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WORKING PAPER

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WORKING DOCUMENT

From:	BE delegation
To:	Working Party on Technical Harmonisation (Dangerous Substances - Fertilisers)
Subject:	BELGIAN COMMENTS ON THE PROPOSED REGULATION "FERTILISING PRODUCTS"

BELGIAN COMMENTS ON THE PROPOSED REGULATION "FERTILISING PRODUCTS"

CADMIUM

As a reminder, the Belgian position is to set a limit for cadmium in phosphate fertilizers which is applicable on the date of application of the regulation. Moreover, this limit must decrease in time.

On this basis, in the document “WK 11337/2018 of 27/08/2017 : non- paper of cadmium limits in phosphates fertilisers from the commission” **Belgium agrees with the combination** of the following option:

1) *Flexibility on the timing for the application of different limit values*

According to Belgium this option remains the most effective method which allows us to send a clear signal to the phosphate industry and that gives the industry the time to adapt. The only restriction from Belgium on the timing is that the first limit value must be set on the date of application of the regulation. Belgium can be flexible for the following time intervals.

3) *Safeguard feasibility clause*

In this option, Belgium prefers an obligation to assess the limit value by the Commission. In this context, adding the article 48a is better.

4) *Review clause*

7b) *Flexibility of the harmonised limit values - Derogations for certain Member States*

As a compromise, Belgium can agree to preserve the Derogation for Member States which already have a derogation only from the existing rules based on the Treaty.

Belgium does not support the following options:

5) *Labelling requirements*

This option leads to additional costs for the producers of fertilisers. The limit value on cadmium must be sufficient to guarantee the safety of the food chain.

7a) *Flexibility of the harmonised limit values - The possibility to opt for predefined limit values*

7b) *Flexibility of the harmonised limit values - Derogations for certain Member States*

Belgium prefers that only one limit be valid for the whole of Europe to facilitate the controls. In this context, Belgium can not support the creation of new derogation for Member States which already apply stricter national limits.

BELGIAN COMMENTS ON THE PROPOSED REGULATION "FERTILISING PRODUCTS"

This Belgian comments are given with a scrutiny reservation. A new complete version of the Fertilisers Regulation must be available to give a final position.

These comments are based on the working document:

- WK 11342/2018 of 27 September 2018: Fertiliser Regulation - Open issues with EP from presidency.

1. PRIMARY/SECONDARY NUTRIENTS:

Belgium agrees with the proposition.

2. SODIUM

- *"The content of nutrients **may** be declared only where they are present in the EU fertilising product in the minimum quantity specified in Annex I for the relevant product function category (PFC)."*

Belgium agrees with the proposition.

Therefor Belgium is not in favour of a maximum limit for sodium, but we could accept the addition of a labelling requirement for sodium if other member states find this necessary.

3. NUTRIENTS

- *PFC 1 Fertiliser & PFC 3 soil improver)*
*"The content of nitrogen (N), phosphorus pentoxide (P₂O₅) or potassium oxide (K₂O) shall be **indicated** if above 0,5 % by mass."*

Belgium can agree with the proposition only if the real content of N, P₂O₅ and/or K₂O appears on the label. Belgium can only agree, in particularity with this point, after receiving of a new complete version of the Fertilisers Regulation.

4. THRESHOLD FOR COMPONENTS

- *"A **list** description of all **ingredients** components above **5% (3%?)** by product weight in descending order of magnitude by dry weight, including an indication of the relevant component material categories ('CMC') as referred to in Annex II; **where the ingredient is a substance or a mixture, it shall be identified as specified in Article 18 of Regulation (EC) No 1272/2008**"*

Belgium considers that all input materials, including those in small quantities, must be labelled. The correct information on the component content is important for the users. Belgium asks the description of all components above 1% by product weight.

5. PPP:

- *Annex III Part 1 point 7d : inclusion of*
“(d) shall not make claims, by means of statements or visual representation, that prevent or treat plant diseases or protects plants against harmful organisms.”

Belgium agrees with the principle but Belgium can not agree with the content of the amendment. Other characteristics fall under the definition of a PPP. For example: “influencing the life processes of plants” or “destroying undesired plants”. The Belgian control authority finds regularly this type of sentences on the labels of fertilisers.

If this sentence is added, it must be completed with a link to the definition of a PPP that can be found in article 2 of the PPP regulation:

“d) shall not make claims, by means of statements or visual representation in conformity with article 2 of the PPP Regulation (EC) No 1107/2009.”

6. CHROMIUM:

- *“...information about the maximum quantity and exact source of total chromium (Cr) shall be given.” Move to **Annex IV** as requirement for the technical documentation.*

Belgium does not support this amendment.

The criteria Chromium VI allows us to meet the preoccupations for the public health. Chromium VI does not allow us to meet the preoccupations for the environment. In Belgium, for environmental reasons, beyond a certain value of chromium total in the soil, the soil is forbidden for agricultural use and must be decontaminated. (The same goes for all the heavy metals).

If the total chromium must be indicated in the technical documentation provided in annex IV, this important information is not available for the farmer. Certain organic fertilisers, which may contain a lot of Chromium III, are widely used in organic agriculture. The ban of the soil for use in organic agriculture due to the presence of a lot of total chromium is catastrophic for the farmer and for the image of the organic agriculture. The farmer needs this information to choose their fertilisers and to manage the flow on total chromium in its soils correctly.

7. ANIMAL BY-PRODUCTS:

- *Art. 5: new paragraph 4 is added*
“Within six months after [date of entry into force of FPR], the Commission shall initiate a first assessment of derived products...”

Belgium supports this amendment in point 7 of the document WK 11342/2018.