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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
Subject:	Problems resulting from prohibition of usage of potassium phosphonates for plant protection in organic production <i>- Requested by the Czech delegation</i>

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In view of the "Agriculture and Fisheries" Council of 18 July 2016, delegations will find attached a document provided by the Czech delegation on the above-mentioned subject, that will be presented under the agenda point "Any other business".

## **EXPLANATORY DOCUMENT BY THE CZECH REPUBLIC RELATED TO THE MEETING OF THE COUNCIL OF THE EUROPEAN UNION (AGRICULTURE AND FISHERIES)**

### **Problems resulting from prohibition of usage of potassium phosphonates for plant protection in organic production**

#### ***Introduction***

*The Czech Republic would like to propose an initiative to resolve the serious situation, particularly for many wine growers, fruit growers but also producers of many kinds of vegetables, arising from the prohibition of the use of potassium phosphonates in organic agriculture, for which a suitable alternative is unavailable.*

*It is expected that the prohibition making an effective fight against the mildew impossible can ultimately lead to farmers leaving the organic way of agriculture. Such negative effect is in deep contradiction with the effort to foster further development of organic farming in the EU, while for the prohibition of phosphonates has not been submitted any specific scientific argument.*

#### ***Description of the situation***

Potassium phosphonates are substances, that has never been explicitly authorized for usage in organic agriculture (OA), however until recently it was possible to use them legally as a component of the plant strengtheners according to art. 16 of the Council Regulation (EC) No 834/2007.

Because of the change of the basic legislation, their statute has changed and potassium phosphonates have become the effective substances of the plant protection products. Since then, their usage in OA is conditioned by their inclusion in Annex II of the Commission Regulation (EC) No 889/2008. Germany requested for their inclusion on the Annex II in 2013. Czech Republic has always supported this request.

In April 2014 EGTOP (Expert Group for Technical Advice in Organic Production) issued the final report about the plant protection products. This study includes detailed assessment of potassium phosphonates which is very positive, however in the conclusion EGTOP does not recommend them for usage in OA because they are not in line with the objectives and principles of organic production as laid down in Council Regulation (EC) No 834/2007.

Available facts indicate that the restriction of usage of phosphonates in organic plant protection will have a fatal impact on organic viticulture and threaten also other production in orchards and arable land in many Member States including the Czech Republic. High quality organic food production will be influenced in a very negative way. Together with general pressure for decreasing limits for the application of copper even in conventional agriculture, the organic production of some varieties will actually become impossible.

Phosphonates for this usage are produced synthetically however they are harmless for the environment as well as for the health of humans and animals. Their function is based on the stimulation of natural immunity of plant so it defends against pathogens itself according to EGTOP's assessment report. During the negotiations of the revision of the current legislation, the Czech Republic repeatedly asked for re-examination of the phosphonates and for addition of the relevant explanation of the conclusion of the EGTOP's assessment report that does not really correspond to the report content as it states without sufficient justification that phosphonates are not in line with the organic production principles.

It can be reasonably assumed that the ultimate ban of phosphonates usage in organic production will have a fatal impact on many organic wine growers and dramatically threaten also other organic producers of fruits and vegetables in many European regions. As it is expected further limitation of copper usage, the organic viticulture will not be possible any more on many European varieties in certain regions.

Potassium phosphonates work as an effective plant protection against mildews (especially downy mildew) that attacks vine and also many species of fruit, vegetable and other crops. Particularly the high curative effect was proved in case of the product called Alginure® (containing potassium phosphonates combined with the seaweed extract and amino acids of plant origin) produced by the German company Tilco Biochemie. Experiments of Biocont Laboratory tests performed in the Czech Republic proved outstanding effects in the fight against the downy mildew – mostly better or comparable to aggressive chemical fungicides. In some Member States, the potassium phosphonates have been traditionally used since the eighties. The usage of Alginure constitutes also an opportunity to contribute to the significant reduction of copper fungicides – the initiative that belongs among the basic strategies of the EU.

### ***EGTOP's statement***

EGTOP provided detailed study about potassium phosphonates. It analyses their efficiency, ability to partially replace copper and states that any harmful effects, neither for the environment nor people's and animals' health have been proven. The study contains also information about the very low amount of residues that may emerge from the usage of phosphonates in the final product, including a wine sector. In spite of such relatively positive evaluation the EGTOP does not recommend the authorisation of phosphonates in the report's conclusion because it is not in accordance with the defined targets of the organic production in the legislation. EGTOP also states that the residues in organic products do not comply with the consumers' expectation. However it also notes that there are some other products already authorised for organic production that leaves residues in the final products (e.g. spinosad, pyrethrum, or azadirachtin).

Furthermore, being aware of the fact that there is no negative impact on the environment and health of people or animals, the Czech Republic do not consider the residues as a problem that is so serious that it should lead to such a strict policy like the total prohibition of the usage of the phosphonates in organic production. EGTOP further justifies that the authorisation of the usage might slow down the development of better substitutes of copper fungicides. Furthermore EGTOP notes that for the copper reduction other products that comply more with the objectives and principles of organic production should be used.

EGTOP itself admits in the study that even following all the rules of organic agriculture (such as preferring suitable varieties, using preventive measures etc.) the wine growing without using phosphonates while decreasing the copper consumption is very challenging. It admits that despite all the success with improving the effectiveness of the copper usage it is still not possible to completely replace the potassium phosphonates by the copper fungicides. At the same time there are known favourable effects on soil in case of potential elimination of the usage of copper.

Notwithstanding EGTOP notes that any harmful effects of potassium phosphonates on the environment, health of humans or animals have not been identified, its strongest argument against phosphonates is that they leave residues, which is negatively perceived by consumers.

European legislation for organic production even counts with the certain limited level of harmful residues it should be thus better justified why the residues of harmless substances are problematic, particularly when they contribute to the recent strong effort to decrease the usage of copper. As a result, the Czech Republic would welcome a review of this issue by the European Commission, in particular due to the fact that in its opinion EGTOP evaluated these substances positively, and yet not recommend their usage in organic production.

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