

Thoughts of Fertilizers Europe on the Draft of the New Fertilizer Regulation

In March 2016, the EU Commission adopted a proposal for a new Regulation on the availability of fertilizing products. As the new Regulation is of crucial importance for the mineral fertilizer industry, Fertilizers Europe would like to highlight some thoughts.

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General comments

Circular economy has to be fostered without compromising quality.

- The EU Commission aims at extending the unrestricted movement on the internal market to recovered nutrients from organic by-products and waste. Fertilizers Europe welcomes the circular economy approach taken by the Commission, especially as some of its members are already embarking on phosphate recycling. As more combinations will be possible, it has to be ensured that requirements towards contaminants and pathogens have to be leveled for all products covered by the new Regulation.

There should be no grey zone with plant protection.

- Fertilizers Europe would like to underline the need to clearly define the limits between plant protection products according to Regulation 1107/2009 and the future new fertilizers Regulation. Those two Regulations must be mutually exclusive, and dual use products should not be covered by the new EU nutrient legislation.

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Quality of mineral fertilizers must be the priority

Mineral or inorganic fertilizers feed the plants in order for farmers to achieve better yields. Fertilizers Europe strongly believes that quality of fertilizers and information to farmers have to be the main priorities of the new EU nutrient legislation.

The category of mineral fertilizers has to keep its coherence.

- The proposed definition of inorganic fertilizers (Annex II part 2 PFC 1 (C)) has to be improved. Fertilizers Europe is convinced that the inorganic fertilizers must be defined according to their mineral content. Otherwise, the EU Commission proposal would have the curious consequence that material containing up to 7.5 % organic carbon coming from biomaterials (and containing almost to no nutrients) would be defined as “inorganic”.

Only forms of nutrients that are plant available should be declared.

- The EU Commission proposes that the total declarable nutrient content includes by default all forms of nutrient, even those that will not be available to the plants. In addition, the EU Commission does not foresee a minimum solubility limit for phosphate fertilizers. Fertilizers Europe considers that the EU Commission proposal should be modified in Annex I Part 2 PFC 1(C)(I)(a) (i) and (ii) and Annex III Part 2 PFC 1(C)(I) 1 so that only plant available nutrients should be declared and labeled because other forms of nitrogen and phosphorus have no proven contribution to plant nutrition. Also minimum P solubility should be defined to guarantee plant availability.

More informed choices for European farmers

- The EU Commission proposes to extend labeling requirements for CE marked fertilizing products (Annex III). Fertilizers Europe welcomes this proposal as it contributes to improving the information the industry will be able to communicate to farmers. All the agronomic functions of the products have to be clearly labeled.

3 The availability of key mineral fertilizers is at stake

The EU Commission proposal to limit cadmium in phosphate (P) fertilizers is overly ambitious.

- The European Commission proposes a progressive reduction of the limit of cadmium (Cd) in phosphate (P) fertilizers (Annex I Part 2 PFC 1 (C)(I)). Maximum cadmium level would be limited to 60 mg/kg P₂O₅ from the date of application of this Regulation, followed by further pre-determined reductions. This would significantly affect competition and prices of finished mineral fertilizers, and ultimately negatively impact the international competitiveness of European farmers. It would limit the access to the EU market to a limited number of suppliers, and thus put at stake the access to phosphate rock in the EU. Fertilizers Europe recommends that a limit on cadmium content in phosphate fertilizers will be set for CE marked products. During the preparatory process, the industry advised the Commission that a limit on cadmium in P fertilizers could be set at 60 mg cadmium/kg P₂O₅ to strike the right balance between the different concerns. The industry could also accept higher limits, but will not support lower limits.

Innovative specialty fertilizers endangered by the EU Commission proposal.

- The Commission proposes that three years after the date of application of the new Regulation the polymer coating of controlled release fertilizers (CRF) shall comply with very specific biodegradability requirements (Annex II CMC 10). Fertilizers Europe would like to underline the clear lack of preparation of the Commission on this issue. The proposal is based on draft European requirements for mulching films, which are very different from CRF. There is presently no science-based data on degradation of polymers used as coating for CRF. Fertilizers Europe calls for the European decision-makers to undertake an impact assessment on the proposed measures for biodegradable polymers and on testing methods prior to the adoption of a degradation criteria. Otherwise, the EU production of vegetables and ornamentals will be at risk. CRF are one of the very few fertilizers used in modern ornamental plant production and therefore vitally important for growers and gardening industry.