22 November 2018

George Eustice MP
Minister of State for Agriculture, Fisheries and Food
Department for Environment, Food and Rural Affairs
Seacole Block, 2 Marsham Street
London, SW1P 4DF

Dear George

EM 8693/18 REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2012-2015

Thank you for your letter, dated 6 November, which was considered by our Energy and Environment Sub-Committee at its meeting on 21 November.

Thank you for explaining that, while you cannot provide a breakdown by nation, you estimate that 64% of surface waters are expected to have lower concentrations of nitrates by 2021 and 44% of ground waters to have lower concentrations by 2027, compared to 2009-2014. We note that this reflects our previously stated concerns that, in a significant number of cases, nitrate levels continue to rise.

Thank you for confirming that such increases in groundwater are inevitable, due to the impact of the historic use of fertilisers working its way through the water table. We note that this may also explain nitrate increases in surface water, as groundwater feeds into surface water.

Thank you for explaining that the EU pilot investigation into the UK’s nitrate action programme is ongoing, and that you continue to work with the Commission on that investigation. Given the length of time that the EU has been investigating this we would, again, recommend that you ask the Commission to clarify exactly what remaining concerns they have.

Members also raised again their observation that the Directive can cause problems for farmers in periods of heavy rainfall as they are prohibited from spreading slurry on their land but their tanks can be at risk of overflowing into watercourses.
We are now content to release this Report from scrutiny, and close correspondence on this issue.

I am copying this letter to Sir William Cash MP, the Chair of the European Scrutiny Committee, Jessica Mulley, Clerk of the European Scrutiny Committee; Arnold Ridout, Legal Adviser to the European Scrutiny Committee; Les Saunders, DEeEU, and John Leach and Craig White, Scrutiny Coordinators, DEFRA.

Yours sincerely,

Tim Boswell

Lord Boswell of Aynho
Chairman of the European Union Committee