

Agrovoc descriptors: agricultural policies, agricultural and rural legislation, support measures, subsidies, farms, rural development, nitrates, European Union, Slovenia

Agris Category code: E10, P35, D50

Cross Compliance and Nitrates directive in farming in Slovenia

Marta HRUSTEL-MAJCEN¹, Boštjan KOS²

Received February 14, 2006; accepted March 8, 2006

Delo je prispelo 14. februarja 2006; sprejeto 8. marca 2006

ABSTRACT

Cross compliance represents a series of standards to be met by farmers for acquiring direct payments. In Slovenia, the implementation of cross compliance was initiated within the framework of the first pillar of the agriculture policy in the year 2005. By Slovenia's accession to the EU, the nitrates directive, as one of the cross compliance standards, has become a regulation introducing measures and restrictions into the agricultural activity in the entire national territory. Therefore, Slovenia has implemented, through the Rural Development Programme for the Republic of Slovenia 2004-2006, the measure "Implementation Support for the EU standards on agricultural holdings" enabling the farmers to acquire financial resources, knowledge and information necessary for a faster and effective adjustment to the requirements of the obligatory standards. The number of farmers engaging to the measure in 2004 and 2005 was unexpectedly high, since over 25,000 agricultural holdings engaged to the implementation of the standards or the adjustment to the standards in the each given year. The total number of agricultural holdings participating in the measure in each or both given years was over 33,000. Alone for the implementation of the standards and the adjustment to the standards of the nitrates directive more than 29,000 agricultural holdings submitted application for acquiring support.

Key words: cross compliance, direct payment, nitrate directive, rural development programme

ZUSAMMENFASSUNG

CROSS COMPLIANCE UND NITRATDIREKTIVE IN DER SLOWENISCHEN LANDWIRTSCHAFT

Cross Compliance steht für eine Reihe von Standards, die von Bauern für den Erhalt von Direktzahlungen erfüllt werden müssen. In Slowenien wird die Cross Compliance im Rahmen der 1. Säule der Gemeinsamen Agrarpolitik seit 2005 umgesetzt. Die Nitratdirektive, die eines der Cross Compliance Standards ist, wurde mit dem Beitritt Sloweniens der Europäischen Gemeinschaft zur Vorschrift, mit der Maßnahmen und Einschränkungen in die landwirtschaftliche Tätigkeit auf dem ganzen Staatsgebiet eingeführt werden. Die Anpassung an Standards ist ein schwieriges und zeitaufwendiges Verfahren. Aus diesem Grund nutzte Slowenien im Rahmen des Programms für die Entwicklung des ländlichen Raums für die Republik Slowenien 2004-2006 die Gelegenheit zur Ausführung der Maßnahme „Unterstützung zur Umsetzung der EU Standards auf landwirtschaftlichen Betrieben“, durch die es den Bauern ermöglicht wurde, Mittel, Kenntnisse und Informationen zu erlangen, die

¹ BEng (Agron), Ministry of Agriculture, Forestry and Food, Dunajska 58, SI-1000 Ljubljana

² PhD (Agron), Ministry of Agriculture, Forestry and Food, Dunajska 58, SI-1000 Ljubljana

zur schnelleren und effektiveren Anpassung an die Anforderungen der obligatorischen Standards nötig waren. Die Teilnahme der Bauern an der Maßnahme war 2004 und 2005 unerwartet groß, denn im jeweiligen Jahr beteiligten sich an der Durchführung von Standards und der Anpassung an diese Standards gut 25.000 landwirtschaftliche Betriebe. Die Gesamtzahl der Teilnehmer an der Maßnahme in einzelnen oder beiden Jahren betrug über 33.000. Allein zur Durchführung des Standards der Nitratdirektive und Anpassung an diesen Standard haben mehr als 29.000 landwirtschaftliche Betriebe einen Antrag auf Unterstützung gestellt.

Schlüsselworte: Cross Compliance, direkte Bezahlung, Raumentwicklungsprogramm

IZVLEČEK

NAVZKRIŽNA SKLADNOST IN NITRATNA DIREKTIVA V SLOVENSKEM KMETIJSTVU

Navzkrižna skladnost predstavlja serijo standardov, ki jih morajo kmetje izpolnjevati za pridobivanje neposrednih plačil. V Sloveniji se je v sklopu 1. stebra kmetijske politike navzkrižna skladnost pričela izvajati z letom 2005. Nitratna direktiva, ki je med ostalimi eden od standardov navzkrižne skladnosti, je z vstopom Slovenije v ES postala predpis, ki vnaša ukrepe in omejitve v kmetijsko dejavnost na celotnem državnem ozemlju. Prilagajanje standardom je zahteven in dolgotrajen proces, zato je Slovenija preko Programa razvoja podeželja za RS 2004-2006 izvajala ukrep "podpora izvajanju EU standardov na kmetijskih gospodarstvih", ki je kmetom omogočal pridobivanje sredstev, znanja in informacij potrebnih za hitrejšo in učinkovitejšo prilagoditev zahtevam obveznih standardov. Vključevanje kmetov v ukrep je bilo v letih 2004 in 2005 nepričakovano številčno, saj se je v posameznem letu v izvajanje ali prilagajanje standardom vključilo preko 25.000 kmetijskih gospodarstev. Skupno število kmetijskih gospodarstev, vključenih v ukrep v posameznem ali obeh letih pa je preseglo število 33.000. Samo za izvajanje in prilagajanje standardu nitratne direktive je zahtevke za podporo oddalo preko 29.000 kmetijskih gospodarstev.

Ključne besede: navzkrižna skladnost, direktno plačilo, program razvoja podeželja

1 INTRODUCTION

Utilized agricultural land presents one half of the European Community territory. This fact alone demonstrates the importance of agriculture in preservation of natural environment and natural resources. In many cases the agricultural activity is interwoven with indicators emerging from the environment in which the activity is implemented. The impact of the agricultural activity on the environment can often be sensed in the form of environmental loads, inputs and changes. In 2001 the Council of the European Community in Göteborg decided that the strong economic performance of agriculture must keep pace with the sustainable usage of natural resources, conservation of biodiversity and preservation of ecosystems.

To accelerate the transfer of the environmental protection provisions, the Council of the European Community adopted the Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers.

In 2004 the European Commission adopted the Regulation (EC) No. 796/2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for by the former Regulation.

Since the accession to the European Community the provisions of some general EU rules on environmental protection, especially water protection, apply for Slovenia as well. During the accession process Slovenia did not issue any particular requirements neither for an exemption of provisions nor for any adjustment period. Therefore, all provision contents apply to the same extent for Slovenia as for the old EU Member States.

2 CROSS COMPLIANCE

Pursuant to the Council Regulation (EC) No. 1782/2003 the competent national authority must prepare a domestic regulation covering cross compliance and supply the farmer with the list of statutory management requirements and good agricultural and environmental conditions for farming to be complied with. In 2005 the Regulation on statutory management requirements and good agricultural and environmental conditions for farming (OG RS No. 21/2005) came into force and in 2006 the Regulation on amendments of the Regulation on statutory management requirements and good agricultural and environmental conditions for farming (OG RS No. 114/2005). Together with other standards the regulations cover the area referring also to water protection.

In Slovenia cross compliance became a basic instrument for acquisition of the subsidies in agriculture in 2005 and represents a mechanism which shall contribute to the improvement of the farming technology and sustainable development of rural areas.

Control mechanisms are a normative stringency of general conditions for obtaining aid per unit of utilized area. In 2005 43,053 agricultural holdings claimed payments for measures of the first pillar of the common agricultural policy (ECO 0 Payments). All these agricultural holdings have been included in the administrative check on cross compliance. 1,359 of them have also been included in the on-the-spot check. Table 1 presents the number of infringements detected by on-the-spot controls in respect of meeting the cross compliance requirements in 2005. The data gained show that the most on-the-spot infringements have been detected regarding the storage capacities for animal manures required by the standard of the nitrates directive.

In the years 2005 and 2006 the controls on cross compliance shall be carried out only on the agricultural holdings which submitted their applications for ECO 0 payments. From 2007 on, the controls shall be carried out on agricultural holdings under the measures of the second axis of the rural development programme.

Table 1: Number of infringements detected by controls on cross compliance implementation in 2005.

Control indicator	No. of infringements
Fertilisation with liquid manure or slurry on steep slopes is conducted in the way that they do not flow down the slope.	1
By fertilising with liquid manure or slurry on agricultural holding the requirements of Article 8 of the Regulation on input of hazardous substances and plant nutrients into soil are complied with.	0
Dependent on the fertiliser and soil type, in the water protection zones fertilisers are used only during the allowed periods of the year. Water protection zones are specified in the template C.	0
The agricultural holding disposes of sufficient storage capacities for storing of organic wastes.	157
According to the visual assessment storage facilities are built in accordance with the regulations.	187
The agricultural holding with surplus of animal manures has a certificate of the delivery or sale of surplus amounts of animal manures.	1
A certificate for land areas on agricultural holdings where sewage sludge, alluvium or compost with limited usage are used, has been issued.	0
No waste land-fill.	0
Cattle movement is communicated to the Central Cattle Register.	8
The agricultural holding keeps the on-farm register up to date.	16
The agricultural holding keeps an on-farm register.	8
The pig breeder is enlisted in the Register of Animal Owners and Holders as a pig owner.	20
The agricultural holding keeps the register of pigs up to date.	34
The agricultural holding keeps a register of pigs.	33
The movement of pigs is communicated to the Central Register of Pigs.	29
The holder of sheep and/or goats is registered in the Register of Animal Owners and Holders as an owner of sheep and/or goats.	5
The agricultural holding keeps the register of sheep and/or goats up to date.	5
The agricultural holding keeps a register of sheep and/or goats.	5
The movement of sheep and/or goats is communicated to the Central Register of Sheep and Goats.	3
80%-90% of the cattle on the agricultural holding are identified.	21
50%-79% of the cattle on the agricultural holding are identified.	4
1%-49% of the cattle on the agricultural holding are identified.	0
0% of the cattle on the agricultural holding are identified.	0
Every cattle on the agricultural holding has a cattle passport.	0
80%-90% of the cattle on the agricultural holding have cattle passport.	53
50%-79% of the cattle on the agricultural holding have cattle passport.	12
1%-49% of the cattle on the agricultural holding have cattle passport.	0
None of the cattle on the agricultural holding has cattle passport.	1
All sheep and/or goats on the agricultural holding are identified.	0
80%-90% of the sheep and/or goats on the agricultural holding are identified.	4
50%-79% of the sheep and/or goats on the agricultural holding are identified.	14
0%-49% of the sheep and/or goats on the agricultural holding are identified.	12
The meadowland areas are maintained.	0
Trimming and thinning of hedgerows is not performed.	0
The final judgement was not issued.	0
The final judgement or notification was not issued.	0
The land farmed shows no signs of erosion.	0
Land shows no signs of inappropriate mechanisation use.	0
The land is farmed every year.	0
No burning of crop residues in the fields.	1

From 2005 on, 5 environmental standards and 3 standards for animal identification and registration have been introduced, and in 2006 7 standards for public, animal and plant health shall enter into force. Additionally thereof good agricultural and environmental conditions (GAEC) have been set up: erosion prevention, maintenance of organic substance in the soil, conservation of soil structure and maintenance of a minimum ratio of processing.

3 NITRATES DIRECTIVE AND FARMING

The European Community has been taking measures concerned with nitrogen pollution in waters for over twenty years. Whilst the initial directives concerned themselves mainly with water for human consumption, more recent directives, such as those on nitrates from agricultural sources and urban waste water treatment have placed increased emphasis on the environmental effects of excess nitrogen, in particular eutrophication. On 12 December 1991 the EC Council adopted the Directive No. 676/1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (hereafter referred to as nitrates directive), which aims to reduce water pollution caused by nitrates from agricultural sources and prevent the further pollution of this kind. The aim of the nitrates directive is a gradual reduction of animal manure input by reducing stocking density on agricultural land areas and extensifying animal production. The implementation of the nitrates directive proceeds as follows: identification of polluted and endangered waters, designation of nitrate vulnerable zones, preparation of good agricultural practices and action plans for management of nitrate vulnerable zones as well as establishment of a monitoring system.

Environmental protection requirements in regard of water protection against nitrate pollution caused by agricultural production, laid down in the nitrates directive, are the most demanding part of the legislation on animal husbandry related to the environment and are adopted in the domestic legislation by the Decree on the limit input concentration values of dangerous substances and fertilisers in soil, OG RS No. 84/2005. The implementation of these requirements is bound to the farmers' knowledge and awareness as well as substantial financial resources for restructuring of the situation on farms. Since the Operation programme for water protection from nitrate pollution from agricultural sources for 2004-2008 defines the entire territory of Slovenia as a nitrate vulnerable zone, these provisions actually apply for all agricultural holdings that are completely or partially engaged in animal husbandry.

In Slovenia the standard of the nitrates directive is being implemented by the following requirements:

- The annual amount of organic nitrogen used on the agricultural holding must not exceed 170 kg per ha (in the calculation the number of all animals on a agricultural holding is taken into account and respectively the entire amount of animal manures used as well as all utilised agricultural areas; hereafter referred to as UAA).

- The storage facilities for dung, liquid manure or slurry must be waterproof³, the leaching and eluviation of compost heaps in the field must be prevented, so there is no source of environmental pollution (of surface and ground water) present.
- The capacity of storage facilities for animal manure must suffice for at least 6 months in the continental region and 4 months in the coastal region⁴.
- Storage facilities for animal manure for animals grazing for the most of the year (8 months or longer) must suffice for at least 4 months.
- Manuring is allowed only on the basis of soil analysis and manure plan.
- Manuring must be in compliance with the regulation governing the implementation of good agricultural practice in manuring.

If an agricultural holding does not dispose of agricultural area or if due to animal husbandry larger amounts of animal manures are produced as can be used on the agricultural areas of the agricultural holding concerned, the agricultural holding must provide for:

- contracting the surpluses of animal manure to other owners of agricultural areas;
- processing the surpluses of animal manure and sell them in different forms in the market;
- removing the surpluses of animal manure in any other way pursuant to the rules on waste management.

The calculation of loads must take into account the purchased amounts of animal manure.

The annual nitrogen amount released by animal manure on the agricultural holding is calculated based on the number of the livestock units (hereafter referred to as LU) and the average presence of animals on the agricultural holding as well as the data on nitrogen amount comprised in animal manure for individual animal species listed in Table 2.

Table 2: Nitrogen amount in animal manure released annually in husbandry of individual domestic animals calculated for 1 LU (Decree on the limit input concentration values of dangerous substances and fertilisers in soil, OG RS No. 84/2005).

Species of domestic	Nitrogen (kg annually)
Cattle	70
Pigs	80
Poultry	85
Sheep and goats	70
Horses	60

³ The storage facilities for animal manure must be made of waterproof materials to prevent leaching, eluviation or outflow into surrounding.

⁴ The list of cadastral communities in the coastal region is published in Annex 1 of the Rules concerning good agricultural practice in manuring (OG RS, No. 130/04) and on the homepage of the Ministry of Agriculture, Forestry and Food.

Agricultural holdings must comply with the provisions of the nitrates directive within the framework of obtaining direct payments, being checked by control mechanisms of cross compliance, as well as in obtaining payments within the Rural Development Programme for RS 2004-2006, checked within the framework of good agricultural practice.

In Slovenia the farmers are acquainted with the restrictions defined by the nitrates directive, as general provisions included into the Decree on the limit input concentration values of dangerous substances and fertilisers in soil, OG RS No. 84/2005, are known ever since 1996. The farmers have also been acquainted with the good agricultural practice in manuring which introduced manuring based on manure plan and soil analysis into the practice in the form of a recommendation of the Ministry of Agriculture, Forestry and Food and the Ministry of the Environment and Spatial Planning. During this period the first computer applications for manure use have been made (Biotechnical Faculty, agricultural institutes, Tovarna sladkorja Ormož). Based on the soil analysis agricultural holdings received computerised manure plans.

In Slovenia the requirements of the nitrates directive on setting of dung pits and sufficient storage capacities for animal manures presented a larger problem than the loads and the limit input. Although the decree of 1996 dictated the setting of storage facilities, only a few new stables have been built during this period. By accession to the European Community many agricultural holdings did not meet the basic requirements of the nitrates directive regarding setting of storage facilities for animal manures. Therefore Slovenia used the opportunity to carry out a “transitional measure for new Member States” for granting funds for setting up the situation on agricultural holdings within the framework of the Rural Development Programme for RS 2004-2006. The agricultural holdings which have not fulfilled the requirements of the nitrates directive were enabled to obtain funds in 2004 and 2005 for construction and adjustment of the storage facilities, which shall comply with the requirements of the standard. These investments must be completed by the end of the investment period defined for every beneficiary individually in regard of the extent of the investment necessary and can last three years at the most.

The payments for standard investment costs for constructing sufficient storage capacities for animal manures of the existing state of animals on the agricultural holding are paid in the unique amount of 650 EUR/LU, since the maximum load must not exceed 1.9 LU per ha of UAA. The payments are standardised (flat-rated) and are paid after the investment is completed for at least 1 LU per agricultural holding, which is obliged to keep the stock for at least 5 years after receiving the standard investment payments.

In 2004 and 2005 the agricultural holdings, which already fulfil all provisions of the nitrates directive, could apply for payments for standard implementation for at least 1 LU per agricultural holding and at the most for the number of LUs, representing the load of 170 kg of nitrogen per ha of UAA. It was also possible to claim payments for standard costs in plant production, if animal manure was used on at least 1 ha of agricultural area. For acquisition of these payments it is required to comply with the

principles of good agricultural practice and good agricultural practice in manuring, which means manuring based on soil analysis and manure plan.

Before entering the measure of adjusting to the standard, e.g. before the beginning of the investment, every agricultural holding, keeping 5 or more LUs, must be checked by an agronomic consultant. The agronomic consultant must check the status and calculate the missing capacities in regard of the animal stock.

The agricultural holding must obtain the planning information for the area on which the dung, liquid manure or slurry pit is to be built, if the size of these construction works does not exceed the norm of this kind of facilities defined in the Rules on the categories of demanding, less demanding and simple construction works, on conditions for the building of simple construction works without a construction licence and on the categories of work on construction works and the attached land (OG RS Nos. 114/2003, 130/2004). If the construction works for storing of animal manure exceed the norm in the rules concerned, it is necessary to obtain a construction license.

Agricultural holdings with litter stables and separate collecting of firm and liquid secretions may invest into the construction of dung or slurry pit according to their needs. Such agricultural holdings are justified only to a partial aid for standard investment costs:

- 75% of total investment costs for construction of dung pit (487.5 EUR/LU)
- 25% of total investment costs for construction of slurry pit (162.5 EUR/LU)

The dung pits must have a concrete slab and an outflow into the pit. Liquid manure and slurry pits must be constructed of materials providing watertightness, so no dripping, eluviation or leaching into the surrounding is possible. If dung is composted in heaps in the field, it is necessary to prevent seeping and eluviation. The heaps can be placed on and covered with a plastic film. In case of heaps on a plastic film it is not possible to claim payments for standard investment costs.

Deep-litter stables must have concrete floor, the walls must be constructed in the way to prevent seeping as high as the litter reaches. If less litter is used or if sawdust is used for littering and there is more seepage present, it is necessary to construct a pit for excretions. The pit for excretions and its size are determined by the agronomic consultant based on an expert state evaluation and the type of animal husbandry depending mainly on available litter type and quantity. If dung from such a stable is removed in a shorter period than 6 or 4 months (coastal region, grazing for 8 or more months) additional storage capacities for dung and seepage must be built. It also must be assured that there is no seeping and eluviation present during the clearance of the stable.

Mountainous and other agricultural holdings grazing the animals throughout the entire year cannot claim payments for standard implementation. Agricultural holdings grazing animals for 8 months or more and which dispose of storage capacities for at least 4 months are justified to payments. If pasture season is shorter, agricultural holdings must dispose of storage capacities for at least 6 months.

In 2004 70,120 agricultural holdings submitted aid applications for claiming payments for agricultural policy measures. Through the applications 55,515 agricultural holdings registered 406,496 LUs.

In 2004 13,922 applications for 161,555 LUs were approved for the implementation of the nitrates directive on agricultural holdings with animal husbandry production. With plant production 77 applications related to 2,305 ha of areas were approved. In 2004 8,457 applications for construction of storage capacities were approved covering the needs for 49,871 LUs (Table 3). Funds for setting up storage capacities have been acquired by 15% of all agricultural holdings with animal husbandry production. With funds gained storage capacities for over 12% of all animals kept on these agricultural holdings have been built.

Table 3: Adjustment and implementation of the standard Nitrates Directive in 2004.

	Animal husbandry production		Plant production
	Adjustment to the standard	Implementation of the standard	
Number of applications approved	8.475	13.922	77
Number of livestock units (LU)	49.871	161.555	-
Area (ha)	-	-	2.305

In 2005 63,386 agricultural holdings submitted applications containing over 18,900 claims for implementation of the standard of the nitrates directive and adjustment to it. Thereof around 6,500 agricultural holdings applied for the first time for acquisition of funds under the heading standard nitrates directive. The number of investment applications decreased from 8,475, approved in 2004, to only 260. This shows that the majority of agricultural holdings decided to adjust to the standard and restructuring of storage facilities for animal manure and thus met the standard requirements already in the first year of the measure. At the same time the number of agricultural holdings implementing the standard increased from 13,922 to over 18,300, whereof about 6,000 holdings entered the standard in 2005 for the first time, the rest applied for the implementation funds for the second year in a row.

The experience of the implementation of the measure, enabling obtaining of the support for the standard of the nitrates directive, has undoubtedly shown the adjustment ability of everyone involved in the farming, especially agricultural holdings which recognised in a very short period of time that the implementation of the nitrates directive requirements determines their future and the animal husbandry on their holdings. The introduction of cross compliance into the first pillar of the agricultural policy emphasised even stronger the necessity of incorporation of these provisions. In only two months approximately one half of all holdings engaged in animal husbandry submitted their applications. This also shows a great organisational ability of agronomic consultants, who visited these agricultural holdings in such a short time, checked the situation and advised the farmers accurately on the construction of storage capacities. The Slovene Government initiated the measures in 2004 and 2005, whereof approximately 29,000 agricultural holdings applied for support for the standard of the nitrates directive under the heading “measure for supporting the EU standards implementation on agricultural holdings”, which exceeded all expectations. Practically, within two years everything has been accomplished that was planned to be achieved by 2008, when all provisions of the

nitrate directive must consequently be complied with in practice pursuant to the Operational programme for the protection of water against pollution caused by nitrates from agricultural production for 2004 – 2008.

4 SOURCES

Council Regulation (EC) No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Official Journal L 270, 21/10/2003, p. 0001 – 0069.

Commission Regulation (EC) No. 796/2004 of 21 April 2004 laying down detailed rules for the implementation of cross compliance, modulation and the integrated administration and control system provided for in the Council Regulation No. 1782/2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers, Official Journal L 141, 30/04/2004, p. 0018 – 0058.

Regulation on statutory management requirements and good agricultural and environmental conditions for farming, Official Gazette of RS 21/2005.

Regulation on amendments of the Regulation on statutory management requirements and good agricultural and environmental conditions for farming, Official Gazette of RS 114/2005.

Council Regulation (EC) No. 676/1991 of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources

Decree on the input of dangerous substances and plant nutrients into the soil, Official Gazette of the RS 68/1996, 35/2001, 29/2004.

Decree on the limit input concentration values of dangerous substances and fertilisers in soil, Official Gazette of the RS 84/2005.

Rules on the categories of demanding, less demanding and simple construction works, on conditions for the building of simple construction works without a construction licence and on the categories of work on construction works and the attached land, Official Gazette of the RS 114/2003, 130/2004.

Rules concerning good agricultural practice in manuring, Official Gazette of the RS 130/2004.

Rural Development Programme for the Republic of Slovenia 2004-2006, Official Gazette of the RS 116/2004.