

## CALL FOR EVIDENCE FOR AN INITIATIVE (without an impact assessment)

This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.

We ask these groups to provide views on the Commission's understanding of the problem and possible solutions, and to give us any relevant information they may have.

<b>TITLE OF THE INITIATIVE</b>	Nutrients – action plan for better management
<b>LEAD DG – RESPONSIBLE UNIT</b>	ENV.D Biodiversity (unit D1), ENV.B – Circular economy, ENV.C - Zero Pollution
<b>LIKELY TYPE OF INITIATIVE</b>	Communication
<b>INDICATIVE TIMING</b>	Q4 2022
<b>ADDITIONAL INFORMATION</b>	<i>The action plan is announced in the circular economy action plan (<a href="https://ec.europa.eu/environment/strategy/circular-economy-action-plan_en">https://ec.europa.eu/environment/strategy/circular-economy-action-plan_en</a>), the Farm to Fork strategy (<a href="https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en">https://ec.europa.eu/food/horizontal-topics/farm-fork-strategy_en</a>) and the Biodiversity strategy (<a href="https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en">https://ec.europa.eu/environment/strategy/biodiversity-strategy-2030_en</a>)</i>

*This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by this document, including its timing, are subject to change.*

### A. Political context, problem definition and subsidiarity check

#### Political context

The [European Green Deal](#), the [circular economy action plan](#), the [biodiversity strategy](#) and the [farm to fork strategy](#) announced that the Commission would draw up an integrated nutrient management action plan to help reduce nutrient losses by at least 50%, while ensuring that there is no deterioration in soil fertility.

The action plan will complement the [zero pollution action plan](#) for air, water and soil. It will build on recent, ongoing and planned evaluations (such as the evaluation of the Sewage Sludge Directive) and revisions of the related legislation (such as the Urban Waste Water Treatment Directive and the Industrial Emissions Directive).

#### Problem the initiative aims to tackle

Nutrients such as nitrogen (N) and phosphorus (P) are essential elements for life and an important natural resource. Human activities have significantly altered natural nitrogen and phosphorous cycles, causing nitrate pollution in drinking water, airborne particulate matter, eutrophication (suffocating life under water), the loss of biodiversity in lakes, rivers and seas throughout the EU and impacts on soil biodiversity, productivity and higher greenhouse gas emissions. In Europe, surplus nitrogen and phosphorus in the environment are already exceeding safe planetary boundaries ([for N by a factor of 3.3 and for P by a factor of 2](#)). This represents a severe threat to nature and to the Earth's climate.

Two thirds of the excessive nitrogen and phosphorus levels in waters originate from fertilisers in agriculture and a third comes from industrial and domestic wastewaters. According to the latest Nitrates Directive report, [36% of rivers and 32% of lakes, 31% of coastal and 32% of transitional water and 81% of marine waters have been reported as eutrophic](#) for the period 2016-2019. Atmospheric emissions of nitrogen pollutants (half from agriculture and half from burning fossil fuels) from traffic, energy and industry are estimated to be responsible for [374 000 premature deaths in the EU every year](#). Deposits of atmospheric emissions are causing soil acidification and eutrophication, affecting biodiversity. Nitrous oxide ([70% of which is released by agriculture](#)) is an important greenhouse gas, 300 times more powerful than CO<sub>2</sub> in terms of its global warming potential and it is a powerful ozone-depleting substance. The industrial production of chemical fertilisers consumes 1-2% of all energy

produced in the EU, generating CO<sub>2</sub> emissions and increasing our dependency on gas. Phosphorus is included on the [list of critical raw materials](#), and there are concerns about future supplies and market prices. The overall environmental costs of all nutrient pollution in Europe are estimated at [EUR 70–EUR 320 billion per year](#).

Long-standing EU legislation has sought to tackle nutrient pollution in water, air and industrial emissions. However, harmful pollution levels for human health and the environment still exist due notably to shortcomings in specific legislation and to significant issues in implementing the legislation. It may also be due to the lack of an integrated approach on nutrient pollution encompassing air, water, soil and climate.

## **Basis for EU action (legal basis and subsidiarity check)**

### **Legal basis**

Article 191(1) of the Treaty requires Union policy to contribute to preserving and improving the quality of the environment and human health, next to promoting the rational utilisation of natural resources.

Article 191(2) of the Treaty entails the key principles of precautionary approach, prevention and rectification of environmental damage at source and that the polluter should pay.

### **Practical need for EU action**

Given the cross-border nature of nutrient pollution, action at EU level provides clear benefits compared to national, regional or local action alone, as it is indispensable to ensure the same level of standards of protection of human health and the environment, as well as legal certainty and a level playing field in the single market. EU action is already helping Member States address nutrient pollution, and implementing the legislation has brought significant improvements over the past decades. However, without additional EU action, progress is expected to be insufficient. There are implementation and enforcement gaps and these need to be addressed, and the current system lacks a holistic approach to the nutrient cycles. There is a need to close the nutrient cycles to prevent nutrients leaching into the environment.

## **B. What does the initiative aim to achieve and how**

The integrated nutrient management action plan will look at the entire nitrogen and phosphorus cycles. It will cover all environmental media (air, water, marine and soil) and all relevant sources of pollution (e.g. agriculture, industry, urban, waste, energy, transport). It will identify policy gaps for a more coherent and integrated approach to reducing pollution throughout the nutrient cycles. The initiative will develop a framework for action needed at all levels (EU, national, regional) in order to achieve the objectives set in EU law and the climate and environmental commitments under the Green Deal.

The integrated nutrient management action plan will contribute to the achievement of the European Climate Law objectives and the 2030 target of the biodiversity and farm to fork strategies to reduce nutrient losses by at least 50%, which will entail reducing the use of fertilisers by at least 20%. This will include looking at how to ensure a more sustainable application of nutrients (identifying nutrient load reductions with Member States, applying balanced fertilisation and sustainable nutrient management), tackling nutrient pollution at source, increasing the sustainability of agriculture and other sectors, and stimulating the markets for recovered or recycled nutrients.

It will also contribute to the objectives of the zero pollution action plan by tackling in a holistic manner other industrial and urban sources of nutrient losses. The action will include looking at the indicators and tools for monitoring to improve assessment and comparability, and at best practice sharing to increase effectiveness. This will feed into an integrated assessment of nutrient pollution and progress tracking, e.g. through the Zero Pollution Monitoring and Outlook reports.

The action plan will aim to focus the efforts of Member States on nutrient pollution hotspots in order to reduce pollution effectively and minimise the gaps to targets. It will also look at creating tools to improve application of environmental and climate legislation in full. It will aim to maximise synergies with the common agriculture policy, making best use of the new green architecture. The holistic approach proposed will also contribute to achieving targets for non-CO<sub>2</sub> emissions from the agriculture sector, as proposed in the [‘Fit for 55’](#) package.

Action may range from regulatory initiatives, including evaluating and revising legislation (if necessary) and complementing legislation to achieve a more holistic approach to nutrient pollution, to non-regulatory initiatives facilitating cross-sectoral approaches and drawing on technological developments.

### **Likely impacts**

The integrated nutrient management action plan is expected to have an impact on bringing nutrient loads within safe operating levels (i.e. safe planetary boundaries).

Reducing nutrient losses will help improve public health, mainly by having a positive impact on air and water quality. It will also have a significant positive impact on the restoration and the preservation of lifecycles and ecosystems in soil and water. Lower levels of acidification and eutrophication of soil and waters will benefit agricultural land fertility and the biodiversity of Natura 2000 areas. Restoring water ecosystems will help replenish fish stocks and have a positive impact on tourism sectors. Reducing nutrient losses is necessary to achieve good status for surface water and groundwater in the EU under the Water Framework Directive.

The action plan will have a direct impact on achieving the following sustainable development goals (SDGs):

- SDG 2 Zero hunger (sustainable food production systems);
- SDG 6 Universal access to safe and affordable drinking water and to improve water quality;
- SDG 14 Life below water;
- SDG 12 Sustainable consumption and production; and
- SDG 13 Climate action.

Action taken under the action plan should help Member States and stakeholders in their efforts to reduce nutrient pollution and compliance with EU legislation, to adapt their agricultural practices, food production processes, waste management practices, wastewater treatment, air quality protection and nutrient recycling. Tackling nutrient pollution hotspots will require Member States to take resolute action, as reducing nutrient loss will have to be more substantial in these areas.

### Future monitoring

Future monitoring of nutrient flows, losses and their impacts on human health and the environment will draw on the existing monitoring networks and indicators set up under EU environmental and climate legislation. This may need to be complemented by new indicators drawn up under the action plan. The results of this work will be presented through the regular Zero Pollution Monitoring and Outlook reports (see COM(2021) 400) and in thematic reporting under existing legislation.

## C. Better regulation

### Impact assessment

The action plan does not require an impact assessment per se, as it builds on a substantial knowledge base, notably evaluations of [air](#) and [water quality](#), as well as the results of the [EU Consultative Communication on Phosphorus](#). In addition, there is a significant evidence base on nutrient flows and pollution in all areas published e.g. by the European Environment Agency, Eurostat and the Joint Research Centre.

The action plan will also draw on past nutrient-related studies, such as the [European Nitrogen Assessment](#).

Any subsequent legislative initiatives that may be considered under the action plan will be subject to a specific impact assessment.

### Consultation strategy

As part of the work to prepare the action plan, the Commission will run the following consultation activities:

- an online public consultation of 12 weeks, to be launched in Q2 2022 on the Commission's central public consultations page 'Have your say', based on a questionnaire available in all 24 official EU languages;
- sectoral consultations in workshop format with specific stakeholder groups (such as farmers, consumers/the general public, water companies, industry, academia, civil society); and
- consultation of Member State authorities via the corresponding Commission comitology and expert groups. These consultations will build on the discussions with Member States, the local level and stakeholders, including in the context of the Zero Pollution Stakeholder Platform launched by the Commission and the Committee of the Regions.

The Commission will then publish a synopsis report and summary of the consultation process on the consultation page.

### Why we are consulting?

The purpose of this consultation is to collect the views of the public and of stakeholders on the aspects of an EU integrated nutrient management action plan. Under the EU's Green Deal, the farm to fork and the biodiversity strategies announced that the Commission would draw up an integrated nutrient management action plan to help achieve the 2030 targets set in these strategies to reduce nutrient losses by at least 50%.

Nutrient losses in the EU today already exceed safe planetary boundaries. They have negative impacts on public health, on the environment (soil, water and air) and on several sectors of the economy (such as fisheries, tourism).

### **Target audience**

The Commission invites all members of the public and the wider community of stakeholders affected by nutrient pollution and by the rules that aim to tackle the problem to share their views on this initiative.

Stakeholders include: EU Member States and their national authorities, other EU institutions, namely European Parliament, Committee of the Regions and the European Economic and Social Committee, as well as relevant EU agencies, international organisations, regional sea conventions, regional and local authorities, including via relevant networks and associations, social partners, EU and national consumer organisations, NGOs and other civil society organisations, academia and research institutes working on EU environment and climate policy and in sectors related to drivers of health and environmental impact, businesses and professionals (notably SMEs) operating in key sectors (e.g. environment, transport, climate, agriculture, water, health, aquaculture and fishing, food, energy, other industries including the ones responsible for nitrogen and phosphorus emissions, etc.) and their respective sectoral associations, business support organisations, such as clusters, incubators, technology centres, especially in the area of clean and low-carbon economy, as well as financial institutions, especially those working in green finance.