

The background of the page is a solid green color with a repeating pattern of small, light green icons representing various food items such as carrots, chickens, apples, eggs, grapes, turkey legs, fish, bread, mushrooms, and other agricultural products. A vertical dotted line runs down the left side of the page, starting from the top and ending at a white semi-circle at the bottom left.

IFOAM EU position paper on the Commission proposal for a new fertiliser regulation

February 2017

Introduction

In March 2016, the European Commission launched a [legislative proposal](#)¹ to revise the current Regulation (EC) No 2003/2003 on fertilisers. The revised regulation is part of the Commission's [Circular Economy Action Plan](#) launched in December 2015 which aims to "close the loop" between production, consumption and waste through greater recycling and re-use. The proposal therefore aims to bring organic and waste-based fertilisers under the scope of the existing which currently covers only fertilisers coming from mineral or synthetic raw materials.

IFOAM EU represents the European organic* movements covering the entire organic* production chain and grassroots organisations. Based on the Commission's proposal, this position paper considers the challenges and opportunities of this legislation to develop a single market for fertiliser products, based on the concept of the circular economy. Such legislation should be working towards increasing the sustainability of the European agri-food sector - including organic* production.

In this paper the term **organic** is used in reference to two different concepts: **organic*** as allowed in organic farming according to the Regulation (EC) No 834/2007 and **organic** as category of fertilisers which contain mainly organic matter, not mineral components. In the first case the term will be marked by an asterisk (*).

Terms legally linked to organic* farming should be clarified on the labels of organic fertiliser products

Today the terms 'organic*', 'biological', 'ecological', or abbreviations such as 'bio' or 'eco', 'eko' etc. are synonymously recognised with organic* production depending on the nationally used terminology. As a result, the use of such terms can result in organic* farmers being misled by labelling which suggests a fertiliser is suitable for organic* farming. This can lead to certifiers having to withdraw certification for the parts of the harvest produced with such an input. For this reason, all the products bearing commercial names that may mislead the final user about its use in organic* farming, should clearly state on the front label that are "not allowed in organic* farming in accordance with the Regulation (EC) No 834/2007". Additionally, all CE fertiliser products compatible with organic* farming should be explicitly labelled as "allowed in organic* farming in accordance with the Regulation (EC) No 834/2007".

All organic fertiliser components and processes should be clearly labelled with no exemption for quantities below 5 %

The labelling of all organic fertiliser components and processes are necessary to ensure full transparency and the integrity of the product used. Organic* farmers can use only organic fertiliser components and products which are 100% in line with the Regulation (EC) No 834/2007. Failure to fully label quantities under 5% may have a significant effect on the total characteristics of the mixture. If the proposal remains in the current form there is a danger that the 5% threshold for non-declared components could result in risky, unpermitted or inactive components (industry waste, synthetic compounds or sand) being classified as organic fertilisers with no way to determine if they are compatible with organic* farming.

¹ Proposal for a Regulation of the EU Parliament and of the Council laying down rules on the making available on the market of CE fertilizing products and amending Regulation (EC) No 1069/2009 and (EC) No 1107/2009

The labelling of organic fertilisers should therefore indicate the following:

- **Raw materials** used for production, e.g. cow manure, chicken manure, guano, feathers, household waste/compost and approximate percentage of ingredients (this information is especially important for organic* farmers as products of factory farming origin are forbidden in organic* farming or only permitted in certain conditions)
- **Key nutrients and other elements** should be declared including values for nitrogen (N), phosphorus (P), and potassium (K) as well as pH, dry matter and % of organic matter. To avoid negative impact on human health, the contents such as **heavy metals** should be obligatory given on the fertiliser label (in mg/kg).
- **Treatments** e.g. an indication if the substance went through **thermal treatment** (including temperature and length of treatment) and/or **mechanical treatment** (e.g. grinding). This is because farmers want to be aware of potential phytosanitary risks
- **Form** e.g. pellets or powder. In the case of pellets, it should be indicated which gluing agents were used
- **Recommendations for use** including storage (temperature, humidity), duration of use (e.g. 2-3 years from packaging), use on different crop species (doses in kg/ha for different growth stages)
- **Sensitivity reaction** evaluations should not be reserved only for microbial plant stimulants but also for all non-organic fertiliser which can have potential allergic effects in the direct contact with skin, eyes or mucosa.

Indicative figures should be permitted in the labelling of organic fertilisers

For organic fertilisers, it is not always possible to have the full labelling of the exact quantifiable nutrient contents due to the specific character and/or natural origin of the fertiliser. By nature, the amount of nutrients in animal manure and farm-produced compost vary and very valuable organic matter is present in them. There is still much to be learned about mineralisation of animal manure in soil and interaction of organic* farm produced fertilisers with different soil types.

Although all nutrients are not exactly quantifiable, these products are valid farm inputs and must remain available on the market based on indicative figures. Therefore, labelling the nutrient contents based on average values is more appropriate for organic fertilisers compared to the contents associated with mineral or synthetic raw materials. To ensure regular quality control these analyses should be conducted at least once per year with the specific values updated annually.

Mining of phosphate rock with high levels of cadmium should be strictly limited

The harmful effects of heavy metals on human, animal or plant health and the environment are uncontested and therefore underline the importance of ensuring that limits found in the content of these fertilisers are kept as strict as possible. Heavy metal residues can be present in both organic and mineral fertilisers. However, given that mined phosphate rock is a non-renewable resource, as purer deposits become depleted, the risk that phosphate rock contaminated with higher levels of cadmium will be exploited even further is increased.

Since rock phosphate is a non-renewable source, the recovery of nutrients from organic materials already in circulation should become a bigger priority to reduce the dependency of farms to import nutrients and reduce pressures on the environment and health.

Registration of new fertilisers for organic* farming and biostimulants should be as straightforward as possible, whilst safeguarding health and the environment

New fertilisers

The proposal for a procedure that would facilitate the future inclusion of additional secondary raw materials of animal, plant or mineral origin such as biochar, ashes and struvite under the legislation is welcome. In the future other waste products of organic origin should also be considered which each assessed to decide whether stricter levels of residues, quality and criteria should be elaborated for use in organic* farming. The procedure therefore should ensure strong stakeholder involvement that takes into account the latest developments in agro-ecological innovation, whilst safeguarding human, animal and plant health and the environment.

As selection criteria based on the organic* principle would not be addressed in the process, an additional evaluation by authorities in close cooperation with the organic* sector is necessary under a fast-track procedure for products to be listed under (EC) No 889/2008 due to the obstacle of not being listed under horizontal legislation.

Biostimulants

Naturally occurring substances used in organic* farming often have a multi-purpose and there is often no clear borderline between plant protection, biostimulation and fertilisation. Thus, the borderline between the respective legislation on the registration of plant protection products and fertilisers should foresee a feasible process for the registration of the same substance for different purposes in different products and different concentrations/preparations.

The registration procedure for biostimulants should not repeat the situation of the plant protection legislation (EC) No 1107/2009 where the process is designed for “synthetic” molecules presenting many difficulties for naturally occurring substances which have an existing natural background exposure. Furthermore, the process should be proportional to the potential risks of such substances and consider existing traditional use.

The definition of a biostimulant should not be limited to "abiotic" stress, as it is not always clear if the main source of stress for a plant lies in biotic or abiotic factors. If the definition would be limited to abiotic stress, many substances used today would disappear from the market.

Many of the biostimulants of interest to organic* farming are produced and distributed by small companies while the market for them is very limited. Registration should therefore be based on a positive list based on component materials categories not individual products.

Further complication of the registration procedure would only hinder market development for the inputs which are helpful and necessary for organic* production.

Beyond the registration procedures, the following measures should be taken to facilitate the registration of traditionally used substances:

- support for research assessing the use and characteristics of substances traditionally used in organic* farming e.g. under a Horizon 2020 research and innovation action
- Public helpdesk for SMEs to facilitate the registration of these substances
- To avoid that private interests prevail, generation of data and the helpdesk should be under the responsibility of the national competent authority and must not be privatised

Finally, under Annex II of the legislative proposal, a CE marked fertilising product may contain only certain microorganisms (azotobacter spp, mycorrhizal fungi, rhizobium spp, azospirillum spp). However, there are many other species and their consortia already used in a national level of interest to farmers. Furthermore, processes other than drying or freeze-drying are used but ignored by the current wording such as fermentation.

In organic* farming, the self-preparation of biostimulants e.g. herb preparations to stimulate the plants is of traditional importance. These types of self-preparations should remain outside the scope of legislation to prevent any possibility that this activity is no longer possible on-farm.

Actively promote non-commercial use of animal manure and composts

Finally, although use of animal manure and farm-produced compost not labelled with the CE mark remains outside the scope of the EU fertiliser legislation, it is important to ensure that the recycling of farm residues is not being hindered by disproportionate administrative burdens and quality control.

We welcome that the proposal rules should only apply for products which are CE marked, with simplified control requirements for composting control duties up to 3,000 tonnes/year. Such practices falling outside the regulation require little extra energy input and are important especially for organic* farming, which builds on the closed nutrient cycles at farms and on the enrichment of soils with organic* material. In this regard, an EU-wide exemption from control duties for on-farm composting should be valid for the production of up to 2000m³/year, (which could be increased up to 3000 m³/year for the group of operators) if the compost is used on the farm or on cooperation of farms.

To ensure effective use of animal manure and on-farm compost, cooperation between farmers is necessary in many cases - so for example some farms specialised on plant production import manure from livestock farms. This kind of cooperation should be stimulated instead of jeopardised by unrealistic administrative burden when transporting manure from one farm to another in the same region. To avoid any misunderstanding: we underline that all farmers have to use manure and compost in the spirit of good agronomic and environmental practice and in compliance with the EU environmental legislation (e.g. Nitrates Directive and Water Framework Directive).