

27/2006. (II. 7.) Government Decree  
 on the protection of waters against pollution caused by nitrates from agricultural sources  
 09/05/2014  
 9

**27/2006. (II. 7.) Government Decree**  
**on the protection of waters against pollution caused by nitrates from agricultural sources**

Act LIII of 1995 on the general rules for the protection of the environment. on the basis of the authorization received in Section 36 and Section 110 (7) (f) of Act LV of 1994 on Agricultural Land. in accordance with the law, the Government orders:

*Purpose of the Regulation*

**§ 1** The purpose of the decree is to protect waters against nitrate pollution of agricultural origin and to reduce existing nitrate pollution in waters.

*Scope of the Regulation*

**§ 2** The scope of the decree covers agricultural operators as well as those agricultural activities that have or may have an impact on surface and groundwater (hereinafter collectively: water).

*Interpretative provisions*

**§ 3** For the purposes of this Decree

- (a) *livestock*: all livestock kept for their own use or for income or capital gain;
- (b) *livestock holding*: an establishment used for the purpose of keeping livestock in excess of the household needs of private individuals in accordance with special legislation;
- (c) *eutrophication*: the acceleration of the growth of algae and higher aquatic plants, which is compounded by the enrichment of nitrogen compounds in water and which results in adverse changes in aquatic life and water quality;
- (d) *the public concerned*: the part of the public
  - (da) which is or may be affected by the decision on the action program pursuant to Section 7, and
  - (db) which has an interest in the decision, in particular an environmental or other non-governmental organization whose activities are affected by the decision on the action program;
- (e) *good agricultural practice*: a set of standards for the pursuit of agricultural activity in order to prevent and reduce nitrate pollution of waters, covering in particular the manure storage of livestock farms and the agricultural use of manure, as well as water protection rules for other agro-technical operations;
- (f) *fertilizer*: industrially produced fertilizer;
- (g) *nitrate pollution*: the direct or indirect introduction or introduction of nitrogen compounds of agricultural origin into or into the environment, thereby endangering human health, wildlife, the aquatic ecosystem and the intended use of water, and deteriorating the aesthetic value of water;
- (h) *water sensitive to nitrate pollution (hereinafter referred to as "sensitive water")*:
  - (ha) the surface water in which
    - (haa) a nitrate content exceeding 50 mg / l or, in the case of drinking water, more than 25 mg / l,
  - (hb) groundwater with a nitrate content exceeding 50 mg / l,
  - (hc) water in which the nitrate content may exceed the limits laid down in points ( ha) and ( hb) or, in the case of point ( ha) , eutrophication may occur if the agricultural activity is not carried out in accordance with good agricultural practice;
- (i) *nitrogen compound*: all nitrogenous substances with the exception of gaseous molecular nitrogen;
- (j) *"organic manure"* means manure excreted by livestock or mixtures of manure and litter, whether or not processed, and includes in particular slurry, manure;

(k) "manure" means any substance containing nitrogen compounds or other constituents which may be used as a nutrient for crops;

(l) fertilization: the application of manure to or from the soil.

#### *Designation of nitrate sensitive areas*

§ 4. (1) Nitrate-sensitive areas (hereinafter: nitrate-sensitive areas) shall be designated primarily on the basis of the sensitivity of waters to nitrate pollution, which shall be reviewed at least every four years on the basis of the test results specified in subsection (2) and § 12. .

2. In addition to paragraph 1, the designation of nitrate vulnerable zones shall take into account:

- (a) water and soil characteristics and environmental properties;
- (b) the behavior of nitrogen compounds in the environment;
- (c) the effects of the action program drawn up in accordance with this Regulation;
- d) the agricultural activities in the course of which they may affect the waters referred to in Section 3 (h) of this Decree ;
- e) the eutrophication status of surface waters.

#### *Nitrate sensitive areas*

§ 5. (1) Nitrate sensitive area:

- (a) for surface waters
  - aa) Lake Balaton, Lake Velence, Lake Neusiedl and their catchment areas,
  - (ab) all reservoirs and river basins serving drinking water supplies,
  - (ac) river basins and lakes, other than those referred to in points ( aa) and ( b) , which are eutrophic or which may become eutrophic without the application of good agricultural practice,
  - (ad) the direct catchment area of a body of surface water in which the nitrate content exceeds 25 mg / l in the case of drinking water use or may be exceeded without the application of good agricultural practice,
  - (ae) the direct catchment area of a surface water body in which the nitrate content exceeds or may exceed 50 mg / l without the application of good agricultural practice;
- (b) for groundwater, all
  - (ba) a karst area where limestone, dolomite, limestone and dolomite marl formations are present on the surface or within 10 m below the surface,
  - bb) operating and long-term drinking water base, mineral and medicinal water abstraction protection area designated or delimited in accordance with a separate legal act,
  - bc) to ba) and bb) karst area not under the point where the surface under within 100 meters of limestone, dolomite, lime and dolomitmárga formations are found, unless a local study shows that nitrogen-containing material from the surface in 100 years nor can it reach the said formations,
  - (bd) an area where the top of the main porous aquifer is less than 50 m above the surface,
  - (be) inland areas, unless the nitrate content of the groundwater has been shown not to exceed 50 mg / l and where livestock may be maintained in accordance with the zoning plan,
  - (bf) areas where the nitrate concentration in groundwater exceeds or may exceed 50 mg / l without the application of good agricultural practice;
- (c) the 300-meter shoreline of the mining lakes;
- d) the area of livestock farms subject to a uniform environmental use permit procedure according to a separate legal act , as well as the area of manure storage facilities belonging to the livestock farm,
- e) the area of large livestock farms in accordance with special legislation and the area of manure storage facilities belonging to the livestock farm, and
- f) areas of manure processing according to a separate legal act.

(2) The nitrate-sensitive areas defined in subsection (1) ( a) to (c) , which are defined as the thematic cover of the MePAR system at the level of the blocks by block identifiers, are included in the Kvt. Pursuant to Section 110 (14), the Minister responsible for agricultural policy shall publish it in a decree in agreement

with the Minister responsible for water protection. In addition to those specified in subsection (1), areas designated by a municipal decree or official decision as an area defined in subsection (1) ( *bb*) and ( *bc*) shall also be considered as nitrate-sensitive areas . The definition of these areas under the MePAR system should be published during the annual review of the MePAR.

(3)

(4) In paragraph 1 ( *be*), the burden of proving the nitrate content of groundwater shall be on the person carrying out the agricultural activity who wishes to continue it.

§ 6 A person engaged in agricultural activity in nitrate-sensitive areas shall carry out his agricultural activity in accordance with the mandatory requirements of the action program and good agricultural practice specified in the action program.

#### *Action program*

§ 7. (1) The nationally uniform, coordinated action program, which contains the obligatory elements of good agricultural practice, shall be promulgated by law by the Minister responsible for agricultural policy in agreement with the Minister responsible for water protection. The action program is divided into four-year phases. The preparation and evaluation of the action program shall take into account environmental conditions, available scientific and technical data, in particular as regards nitrogen loads from agricultural and other sources, and the effectiveness and cost of the measures.

(2) The Government shall evaluate the implementation and effects of the action program every four years.

(3) During the preparation of the action program, the participation of the relevant public shall be ensured in accordance with the provisions of special legislation.

#### *General rules for the protection of waters against nitrate pollution*

**Section 8** (1) The introduction of slurry, manure juice and leachate from manure storages into the waters is prohibited.

(2) A livestock farm may not be established, an existing one may not be expanded:

*a) in accordance with special legislation in a floodplain or in the resulting wetland,*

*b) in the protection area of water bases as specified in a separate legal act,*

*(c) in the area of a flood reservoir in accordance with special legislation and in the area of coastal and buffer zones in accordance with special legislation.*

(3) Manure storage may not be established for a livestock holding:

*a) in waters subject to special legislation,*

*(b) within 100 meters of surface water and groundwater abstraction for the abstraction of drinking water not regulated by law,*

*(c) in the 300-meter coastal strip of mining lakes.*

(4) In the case referred to in subsection (3) ( *b*) , the water protection authority may establish a smaller protection distance based on local conditions.

(5) A livestock farm and its organic manure storage may be established and operated taking into account the provisions of this Decree and special legislation.

#### *Information, data provision*

§ 9. (1) The Minister responsible for agricultural policy shall ensure the provision of information to those engaged in agricultural activities, in particular the rules of good agricultural practice, the technical and agrotechnical solutions and support opportunities that assist it, with the involvement of the Minister responsible for water protection.

(2) A person engaged in agricultural activity is obliged to keep records and provide data in accordance with special legislation.

#### *Official measures*

**Section 10 (1)** A 6–8. And Articles 15 to 17. The implementation and retention of the provisions contained in § in the case of activities involving the risk of nitrate pollution of waters shall be controlled by the water protection authority on the livestock farm and the soil protection authority on arable land. The data protection and registration contained in Section 9 (2), in accordance with a separate legal regulation, shall be checked by the soil protection authority.

(2) The authorities referred to in subsection (1) - with the exception of section 9 (2) - may take an action in violation of the provisions of subsection (1) depending on the seriousness of the breach of obligation and the danger caused.

(a) suspended,

b) are restricted,

(c) are prohibited.

**§ 11. (1)** The continuation of agricultural activity 6–8. § 9 (2) and §§ 15-17. § is obliged to pay a fine in case of non-compliance or inadequate compliance with the requirements set out in §.

2. The operator of an agricultural activity in accordance with paragraph 1,

(a) in livestock holdings, the water protection authority and, in arable land, the soil protection authority in accordance with Articles 6 to 8; And Articles 15 to 17. Fine in cases specified in §,

b) the soil protection authority pursuant to Section 9 (2) in the case of data provision and registration according to a separate legal act nitrate data provision fine obliges to pay.

(3) The amount of the nitrate pollution fine is between HUF 50,000 and HUF 500,000, depending on the extent of the omission or the violation of the regulations.

(4) The amount of the nitrate data provision fine is between HUF 10,000 and HUF 100,000, depending on the extent of the omission or the violation of the regulations.

(5) After the expiration of the term established in the decision issued pursuant to paragraph 2, the fine specified in paragraph 2 may be repeated until the obligation is fulfilled.

(6) The water protection authority or the soil protection authority shall set a time limit of up to 30 days for the payment of the fine in the official decision ordering the fine.

7. The fine referred to in paragraph 2 shall be paid into the account specified by the authority which imposed it.

#### *Operation of national monitoring*

**§ 12. (1)** Nitrate pollution in waters and the eutrophication status of surface waters shall be monitored with the frequency specified in subsections (2) - (4), unless otherwise provided by law.

2. The inspection shall be carried out in 2008 and every four years thereafter, with a series of measurements lasting one year.

(3) In order to check the nitrate content, sampling of surface water is required at least once a month, and more frequently in the case of high water periods. Sampling points must be representative of surface water, and in the case of waters used for drinking water supply, sampling points in accordance with separate legislation must also be examined.

(4) For the examination of groundwater, characteristic sites for water resources shall be selected and sampling shall be carried out at regular intervals. Their frequency should be determined depending on the hydrogeological conditions and the amount of water abstraction.

(5) The inspection tasks specified in subsections (1) - (4) shall be ensured by the environmental management body operating the monitoring system necessary for the assessment of the state of the environment, unless otherwise provided by law, which shall inform the water protection authority of the results of the inspection.

6. Sampling and laboratory testing may be carried out by accredited laboratories for the analysis of EC fertilizers, surface waters used for drinking water abstraction or designated as drinking water bases, and groundwater using reference methods specified in separate legislation.

#### *Information for the European Union*

**§ 13 (1)** Article 3 (4) of Council Directive 91/676 / EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (hereinafter: Council Directive). The Minister for Agricultural Policy, in agreement with the Minister for Water Protection, shall provide the information provided for in Articles 5 (2), 5 (7) and 10.

2. The information provided for in Article 10 of the Council Directive shall include:

- (a) *standards* of good agricultural practice,
- (b) a map showing the sensitive areas and their changes, indicating the criteria for designation and review,
- (c) the results of the inspection pursuant to Section 12,
- (d) a summary of the action program, including Articles 6 to 11; § and Articles 15–18. § application,
- (e) expected changes in the status of waters as a result of the measures in the action program.

*Final and transitional provisions*

**§ 14. (1)** This Decree shall enter into force on the 8th day following its promulgation

a) –b)

(2)

**§ 15. (1)** Manure storage facilities of livestock farms already operating or licensed at the time of the entry into force of this Decree that do not comply with special legislation shall be subject to the provisions of Articles 16–17. § after the expiration of the deadlines

(a) may not be used, and

(b) be wound up at the latest one year.

(2) - (3)

**§ (1)** The deadline for the implementation of the requirements for good agricultural practice specified in the action program for the establishment of manure storage and processing structures in livestock farms operating in nitrate-sensitive areas:

a) *in the case of activities subject to a single environmental use permit, the time limit prescribed in a separate legal act* ,

(b) *in cases not covered by point (a), for those who fail to meet the deadline of 31 December 2011, 31 December 2014.*

2. In addition to the time limits referred to in paragraph 1, Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) shall apply to manure storage facilities referred to in paragraph 1. provided that the application for the necessary investment aid has been accepted.

**16 / A. § (1)** The deadline for the establishment of manure storage and processing structures in livestock farms operating or licensed in nitrate-sensitive areas as of 1 September 2013:

(a) livestock manure storage facilities no later than 31 December 2014,

(b) no later than 22 December 2015, for manure storage facilities on holdings.

2. In nitrate vulnerable zones designated from 1 September 2013, the action program and the mandatory standards of good agricultural practice set out in the action program, with the exception of those set out in paragraph 1, shall be implemented from 1 September 2014.

**17. §** *lying Non Nitrate Vulnerable Zones, in § 16 (1) a) livestock farms not covered by the storage of manure, processing and artwork must be provided with adequate technical solution is the most effective protection:*

(a) *for livestock manure storage facilities by 31 December 2014 at the latest,*

(b) *manure storage facilities on holdings by 22 December 2015 at the latest.*

**§ 18** In order to encourage the establishment of manure storage facilities for livestock farms in accordance with this Decree, agricultural and rural development subsidies shall be announced in accordance with the order of the deadlines set out in §§ 16 and 17.

**19. § (1)** A hígtrágya hasznosítására szolgáló, valamint öntözött területek felszín alatti vizeinek minőségére vonatkozó, a hatósági eljárásokat megalapozó talajtani szakvéleményekben szereplő

vízvizsgálati adatokat a talajvédelmi hatóság évente megküldi a tevékenység helye szerint illetékes vízvédelmi hatóság részére a tárgyévet követő év április 30-ig.

(2)–(3)

## **20. §**

**21. §** E rendelet a következő uniós jogi aktusoknak való megfelelést szolgálja:

*a)* a Tanács 91/676/EGK irányelve (1991. december 12.) a vizek mezőgazdasági eredetű nitrátszennyezéssel szembeni védelméről,

*b)* az Európai Parlament és a Tanács 2003/35/EK irányelve (2003. május 26.) a környezettel kapcsolatos egyes tervek és programok kidolgozásánál a nyilvánosság részvételéről, valamint a nyilvánosság részvétele és az igazságszolgáltatáshoz való jog tekintetében a 85/337/EGK és a 96/61/EK tanácsi irányelv módosításáról, 2. cikk.

*Melléklet a 27/2006. (II. 7.) Korm. rendelethez*