

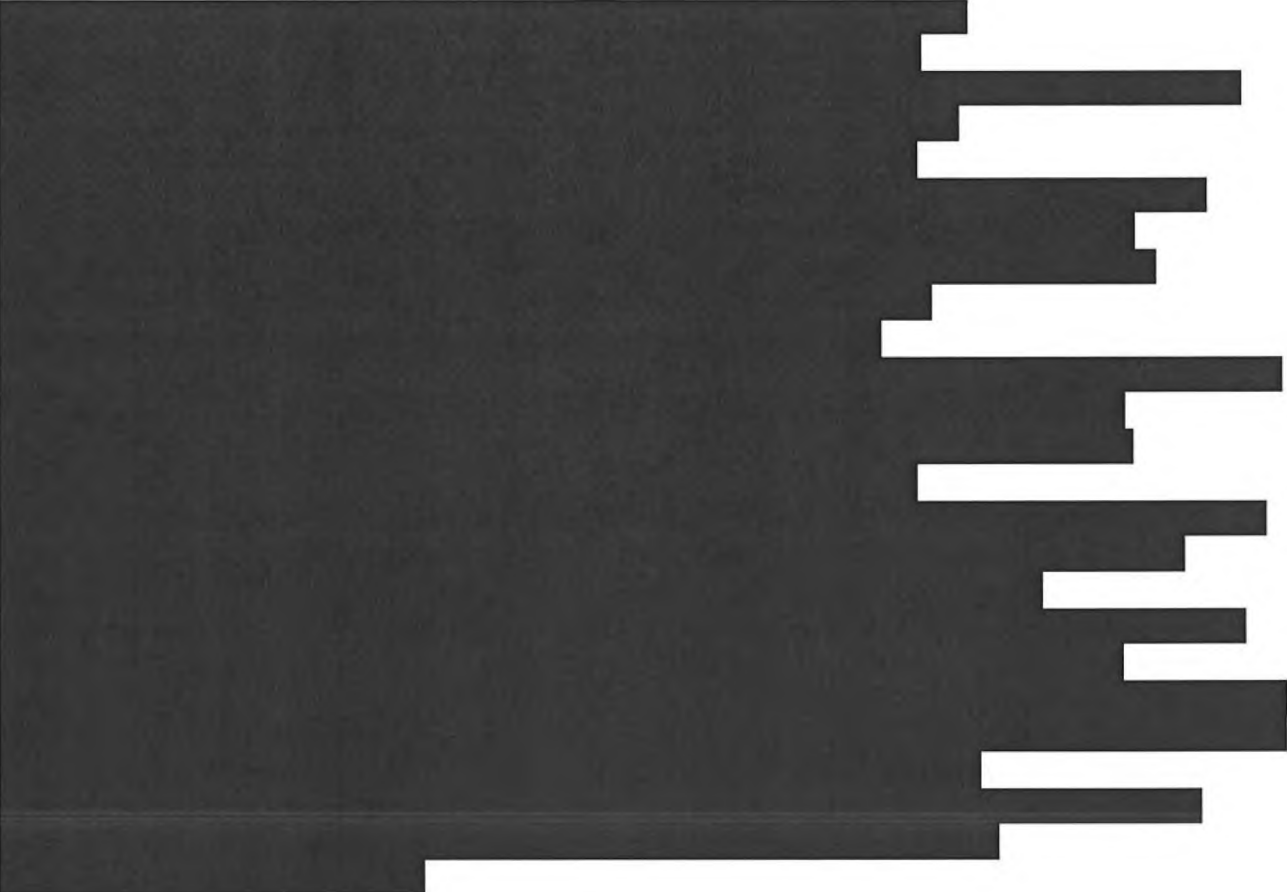
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Subject: RE: First trilogue on a Regulation on fertilising products - Brussels, 25.01.2018

**Second Trilogue on the proposal for a Regulation on fertilising products
2016/0084 (COD) / COM(2016) 157
Brussels, 11.04.2018**

Participants:

Parliament: Rapporteurs Mr Turcanu (EPP/RO, IMCO) and Ms Gardini (EPP/IT, ENVI), shadow rapporteur Mr Tarabella (S&D/BE), Mr Jan Huitema (ALDE/NL) and team

Council: Ms Lyubenova (BG Presidency) and team

Commission: Mr Pettinelli (Director DG GROW), DG GROW team, 


Summary

Today's trilogue aimed at (i) exchanging views on cadmium limits in fertilisers; (ii) arriving at a preliminary agreement on by-products to be used for manufacturing of fertilisers; and (iii) agree on the elements where a consensus was found during technical meetings. The discussion on cadmium revealed the important divergences between the two co-legislators on this issue: whereas the Parliament is closely aligned with Commission's proposal to progressively reduce cadmium limits from 60-40-20 ppm, the Council has proposed a single limit value of 60 ppm without further reductions. The Commission stressed the importance of reducing cadmium pollution as the exposure to cadmium of the European population and environment is worryingly high and the fact that legally binding limits are necessary to incentivise the industry to invest in clean technologies. On the issue of by-products, the co-legislators agree that a solution needs to be found to allow them to be used as component materials for the production of fertilisers, but their position diverge in particular as regards the applicable conformity procedures. It has therefore been agreed to refer the matter for further discussions at technical level.

In detail

Cadmium limits

Today's discussion was the first opportunity for the co-legislators to exchange views on cadmium limits in fertilisers. Rapporteur Gardini presented the position of the Parliament, which follows closely the Commission proposal to progressively reduce limits for cadmium from 60-40-20 ppm, but extended the transitional period from 12 to 16 years. On the Council side, Ms Lyubenova insisted on the importance of this issue for the Member States (cadmium is a crucial raw material for phosphate fertilisers and de-cadmiation technologies are not advanced enough) which agreed on a mandate aiming at setting up a single limit value of 60 ppm without further reductions, and only as of 8 years after the entry into force, but allowing exemptions for those Member States currently applying stricter limits. She insisted on the Council's lack of margin of manoeuvre on moving away from this position. The Commission insisted on the importance of reducing cadmium pollution as the exposure to cadmium of the European population and environment is worryingly high. Director Pettinelli insisted that without a binding legal target industry will never be incentivised to develop clean technologies and that a single limit of 60 ppm will, in practice, not have any effect, because the large majority of fertilisers currently produced are already below this limit.

Rapporteur Gardini regretted the fact that the Council's position on cadmium has remained unchanged and expressed concerns as regards the divergent positions of the Council and the Parliament. In her opinion, the fact that the negotiations on this matter have already started is very positive but it is essential that the co-legislators start moving from their initial positions in order to reach to a consensus. Rapporteur Gardini, added that it is crucial that the discussions on cadmium do not jeopardise the advancement of the file, especially given its contribution to the Circular Economy. Finally, Ms. Gardini committed to present the Council's position to the ENVI Committee and try to come back with a counter-proposal on the matter. Rapporteur Turcanu added that leaving the market without any limit value until 8 years after entry into force would be excessive.

By-products

In its initial proposal, the Commission excluded by default chemical by-products from the generic category of eligible component materials for the production of fertilisers due to their potential proximity to waste and the ensuing risk of waste ending up on EU agricultural soils. However, in the course of the legislative procedure, it became evident that such an exclusion would prevent many fertilisers from containing secondary raw materials that have until now been used for their production. The co-legislators have therefore adopted amendments to ensure that by-products are not excluded from the scope of the regulation.

Today's discussion allowed the co-legislators to stress their commitment to finding a solution to include by-products in the scope of the regulation and therefore allow them to be used as component materials for the production of fertilisers. A big part of the discussion revolved around the necessary safeguards to ensure that waste products are not used as by-products for producing fertilisers, in particular as regards the applicable conformity assessment procedures and the level of involvement, if any, of certification bodies in them. On this point it appeared that divergences exist in the Parliament's team, as shadow rapporteur Tarabella contradicted rapporteur Turcanu on the matter.

The Commission explained that it will be very difficult, if not impossible, to adopt generic criteria which truly ensure the agronomic efficiency and safety of all by-products. The risk of having something not sound is linked to the fact that such criteria vary on the basis of crops, soil characteristics, climatic conditions and practices adopted. The Commission therefore asked the co-legislators to consider other safeguards for health and the environment that should include a clearer link with the controls performed by Member States under waste legislation, and explore the involvement of certification bodies in the conformity assessment procedure.

Given the technical nature of the issues at stake, it has been agreed to refer the matter for further discussions at technical level.

Other elements

The co-legislators confirmed agreement with the elements on which consensus has been found at technical level based on a four-column document circulated in advance.

Next steps

Next (political) trilogue: 23 May.

Contact: 

