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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

Statement by the Commission

The Fertilising Products Regulation is part of the Circular Economy Action Plan, as it substantially contributes to the implementation of circular economy principles in the sector of nutrients for agricultural production.

In parallel, under a different work stream, the Commission is working to ensure an integrated and more sustainable management of nutrients, to reduce inefficiencies and avoid nutrients pollution which can affect human health and the environment.

Processing of manure offers possibilities for more efficient use of nutrients, from the agricultural as well as from the environmental point of view. This is why via its Joint Research Centre the Commission launched a project in 2017, which includes literature review, modelling and experimental work to define the conditions under which it does not entail additional environmental risks to replace chemical nitrate nitrogen-containing chemical fertilisers by processed manure in agricultural applications. This work is ongoing and a draft study report should be presented in principle by the end of 2019.

As these criteria concern the use of fertilisers and not their placing on the market, they are not affected by the Fertilising Products Regulation, and not expected to affect the implementation of that Regulation. However they certainly constitute an additional and complementary action to foster an efficient and environmentally safe circular economy.

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.