

2025-2026 Parliamentary session

36 849

**Bill proposed by Members Holman and Grinwis to amend the Fertilisers Act (Meststoffenwet), the Environment and Planning Act (Omgevingswet) and the Economic Offences Act (Wet op de economische delicten) in connection with the introduction of land-based dairy farming, the designation of social agricultural areas, and responsible manure disposal (Act on Land-based Farming and Responsible Manure Disposal, also known as the Wet grondgebondenheid en verantwoorde mestafzet)**

No. 2

## LEGISLATIVE PROPOSAL

We, Willem-Alexander, by the grace of God, King of the Netherlands, Prince of Orange-Nassau, etc.

Greetings to all who shall see or hear the following. Be it known:

Whereas we have considered that it is desirable to establish the land-based nature of agriculture and responsible manure disposal as a guiding principle in manure and agricultural policy and to distinguish between a primary agricultural structure and social agricultural areas;

Having heard the Advisory Division of the Council of State and in consultation with the States General, We hereby agree and decree:

## ARTICLE I FERTILISERS ACT

The Fertilisers Act shall be amended as follows:

A

Article 1(1)(mm) and (nn) read as follows:

mm. *Regulation (EU) 2021/2115*: Regulation (EU) 2021/2115 of the European Parliament and of the Council of 2 December 2021 establishing rules on support for strategic plans to be prepared by Member States under the common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulations (EU) No 1305/2013 and (EU) No 1307/2013 (EU) 2021/2115 (OJ EU 2021, L 435);

nn. *Nitrates Directive*: Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ 1991, p. 375);

B

After Article 15, the following new article is added and reads:

#### **Article 15a**

1. It is prohibited to transport animal fertilisers, other than products referred to in Article 1(1)(c), outside a radius of 100 kilometres from the production site of the holding on which the animal fertilisers were produced.

2. The prohibition referred to in the first paragraph does not apply to transport that does not cross the boundaries of a transport region as referred to in the third paragraph.

3. The following are to be designated as transport regions:

a. Transport region A, comprising the area of the provinces of Groningen, Friesland and Drenthe;

b. Transport region B, comprising the area of the provinces of Overijssel, Gelderland, Utrecht, Flevoland, Noord-Holland and Zuid-Holland, with the exception of the municipality of Goeree-Overflakkee;

c. Transport region C, comprising the area of the provinces of Limburg, North Brabant and Zeeland and the municipality of Goeree-Overflakkee.

4. The prohibition referred to in paragraph 1 does not apply to:

a. animal fertilisers from a holding of a farmer operating a livestock farm for animal production, as referred to in Article 14 of Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ 2018 L 150);

b. animal manure from horses, ponies or poultry transferred to an operator preparing mushroom substrate for the preparation of mushroom substrate;

c. the transport of animal fertilisers to a processing enterprise.

C

Articles 21 and 21a are amended to read:

#### **Article 21**

1. A farmer that produces animal manure with dairy cattle on their farm has on average the following available in a calendar year:

a. at least 0.20 hectares of pasture or arable land with other permanent crops than grass per livestock unit in the calendar years 2028 and 2029;

b. at least 0.25 hectares of pasture or arable land with other permanent crops than grass per livestock unit in the calendar years 2030 and 2031;

c. at least 0.30 hectares of pasture or arable land with other permanent crops than grass per livestock unit in the calendar years 2032 and 2033;

d. at least 0.35 hectares of pasture or arable land with other permanent crops than grass per livestock unit from 1 January 2034.

2. In applying the first paragraph, the number of hectares of pasture and the number of hectares of arable land with break crops other than grass shall be determined on the basis of the hectares of pasture and the hectares of arable land with break crops other than grass, respectively:

a. of the agricultural land belonging to the holding which is located no more than 50 kilometres from the farmer's holding;

b. of the agricultural land not belonging to the farmer's holding, located no more than 50 kilometres from the farmer's holding, and for which the farmer has entered into a cooperation agreement with another holding involving the transfer of the right to use manure or a cooperation agreement involving an obligation to supply and an obligation to purchase animal manure;

c. grass-covered natural areas whose primary function is nature conservation, which are grazed by dairy cattle from the farmer's holding for natural management

purposes, and which are located no more than 50 kilometres from the farmer's holding.

3. Detailed rules on the orders in council referred to in the second paragraph and rules on the preparation, storage and provision of the cooperation agreement are to be laid down by or pursuant to a cooperation agreement. Article 34(2) applies accordingly.

#### Article 21a

1. For the purposes of Article 21(1), the table below applies in determining the number of livestock units for dairy cows and calf cows as referred to in Article 1(1)(kk) (1°):

Average milk production in kilograms of milk per cow per year		Number of livestock units (LU)
	< 5 600	0.74
5 601	- 6 100	0.78
6 101	- 6 600	0.82
6 601	- 7 100	0.86
7 101	- 7 600	0.89
7 601	- 8 100	0.93
8 101	- 8 600	0.96
8 601	- 9 100	1.00
9 101	- 9 600	1.03
9 601	- 10 100	1.07
10 101	- 10 600	1.10
10 601	- 11 100	1.14
11 101	- 11 600	1.17
11 601	- 12 100	1.21
12 101	- 12 600	1.24
12 601	- 13 100	1.28
13 101	- 13 600	1.31
13 601	- 14 100	1.35
14 101	- 14 600	1.38
14 601	- 15 100	1.42
15 101	£	1.45

2. In applying Article 21(1), the number of livestock units for young cattle referred to in Article 1(1)(kk)(2°) is to be determined on the basis that 1 head of young cattle corresponds to 0.23 livestock units.

3. In applying Article 21(1), the number of livestock units for young cattle referred to in Article 1(1)(kk)(3°) is to be determined on the basis that 1 head of young cattle corresponds to 0.53 livestock units.

4. In applying Article 21(1), only the break crops established in implementation of Regulation (EU) 2021/2115 or the Nitrates Directive Action Programme in force that can serve as feed for dairy cattle and are beneficial for the environment and soil quality shall be eligible. These eligible break crops shall be established by ministerial order.

D

Article 23(3)(2) is replaced by: The fixed production of animal manure by dairy cattle is determined according to the rules referred to in Article 35.

E

In Article 51, the words '15a,' are inserted after the words '15,'.

F

Article 58a is removed.

G

In Article 60, '58a' is deleted.

H

Article 62 is amended as follows:

1. In paragraph 1, ' , 58a' is deleted.
2. In paragraph 2, '15a, 21,' is inserted after '15'.

I

Article 75b reads as follows:

#### **Article 75b**

Article 1(kk), in its version immediately before entry into force of Article I, Part A, of the Act of 23 February 2022 amending the Fertilisers Act with regard to the term 'dairy cattle' and certain other amendments concerning the phosphate rights scheme (Government Gazette 2022, 102), shall continue to apply for the purposes of the provisions laid down in or pursuant to Article 23(3), (5), (6) and (9).

## **ARTICLE II ENVIRONMENT AND PLANNING ACT**

The Environment and Planning Act is amended as follows:

A

In Article 2.25(3)(c), renumbering paragraphs (2°) to (6°) as (3°) to (7°), a paragraph is inserted, reading:

2°. in an environmental regulation as referred to in Article 4.1, insofar as it concerns rules as referred to in Article 2.31b or 4.19c;

B

After Article 2.31a, an article is inserted, reading as follows:

#### **Article 2.31b (mandatory instructions for national social agricultural areas)**

1. Rules pursuant to Article 2.24 shall, with a view to the protection, restoration and development of nature and the protection of the environment, in any case be established with regard to:

- a. the designation of areas for social agriculture by environmental regulation;
- b. the quality of the environment and the carrying out of activities within the areas referred to in point (a).

2. With effect from 1 January 2034, the rules referred to in the introductory phrase and point (b) of paragraph 1 shall in any case include an obligation to include in the environmental regulation a rule for the number of livestock units for dairy cattle for the person who keeps dairy cattle in areas referred to in point (a) of paragraph 1 of a maximum of 1.5 livestock units per hectare of agricultural land, on average per calendar year.

3. By way of derogation from the second paragraph, the rules referred to in the first paragraph, introductory phrase and point (b), for peat pasture areas designated as areas referred to in the first paragraph, point (a), shall in any event include an obligation to include in the environmental regulation a rule for those keeping dairy cattle in such designated peat pasture area for a higher pasture standard than that established in Article 21(1), introductory phrase and point (d), of the Fertilisers Act of at least 0.50 hectares of pasture or arable land with break crops other than grass per

livestock unit, on average in a calendar year, with effect from 1 January 2034.

C

The following new article is inserted after Article 4.19b:

#### **Article 4.19c (rules for social agricultural areas)**

1. By way of derogation from Article 10 of the Fertilisers Act, environmental regulations may establish rules providing for a lower nitrogen application standard for fertilisers for areas designated by environmental regulations as social agricultural areas within the meaning of Article 2.31b(a).

2. By way of derogation from Article 21 of the Fertilisers Act, environmental regulations may establish rules providing for a higher pasture standard for those who keeps dairy cattle in areas designated by environmental regulations as social agricultural areas as referred to in Article 2.31b(a).

D

In Part A of the Annex, the following two definitions are inserted in alphabetical order:

*pasture standard*: the obligation included in Article 21(1) of the Fertilisers Act;

*livestock unit*: livestock unit referred to in Article 21a of the Fertilisers Act;

*peat pasture*: peatland as referred to in Article 1(1)(n) of the Fertilisers Act in the provinces of Friesland, Noord-Holland, Zuid-Holland and Utrecht;

#### **ARTICLE III ECONOMIC OFFENCES ACT**

In Article 1a(3°) of the Economic Offences Act, in the phrase relating to the Fertilisers Act, '15a,' is inserted after '15,'.

#### **ARTICLE IV COMPENSATIONS FOR SOCIAL AGRICULTURAL AREAS**

1. By or pursuant to an order in council, rules shall be established concerning the granting of compensation by the government to natural persons, legal entities or partnerships of natural persons or legal entities that engage in any form of agriculture as referred to in Article 1(1)(g) of the Fertilisers Act on holdings in areas designated for social agriculture as referred to in Article 2.31b(1)(a), of the Environment and Planning Act.

2. The compensation referred to in the first paragraph shall not be granted to those who, in areas designated for social agriculture, keep more than 1.5 livestock units of dairy cattle per hectare of agricultural land, as referred to in Article 21a of the Fertilisers Act.

#### **ARTICLE V OVERLAP**

Where Article II, Section A, of the Act on Municipal Instruments on Heat Transition a. enters into force or has entered into force earlier than Article II, Section A, of this Act, in Article II, Section A, of this Act, 'Sections 2° to 6° to 3° to 7°' shall be replaced by 'Sections 2° to 7° to 3° to 8°';

b. enters into force later than Article II, Section A, of this Act, in Article II, Section A, of that Act, 'Section 6°' shall be replaced by 'Section 7°' and the section to be added shall be renumbered as Section 8°.

#### **ARTICLE VI ENTRY INTO FORCE**

This act shall enter into force at a time to be determined by Royal Decree.

**ARTICLE VII Citation title**

This Act shall be cited as: Act on Land-based Farming and Responsible Manure Disposal.

**ARTICLE VI ENTRY INTO FORCE**

This act shall enter into force at a time to be determined by Royal Decree.

**ARTICLE VII CITATION TITLE**

This Act shall be cited as: Act on Land-based Farming and Responsible Manure Disposal.

It is hereby ordered that this Act shall be published in the Government Gazette and that all ministries, authorities, commissions and officials concerned will ensure its accurate implementation.

Issued by

The Minister of Agriculture, Fisheries, Food Security and Nature,