

Opening Statement for Joint Oireachtas Committee on Agriculture, Food and the Marine,

05/07/23

I would like to begin by thanking the Committee for devoting its time to the important topic of Ireland's water quality, plans for the Interim Review and engagement with the European Commission regarding the Nitrates Derogation.

I am joined today by my colleagues, Ted Massey, Senior Inspector, within the Department of Agriculture, Food and the Marine responsible for Nitrates and Biodiversity Division; and David Flynn, Principal Adviser on Water within the Department of Housing, Local Government and Heritage.

Ireland's water quality is in the top third of EU Member States and Irish farmers are engaging in significant measures to reduce the loss of nutrients to water, However, as evidenced by EPA (Environment Protection Agency) data, the levels of nutrients in many of our waters remains too high.

Last year saw the introduction of Ireland's 5th Nitrates Action Programme and the European Commission's extension of Ireland's Nitrates Derogation to cover the period 2022 - 2025.

The 5th Nitrates Action Programme brought significant changes for farmers. New measures were introduced, existing measures were expanded and there is now an increased focus on compliance and enforcement.

Some of these changes become applicable from March 2022, with further changes introduced from January of this year. Farmers have bought into these changes, and this must be recognised and we will likely see the benefits of these changes over time.

On the question of the Nitrates derogation, the European Commission is not obliged to grant any Member State a nitrates derogation and to do so they must be assured that derogation will not compromise achievement of the Nitrates Directive's objectives of reducing and preventing water pollution caused by agriculture.

Last year Ireland secured a new Nitrates Derogation covering the period 2022-2025. These were very difficult negotiations given the decline in Irish water quality, increases in fertiliser use and livestock numbers, as well as changes in Commission policy since the previous derogation was negotiated in 2017.

When we now engage with the European Commission, the 2027 Water Framework Directive targets of having all waterbodies in at least good ecological status is clearly on their mind.

Ireland will not meet this target.

Most, if not all, other EU Member States will be in a similar situation regarding these targets, however very few of them are availing of a nitrate's derogation.

This year Ireland is just one of three EU Member States with a nitrates derogation.

Belgium decided not to apply for an extension to their derogation which expired at the end of last year and The Netherlands are on a trajectory that will see them exit derogation at the end of 2025.

The likely scenario is that post-2025, Ireland will be one of at most two EU Member States seeking, or in receipt of, a nitrates derogation.

Improving water quality will be critical to securing the derogation over the longer term.

Last week's publication of the EPA Report on the outcome of the Commission's two-year water quality review, puts that challenge into stark reality. This was an agreed part of the review.

Ireland has engaged with the Commission to seek flexibility on this condition. Those discussions are on-going. However, we all must recognise there is no guarantee that the Commission will agree to reopen its decision.

In May, Minister McConalogue established the all-of-industry Agriculture Water Quality Working Group to raise awareness of water quality impacts, identify ways to further improve compliance and enforcement, and to identify new measures that will drive improvements in water quality. This group's work will feed into the Interim Review of the Nitrates Action Programme which must take place over the coming months.

The EPA have also significantly developed their information around targeting of measures to improve water quality.

To conclude, the Department believes the best way we can secure the derogation, and a sustainable future for Irish farmers, will be through a science led, targeted approach where the whole industry comes together to drive improvements in Irish water quality.

At the core of this objective must be that we improve our water quality. It is a key performance indicator on sustainability. It is something I believe all stakeholders are committed to.