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Report Highlights:

After a summer of Dutch farmer protests, a much-anticipated independent report was presented to the government and public on October 5, 2022. In it, the government-appointed independent facilitator and former politician, Johan Remkes, presented his findings from talks he held with the government, the Dutch agricultural sector, industry, nature organizations, and others. His report laid out recommendations to the government on how best to reduce nitrogen emissions in the Netherlands. Reaction to the report was generally positive, with opposition to some of the proposals (e.g., buying out several hundred top emitters and potentially imposing a zoning system for certain agricultural practices). The Dutch agricultural sector now looks forward to October 14, 2022, when the Government will reportedly weigh-in on its interpretation of the report and how it might amend its current plan to reduce nitrogen emissions.

Background

After the June 2022 presentation of a Dutch government report on how to achieve nitrogen reductions in rural areas, the Netherlands saw a disquiet summer as farmers protested the government's plan. For more information, see [NL2022-0035: Government Presents National Program to Reduce Nitrogen Greenhouse Gas Emissions in Rural Areas](#) and [NL2022-0041: Dutch Farmer Protests Against New Nitrogen GHG Emissions Reductions Policies](#). The protests¹ were partially instigated by a map that was included in the report which identified the areas of the Netherlands that most needed to reduce their nitrogen emissions.²

The map identified the nitrogen reductions to be attained across the Netherlands³ -- corresponding with reductions from 12 to 70 percent.⁴ In areas located by “[Natura2000](#)” nature reserves, the government aimed to reduce nitrogen emissions by 95 percent or more. Farmers increasingly referenced this map to interpret the viability of their future in Dutch agriculture, and financial institutions reportedly began to base their decisions to grant loans on it as well.⁵ Uncertainty was amplified by a Ministry of Agriculture, Nature and Food Quality report noting there would not be a “future for all {Dutch farmers} within this approach.” Separately, the Ministry's plan⁶ to provide prospects for the economic future of Dutch farmers was deemed insufficient, according to a motion filed by the ruling and opposition parties in the House of Representatives. In the parliamentary motion, the Minister of Agriculture, Nature and Food Quality, Henk Staghouwer, was pressed for the plan to be re-developed, and to include “examples of {ways to} future-proof agricultural business plans,” as well as outline “all {the} political choices for the future of Dutch agriculture and what the future prospects are for farmers.”⁷

Image 1. Signs of Protest in the Netherlands



Source: <https://www.destentor.nl/home/dit-is-waarom-boeren-de-nederlandse-vlag-omgekeerd-ophangen~ac974fdf/218402731/>

During the farmer protests in the summer of 2022, Dutch farmers adopted an upside-down Dutch flag as a sign of protest. This symbol has been widely seen in various locations across the Netherlands.

¹ For background on what also led to the farmers' protests according to the findings of government mediator Mr. Remkes, see Report Remkes, p. 17-18.

² https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2022Z18582&did=2022D39674, hereafter: Report Remkes, p. 13.

³ <https://www.rijksoverheid.nl/documenten/rapporten/2022/06/10/startnotitie-nplg-10-juni-2022>, p. 33

⁴ These objectives are based on a model that calculated current nitrogen deposition in soils. The goal behind the plan is to reduce overall Dutch nitrogen GHG emissions by 50 percent by 2030. In addition, 74 percent of the Netherlands' "Natura 2000" areas will have to be at "a healthy level" by 2030.

⁵ Report Remkes, p. 13.

⁶ [Toekomstvisie agrarische sector | Tweede Kamer der Staten-Generaal](#)

⁷ <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2022Z13026&did=2022D26870>

Government Asks Johan Remkes to Manage Talks with Interested Parties

To resolve the increasing social unrest surrounding the proposed nitrogen policy, former politician, Johan Remkes, was asked to facilitate talks with farmers and the Dutch government.⁸ The choice of Mr. Remkes was criticized by some as it was Mr. Remkes that chaired an advisory council on nitrogen issues two years prior.⁹ At that time, Remkes' council found¹⁰ that the governments' plan to reduce nitrogen emissions was "not enough" and proposed the implementation of a legally binding reduction of 50 percent. For more information, see [NL2020-0029: Advisory Council Critical of Government Approach to Reduce Nitrogen Emissions](#). Despite objections from some, the Dutch government supported Mr. Remkes as mediator.¹¹

On July 26, 2022, all Dutch farmer organizations were invited to join talks with Mr. Remkes,¹² but some farmer organizations initially declined. After the promise of a talk "without taboos" by Prime Minister Rutte,¹³ ten farmer organizations eventually agreed to talks on August 5, 2022.¹⁴ The discussion was led by Mr. Remkes, who was joined by the Dutch Prime Minister, Minister Staghouwer, and the Minister for Nature and Nitrogen, Christianne van der Wal.¹⁵ According to the farmer organizations, the discussion was unsuccessful, and no plan was envisioned for future talks.¹⁶ After several events, however, a second round of talks with the farmer organizations eventually followed on August 31, 2022.^{17/18} Mr. Remkes also met with representatives from environmental organizations, industry, banks, companies that are a part of the agricultural chain, and governmental institutions.¹⁹ Additional talks took place aimed at expanding knowledge, during which scientists, experts, farmers, government, as well as supermarkets and food processors were consulted.

Government Coalition Party Leader Questions 2030 Target

On August 19, 2022, in an interview with a well-known Dutch newspaper, Deputy Prime Minister and Minister of Foreign affairs, Wopke Hoekstra, leader of one of the government coalition parties (i.e., the Christian Democrat Appeal party – or CDA) said that the government's goal of 50 percent nitrogen emission reductions in the Netherlands by 2030 was "not sacrosanct."²⁰ However, as the year 2030 was agreed upon in the government's coalition agreement,²¹ an emergency parliamentary debate was called for August 23, 2022.²² The overall conclusion of the debate was that the cabinet affirmed they would wait for the report of Mr. Remkes which outlined proposals developed from the series of discussion he led.²³ The publication date of Remkes' report²³ was postponed a few times, but eventually announced for October 5, 2022.²⁴

⁸ <https://nltimes.nl/2022/07/03/many-people-support-farmers-cause-method-remkes-appointed-mediator>

⁹ <https://nos.nl/artikel/2435095-remkes-bemiddelaar-stikstofplannen-boeren-vinden-keuze-onzinnig>

¹⁰ <https://www.aanpakstikstof.nl/actueel/nieuws/2020/06/08/remkes-presenteert-eindrapport-niet-alles-kan-overal>

¹¹ <https://www.boerderij.nl/kabinet-wil-geen-andere-gespreksleider-dan-remkes>

¹² <https://www.rijksoverheid.nl/actueel/nieuws/2022/07/26/remkes-ruimte-om-gezamenlijk-tot-oplossingen-te-komen>

¹³ <https://nos.nl/artikel/2438667-hoe-toverformule-geen-taboes-de-boeren-aan-tafel-moet-krijgen>

¹⁴ <https://www.boerderij.nl/10-boerenorganisaties-gaan-met-remkes-praten-over-stikstof>

¹⁵ <https://nos.nl/artikel/2439490-remkes-na-stikstofoverleg-er-is-sprake-van-een-stevige-vertrouwenscrisis>

¹⁶ <https://www.boerenbusiness.nl/artikel/10899960/landbouw-verklaart-stikstofoverleg-mislukt>

¹⁷ <https://www.boerenbusiness.nl/artikel/10900340/organisaties-open-voor-tweede-gesprek-remkes>

¹⁸ <https://www.volkskrant.nl/nieuws-achtergrond/kabinet-en-boeren-tekenen-broze-vrede-na-diepgaand-remkesberaad-bf879719/>

¹⁹ Report Remkes, p. 16.

²⁰ <https://www.ad.nl/politiek/cda-legt-bom-onder-coalitie-2030-is-niet-heilig-a8a174c2/>

²¹ <https://www.tweedekamer.nl/kamerstukken/detail?id=2021D50025&did=2021D50025>, p. 11

²² <https://nos.nl/artikel/2441307-ruzie-in-kabinet-na-stikstofuitspraken-cda-verhoudingen-op-scherp>

²³ <https://nos.nl/artikel/2441746-kamer-verwerpt-moties-debat-over-stikstofdoelen-afgesloten>

²⁴ <https://www.bnr.nl/nieuws/politiek/10489058/remkes-presenteert-5-oktober-bevindingen-over-stikstof>

Minister Staghouwer Resigns from His Post

Shortly after the August parliamentary debate, on the evening of September 5, 2022, Minister Staghouwer announced his resignation, noting he had concluded he “was the wrong man for the job.” For additional information, see [NL2022-0048: Dutch Minister of Agriculture Nature and Food Quality Resigns](#). With this, the redeveloped Ministry plan to provide prospects for the economic future of Dutch farmers was postponed until after the publication of Remkes’ report.²⁵

Image 2. Remkes Submits his Report on October 5, 2022



Source: www.npo.nl

“What is Possible”

Mr. Remkes’ independent report was presented to the government and public on October 5, 2022 (an unofficial google translation is attached). The report provides an explanation on why there is a need for nitrogen reductions, a reflection on the talks held (showcasing the wishes and expectations of all parties and Remkes’ personal interpretation on how the current impasse came to be), and provided recommendations to the government for the future, outlined in three “lines”: a short term approach, prospects for all involved, and a proposal on how to govern the transition in all areas.

*Why is there a need for nitrogen reductions?*²⁶

Remkes emphasizes that nature in the Netherlands finds itself in a precarious state. He noted the Netherlands made the decision in 1994 to comply with the European Habitats Directive which led to the designation of Natura2000 reserves across the country.²⁷ Remkes stated that each activity that could potentially be detrimental to Natura 2000 reserves requires a permit. However, because the current nitrogen exceedances have already damaged nature, and with 90 of 162 of the Natura2000 reserves in the Netherlands experiencing an active nitrogen problem, the issuance of permits has become extremely problematic. Remkes argued that factual analysis and knowledge about the state of nature can be an “important key” in future systems for issuing permits.²⁸ However, for the time being, the decision to issue a permit is still largely based on the so-called critical deposition value, which corresponds to the modelled deposition of nitrogen in the soil. Remkes, paying attention to the viewpoints of all stakeholders, commented that to start issuing permits for nitrogen-emitting activities again, action needs

²⁵ <https://www.nieuweoogst.nl/nieuws/2022/09/06/rutte-eerst-remkes-dan-perspectiefbrief>

²⁶ Report Remkes, p. 9-13.

²⁷ Or officially: [Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora](#).

²⁸ Report Remkes, p. 11.

to be taken now. Remkes warned²⁹ that without action it may soon be impossible to move forward with much needed building activities in the Netherlands (since a judicial exception that has been utilized to advance these activities thus far is at risk of disappearing due to a court case in which a judgement is expected in October 2022).³⁰

Series of Proposals Put Forward for Consideration

Accordingly, Remkes introduced 25 recommendations focused on nitrogen, economic prospects for all, how to restore trust between the cabinet and the agricultural sector, and area transition proposals.

Notable recommendations for nitrogen include:

- Scrap the “nitrogen map” and replace it with other maps that represent the need to reduce nitrogen in the air, soil, water, and nature;³¹
- Introduction of a “compound balance” for entrepreneurs -- an instrument to manage (and account for) the compounds, such as greenhouse gasses, being consumed by and being generated by an enterprise.³²
- A collaborative approach with neighboring countries to address nitrogen greenhouse gas emissions across the border, as 35 percent of nitrogen deposited in the Netherlands is acquired from foreign emissions;³³
- Recommendations for new earning models for farmers; and,³⁴
- The implementation of evaluation moments in 2025 and 2028 to determine how the country is progressing towards its goal of halving nitrogen emissions by 2030.³⁵

Remkes proposed that this short-term approach should ideally be executed with one year, warning that although the government is free to extend this period, it may inhibit the government’s ability to meet its target.³⁶ The report summarizes the goals as: preventing further decline of nature as well as repairing Natura2000 areas, granting permits to farmers whose farming situation became technically illegal due to a court verdict,³⁷ and creating the opportunity to develop building projects again in the Netherlands.³⁸

Remkes Proposed Buyouts, if Necessary

Remkes commented in his press conference, “{f}or the short-term approach there are no great routes left. The least bad route, I believe, is to end the emissions within one year of 500 to 600 peak emitters.”³⁹ Remkes’ report notes this proposal is aimed at both agricultural and industrial enterprises located close to Natura2000 areas.⁴⁰ He emphasized that this is a path that must play out over time: the first choice for entrepreneurs is to bring down their emissions at these locations (for instance through innovations, a different business model, or moving to a different area), and the second choice is to voluntarily sell their company to the government (but Remkes emphasizes that the offer should be as

²⁹ Report Remkes, p. 12+42.

³⁰ <https://nos.nl/artikel/2436935-juristen-voorzien-bouwstop-na-de-zomer-door-verwachte-stikstofuitspraak>

³¹ Report Remkes, p. 26.

³² Id.

³³ Id.

³⁴ Report Remkes, p. 28.

³⁵ Report Remkes, p. 25.

³⁶ https://www.npostart.nl/nieuwsuur/05-10-2022/VPWON_1334666

³⁷ For more background information, see <https://www.boerderij.nl/legalisatie-pas-melders-begint>

³⁸ Report Remkes, p. 32.

³⁹ Press Conference 5 October 2022 broadcasted by NOS, <https://youtu.be/hVNDILf7qqU?t=1554>

⁴⁰ Report Remkes, p. 34.

favorable as possible for the farmers, and the government needs to guarantee that no other, more favorable, buy-out schemes will be made available at a later time). According to Remkes, only if entrepreneurs let a certain deadline pass, and the government cannot do anything else, should it institute “obligating instruments” (which appears to advocate for buy-outs).⁴¹

Remkes Also Puts Forward Longer-Term Options

Remkes also proposed multi-annual proposals for the long term. The framework for this long-term perspective is as follows:⁴²

- The Netherlands should remain self-sufficient in its food production capacity.
- The Dutch agricultural sector needs to work in line with the requirements set to protect the climate, animal welfare, water, soil, health, and culture.
- The agricultural sector needs to anticipate global food pattern changes and should take a leading role in the transition to alternative forms of protein.
- The Netherlands should remain an exporting country. However, Remkes adds, the current export volume, from the perspective of both the climate and the market, may no longer be realistic. This appears, Remkes adds, to indicate a reduction of livestock inventories is needed.
- The Netherlands does not want an increase in ‘factory farming’ (i.e., closed systems without possibilities for grazing).
- The Netherlands needs farmers to, along with environmental organizations, manage nature.
- Entrepreneurs are responsible for their own business (model). The government is needed to solve “coordination problems” in the market and should facilitate prospects.
- Farmers who continue and farmers who cease farming alike, should be treated with dignity. The Netherlands should stand for certainty through the legal system. Remkes adds it is preferable for farmers to cease their activities due to retirement or self-chosen relocation.

Zoning of Areas for Specific Agricultural Practices

Another proposal receiving media attention⁴³ is the idea of introducing a zoned map of the Netherlands: green (for Natura2000 reserves), red (intended for highly productive agriculture), orange (areas with nature that are vulnerable to emissions, intended for nature-inclusive agriculture), and yellow (buffer zones between Natura2000 areas, only suitable for small-scale agriculture without damaging emissions and other activities). One idea is that red areas could largely produce for export, and orange areas for the Dutch market. The report lists several ideas to stimulate the concept, making clear that support from both retail and consumers is needed for its success.⁴⁴ Along with this zoning system is the idea that farmers could relocate to locations that would accommodate their type of farming, for which a “land bank” would be needed.⁴⁵ The government will have to play a crucial role in this if it is to be pursued.⁴⁶

The report presented many ideas on the level of public administration, both in the provinces and from the national government, to facilitate change in all areas of the Netherlands, and proposed a division of tasks and responsibilities within. The report also suggested that farmers should have access to an

⁴¹ Report Remkes, p. 35.

⁴² Report Remkes, p. 39.

⁴³ See, e.g., <https://www.boerderij.nl/%e2%80%8bremkes-snelle-opkoop-innovatie-en-zonering-nodig-voor-stikstofreductie>

⁴⁴ Report Remkes, p. 45.

⁴⁵ Report Remkes, p. 43.

⁴⁶ Report Remkes, p. 43 and chapter 7.

independent and trustworthy party who can come and visit the farmer and support them, when needed, during the transition.⁴⁷

Innovation is Not the Best Tool to Achieve Immediate Emission Reductions

Over the course of the summer of 2022, farmers have expressed their wish that innovation be permitted to play a bigger role in the Netherlands' nitrogen reduction plans.⁴⁸ In the chapter on transition, Remkes proposed a National Innovation Program (instead of several programs existing next to one another) and made the case for the role innovation can play in both the medium and long term to reduce emissions. He explained, however, that the "promise of innovation" is not "a silver bullet" for the short term because much needed building permits can only be issued once overall nitrogen reductions have been realized.⁴⁹

Now the Government Must Decide What Proposals to Adopt

The report is non-binding and is meant to serve as information for the government to consider in amending its plan to reduce emissions. It is up to the Dutch government to decide whether to take on the advice and how to implement it. Remkes suggests that his advice could, after elaboration by all parties, be drafted up into an agriculture and industry agreement, which he believes could be realistically completed and signed by February 2023.⁵⁰

The Dutch government is expected to respond to the plan after its next Minister Council meeting (scheduled for October 14, 2022).⁵¹

Initial Responses to the Remkes Report

The report was generally well received in the House of Representatives.⁵² Moreover, the newly installed Minister of Agriculture, Nature, and Food Quality, Piet Adema, called the report "a gift." Media reported he pointed out that Remkes touched upon the damaged trust farmers have in their government, noting: "{w}e as government should look at ourselves, because we played a part in causing this."⁵³ Minister van der Wal noted that she regrets the social unrest in the summer of 2022, as well as the worries that farmers have had because of the plans of the cabinet. She promised the "nitrogen map" that was presented on June 10, 2022, would be abolished.⁵⁴

Leader of coalition party CDA, Wopke Hoekstra, commented that the advice of Remkes offers a workable starting point.⁵⁵ Caroline van der Plas, leader of the burgeoning Farmer Citizen Movement⁵⁶ (BoerBurgerBeweging or known by its Dutch acronym BBB), noted via Twitter, "I have more hope than I have had in years, although various topics will probably still lead to heavy discussions."⁵⁷

⁴⁷ Report Remkes, p. 53.

⁴⁸ <https://nos.nl/nieuwsuur/collectie/13901/artikel/2443144-richten-boeren-hun-hoop-ten-onrechte-op-stikstof-innovaties>

⁴⁹ Report Remkes, p. 55.

⁵⁰ Report Remkes, p. 56.

⁵¹ <https://www.parool.nl/nederland/remkes-500-tot-600-grote-stikstofvervuilers-moeten-binnen-een-jaar-worden-uitgekocht~b5dfd686/>

⁵² <https://nos.nl/artikel/2447191-reacties-op-aanbevelingen-remkes-van-hoognodige-bijsturing-tot-ondermaats>

⁵³ Id.

⁵⁴ <https://www.rtlnieuws.nl/nieuws/politiek/artikel/5337715/stikstof-remkes-boeren-van-der-wal-stikstofkaart-reacties>

⁵⁵ <https://nos.nl/artikel/2447191-reacties-op-aanbevelingen-remkes-van-hoognodige-bijsturing-tot-ondermaats>

⁵⁶ <https://nos.nl/artikel/2438502-peilingwijzer-bbb-schiet-verder-omhoog>

⁵⁷ <https://nos.nl/artikel/2447237-vraagtekens-bij-advies-om-piekbelaesters-binnen-jaar-uit-te-kopen>

The Dutch Provinces, tasked with implementing much of the nitrogen policy at the local level are expected to respond in a joint statement at a later moment (possibly after the national government officials weigh-in on the report in mid-October).⁵⁸

Environmental organization Greenpeace noted it still has “great worries,” and thinks the measures to reduce nitrogen greenhouse gas emissions remain “subpar,” even though they feel there are promising words in the report – that the most vulnerable nature will perish “in the short term.” Eight other environmental organizations issued a joint declaration, saying that “a further impasse and delay will be multifold disastrous” for nature.⁵⁹

Industry organizations for small and medium-sized enterprises (MKB Nederland) and general industry organization VNO-NCW commented that Mr. Remkes has delivered a “thought-through analysis” which helps to break through the nitrogen impasse. VNO-NCW also posited that other sectors should “contribute evenly” to reduce nitrogen GHG and other emissions, “insofar as they contribute to the problem.”⁶⁰

Dutch farmer reactions have covered the gamut.⁶¹ One of the biggest farmer organizations, LTO, sees a few good points in the report, is happy of the critical view applied to the national government’s previous proposal, but thinks the forced buy-outs of 500 to 600 peak emitters is “impossible and unnecessary.”⁶² LTO also thinks a year is too short for (forced) buy-outs -- “{g}ive farmers some time to make such a life changing choice,” chairman Sjaak van der Tak commented.⁶³ Farmer action groups Farmers Defense Force (known by its Dutch acronym FDF) and Agractie both announced they are also against forced buy-outs. The spokesperson of FDF, Mark van den Oever, commented: “{w}e will never ever accept that 500 innocent farmer families are expropriated to create a temporary mock solution.”⁶⁴ Bart Kemp, spokesperson for Agractie, commented: “{i}f you want to further damage the trust you have then go the way [of forced buy-outs].”⁶⁵

The farmer advocacy groups did not announce new protests but said they would await the outcome of the Minister Council on October 14, 2022.⁶⁶

Attachments:

[Report Remkes 'What is Possible'.pdf](#)

⁵⁸ <https://www.zuid-holland.nl/actueel/nieuws/oktober-2022/reactie-provincie-zuid-holland-rapport-remkes/>

⁵⁹ Id.

⁶⁰ Id.

⁶¹ See e.g. <https://www.rtlnieuws.nl/nieuws/video/video/5337814/stikstof-boeren-remkes-persconferentie-boerenbedrijf-uitkopen>,

<https://www.gelderlander.nl/zevenaar/boer-jos-weet-nu-nog-niet-waar-hij-aan-toe-is-ben-ik-nou-een-piekbelaaster-dat-is-goed-mogelijk~a121ad9a/>

⁶² <https://www.ad.nl/binnenland/boeren-halen-uit-naar-rapport-remkes-gedwongen-opkoop-van-boeren-onacceptabel~adac351e/>

⁶³ <https://nos.nl/artikel/2447237-vraagtekens-bij-advies-om-piekbelaesters-binnen-jaar-uit-te-kopen>

⁶⁴ Id.

⁶⁵ <https://www.ad.nl/binnenland/boeren-halen-uit-naar-rapport-remkes-gedwongen-opkoop-van-boeren-onacceptabel~adac351e/>

⁶⁶ <https://nos.nl/artikel/2447237-vraagtekens-bij-advies-om-piekbelaesters-binnen-jaar-uit-te-kopen>