

ANNEX III

MEASURES TO BE INCLUDED IN ACTION PROGRAMMES AS REFERRED TO IN ARTICLE 5 (4) (a)

1. The measures shall include rules relating to:
 1. periods when the land application of certain types of fertilizer is prohibited;
 2. the capacity of storage vessels for livestock manure; this capacity must exceed that required for storage throughout the longest period during which land application in the vulnerable zone is prohibited, except where it can be demonstrated to the competent authority that any quantity of manure in excess of the actual storage capacity will be disposed of in a manner which will not cause harm to the environment;
 3. limitation of the land application of fertilizers, consistent with good agricultural practice and taking into account the characteristics of the vulnerable zone concerned, in particular:
 - (a) soil conditions, soil type and slope;
 - (b) climatic conditions, rainfall and irrigation;
 - (c) land use and agricultural practices, including crop rotation systems;and to be based on a balance between:
 - (i) the foreseeable nitrogen requirements of the crops,
and
 - (ii) the nitrogen supply to the crops from the soil and from fertilization corresponding to:
 - the amount of nitrogen present in the soil at the moment when the crop starts to use it to a significant degree (outstanding amounts at the end of winter),
 - the supply of nitrogen through the net mineralization of the reserves of organic nitrogen in the soil,
 - additions of nitrogen compounds from livestock manure,
 - additions of nitrogen compounds from chemical and other fertilizers.
2. These measures will ensure that, for each farm or livestock unit, the amount of livestock manure applied to the land each year, including by the animals themselves, shall not exceed a specified amount per hectare.

The specified amount per hectare be the amount of manure containing 170 kg N. However:

- (a) for the first four year action programme Member States may allow an amount of manure containing up to 210 kg N;
- (b) during and after the first four-year action programme, Member States may fix different amounts from those referred to above. These amounts must be fixed so as not to prejudice the achievement of the objectives specified in Article 1 and must be justified on the basis of objectives criteria, for example:
 - long growing seasons,
 - crops with high nitrogen uptake,

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- high net precipitation in the vulnerable zone,
- soils with exceptionally high denitrification capacity.

[^{F1}If a Member State allows a different amount under point (b) of the second subparagraph, it shall inform the Commission, which shall examine the justification in accordance with the regulatory procedure referred to in Article 9(2).]

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Textual Amendments

F1 Substituted by [Regulation \(EC\) No 1137/2008 of the European Parliament and of the Council of 22 October 2008 adapting a number of instruments subject to the procedure laid down in Article 251 of the Treaty to Council Decision 1999/468/EC, with regard to the regulatory procedure with scrutiny](#)
[Adaptation to the regulatory procedure with scrutiny — Part One.](#)

3. Member States may calculate the amounts referred to in paragraph 2 on the basis of animal numbers.
4. Member States shall inform the Commission of the manner in which they are applying the provisions of paragraph 2. In the light of the information received, the Commission may, if it considers necessary, make appropriate proposals to the Council in accordance with Article 11.