

(English version)

**Question for written answer E-003789/25
to the Commission
Kathleen Funchion (The Left)
(30 September 2025)**

Subject: Nitrates derogation

In July 2025, the Commission indicated to the Irish Government that it was changing the criteria for retaining the nitrates derogation to take into account the Habitats Directive ⁽¹⁾. Certain stakeholder groups have raised concerns that this is inconsistent with the former position that focused on water quality.

In the light of the above:

1. Will the Commission justify the reason for this change?
2. Did the Commission carry out an impact assessment to determine the affect this will have on Irish farmers, particularly on the dairy industry?

Submitted: 30.9.2025

**Answer given by Ms Roswall on behalf of the European Commission
(8 December 2025)**

Compliance with relevant legal obligations, including those under the Habitats Directive ⁽¹⁾ and the Water Framework Directive ⁽²⁾, has always been a requirement in the implementation of the Nitrates Directive ⁽³⁾ and in the granting of derogations under that directive. Compliance with the obligations of the Habitats Directive is therefore not a new requirement and was included in the current derogation granted to Ireland ⁽⁴⁾.

Derogations are granted through implementing decisions. As they are exceptions to legislation adopted by the co-legislators, they do not require impact assessments. However, the environmental and economic implications of the derogation feature prominently in discussions with the Irish authorities and underpin the request for derogation.

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7, ELI: <http://data.europa.eu/eli/dir/1992/43/oj> (<http://data.europa.eu/eli/dir/1992/43/oj>)).

¹ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, p. 7-50.

² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, p. 11-73.

³ Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 375, 31.12.1991, p. 1-8.

⁴ Commission Implementing Decision (EU) 2022/696 of 29 April 2022 granting a derogation requested by Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources, OJ L 129, 3.5.2022, pp. 37-45.