

The upcoming new EU Regulation on Fertilizers - advantages and concerns

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30th October 2018

The upcoming new EU Regulation on Fertilizers

Proposal for a **Regulation** of the European Parliament and of the Council laying down rules on the **making available on the market** of CE marked **fertilising products** and amending Regulations (EC) No 1069/2009 and (EC) No 1107/2009



Fertilizer legislation EU – HU



EC Fertilizers

2003/2003 EC Regulation

All other fertilizers

Inorganic, Organic and Mineral fertilizers,
Composts, Earthworm humus, Soil improvers,
Soil-conditioners, Microbiological products,
Growing media, Plant-conditioners

Subject to authorisation

HU National legislation (decree 36/2006 FVM)

~1500 authorized products on the market in HU



Background of new regulation (started 2016 – accepted 2019?)



- **EU – circular economy:** yield enhancers from organic materials or secondary raw materials
- **Standardization, elimination of authorization**
- **Products according to standards – post marketing control**
- **>90% of products will not be subject to registration**
- **Set up frames for environmental pollution concerning inorganic EC fertilizers (missing from 2003/2003 EC Reg.)**

PFC – product function categories – Annex I.

PFC 1. Fertiliser

- A. Organic fertiliser (Solid, Liquid)
- B. Organo-mineral fertiliser
- C. Inorganic fertiliser

Macronutrient

- Straight solid
- Compound solid
- Ammonium nitrate fertiliser of high nitrogen content
- Straight liquid
- Compound liquid

Micronutrient

- Straight inorganic
- Compound inorganic

PFC 2. Liming material

PFC 3. Soil improver

- A. Organic soil improver
- B. Inorganic soil improver

PFC 4. Growing medium

PFC 5. Inhibitor

- A. Nitrification inhibitor
- B. Urease inhibitor
- C. Denitrification inhibitor

PFC 6. Plant biostimulant

- A. Microbial plant biostimulant
- B. Non-microbial plant biostimulant

PFC 7. Fertilising product blend

Definition of products, toxic elements, maximum limits for pollutants and human pathogens, minimum nutrient content



CMC - component material categories - Annex II.

CMC 1: Virgin material substances and mixtures

CMC 2: Plants, plant parts or plant extracts

CMC 3: Compost

CMC 4: Fresh crop digestate

CMC 5: Other digestate than fresh crop digestate

CMC 6: Food industry by-products

CMC 7: Micro-organisms

~~**CMC 8: Agronomic additive – Inhibitors**~~

CMC 9: Nutrient polymers

CMC 10: Other polymers than nutrient polymers

CMC 11: Certain products derived from **animal by-products**

CMC 12: By-products within the meaning of Directive 2008/98/EC

(Industry by-products, product ceases to be waste**)**

Criteria – materials +/-, to be extended by Commission

Annex III. - Labelling requirements (General and Product-specific) and tolerance rules

Annex IV. - Conformity assessment procedures:

?

-INTERNAL PRODUCTION CONTROL (**MODULE A**)

-INTERNAL PRODUCTION CONTROL PLUS SUPERVISED PRODUCT TESTING (**MODULE A1**)

-EU-TYPE EXAMINATION (**MODULE B**) FOLLOWED BY CONFORMITY TO TYPE BASED ON INTERNAL PRODUCTION CONTROL (**MODULE C**)

-QUALITY ASSURANCE OF THE PRODUCTION PROCESS (**MODULE D1**)

Executed by **notified bodies**

Planned execution



Member State

- To appoint notifying authorities → accreditation of notified bodies
- Market surveillance

Manufacturer/producer, representative, distributor

- Responsible for quality
- Technical documentation
- Written EU declaration of conformity

Conformity assessment bodies (notified bodies)

- Conformity assessment
- EU-type examination

EU Commission

- Amending Regulation - empowered to adopt **delegated acts**, add categories, materials

Concerns about the new system

- **Delegated acts by COM (instead of implemented act)**
- **Notified body – far from control of the concerned MSs**
- **Priority : free movement and easy marketing as opposed to human health and environment**
- **Ignorance of consumer protection (eg. no efficacy)**
- **Competition in misleading users
(Experience with 2003/2003 EC Regulation)**



Efficacy is essential part of authorization – consumer protection

In general 3-6 field or glasshouse trials are necessary

Trial number determined by crop groups or cultivation branches

5.000-10.000 €



Cadmium story shows the priorities



- Cadmium – highly toxic, carcinogenic (IARC 1.), endocrine disruptor heavy metal with accumulative properties
- Scientifically *acceptable* level:
20 mg/kg in P fertilisers
- Majority of Council wants **60 mg/kg or higher**
 - ➔ pressure of **industry and politics**
- Health and Environment Authorities: ?



Consequences of the system

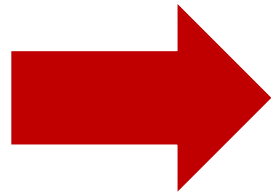
- Chaos on the market
- Bad and good products can not be distinguished
- Opening the market for useless or harmful products
- Endangering of protection principles

**Loser: consumers, quality manufacturers,
environment, health**

**Winner: manufacturers of low-grade products,
sellers of waste that ceases to be waste**



According to EU impact assessment Costs of market surveillance will rise.



Need to strengthen market surveillance

- Member States shall entrust market surveillance authorities with the powers, resources and knowledge necessary for the proper performance of their tasks.
(REGULATION (EC) No 765/2008 Article 18. (3))

- MSs to exchange information!

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termőföldtől
az asztalig

Thank you for the attention!

