



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2024/0341/DK (Denmark)

Draft Order on compensation for compliance with minimum requirements on the use of and subsidies for the additional voluntary use of methane-reducing feed in 2025

Date received : 25/06/2024

End of Standstill : 26/09/2024 (closed)

Message

Message 001

Communication from the Commission - TRIS/(2024) 1650

Directive (EU) 2015/1535

Notification: 2024/0341/DK

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéset - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20241650.EN

1. MSG 001 IND 2024 0341 DK EN 25-06-2024 DK NOTIF

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4. 2024/0341/DK - C00A - AGRICULTURE, FISHING AND FOODSTUFFS

5. Draft Order on compensation for compliance with minimum requirements on the use of and subsidies for the additional voluntary use of methane-reducing feed in 2025

6. Feed materials and feed additives intended to reduce methane emissions from dairy cattle.

7.

8. As part of the efforts in Denmark to reduce greenhouse gas emissions in 2030 by 70 % compared with 1990 levels set out in the Danish Climate Act, it is intended to establish a support scheme for the voluntary use of methane-reducing feed in order to achieve an overall reduction of methane from conventional dairy cows' digestive systems on livestock farms with more than 50 cows milked on a daily basis.

The reduction requirement can be met by using feed additives approved by the EU and containing the active substance 3-nitrooxypropanol (3-NOP). The scheme's reduction requirement is expressed as the minimum requirement for the allocation of the feed additive in question to the daily feed intake measured in kilograms of dry matter. The minimum requirements are set on the basis of the reduction that can be achieved under Danish conditions by using feed additives containing the active substance 3-NOP for a continuous period of 12 months, which would mean, on average, an overall reduction of 28.5 % per animal.

The intention is to amend the Order if, in the 2025 calendar year, relevant minimum requirements can be laid down under Danish conditions for the allocation of methane-reducing feed materials or other methane-reducing feed additives approved by the EU to the daily feed intake measured in kilograms of dry matter, if the use of the materials makes it possible to achieve the expected overall reduction of 28.5 %.

At the same time, however, in the case of feed materials, it will be necessary to assess whether the intended systematic use of the material in question in order to achieve the desired reduction may have adverse side effects on the health of dairy cows, on consumer safety or on the environment.

The Danish authorities assess that the proposed rules do not, in general, constitute an obstacle to the free movement of goods within the meaning of Articles 34–36 of TFEU, as it will be possible to place feed additives containing the active substance 3-NOP approved for use in the EU on the Danish market without restrictions, even if they cannot be used to achieve the Order's required reduction targets. The same applies to feed materials which can be placed on the Danish market, regardless of whether they have been produced in Denmark or in another EU country.

The Danish authorities would point out that the draft Order also provides for the possibility of obtaining compensation for the mandatory reduction requirement envisaged in Section 40 of the draft Order on the approval and authorisation, etc. of livestock farms, notified on 4 June 2024, cf. notification number 2024/0300/DK (Denmark).

9. The Danish authorities consider that there is no additional effect in the combination of the feed materials' nitrate and fat or of the feed material's nitrate and feed additives containing the active substance 3-NOP and therefore, at this stage, only feed additives approved by the EU and containing the active substance 3-NOP will be able to achieve the reduction requirement of 28.5 %. It is the assessment of the Danish authorities that a very minimal market impact could potentially arise, as the Danish authorities have so far excluded the use of a feed material containing nitrates and already placed on the market as part of the support scheme on grounds of protecting animals and human health and life or of protecting plants, cf. Article 36 TFEU. If, on the basis of an impact assessment of the feed material's other documented effects resulting from a more systematic use of the material in question in order to achieve the intended reduction, the Danish authorities find that the feed material will have adverse effects on animal health, consumer safety or the environment,



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the possibility of using the material to achieve the methane reduction objective under the support scheme, in whole or in part, will not be provided. A more systematic use of feed materials containing nitrates, which may have a demonstrable positive reduction effect in relation to methane production, could potentially pose a risk of increased nitrate excretion in the dairy cows' faeces or into the milk. Nitrate from manure, for example, can be discharged into the aquatic environment where nitrates bind oxygen in water. This can lead to oxygen depletion and algal blooms, which have a significant negative impact on the life and health of fish stocks. In such cases, Denmark's obligations in relation to the EU Water Framework Directive, the EU Nitrates Directive, the EU Habitats Directive and others would entail that it would not be possible to use such feed materials to meet the methane reduction requirements without also introducing a general ban on the marketing of the product in Denmark.

The Danish authorities believe that the potential market restriction resulting from the fact that it would not be possible to obtain support under the support scheme for the use of a legally marketed feed material is minimal, since there are no restrictions on the marketing of the product itself. It is also expected that feed additives containing the active substance 3-NOP be approved at EU level for methane reduction from dairy cows' digestion systems in 2025 will be incorporated into the support scheme if relevant minimum requirements can be established under Danish conditions for the allocation of the relevant feed additive to the daily feed intake measured in kilograms of dry matter in order to achieve the expected reduction of 28.5 %.

10. References in the basic text: No basic text(s) are available

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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