



Council of the
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'I/A' ITEM NOTE

From: General Secretariat of the Council

To: Permanent Representatives Committee/Council

No. Cion doc.: ST 15399/22 - C(2022) 8144 Final

Subject: Commission Delegated Regulation (EU) .../... of 18.11.2022 amending Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the minimum content of calcium oxide in straight solid inorganic macronutrient fertilisers

- Intention not to raise objections
- Common Statement by Slovakia and Spain

COMMON STATEMENT
by Slovakia and Spain

**on the Commission Delegated Regulation (EU) .../... of 18.11.2022 amending
Regulation (EU) 2019/1009 of the European Parliament and of the Council as regards the
minimum content of calcium oxide in straight solid inorganic macronutrient**

Slovakia and Spain welcome the opportunity of incorporating calcium chelates to Annex I of Regulation (EU) 2019/1009. In fact, as it happens with micronutrients, the use of chelating and complexing agents for Calcium and Magnesium is very useful as they help for a better application of these nutrients. However, we do not agree with the current wording of this delegated act.

The technical issues for our discrepancy are detailed below:

1. It implies lowering the quality of all calcium fertiliser products when, apparently, this change of concentration is aimed to allow fertiliser products based on chelated calcium.
2. The approach taken differs from the one used in the Regulation with micronutrient chelates, where there is a requirement for a minimum percentage of the chelated nutrient.
3. Thus, this delegated act is not coherent neither with the requirements for fertiliser products based on chelated micronutrients, nor with the function of a chelating agent itself. As pointed out by our experts, as far as the chelating agent is present, there is no need for the Calcium to be chelated.
4. The wording does not reflect either the provisions taken in Commission Regulation (EU) 2020/1666, where the 9% applied to “Chemically obtained product containing calcium chelate of iminodisuccinic acid as essential ingredient, without addition of organic nutrients of animal or vegetable origin” and it was asked that this 9 % CaO Calcium expressed as CaO was chelated by iminodisuccinic acid (IDHA) water-soluble.

5. While Commission says that the amendment aims only to Calcium chelates, the truth is that, if there is any Mg chelating agent fulfilling CMC 1 requirements and complying with the minimum concentration set on PFC 1(C)(I)(a)(i), there is nothing to prevent it for being used, with the very same problems already expressed for calcium chelates.

6. Besides, we do not see any provision on the labelling, tolerances, etc. creating legal uncertainty.

Thus, while we would like to facilitate the marketing of fertiliser products based on Calcium and Magnesium chelates, we believe that the previous technical issues have not been addressed in the present Delegated Act, and we cannot endorse it.
