



Mr. Patrick Child  
Director General of Environment  
Brussels  
Belgium

29 May 2029

**Re: Implementation of the Nitrates Directive in Ireland**  
**Your reference: Ref. Ares(2025)603874 – 27/01/2025**

Dear Mr. Child,

As you will be aware, on 27 January, Ms. Fink-Hooijer wrote to my colleague Brendan Gleeson, Secretary General at the Department to Agriculture, Food and the Marine and myself in relation to the implementation of the Nitrates Directive and in particular the derogation decision for Ireland adopted on 29 April 2022.

I can confirm that Article 12(3)<sup>1</sup> of the Commission's Implementing Decision on the Nitrates Derogation<sup>2</sup> has been fully implemented.

As part of the two-year review, Article 12(3) included two conditions to be implemented as of 1 January 2024. The letter acknowledges that the first condition on the reduction of the derogated amount in areas identified as polluted, at risk of pollution or showing worsening trends, has been in force since 1 January 2024 in compliance with the derogation decision.

The second condition of Article 12(3) relates to the adoption of the additional measures to reinforce the Nitrates Action Programme in the identified areas. I can confirm that these additional measures have been in effect from 25 February 2025<sup>3</sup> in compliance with the Habitats Directive<sup>4</sup> and Strategic Environmental Assessment Directive<sup>5</sup>.

As indicated in Ms. Fink-Hooijer's letter, Ireland planned to have these additional measures in place much sooner. Unfortunately, some delays arose in completing the associated assessments under the Habitats Directive and the Strategic Environmental Assessment Directive. It should be noted however that, with one exception, these additional measures

---

<sup>1</sup> As from 1 January 2024, in areas draining into polluted or at-risk of pollution waters or presenting worsening trends, additional measures shall be applied under the Nitrates Action Programme. For farms that have been granted an authorisation pursuant to this Decision and located in such areas, the amount of manure that may be applied to the land shall not exceed 220 kg nitrogen/ha per year.

<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022D0696>

<sup>3</sup> <https://www.irishstatutebook.ie/eli/2025/si/42/made/en/print?q=Good+Agricultural+Practice>

<sup>4</sup> [gov.ie - Determination on the Natura Impact Statement \(NIS\) for the additional measures to the Fifth Nitrates Action Programme](http://gov.ie - Determination on the Natura Impact Statement (NIS) for the additional measures to the Fifth Nitrates Action Programme)

<sup>5</sup> <https://www.gov.ie/en/department-of-housing-local-government-and-heritage/publications/fifth-nitrates-action-programme-2022-2025/>



apply to all areas within the State, not just the areas that failed the two-year water quality review prescribed under Article 12. The only exception is the additional geographic areas moving to the lower derogation stocking rate limit of 220kg livestock manure nitrogen per hectare (N/ha). These are specific areas where Ireland's Environment Protection Agency (EPA) has identified a need for nitrate reduction measures as a priority to improve water quality but that were not considered under the criteria set out in Article 12.

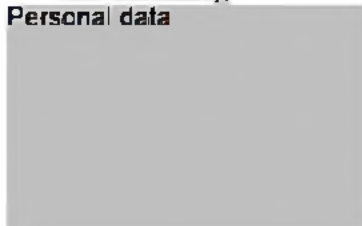
The reduction in the maximum derogation stocking rate with effect from January 2024 has been fully enforced through the Terms and Conditions attached to applications for the 2024 Nitrates Derogation. To avail of the Derogation in 2024 a farmer was obliged to comply with their holding's whole farm organic nitrogen limits as determined by the area of land within the holding qualifying for a maximum allowance of 220kg N/ha and the area within the holding qualifying for a maximum derogation stocking rate of 250kg N/ha. A farmer's compliance with this limit can only be tested after year-end when the livestock numbers held across the full year are known and the nitrogen excretion levels for the farm can be determined based on the values set down in Ireland's national legislation.

For 2024 Nitrates Derogation applicants, along with all other Irish livestock farmers, compliance with their limits is currently being assessed based on the legislation applicable during 2024 (SI 113 of 2022, as amended). Individual farmers who fail to comply with their 2024 stocking rate limit will be subject to an internal review by the Department of Agriculture, Food and the Marine, which will also consider their compliance based on the revised excretion rates that became applicable in February of this year. If a derogation applicant also fails that review, they will be rejected from the 2024 Nitrates Derogation and subject to the normal 170kg N/ha stocking rate limit. This will result in significant financial penalties under Direct Payments and other area based schemes. In accordance with Article 11(3) of the Implementing Decision that farmer will also be ineligible to avail of the Nitrates Derogation in 2025.

I hope our response answers your questions but if there are any further queries, or if follow-up information is required, we will provide a prompt response.

Yours sincerely,

Personal data



---

Graham Doyle

Secretary General