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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down rules on the making available on the market of EU fertilising products and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009 and repealing Regulation (EC) No 2003/2003 (**first reading**)

- Adoption of the legislative act
- Statements

Joint statement by the Czech Republic, Hungary and the Slovak Republic

The Czech Republic, Hungary and the Slovak Republic support the aims of the Regulation, especially harmonising the rules for fertilising products.

Nevertheless, the Czech Republic, Hungary and the Slovak Republic regret the low ambition of the final compromise regarding the level of cadmium in phosphate fertilisers, which does not sufficiently recognize the hazards and risks cadmium carries. The limit of 60 mg cadmium/kg P₂O₅ for phosphate fertilisers containing more than 5% P₂O₅ cannot be deemed satisfying – especially when taking into account the need to strengthen the protection of human health and environment as it is the aim of the Regulation.

The Regulation should better address the risks for health and environment posed by the use of fertilisers containing high cadmium levels, which are apparent from the Commission's impact assessment and recent research in the field.

Member States with current low national limits for cadmium content in fertilisers should be allowed to keep that limit also for the harmonised area until the EU limit reaches the same level. In this context the Czech Republic, Hungary and the Slovak Republic strongly believe that any Member States wishing to secure a higher level of protection of their soil will receive the opportunity provided by the Treaty.

The cadmium content of fertilizers is to be reduced over the time and we request the Commission to do its utmost not to miss the opportunity during the revision of this Regulation.

As the Regulation fails to set a limit value for total chromium, being a highly toxic heavy metal, the Czech Republic, Hungary and the Slovak Republic still hold the view that the Commission should reconsider the labelling requirements for the total chromium content of fertilizing products. In this line, the information on the maximum quantity and on the exact source of chromium shall appear on the label of all the products concerned.

The final compromise text does not set clear guidelines for plant biostimulants considering requirements for evaluation of biological effectiveness, qualitative expectations and details of active substances that would be essential for such a heterogeneous group of products.

We maintain the opinion that adapting the Annexes to technical progress is equivalent to amending the legal content of the proposed legislation. Amendments to Annexes I and II for the purpose of adapting them to technical progress should be done by means of Implementing Acts.

Statement by Germany

Deutschland nimmt zu Grenzwerten in CMC 3: „Kompost“ und CMC 5: „Andere Gärrückstände als frische Gärrückstände von Pflanzen“ wie folgt Stellung:

Der in CMC 3: Kompost und CMC 5: Andere Gärrückstände als frische Gärrückstände von Pflanzen einzuhaltende Grenzwert von höchstens 3 g/kg Trockenmasse an makroskopischen Verunreinigungen über 2 mm in den Formen: Glas, Metall oder Kunststoff reicht nicht aus, um einen ausreichenden Schutz der Umwelt von Fremdstoffen sicherzustellen. Insbesondere um den Kunststoffeintrag in Böden und Gewässer zu reduzieren, sind schärfere Grenzwerte erforderlich. Deutschland bittet die Kommission aus diesem Grund, die Thematik der Kunststoffverunreinigungen in EU-Düngeprodukten schon vor Ablauf der dafür vorgesehenen Überprüfungsfristen aufzugreifen.

Da jedoch in den Beratungen insgesamt Verbesserungen erreicht wurden, hindern die aus Sicht Deutschlands bestehenden Bedenken nicht die Zustimmung zum finalen Kompromisspapier.
