

NGO voting recommendations on

COMENVI opinion vote on

the 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

30 May 2017

On 30th of May, the COMENVI MEPs will vote on their Opinion concerning fertilisers (the Commission's Proposal for a regulation 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).

This opinion is a key one. Even if the lead committee is the Internal Market and Consumers Protection's one (IMCO- vote scheduled for July 12-13) the COMENVI is an associated Committee and has exclusive competences on pollutant limits.

The Commission's proposal is an important piece of legislation to develop a single market for fertiliser products based on the concept of the circular economy, which all three EU institutions are committed to. Given the wide application of fertilisers in our natural environment, it is essential to ensure that any new rules secure the protection of the environment, human health and the sustainable use of natural sources.

Whilst there is clearly a growing demand from civil society for a food and farming system that is environmentally sustainable, fair, healthy, and globally responsible¹, it is of paramount importance to ensure

¹ The latest consultation on the future of the Common Agricultural Policy had a record of over 320,000 responses of which more than 258 000 citizens came in via the Living-land.org campaign and called for a radical change of the CAP. Also over 600 organisations and businesses signed the same call.

our fertilizers regulation is more in line with these societal expectations and also supports the development of organic and agro-ecological farming systems.

We call on COMENVI to seize the opportunity of this Opinion **to show the will of the EP is to make laws in accordance with principles of environmental protection, human health and sustainable use of our resources**, thereby respecting the UN Sustainable Development Goals and the Paris Agreement.

This briefing focuses on:

I. Cadmium levels

II. Chromium

III. Water pollution

IV. Biostimulants

I. CADMIUM LEVELS

Maintain Commission's proposed limits on cadmium

The Commission's proposal aims at creating a level-playing field between waste-based and traditional fertilisers through the harmonisation of national standards and requirements for fertilising products. It will help reduce major sources of soil and water pollution, improve food safety, reduce dependency on imported critical raw materials and drive innovation in the sector.

The proposed limits on cadmium content of 20mg/kg for phosphate fertilisers will contribute to improving the health of the EU population and to lowering related socio-economic costs¹². They reflect recommendations of food safety and health authorities³ which identify phosphate fertiliser spreading as the main cause of cadmium contamination of agricultural soils in the EU. Cadmium exposure can indeed lead to kidney dysfunction, skeletal damage or cancer. Current dietary exposure to cadmium in the EU is higher than what the human body is able to tolerate (2,5 µg/kg of body weight per week). The Commission's proposal supports the recovery of nutrients from waste materials and their subsequent re-use in line with the EU Circular Economy strategy.

Any amendment that increases the Commission's proposed limit should therefore be rejected.

² E.g. the socio-economic cost of fractures caused by cadmium in food amounts to approximately 400 million Euros per year in Sweden according to Swedish Chemical Agency Report 4/13 ISSN: 0284-1185

³ the European Commission Directorate General on Health and Food Safety (DG SANTE), the European Food Safety Authority, the World Health Organisation and the Food and Agriculture Organisation of the United Nations

PRIORITY: REJECT amendments: N° 36, 49



REJECT amendments: N° 35, 48



II. CHROMIUM

Ensure the scope of the regulation covers total chromium and not only Chromium VI

Trivalent chromium historically has not been studied as a toxicant because of its lower bioavailability compared to hexavalent chromium. However, scientific literature shows that there are potential health risks on humans and animals, contamination of drinking water with Cr³⁺ solids, toxicity of Cr³⁺ on aquatic animals (fishes, and crabs), toxicity of Cr³⁺ on plants associated with Trivalent chromium (Cr³⁺). It is also identified as a potential source of hexavalent chromium (Cr⁶⁺) in soil.

It is therefore of paramount importance to ensure that Cr³⁺ also falls under the scope of the regulation and hence that total Cr is limited - such amendments to the Commission's proposal should be supported.

PRIORITY: SUPPORT amendment: N° 431



III. WATER POLLUTION

Reject a weakening of the Nitrates Directive

The Nitrates Directive (1991) aims to protect water quality across Europe by preventing nitrates from agricultural sources polluting ground and surface waters and by promoting the use of good farming practices.

The Nitrates Directive forms an integral part of the Water Framework Directive and is one of the key instruments in the protection of waters against agricultural pressures.

It is therefore of paramount importance that any attempt to make the scope of this directive more limited by creating a new category of livestock manure to be exempted from its scope is avoided. An excess of livestock manure, if not managed well, can indeed lead to dramatic environmental and health consequences and any attempt to amend the Nitrates directive for further unsustainable intensification of the livestock sector should be avoided. Such a change in the law would not only be a serious threat to our

environment but it would also be a potential threat for sustainable livestock systems in Europe and go against the EU's concept of circular economy.

The amendments suggesting a change in the livestock manure definition under the Nitrates Directive should therefore be rejected.

PRIORITY: REJECT amendments: N° 317, 318, 319



IV. BIOSTIMULANTS

Ensure a good definition of biostimulants that covers those composed of naturally occurring substances or microorganisms

Biostimulants are used in organic farming and often have a multi-purpose with no clear borderline between plant protection, biostimulation and fertilisation. Plant stimulants should be naturally occurring substances or organisms and it is therefore necessary to avoid the misconception between the naturally occurring substances (present in nature) and substances of natural origin that could have a much broader interpretation and therefore to support a clearer definition of biostimulants.

PRIORITY: SUPPORT amendments: N° 310



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