

ANNEX

Draft Regulation on the placing on the market of fertilising products

DG GROW shared with DG AGRI a preliminary draft of the revision of the Fertilisers Regulation. The intention of GROW would be to launch the inter-service consultation around mid-November in view to adopt it by the end of 2015. This draft Regulation is part of the Circular Economy initiative.

Objectives

The objectives of the revision for the existing Fertiliser Regulation 2003/2003 are mainly: 1) harmonize the fertilisers' market, 2) establish common rules for organic fertilisers, 3) integrate biostimulants in the legislation and 4) establish thresholds for heavy metals content in fertilisers.

The harmonization will only be partial. The organic fertilisers covered for the first time by the regulation will concern compost, digestate and other processed organic matter.

The draft Regulation proposes as mandatory the indication in any fertilisers' label of minimum requirements, among which the content of nutrients.

Product regulated

Organic fertilisers and Digestate

Among the organic fertilisers, the draft Regulation lays down specific rules for digestate produced from anaerobic digestion. It establishes "end of waste criteria" to give value for a material currently considered as a waste under the Waste Framework Directive. The digestate is proposed to be classified in 1) energy crop digestate and 2) other digestate. Animal processed by-products including digestate are already submitted to the Regulation 1069/2009 on safety health standards.

Biostimulants

As regards biostimulants, it is proposed a simplified system of authorisation. These products will be certified as safety under REACH Regulation. There will be the obligation to indicate on their label the instructions for the intended use of the product. The plant biostimulants are proposed to be classified in 1) microbial and 2) non-microbial. Those that have effects on pests will still remain under the PPP regulation.

Additives

Agronomic additives will be also regulated. This category includes: inhibitors, chelating agents, complexing agents.

Heavy metal

DG GROW proposes to establish thresholds for heavy metals, including **Cadmium**, which is a dangerous contaminant of soil and water and dangerous for human health when present in food (the EU legislation has hardened the safety level in food). Currently no threshold is fixed in the legislation for Cadmium content in fertilisers. Member States established different national thresholds. The draft Regulation proposes 60 mg/kg of P₂O₅ as maximum Cadmium content in phosphate mineral fertilisers. This maximum content could be revised within three years from the entry into force of the Regulation.

The opinion of SCHER (the scientific committee of DG SANTE) of 2002 indicated that 60 mg of Cadmium per kg of P₂O₅ is not able to avoid its accumulation in the soil. To prevent the accumulation in the soil, Cadmium content in mineral fertilisers should not be higher than 20 mg/kg of P₂O₅.

DG AGRI may accept to set a 60 mg threshold, under the condition to reduce it in 2-3 years to 20 mg. This would allow the industry to invest in the decadmiation technology for providing a safety phosphate fertiliser to farmers.

Sustainability and environmental friendly claims

DG GROW has integrated in the Annex V of the draft Regulation, under labelling requirements, the possibility to use terms like “sustainable” or “environmental friendly”. The use of these terms will be allowed only if verifiable on the basis of widely recognised guidance, standards or schemes.

DG GROW asked DG AGRI to help them over next months to explore the possible identification of sustainable criteria that may be developed later in a guidance or similar document.

Outstanding points for DG AGRI

The most sensitive point of this proposal so far identified is the level of Cadmium in the phosphate fertilisers. An uncertain element, still being assessed, regarding the success and impact on farmers of this regulation is relating to the partial harmonisation of the fertiliser market and the level of safety and quality requirements imposed. A highly harmonized fertilisers market will avoid market distortions and additional administrative costs for farmers while encouraging the development of a large market of new organic products.