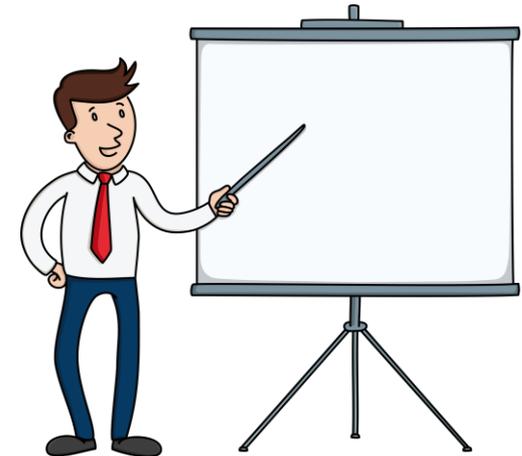
1. Water monitoring for the Nitrates Directive  
2. Designation & revision of Nitrate Vulnerable Zones  
3. What farmers must do?  
4. Knowledge transfer & research  
5. Infringement procedures  
A European team of EU Member States (Austria, Denmark, Greece, Germany, Ireland, Italy, the Netherlands and Poland)

## Protection of Waters Against Agricultural Pollution Through Establishment of a Monitoring and Reporting Methodology for the Nitrate Action Plans

### Contents

1. Water monitoring for the Nitrates Directive
2. Designation & revision of Nitrate Vulnerable Zones
3. What farmers must do?
4. Knowledge transfer & research
5. Infringement procedures

To be shown using examples from 7 EU Member States: AT, DK, GR, IRE, IT, NL and PL



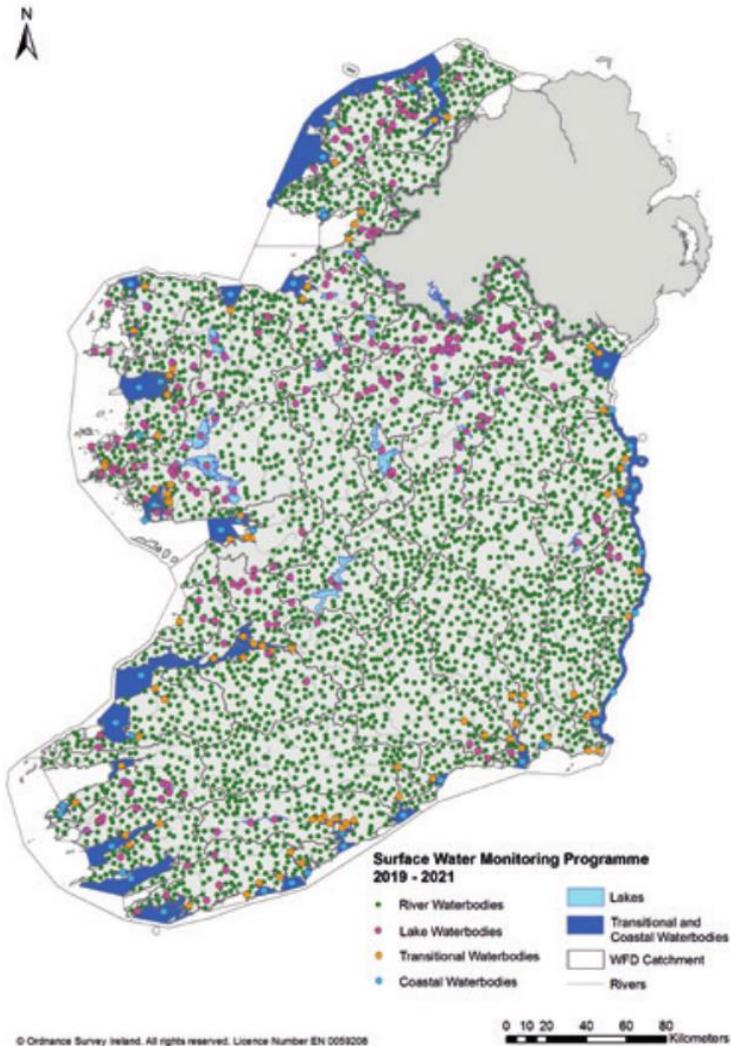
**Water quality monitoring  
organisation & methodologies used**

# Water quality monitoring - Ireland

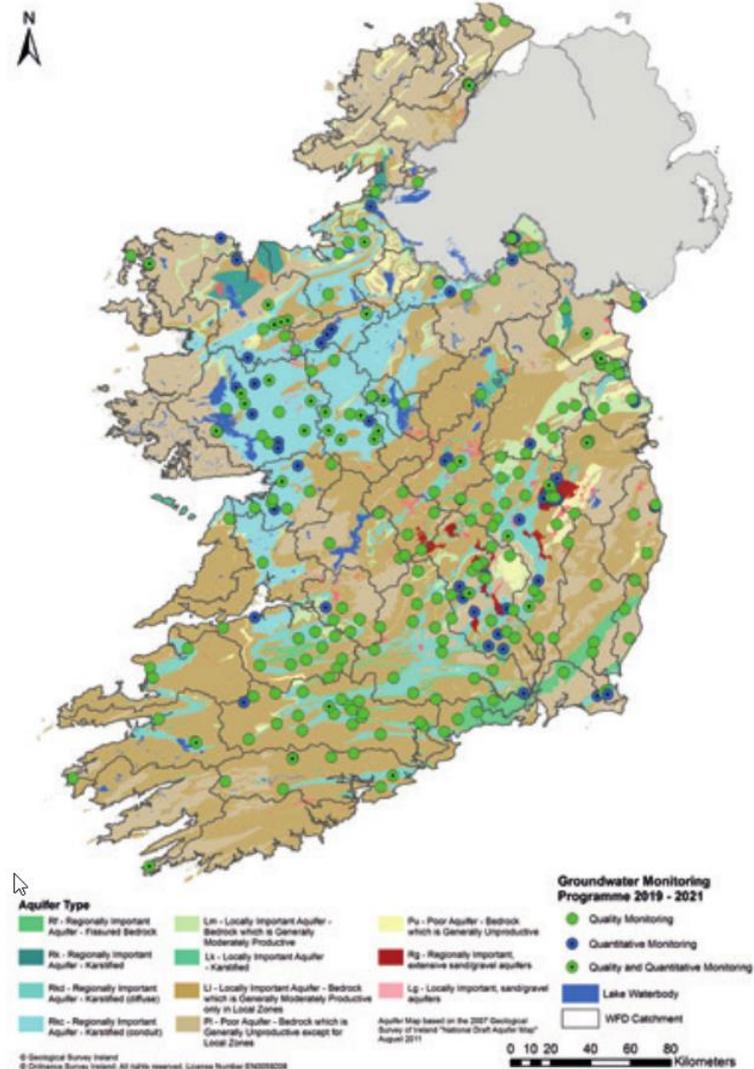


1. **Running since 1991**
2. **Since 2007, for the Nitrates Directive has been an integral part of the Water Framework Directive National Monitoring Programme**
3. **Two main types of monitoring networks:**
  - **Surveillance** – to provide a long-term picture: 287 surface water bodies and 259 groundwater bodies
  - **Operational** – to assess the status of water bodies at risk of failing to meet environmental objectives and to assess if a change in the status of a water body is the result of a programme of measures: 2,418 surface water bodies and 133 groundwater bodies.
4. **Covers 66% of the total number of water bodies (= 4,829)**

# LOCATION OF MONITORED SURFACE WATER AND GROUNDWATER BODIES TAKING PART IN THE NATIONAL WATER QUALITY MONITORING PROGRAMME 2019-2021



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# Frequency of nutrients (N and P) monitoring - IRELAND



- Rivers: 5 times per annum in operational monitoring and 12 times per annum in surveillance monitoring
- Lakes: 4, 6 or 8 times per annum in operational monitoring. In surveillance monitoring 12 times per annum every three years and as per operational monitoring frequency in the other years.
- Transitional water: 4 times per annum with a minimum of 3 years in 6 years
- Coastal water: 4 times per annum with a minimum of 3 years in 6 years

# Water quality monitoring of watercourses – Denmark



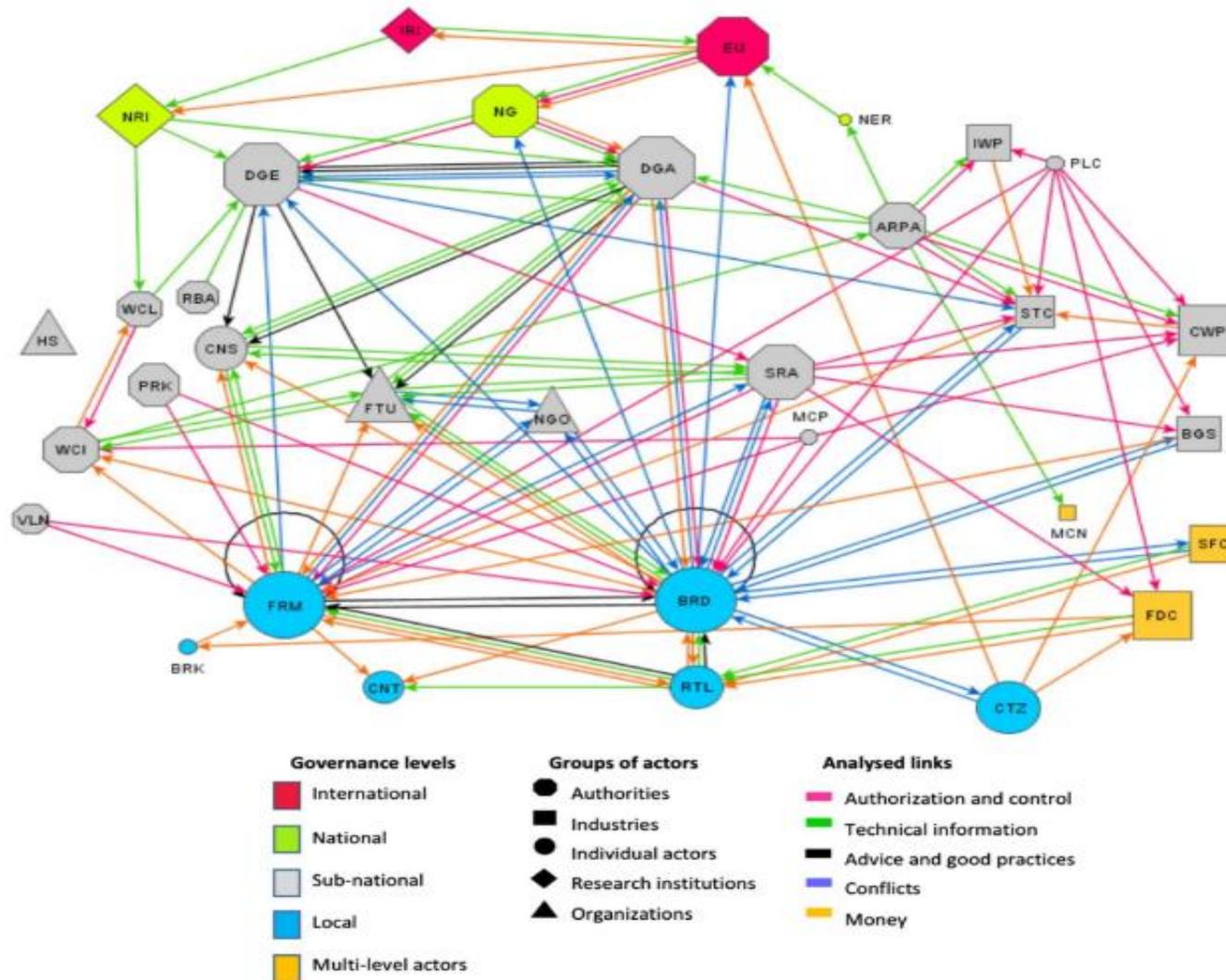
- **Surface water:** 210 stream sampling stations (doubled in last 10 yr.)
- Extracted from the “ODA Database” holding monitoring data from watercourses, lakes and marine areas
- ODA Database **contains some errors** that must be fixed manually!
- **Average annual value** are calculated as the average of all nitrate analyses for each measuring station for each year (at least 7 samples per year)
- **Average winter values** (1 Oct to 31 March)



## Water quality monitoring of lakes – Denmark

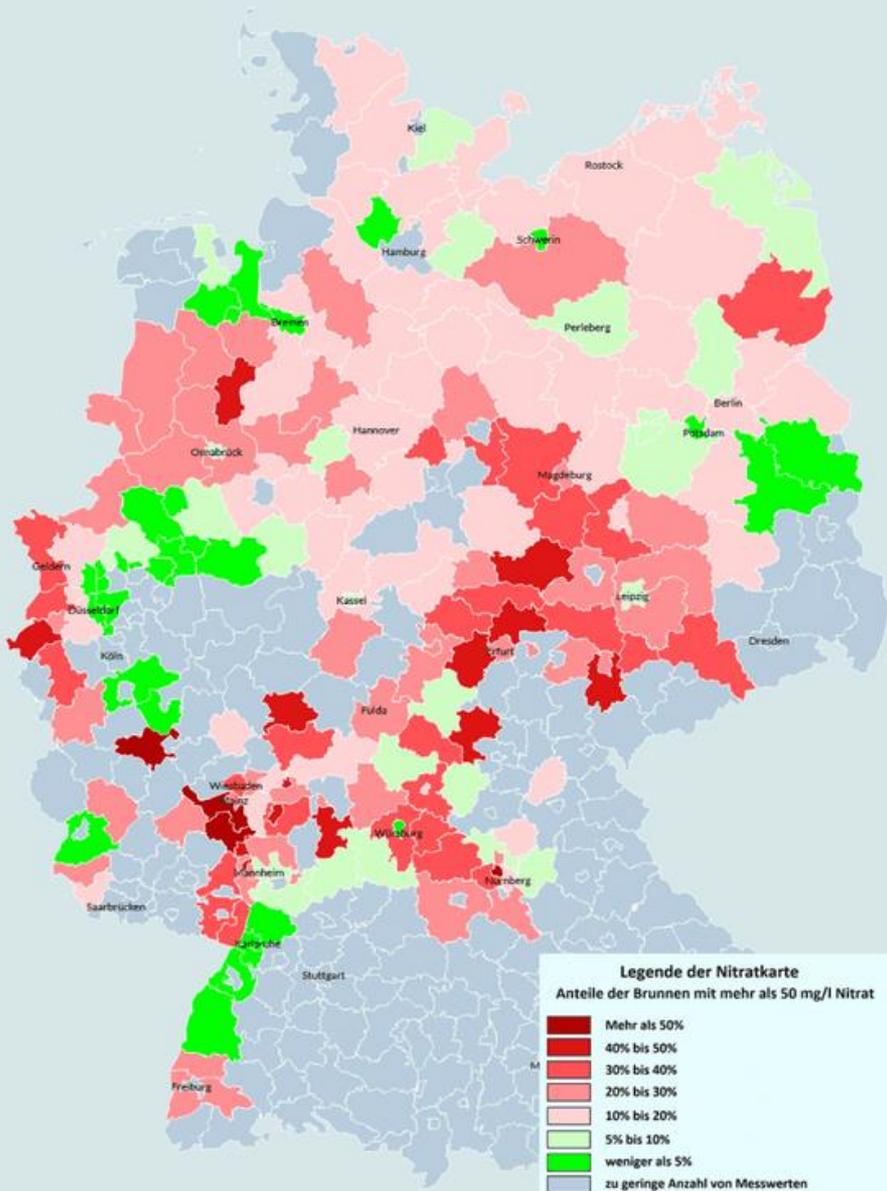
- 20 lakes analysed for nitrate concentration
- 447 lakes with measurements of Chlorophyll a
- Sampling frequency for nitrate concentration: 18-19 times per year, monitored every second year
- Nitrate concentrations = (i) average of the annual averages and (ii) winter averages
- Chlorophyll a concentrations: once in 2 years or once in 4 years
- Sampling frequency for Chlorophyll a concentration: 3-11 times during the summer

# The governance network supporting the application of Nitrate Directive in the Lombardy plain (the Po River watershed, Italy)



**Fig. 4** Final INM representing the governance framework. The size of the nodes corresponds to the perceived influence of each actor. List of acronyms used in the map in alphabetical order: *ARPA* Regional Agency for Environmental Protection, *BGS* biogas and compost plants, *BRD* breeders, *BRK* brokers, *CNS* agricultural consultants, *CTZ* non-farm residents, *CWP* civil wastewater treatment plants, *DGA* Regional Directorate for Agriculture, *DGE* Regional Directorate for Environment, *EU* European Commission, *FDC* food companies, *FRM* farmers, *FTU* farmers' trade unions, *HS* high schools, *IRI* international research institutes, *IWP* industrial wastewater treatment plants, *MCN* agricultural machinery manufacturers, *MNC* municipalities, *NER* National Institute for Environmental Protection and Research, *NG* national government, *NGO* environmental NGO, *NRI* national research institutes, *PLC* environmental police, *PRK* parks, *RBA* Po River Basin Authority, *RTL* agricultural retailers, *SFC* seed, fertilisers, animal feed companies, *SRA* sub-regional administrations, *STC* sludge treatment companies, *VLN* environmental volunteers, *WCI* water consortia (irrigation), *WCL* water consortia (lakes)

# Water quality monitoring in private wells – Germany

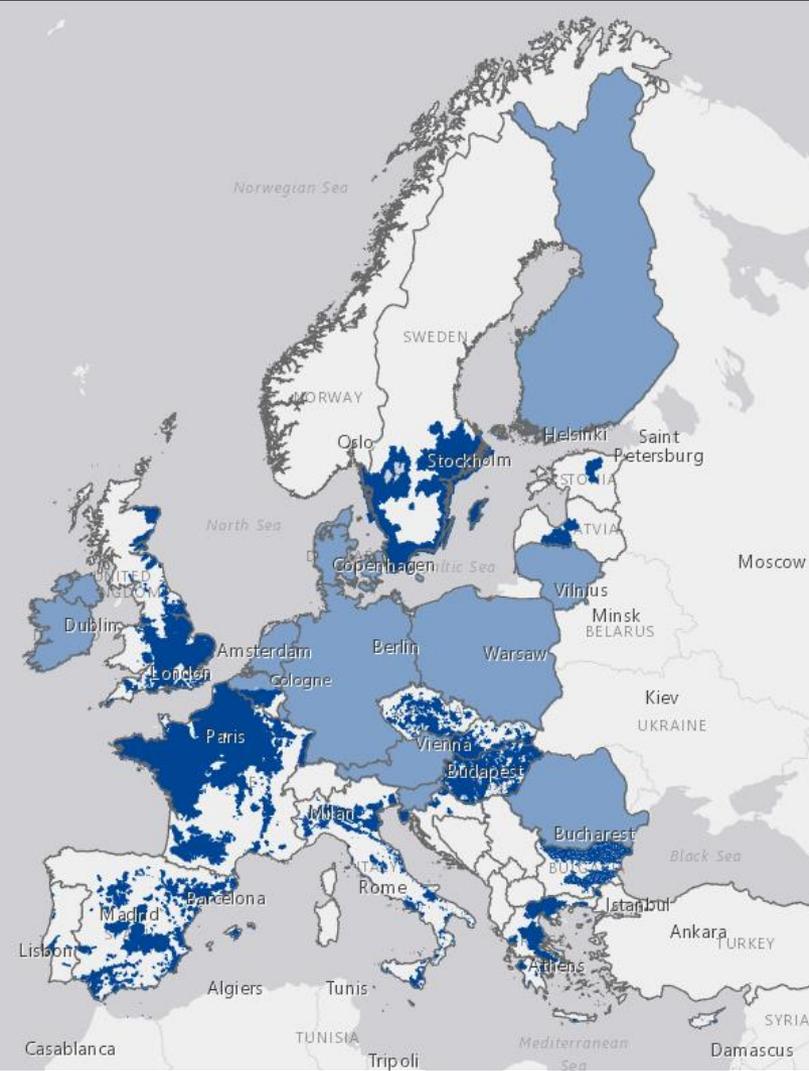


- Run by VSR environmental NGO
- Independent of governments, political parties and economic interest groups
- Cooperation with citizens and universities
- Monitoring provides nitrates data of the near-surface groundwater
- Particularly high nitrate concentrations in regions dominated by maize and wheat
- Less nitrates found in organic farming!



**Designation and revision of  
Nitrate Vulnerable Zones**

# The case of Poland



9 EU MS whole territory approach, others "leopard's skin" approach

Poland:

- Several times changed its NVZ area
- 2004-2008 = 2%
- 2008-2012 = 1.49%
- 2010 = infringement proceedings by the EC
- 2012-2016 = 6.8% (= 94 NVZ)
- Nov 2014 = judgment of the Court of Justice of the EU
- Jan 2017 = 80%
- Jul 2017 = 100%
- Jul 2018 = infringement proceedings stopped

# **Nitrate Action Programmes**

**Farmers' obligations**

# Common requirements

## Code of Good Agricultural Practice & Nitrate Action Programmes



- 
- A green tractor pulling a large red cylindrical tank is spreading a dark, granular substance (likely manure or fertilizer) across a field. The field is covered with dry, brown crop residue. The sky is blue with scattered white clouds.
- 1. Periods of prohibition of application of chemical fertilisers & manure**
  - 2. Capacity of manure storage and construction requirements**
  - 3. Provisions on applic. of fertilisers on water-saturated, flooded, frozen and snow-covered ground**
  - 4. Provisions on fertilisation on slopes and near watercourses**
  - 5. Provisions on procedure for land application of fertilizers, incl. technical instructions and manners of application**
  - 6. Winter coverage of soils, incl. timing, tilling and other agricultural techniques and measures, etc.**
  - 7. Limitation of total fertilization (mineral and organic) by types of crops**
  - 8. Maximum amount of livestock manure to be applied (170 kg N/ha/yr)**
  - 9. Rational fertilisation, incl. the amounts of available N or available P applied, soil tests, etc.**

# IRELAND – specific requirements



1. Farm records that must be maintained
2. Farmyard and silage bales storage
3. Soil sampling area
4. Prevention of poaching
5. Use of low emission slurry spreading equipment
6. Maximum crude protein content permissible in concentrate feedstuff fed to grazing livestock
7. Completion of Farm Advisory Service training in nutrient use efficiency
8. Grass reseeding
9. Hedgerow maintenance
10. Bovine livestock directly drinking from waters
11. Fencing of riverbanks & supplementary drinking points
12. Correction of soil pH

# THE NETHERLANDS – specific requirements



Huge N and P soil surpluses : 128 kg N/ha, 11 kg P<sub>2</sub>O<sub>5</sub>/ha

Almost 60% of the freshwater bodies are eutrophic!

Production rights for dairy cattle and rights for keeping chickens and pigs (2014-2018)

1. Sophisticated fertilisation plans and N & P balance sheets
2. Manure records must be kept. Obligations for transport, manipulation and processing of manure
3. Nitrogen in organic manure: derogation for cattle farmers with 80% grassland: 230 – 250 kg/ha
4. Available nitrogen defined per (i) crop, (ii) soil type and (iii) region
5. Nitrogen availability coefficients for mineral fertilisers and livestock manure
6. Mineral P fertilisers not allowed at farms using derogation
7. Very strict P application standards (based of the soil P status)
8. Phosphate quota dairy farming
9. Animal quota pigs and poultry
10. Catch crop after maize on September 21 or undersowing of grass in maize
11. Catch crop after potato before October 31

# "Livestock manure laundering" – the Netherlands



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### Widespread manure fraud goes largely unpunished: report

Business     June 29, 2021



An analysis of over 300 criminal inquiries into fraud involving the disposal of manure has shown that farmers are largely getting away with the practice, the [NRC](#) reports.

#### Features



Daily newsletter

**Knowledge transfer & research**

# Irish knowledge transfer & research programmes on water and agriculture



Cooperation between state authorities, extension service, research institutes and farmers

**CATCHMENT SCIENCE 2019**  
**AGRICULTURAL CATCHMENTS PROGRAMME**  
 Achieving quality water in diverse and productive agricultural landscapes under a changing climate

Clayton Whites Hotel, Wexford, Ireland

**Teagasc Ag Catchments**  
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 Agricultural Catchments  
 Technology Updates  
 Research  
 Improving Water Quality  
 Water Quality Week

**Farming for Water Quality**

**Water Quality Week**

Teagasc, in collaboration with the Dairy Processing Co-ops and the Local Authority Waters Programme (LAWP/RO), are running a Water Quality Week from Monday 22nd March to Friday 25th March 2021. The purpose of the week is to provide water quality focused information and advice to farmers to help minimise losses of nutrients, sediment and pesticides to water from their farming practices.

The week will cover a broad range of topics and is available to farmers and the public, primarily through short videos posted on digital media platforms, Teagasc website and local print media. Each day is dedicated to a particular theme looking to explain a range of water quality problems and provide practical advice and solutions to farmers.

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 Agricultural Catchments  
 Technology Updates  
 Research  
 Improving Water Quality  
 Water Quality Week

**Water Quality - Research**

The aim of the Teagasc Water Quality Research Programme is to understand the hydrological and biogeochemical processes that govern the transport of pollutants to water. This understanding underpins the development of new technologies to reduce losses. Teagasc work with a wide range of organisations both within and outside Ireland on researching water quality issues.

**WaterMARKE**  
 Mitigating Agricultural Impacts through Research and Knowledge Exchange

The project connects the areas of biological science, socio-economics, behavioural psychology and implementation science in a unique and novel framework. Find out more

**Roadrunner**  
 Roadway Runoff and Nutrient-loss Reduction

The objective of this project is to evaluate the extent, connectivity and nature of roadways and their role in nutrient transport. In time the project will devise and test mitigation strategies including best management practices and engineering solutions. Find out more

**Cosaint**  
 Cattle exclusion from watercourses: Environmental and socio-economic implications Find out more

# Austrian regional knowledge transfer programmes



Water Conservation Farmers – a 2020 programme of the Styrian Chamber of Agriculture – demonstration trials testing best agricultural techniques for protecting water & debate with general public



Groundwater 2020 – initiated by the Government of Upper Austria to protect ground water from adverse agricultural practices, comprising a set of educational, demonstration and applied research activities



# An awareness raising programme on N-compounds - Germany



- Financed by the Federal Ministry of Environment and German Environment Agency
- Implemented by the "German Environmental Help" – a major environmental NGO

THE TROUBLE MAKERS

Dieses Projekt wurde gefördert von:

Bundesministerium für Umwelt, Naturschutz, Bau und Reaktorsicherheit

Umwelt Bundesamt

Die Mittelbereitstellung erfolgt auf Beschluss des Deutschen Bundestages. Die Verantwortung für den Inhalt dieser Veröffentlichung liegt bei den Autorinnen und Autoren.

Nitrat

[ NO<sub>3</sub><sup>-</sup> ]

**Nitrat** ist für Pflanzen lebenswichtig. Es hilft ihnen beim Wachsen. Sie brauchen es für den Aufbau von Eiweißen. Daher wird Nitrat in der Landwirtschaft als Dünger ausgebracht – entweder durch Gülle und Mist aus der Tierhaltung oder durch künstlichen Dünger. Doch nehmen die Pflanzen das Nitrat nicht vollständig auf, sucht sich dieser sehr mobile Geselle seinen Weg in Grundwasser, Seen, Flüsse und wandert bis in die Meere. Große Ansammlungen des Nitrats führen zur Überdüngung und verschlechtern die Lebensbedingungen für Tiere und Pflanzen.

Ammonium

[ NH<sub>4</sub><sup>+</sup> ]

**Ammonium** entsteht aus Ammoniak. Es reist vornehmlich in der Luft und schließt sich gerne staubigen Reisegruppen an, die sich auch in unsere Lungen verirren und dort großen Schaden anrichten. Mit dem Regen gelangt es aus der Luft in Böden und Gewässer und wird dort durch Bakterien in Nitrat umgewandelt. Dies führt zu Versauerung und Nährstoffanreicherung.

Nitrit

[ NO<sub>2</sub><sup>-</sup> ]

**Nitrit** entsteht als Zwischenschritt, wenn Bakterien für ihre eigene Energiegewinnung das Ammonium in Nitrat umwandeln. Fehlt der Sauerstoff, können die Bakterien ihre Arbeit nicht beenden und giftige Nitrite bleiben in Böden und Gewässern und reichern sich in der Nahrung an. Auch übermäßig nitratbelastete Lebensmittel können gefährlich werden: Bei falscher Hygiene oder Lagerung bildet sich Nitrit – das ist für Babys gefährlich und kann auch krebserregend wirken.

## .. and a list of responsible ministers of agriculture since the inception of the Nitrates Directive



Bundesländer gegen den EU-weiten Nitratgrenzwert von 50 mg/l. 10  
Deutsche Umwelthilfe  
Klima retten Fördermitglied

Hier finden Sie die verantwortlichen Landwirtschaftsminister\*innen seit 1991. ✓

- Ignaz Kiechle (30. März 1983 bis 21. Januar 1993)
- Jochen Borchert (21. Januar 1993 bis 26. Oktober 1998)
- Karl-Heinz Funke (27. Oktober 1998 bis 12. Januar 2001)
- Renate Künast (12. Januar 2001 bis 4. Oktober 2005)
- Jürgen Trittin (übergangsweise bis zur Bildung der neuen Bundesregierung)
- Horst Seehofer (22. November 2005 bis 27. Oktober 2008)
- Ilse Aigner (31. Oktober 2008 bis 30. September 2013)
- Hans-Peter Friedrich (17. Dezember 2013 bis 17. Februar 2014)
- Christian Schmidt (17. Februar 2014 bis 14. März 2018)
- Julia Klöckner (seit 14. März 2018)

## "Bread Protecting Water" initiative in 4 Bavarian regions



### INITIATIVE WASSERSCHUTZBROT

Regierung von Unterfranken  
Regierung von Oberfranken  
Regierung von Mittelfranken  
Regierung von Niederbayern



Suchbegriff eingeben



**Infringement procedures by the  
Court of Justice of the European Union  
& national courts for not complying with the  
requirements of the Nitrates Directive**

**20 ongoing cases relevant to the  
Nitrates Directive at the  
Court of Justice of the EU  
...against 12 EU Member States**



- 1. Austria**
- 2. Belgium**
- 3. France**
- 4. Germany**
- 5. Greece**
- 6. Ireland**
- 7. Italy**
- 8. Luxemburg**
- 9. the Netherlands**
- 10. Poland**
- 11. Spain**
- 12. UK**

## European Court of Justice fined Greece for improper implementation of the Nitrates Directive

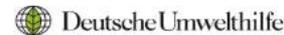


- In a judgment from 2015 the Court found for the first time Greece failed to fulfil its obligations
- In February 2020, it fined Greece with 3.5 million EUR because:
  1. Surface water and groundwater in the Nitrate Vulnerable Zones of the Plain of Thessaly and of the River Evros have concentrations of nitrates above 50 milligrams per litre and/or are eutrophic.
  2. Greece failed to establish action programmes against nitrate pollution within one year after the designation of those zones.
  3. Greece started "fixing" problems indicated by the Court – too late.



# "Nitrate" lawsuits in Germany

initiated by the NGO "Germany Environmental Help" (DUH)



- In 2016 the EC referred Germany to the Court of Justice of the EU because of the Nitrates Directive
- In 2018 DUH initiated lawsuits against the Federal State of Germany and in 2019 against the Governments of the States of Lower Saxony and North Rhine-Westphalia
- A "Nitrate Initiative" in February 2022: 9 major environmental NGOs urging the new Federal Government to better implement the Nitrates Directive
- On-going cases at the German courts

# A 75-page DUH's lawsuit against the Federal State of Germany



2

Orthophosphat-Phosphor und Gesamt-Phosphor in Fließgewässern:

Parameter	Ortho- phosphat- Phosphor (o-PO <sub>4</sub> -P)	Gesamt- Phosphor (Gesamt-P)
Einheit	mg/l	mg/l
Statistische Kenngröße	MW/a <sup>4</sup>	MW/a <sup>4</sup>
Typen nach Anlage 1 Nummer		
2.1		
2.1, 3.1,	≤ 0,05	≤ 0,10
2.2, 3.2, 4,		
11 <sup>6</sup>		
5, 5.1	≤ 0,07	≤ 0,10
6, 6 K, 7	≤ 0,07	≤ 0,10
19 <sup>7</sup>	≤ 0,10	≤ 0,15
9	≤ 0,07	≤ 0,10
9.1, 9.1 K	≤ 0,07	≤ 0,10
9.2, 10	≤ 0,07	≤ 0,10
11 <sup>7,8</sup> ,	≤ 0,10	≤ 0,15
12 <sup>7,8</sup>		
11 <sup>7,9</sup> ,	≤ 0,10	≤ 0,15
12 <sup>7,9</sup>		
14 <sup>10</sup> , 16 <sup>10</sup>	≤ 0,07	≤ 0,10
14 <sup>11</sup> , 16 <sup>11</sup>	≤ 0,07	≤ 0,10
18		
19 <sup>12</sup>	≤ 0,10	≤ 0,15
11 <sup>8,12</sup> ,	≤ 0,10	≤ 0,15
12 <sup>8,12</sup>		
11 <sup>9,12</sup> ,	≤ 0,10	≤ 0,15
12 <sup>9,12</sup>		
15, 15 g,	≤ 0,07	≤ 0,10
17, 20		
22	≤ 0,20	≤ 0,30
23	≤ 0,07	≤ 0,10
Subtyp 21	≤ 0,07	≤ 0,10
N		

<sup>4</sup> Mittelwert als arithmetisches Mittel aus den Jahresmittelwerten von maximal drei aufeinander folgenden Kalenderjahren  
<sup>6</sup> im Alpenvorland  
<sup>7</sup> im Mittelgebirge

GEULEN & KLINGER  
Rechtsanwälte

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16. Juli 2018

Per Kurier  
Oberverwaltungsgericht Berlin-Brandenburg  
Hardenbergstraße 31  
10623 Berlin

In der Verwaltungsstreitsache

Deutsche Umwelthilfe e.V.

g e g e n

Bundesrepublik Deutschland

**OVG 11 A 1.18**

beantragen wir zu der am 31. Mai 2018 eingelegten Klage,

1. die Beklagte zu verurteilen, ihr Nationales Aktionsprogramm zum Schutz von Gewässern vor Verunreinigung durch Nitrat aus landwirtschaftlichen Quellen so zu ändern, dass es alle erforderlichen Maßnahmen enthält, um mit an Sicherheit grenzender Wahrscheinlichkeit zu gewährleisten,

a. dass der Nitratreintrag aus der Landwirtschaft so weit reduziert wird, dass der Grenzwert von 50 mg/l Nitrat an allen deutschen Grundwassermessstellen im EU-Nitrat-Messnetz eingehalten wird,

und

b. dass der Stickstoff- und/oder Phosphoreintrag aus der Landwirtschaft so weit reduziert wird, dass an allen LAWA-Messstellen in folgenden deutschen Oberflächengewässern folgende Werte eingehalten werden:

aa) die gewässertypspezifischen Werte der Anlage 7 Nr. 2.1.2 OGewV

2

75

12. Petition, „Stoppt die Gülle-Verschmutzung – Schützt unser Wasser!“.

13. Taube, Expertise zur Bewertung des neuen Düngerechts (DüG, DüV, Stoff-BilV) von 2017 in Deutschland im Hinblick auf den Gewässerschutz, Kiel 2018.

14. EuGH, Urteil vom 21. Juni 2018, C-543/16 – Kommission/Deutschland.

15. Antwort der Bundesregierung vom 15. März 2018 auf die Kleine Anfrage der Abgeordneten Friedrich Ostendorf, Harald Ebner, Renate Künast, weiterer Abgeordneter und der Fraktion BÜNDNIS 90/DIE GRÜNEN. Bewertung des reformierten Düngerechts und Stand zu EU-Vertragsverletzungsverfahren gegen Deutschland, BT-Drs. 19/1220.

16. DLO-Altterra Wageningen UR u.a., Recommendations for establishing Action Programmes under Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources. Part D - Recommendations for Measures. Final Report, 2011.

17. LAWA, Eckpunkte für die Weiterentwicklung des Landwirtschaftsrechts zum Schutz des Grundwassers, Magdeburg, 2012.

18. KLU, Novellierung der Düngeverordnung. Kurzstellungnahme der Kommission Landwirtschaft beim Umweltbundesamt, Dessau-Roßlau, 2014.

19. Bach/Klement/Häußermann, Bewertung von Maßnahmen zur Verminderung von Nitratreinträgen in die Gewässer auf Basis regionalisierter Stickstoffüberschüsse, UBA-Texte 55/2016, Dessau-Roßlau, 2016 (Auszug).

20. Umweltbundesamt, Indikator: Nitrat im Grundwasser (online verfügbar unter <https://www.umweltbundesamt.de/indikator-nitrat-im-grundwasser>), 2017.

21. SRU/WBAE/WBD, Novellierung von Düngegesetz und Düngeverordnung - Offener Brief, Berlin, 2016.

22. Klages/Osterburg/Hansen, Betriebliche Stoffstrombilanzen für Stickstoff und Phosphor - Berechnung und Bewertung (Auszug), Braunschweig, 2017.

23. Stellungnahme des Einzelsachverständigen Prof. Dr. Friedhelm Taube, 18(10)373-B.

24. WBA/WBD/SRU, Kurzstellungnahme. Novellierung der Düngeverordnung: Nährstoffüberschüsse wirksam begrenzen, 2013.

## **7 key takeaway messages:**

- 1. Diverse, non-uniformed water monitoring programmes in MS**
- 2. ...but functioning well and constantly improving**
- 3. Nitrate Vulnerable Zones are under a constant revision**
- 4. Demanding requirements on farmers**
- 5. ...and getting stricter**
- 6. Robust knowledge transfer & research programmes**
- 7. Infringement procedures against 12 EU MS**



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the European Union and the Republic of Turkey.

Protection of Waters Against Agricultural Pollution  
Through Establishment of a Monitoring and Reporting Methodology for the Nitrate Action Plans



**THANK YOU**  
for your  
**ATTENTION!**

E-mail: [darko@znaor.eu](mailto:darko@znaor.eu)