



1.2.2017

DRAFT OPINION

of the Committee on the Environment, Public Health and Food Safety

for the Committee on the Internal Market and Consumer Protection

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
(COM(2016)0157 – C8-0123/2016 – 2016/0084(COD))

Rapporteur: Elisabetta Gardini

(*) Associated committee – Rule 54 of the Rules of Procedure

SHORT JUSTIFICATION

Context

Fertilising products are used to feed plants and improve plant growth, mainly in agriculture. They can be grouped into two broad groups: fertilisers, which provide nutrients to plants, and other products, whose primary objective is to promote plant growth through other means. As the world population keeps increasing, fertilisers deliver key benefits thanks in particular to increased crop yields. However, some challenges in terms of the environment, public health and food safety are associated with fertiliser use.

According to Commission estimates, the fertilising products sector has an annual turnover ranging from €20 to €25 billion and accounts for about 100 000 jobs; SMEs represent 90% of companies. An in house study published in 2015 also highlighted that in most EU Member States, fertilisers account for about 10% of farmers' costs, although the figure can be as high as 20% in Ireland and as low as 3.6% in Malta.

Current legal framework

The 2003 Fertilisers Regulation (Regulation (EC) No 2003/2003) defines different types of fertilisers, which have been approved as 'EC fertilisers' and can circulate freely on the EU market. Although the current regulation covers various types of fertilisers, current 'EC fertilisers' are essentially conventional and mineral fertilisers sourced from primary raw materials, some of which require energy and CO₂-intensive production processes. In addition, the Regulation does not include limits to the content of heavy metals and other contaminants, such as pathogens and physical impurities.

In March 2016, the Commission put forward a legislative proposal on fertilising products, as part of the Circular Economy package. The proposal covers a wider range of fertilising products (including those manufactured from secondary raw materials), and also sets limits on heavy metals and contaminants present in fertilising products.

Position of the rapporteur

The rapporteur welcomes the proposal put forward by the Commission as it will allow all fertilisers to access the internal market and put into practice the principles of the Circular Economy. The rapporteur also considers that covering all types of fertilising products - and not only the mineral ones - in EU legislation is an extremely positive step forward. It will contribute to creating a more complete internal market and it will help and strengthen SMEs' investments in the Circular Economy.

However, it is also of crucial importance, to set realistic and achievable targets, to ensure that the limits and requirements can be complied with. Priority should be given to the protection of human and animal health and of the environment, but this should be balanced with the socio-economic impacts these measures might have. In addition, it is important to safeguard food security and ensure that the food supply can still meet the demands of a constantly growing population. The new rules should have a strong scientific basis and be based on robust risk assessments, rather than only on the precautionary principle, which would lead to unjustified restrictions and unfairly ban some products from the internal market. Unless there is robust scientific data concluding that there are risks posed to the environment or human and animal

health, technically unrealistic requirements should not be set. This approach has been adopted by the rapporteur on the proposal and in particular on the issue of contaminants.

Among contaminants, the issue of cadmium (Cd) is of particular importance. Cadmium, present mostly in mineral phosphate fertilisers, raises particular concerns as it can accumulate in soils, transfer to foodstuffs and potentially lead to adverse effects on health, soil biodiversity and groundwater quality - without bringing any benefit to plants. Cadmium content in phosphate fertilisers depends on the phosphate rock used, as it is present in the rock and is not released, even after the production process. Cadmium content in phosphate rocks varies from under 10 mg Cd/kg phosphorus (P_2O_5) to 200 mg/kg, depending on where it is mined. The Commission proposal introduces a gradual reduction of the maximum level of metal impurity from 60 mg Cd/kg P_2O_5 to 40 mg Cd/kg after three years, and to 20 mg Cd/kg after 12 years. These would be the most restrictive limits in the world: Japan, Australia, California and New Zealand have higher Cd limits - whereas currently there are no limits in the EU.

Fertiliser products in the EU are produced using a wide variety of long-established methods, many of which are fully in line with the Circular Economy principles. It is therefore important to ensure that these production methods can be maintained and that rules that run counter to them are not established.

In addition, the rapporteur is committed to ensuring the harmonisation between the rules applicable to different fertiliser categories to ensure that high quality products and many more choices are available to the farmers.

Some fertilisers, defined as "dual use" products, are made of the same chemical compounds as crop protection products. In the Commission proposal, there is no reference to these products and this should be corrected to ensure a clear distinction between the two categories, which have different characteristics.

The Commission also proposes to exclude organic organo-mineral fertilisers and biostimulants made from animal by-products (ABPs) from the scope of the Regulation. In addition, the only ABPs that could be commercialised as CE marked are those that have reached the so-called "end-point" to avoid the fraudulent use of ABPs as animal feed. However, ABPs that have not reached the end-point have to comply with very strict requirements and therefore it should also be possible for these ABPs to be commercialised at EU level.

In addition to these issues, several terms and definitions should be improved in order to better reflect technological progress and in particular in relation to innovative products, such as biostimulants.

There is also a need to ensure that clearer information is provided to farmers and consumers. This should be done by specifying the nutrients available in a given mineral fertiliser and by improving the general labelling requirements specified in Annex III. This would allow farmers and consumers to optimise the use of the fertilisers, and thus reduce the environmental impact of these products.

AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on the Internal Market and Consumer Protection, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) Contaminants in CE marked fertilising products, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products. Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Amendment

(8) Contaminants in CE marked fertilising products, such as cadmium, can potentially pose a risk to human and animal health and the environment as they accumulate in the environment and enter the food chain. Their content should therefore be limited in such products ***whenever possible. In addition, fertiliser use should be rationalised and adapted to meet specific nutritional requirements, by using innovative technologies, such as precision farming.*** Furthermore, impurities in CE marked fertilising products derived from bio-waste, in particular polymers but also metal and glass, should be either prevented or limited to the extent technically feasible by detection of such impurities in separately collected bio-waste before processing.

Or. en

Amendment 2

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Where one or more of the component materials for a CE marked fertilising product fall within the scope of

Amendment

(12) Where one or more of the component materials for a CE marked fertilising product fall within the scope of

Regulation (EC) No 1069/2009 and has not reached the end point in the manufacturing chain, *it would be misleading to provide for the product's CE marking under this Regulation, since the making available on the market of such a product is subject to the requirements of Regulation (EC) No 1069/2009. Therefore, such products should be excluded from the scope of this Regulation.*

Regulation (EC) No 1069/2009 and has not reached the end point in the manufacturing chain, *in order to have these products CE marked, the economic operators should comply with this Regulation and the health provisions of Regulation (EC) No 1069/2009.*

Or. en

Amendment 3

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) Products with one or more functions, one of which is covered by the scope of Regulation (EC) No 1107/2009, should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.

Amendment

(16) Products *placed on the market which have an intended use for* one or more functions, *at least* one of which is covered by the scope of Regulation (EC) No 1107/2009, *are plant protection products covered by the scope of that Regulation. Those products* should remain under the control tailored for such products and provided for by that Regulation. Where such products also have the function of a fertilising product, it would be misleading to provide for their CE marking under this Regulation, since the making available on the market of a plant protection product is contingent on a product authorisation valid in the Member State in question. Therefore, such products should be excluded from the scope of this Regulation.

Or. en

Justification

This amendment is needed to make clear that the new regulation should not be used to bypass appropriate risk assessment of products under other regulations (for example the plant protection regulation). The suggested changes also help to clarify the difference between component materials (which may have different effects in different products) and the products

themselves, which are a combination of compositions (including relative concentrations), context and conditions of use, target crop(s), and other parameters.

Amendment 4

Proposal for a regulation

Recital 55

Text proposed by the Commission

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, and fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009, ***since animal by-products for which no such end point has been determined are in any event excluded from the scope of this Regulation.***

Amendment

(55) Promising technical progress is being made in the field of recycling of waste, such as phosphorus recycling from sewage sludge, and fertilising product production from animal by-products, such as biochar. It should be possible for products containing or consisting of such materials to access the internal market without unnecessary delay when the manufacturing processes have been scientifically analysed and process requirements have been established at Union level. For that purpose, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining larger or additional categories of CE marked fertilising products or component materials eligible for use in the production of such products. For animal by-products, component material categories should be expanded or added only to the extent an end point in the manufacturing chain has been determined in accordance with the procedures laid down in Regulation (EC) No 1069/2009.

Or. en

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) animal by-products which are subject to the requirements of Regulation (EC) No 1069/2009,

Amendment

(a) animal by-products which are subject to the requirements of Regulation (EC) No 1069/2009 ***used for purposes other than fertiliser production,***

Or. en

Justification

Animal by-products (ABP) are subject to the strict rules laid down in Regulation (EC) No 1069/2009. This regulation specifies specific safety and traceability requirements for the use of ABP-based fertilisers to prevent the misuse of these products that could pose risks to human and animal health and the environment (in particular BSE transmission). As the World Organisation for Animal Health has classified many EU Member States as having a negligible BSE risk status, it is vital to grant free access to the internal market also to ABP-based products that have not reached the end point, when in compliance with the health regulations.

Amendment 6

Proposal for a regulation

Article 2 – paragraph 1 – point - 1 (new)

Text proposed by the Commission

Amendment

(-1) 'product' means a given composition of one or more components in the form in which it is intended to be placed on the market together with any instructions for use that include the target crop or crops, the application rates, the timing, where it is to be placed on the plant, the function claimed by the product and other criteria that may influence the effect and exposure scenario;

Or. en

Justification

It is important to include such a definition as the distinction between a component and a

product is essential to allow innovation while ensuring that products subject to authorisation under other regulatory frameworks are not placed on the market without being authorised.

Amendment 7

Proposal for a regulation

Article 2 – paragraph 1 – point -1 a (new)

Text proposed by the Commission

Amendment

(-1a) "function" refers to the intended use of a product as indicated by the manufacturer's claims about its effects, what is known about its mode(s) of action, the relative concentration of its various components, and any other relevant parameter(s);

Or. en

Justification

There is often confusion between the terms "claim"/"effect", "function", and mode of action. This proposed definition could help ensure that everyone is using the same terminology. This language is inspired by discussions of the draft text among Member States. The concept of "intended use" is taken from Commission Directive 2008/38/EC and maintained in Regulation (EC) No 767/2009, and relates to the differentiation between "feed materials, feed additives and other products such as veterinary drugs", which is an analogous situation to the differences between fertilisers, biostimulants and plant protection products.

Amendment 8

Proposal for a regulation

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

(1) 'fertilising product' means a ***substance, mixture, micro-organism or any other material***, applied or intended to be applied, either on its own or mixed with another material, on plants or their ***rhizosphere*** for the purpose of ***providing*** plants ***with nutrient or*** improving their nutrition efficiency;

(1) 'fertilising product' means a ***product under a product function category as defined in Annex I***, applied or intended to be applied, either on its own or mixed with another material, on plants ***at any growth stage, including seeds***, or their ***root zone and/or soil/growing medium*** for the purpose of ***improving the*** plants' ***general vigour, yields and quality*** by improving their nutrition efficiency, ***their vigour***

and/or their physical, chemical or biological growth conditions, with the exception of plant protection functions;

Or. en

Justification

This amendment aligns the definition to the content of the PFC in Annex I. The text proposed by the Commission appears to exclude significant parts of the existing products categories and disregards possible future innovations.

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

For the purposes of this Regulation, the term ‘plant’ is understood to include algae, intentionally cultivated mushrooms, and any stage of growth of a plant, including seeds.

Or. en

Justification

This provides an inclusive definition of the target organism that is being cultivated without having to specify all of these details every time the word “plant” is used throughout the regulation.

Amendment 10

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) straight or compound solid ***inorganic*** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

(a) straight or compound solid ***mineral*** macronutrient ammonium nitrate fertilisers of high nitrogen content, as specified in product function category 1(C)(I)(a)(i-ii)(A) in Annex I;

(This amendment from "inorganic fertiliser" to "mineral fertiliser" applies

throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 11

Proposal for a regulation

Article 6 – paragraph 10 – subparagraph 1 – point b

Text proposed by the Commission

(b) *fertilising product blends*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

Amendment

(b) *combinations of fertilising products*, as specified in product function category 7 in Annex I, containing a fertiliser referred to in point (a).

(This amendment from "fertilising product blends" to "combinations of fertilising products" applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

The proposed name of PFC 7 “fertilising product blend” is confusing, and does not correspond to the realities of the global fertilisers market where “blended fertilisers” are obtained by dry mixing of several fertilisers, with no chemical reaction. To ensure clarity, the name of PFC 7 should be modified throughout the entire Regulation.

Amendment 12

Proposal for a regulation

Article 42 – paragraph 2 – point a

Text proposed by the Commission

(a) name of the micro-organism;

Amendment

(a) name of the micro-organism, *to the strain level*;

Or. en

Justification

Different strains of the same species may have extremely different properties.

Amendment 13

Proposal for a regulation

Article 42 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) reference of declared conformity to the relevant harmonised standards on safety of micro-organisms used which have been published in the Official Journal of the European Union, or conformity with the relevant common specifications as adopted by the Commission, if such harmonised standards are not in place.

Or. en

Justification

The regulation is currently missing a way for a company to bring to the market new micro-organisms it has identified as safe and effective without being forced to publish its research data. This is a barrier to the innovation the Commission is seeking and results from the absence of an equivalent of REACH for micro-organisms. The development of standardised methods for the evaluation of micro-organisms would correct this gap in the regulatory architecture, correct the institutional bias against bio-based products and foster the innovation needed to enable the pivot to the bioeconomy.

Amendment 14

Proposal for a regulation

Article 46 – paragraph 1 – point 2

Regulation (EC) 1107/2009

Article 3 – point 34 – introductory part

Text proposed by the Commission

Amendment

(3) "34."plant biostimulant" means a product stimulating plant **nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following**

"34. 'plant biostimulant' means a CE marked fertilising product which is composed of substances, micro-organisms and/or other materials, and is stimulating processes in the plant or surrounding growing environment that improve plant

characteristics of the plant:

nutrition processes, general plant vigour and/or plant tolerance to abiotic stress, with the effect of improving plant quality traits and/or yield."

Or. en

Justification

This amendment aligns the definition to the content of the PFC in Annex I.

Amendment 15

**Proposal for a regulation
Article 48 a (new)**

Text proposed by the Commission

Amendment

Article 48a

Reporting

By [12 years after the date of application of this Regulation], the Commission should submit to the European Parliament and to the Council a report reviewing the implementation of this Regulation.

That report shall include an assessment of the levels of contaminants as set out in Annex I, and of their impact on human and animal health and on the environment in terms of reduction of cadmium accumulation levels.

That report shall also analyse technological progress and innovation in the field of production and use of fertilising products, and all the possible alternatives to fulfil the objective of reducing cadmium accumulation, including decadmiation technologies, their feasibility and their impact and costs across the value chain, as well as the waste management of cadmium.

The report may be accompanied, if necessary, by appropriate legislative proposals.

Or. en

Justification

The Commission should present a report, which assesses the Cd limits set in the Annex and their impact on human and animal health and on the environment in terms of reduction of cadmium accumulation levels. That report should also analyse technological progress and innovation in the field of production and use of fertilising products and also all the possible alternatives to fulfil the object of reducing the cadmium accumulation, including the available decadmiation technologies, their feasibility and their impact and costs across the value chain, as well as waste management of cadmium.

Amendment 16

Proposal for a regulation

Annex I – part I – point 5 – point A – point I a (new)

Text proposed by the Commission

Amendment

Ia. Denitrification inhibitor

Or. en

Justification

It is necessary to add the denitrification inhibitor in the “Agronomic additive category”. Denitrification inhibitors are fundamental substances which aim to prevent atmospheric pollution by reducing the formation of dinitrogen from products such as livestock manure and bio-digestate.

Amendment 17

Proposal for a regulation

Annex I – part II – paragraph 2 a (new)

Text proposed by Commission

Amendment

2a. The fact that a fertilising product complies with the function described in this Annex for the relevant PFC shall be supported by the product’s mode of action, the relative concentration of its various components, and/or any other relevant parameter(s).

Or. en

Justification

This new language, which has been drafted during preliminary discussions among Member States, would help Notified Bodies determine if a manufacturer has properly classified the product undergoing Conformity Assessment and thus if the appropriate conformity assessment requirements are being applied.

Amendment 18

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

- carbon (C) and

- **organic** carbon (**Corg**) and

Or. en

Justification

It is very important to specify that carbon must be organic. The presence of organic carbon is an important parameter to demonstrate the presence of organic matter, a complex substance that is linked to the impact of an organic fertiliser on soil fertility.

Amendment 19

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

of solely biological origin, excluding material which is fossilized or embedded in geological formations.

of solely biological origin, **including peat, leonardite and lignite, but** excluding **other** material which is fossilized or embedded in geological formations.

Or. en

Justification

It is very important to facilitate the production of peat, leonardite and lignite based fertilisers. These natural matrices increase the nutrient efficiency of organic fertilisers, which is advantageous for farmers and without any detrimental consequences from an environmental point of view. The exclusion of these matrices could encourage the use of ineffective fertilisers which would be detrimental for farmers.

Amendment 20

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 1

Text proposed by the Commission

- Cadmium (Cd) **1,5** mg/kg dry matter,

Amendment

- Cadmium (Cd) **3** mg/kg dry matter,

Or. en

Justification

The text of the new Regulation foresees a restrictive limit of 3 mg/kg of cadmium in the soil improver category (please see PFC 3(A) point 2) and this limit is prudent from an environmental and health point of view. With the aim to align the contaminants' limits between organic fertilisers and soil improvers, the cadmium limit in the organic fertilisers category should be changed from 1.5 to 3 mg/kg. It is also important to underline that the quantity of organic fertiliser used by farmers is significantly lower than the quantity of soil improver used.

Amendment 21

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 5

Text proposed by the Commission

- Lead (Pb) **120** mg/kg dry matter, and

Amendment

- Lead (Pb) **30** mg/kg dry matter, and

Or. en

Justification

The limit value for lead has to be reduced. Higher value limits could lead to a decrease of quality standards for fertilisers with detrimental consequences for the environment and a higher rate of lead accumulation in soils.

Amendment 22

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 2 – indent 6

Text proposed by the Commission

- Biuret (C₂H₅N₃O₂) **12 g/kg dry**

Amendment

- Biuret (C₂H₅N₃O₂) **under detection**

matter.

limit.

Or. en

Justification

It is necessary to fix a low limit for biuret (chemical complex present in urea) in order to avoid fraudulent uses of urea that, thanks to its low price, could be used as substitute for organic matter.

Amendment 23

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 3

Text proposed by the Commission

3. Salmonella spp. shall be ***absent in a 25 g sample of the CE marked fertilising product.***

Amendment

3. ***The absence of Salmonella spp. and the maximum presence of Escherichia coli and Enterococcaceae shall be demonstrated in accordance with the standards laid down in chapter I, section 2 d) of Annex XI to Regulation (EU) No. 142/2011^{1a}.***

^{1a} Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1.).

Or. en

Justification

Salmonella, Escherichia coli and Enterococcaceae are very dangerous bacteria in terms of human and animal health and they could be present in untreated fertilisers based on animal by-products. For this reason, it should be specified that these fertilisers should respect the restrictive standards provided by the Animal By Product Regulation (Regulation (EC) No 142/2011). In addition, since both points refer to the same argument, that is the bacteria

population monitoring, the text has been merged in order to simplify and clarify it.

Amendment 24

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass:

deleted

- (a) Escherichia coli, or*
- (b) Enterococcaceae.*

Or. en

Amendment 25

Proposal for a regulation

Annex I – part II – PFC 1(A) – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.

deleted

Or. en

Amendment 26

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – paragraph 1

Text proposed by the Commission

Amendment

1. A solid organic fertiliser shall *contain 40% or more dry matter by mass.*

1. A solid organic fertiliser shall *be characterised by structural rigidity and resistance to changes of shape or volume and in which the atoms are tightly bound to each other, either in a regular*

geometric lattice (crystalline solids) or irregularly (an amorphous solid).

Or. en

Justification

As in the foodstuffs sector, in the fertilisers sector the percentage of dry matter is used to determine the quality of the product. The inclusion of 40% as a minimum limit means that organic fertilisers will be exposed to the risk of decreasing quality standards, with negative consequences for end users. With the introduction of a specific definition, a high quality standard is guaranteed.

Amendment 27

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The CE marked fertilising product shall contain ***at least one of*** the following declared nutrients in the minimum quantities stated:

2. The CE marked fertilising product shall contain the following declared nutrients in the minimum quantities stated:

Or. en

Justification

To avoid misunderstandings about the possibility of using one or more nutrients.

Amendment 28

Proposal for a regulation

Annex I – part II – PFC 1(A) (I) – paragraph 2 – indent 2

Text proposed by the Commission

Amendment

- 2% by mass of total phosphorus pentoxide (P₂O₅), ***or***

- 2% by mass of total phosphorus pentoxide (P₂O₅)

Or. en

Justification

To avoid misunderstandings about the possibility of using one or more nutrients, we propose to delete the word “or”.

Amendment 29

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 1

Text proposed by the Commission

1. A liquid organic fertiliser shall *contain less than 40% dry matter.*

Amendment

1. A liquid organic fertiliser shall ***be a suspension or a solution, where a suspension is a two-phase dispersion in which solid particles are maintained in suspension in the liquid phase, and a solution is a liquid that is free of solid particles.***

Or. en

Justification

As in the foodstuffs sector, in the fertilisers sector the percentage of dry matter is used to determine the quality of the product. The inclusion of 40% as a minimum limit means that organic fertilisers will be exposed to the risk of decreasing quality standards, with negative consequences for end users. With the introduction of a specific definition, high quality standard is guaranteed.

Amendment 30

Proposal for a regulation

Annex I – part II – PFC 1(A) (II) – paragraph 2 – indent 1

Text proposed by the Commission

- **2%** by mass of total nitrogen (N),

Amendment

- **1%** by mass of total nitrogen (N),

Or. en

Amendment 31

Proposal for a regulation

Annex I – part 2 – PFC 1(A) (II) – point 2 – indent 2

Text proposed by the Commission

- **1%** by mass of total phosphorus

Amendment

- **0,5%** by mass of total phosphorus

pentoxide (P₂O₅), or

pentoxide (P₂O₅), or

Or. en

Amendment 32

Proposal for a regulation

Annex I – part 2 – PFC 1(A) (II) – point 2 – indent 3

Text proposed by the Commission

Amendment

- 2% by mass of total potassium oxide (K₂O).

- 1% by mass of total potassium oxide (K₂O).

Or. en

Justification

A liquid fertiliser contains nutrients in lower concentrations than a solid fertiliser. The minimum quantity of nutrients in a liquid fertiliser should be decreased, in order to be more coherent with the physical nature of the product, without affecting the fertiliser's effectiveness.

Amendment 33

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 1 – point 1 – indent 2

Text proposed by the Commission

Amendment

- ***a material*** containing

- ***one or more materials*** containing

Or. en

Justification

Currently different substances with organic carbon and various nutrients are used in the production of organo-mineral fertilisers. The EC proposal provides only for the use of a unique substance. The Commission's proposal is not justified from an environmental or health point of view and it will reduce the range of organo-mineral fertilisers intended for farmers.

Amendment 34

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

of solely biological origin, excluding **material** which is fossilized or embedded in geological formations.

of solely biological origin, **including peat, leonardite and lignite, but** excluding **other materials** which **are** fossilized or embedded in geological formations.

Or. en

Justification

It is also very important to ensure the production of peat, leonardite and lignite based fertilisers. These natural matrices increase the nutrient efficiency of organic fertilisers, which is advantageous for farmers and without any detrimental consequences from an environmental point of view. The exclusion of these matrices could encourage the use of ineffective fertilisers which would be detrimental for farmers.

Amendment 35

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point a – point 2 – indent 2

Text proposed by the Commission

Amendment

• **As of [Publications office, please insert the date occurring three years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P₂O₅), and**

deleted

Or. en

Justification

The progressive decrease of cadmium limits is too restrictive. A recent study (Revisiting and updating the effect of phosphorus fertilisers on cadmium accumulation in European Agricultural Soils – - International Fertiliser Society - E. Smolders. – May 2013), demonstrates that there is no cadmium accumulation in the soil if the quantity does not exceed 80 mg/kg. In addition, robust scientific data is missing to justify the Commission's proposal when it comes to 40 mg/kg and 20 mg/kg limits. Furthermore, decadmiation technology is not sufficiently developed yet. For these reasons, a limit of 60 mg/kg should be set for the time being

Amendment 36

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point a – point 2 – indent 3

Text proposed by the Commission

Amendment

• *As of [Publications office, please insert the date occurring twelve years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),* **deleted**

Or. en

Justification

The progressive decrease of cadmium limits is too restrictive. A recent study (Revisiting and updating the effect of phosphorus fertilisers on cadmium accumulation in European Agricultural Soils – - International Fertiliser Society - E. Smolders. – May 2013), demonstrates that there is no cadmium accumulation in the soil if the quantity does not exceed 80 mg/kg. In addition, robust scientific data is missing to justify the Commission's proposal when it comes to 40 mg/kg and 20 mg/kg limits. Furthermore, decadmiation technology is not sufficiently developed yet. For these reasons, a limit of 60 mg/kg should be set for the time being

Amendment 37

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) Lead (Pb) **120** mg/kg dry matter.

(e) Lead (Pb) **30** mg/kg dry matter;

Or. en

Amendment 38

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(*ea*) **biuret (C₂H₅N₃O₂) 12 mg/kg.**

Or. en

Justification

Biuret is a substance that can be present in organo-mineral fertilisers and, at certain levels,

can be toxic for crops. For this reason, this substance should be added to the list of contaminants of organo-mineral fertilisers.

Amendment 39

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 4

Text proposed by the Commission

4. Salmonella spp. shall be **absent in a 25 g sample of the CE marked fertilising product.**

Amendment

4. **The absence of Salmonella spp. and the maximum presence of Escherichia coli and Enterococcaceae shall be demonstrated in accordance with the standards laid down in chapter I, section 2 (d) of Annex XI to Regulation (EU) No. 142/2011.**

Or. en

Justification

Salmonella, Escherichia coli and Enterococcaceae are very dangerous bacteria in terms of human and animal health and they could be present in untreated fertilisers based on animal by-products. For this reason, it should be specified that these fertilisers should respect the restrictive standards provided by the Animal By Product Regulation (Regulation EC 142/2011). In addition, since both points refer to the same argument, that is the bacteria population monitoring, the text has been merged in order to simplify and clarify it.

Amendment 40

Proposal for a regulation

Annex I – part II – PFC 1(B) – paragraph 5

Text proposed by the Commission

5. **None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass:**

(a) **Escherichia coli, or**

(b) **Enterococcaceae.**

This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.

Amendment

deleted

Amendment 41**Proposal for a regulation****Annex I – part II – PFC 1(B) (I) – paragraph 1***Text proposed by the Commission*

1. A solid **organo-mineral** fertiliser shall **contain 60% or more dry matter by mass**.

Amendment

1. A solid **organic** fertiliser shall **be characterised by structural rigidity and resistance to changes of shape or volume and in which the atoms are tightly bound to each other, either in a regular geometric lattice (crystalline solids) or irregularly (an amorphous solid)**.

Or. en

Justification

As in the foodstuffs sector, in the fertilisers sector the percentage of dry matter is used to determine the quality of the product. The inclusion of 60% as a minimum limit means that organic fertilisers will be exposed to the risk of decreasing quality standards, with negative consequences for end users. With the introduction of a specific definition, a high quality standard is guaranteed.

Amendment 42**Proposal for a regulation****Annex I – part II – PFC 1(B) (II) – paragraph 1***Text proposed by the Commission*

1. A liquid organo-mineral fertiliser shall **contain less than 60 % dry matter by mass**.

Amendment

1. A liquid organo-mineral fertiliser shall **be a suspension or a solution, where a suspension is a two-phase dispersion in which solid particles are maintained in suspension in the liquid phase, and a solution is a liquid that is free of solid particles**.

Or. en

Justification

As in the foodstuffs sector, in the fertilisers sector the percentage of dry matter is used to

determine the quality of the product. The inclusion of 60% as a minimum limit means that organic fertilisers will be exposed to the risk of decreasing quality standards, with negative consequences for end users. With the introduction of a specific definition, a high quality standard is guaranteed.

Amendment 43

Proposal for a regulation

Annex I – part II – PFC 1(B) (II) – paragraph 2 – indent 1

Text proposed by the Commission

- 2 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Amendment

- 1 % by mass of total nitrogen (N), out of which 0,5 % by mass of the CE marked fertilising product shall be organic nitrogen (N), or

Or. en

Justification

A liquid fertiliser contains nutrients in lower concentration than a solid fertiliser. The minimum quantity of nutrients in a liquid fertiliser should be decreased, in order to be more coherent with the physical nature of the product, without affecting the fertiliser's effectiveness.

Amendment 44

Proposal for a regulation

Annex I – part II – PFC 1(B) (II) – paragraph 2 – indent 2

Text proposed by the Commission

- 2 % by mass of total phosphorus pentoxide (P₂O₅), or

Amendment

- 0,5 % by mass of total phosphorus pentoxide (P₂O₅), or

Or. en

Justification

A liquid fertiliser contains nutrients in lower concentration than a solid fertiliser. The minimum quantity of nutrients in a liquid fertiliser should be decreased, in order to be more coherent with the physical nature of the product, without affecting the fertiliser's effectiveness.

Amendment 45

Proposal for a regulation

Annex I – part II – PFC 1(B) (II) – paragraph 2 – indent 3

Text proposed by the Commission

- 2 % by mass of total potassium oxide (K₂O).

Amendment

- 1 % by mass of total potassium oxide (K₂O).

Or. en

Justification

A liquid fertiliser contains nutrients in lower concentration than a solid fertiliser. The minimum quantity of nutrients in a liquid fertiliser should be decreased, in order to be more coherent with the physical nature of the product, without affecting the fertiliser's effectiveness.

Amendment 46

Proposal for a regulation

Annex I – part II – PFC 1(C)

Text proposed by the Commission

An inorganic fertiliser shall be a fertiliser other than an organic or organo-mineral fertiliser.

Amendment

A mineral fertiliser shall be a fertiliser containing nutrients in a mineral form or processed into a mineral form from animal or plant origin. Calcium cyanamide, urea and its condensation and association products shall be considered as containing nutrients in a mineral form.

Organic carbon (Corg) in the CE marked fertilising product shall not exceed 1% by mass. That excludes, by convention, carbon coming from coatings and technical agents.

Or. en

Justification

The inorganic fertiliser definition is too generic. It is preferable to use the definition coming from the text of current Regulation (EC) No 2003/2003.

Amendment 47

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) – paragraph 1

Text proposed by the Commission

1. An inorganic macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients: nitrogen (N), phosphorus (P), potassium (K), magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na).

Amendment

1. An inorganic macronutrient fertiliser shall be aimed at providing plants with one or more of the following macronutrients: nitrogen (N), phosphorus (P), potassium (K), magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na). ***The declarable nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from urea formaldehyde, N from isobutylidene diurea, N from crotonylidene diurea. The declarable phosphorus content is given by the phosphatic P form. New forms can be added after a scientific examination, via a delegated act adopted pursuant to Article 42.***

Or. en

Justification

Providing correct information to farmers is an essential tool to enforce good agricultural practices. It makes it possible to know which doses of nutrients must be used and to produce them in the right quantity and of the right quality. For this reason it is necessary to provide to farmers information on which kind of nutrients are both available and not available in a specific fertiliser for their crops.

Amendment 48

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) – paragraph 2 – point a – point 2 – indent 2

Text proposed by the Commission

- ***As of [Publications office, please insert the date occurring three years after the date of application of this Regulation]: 40 mg/kg phosphorus pentoxide (P₂O₅), and***
- ***As of [Publications office, please insert the date occurring twelve years after the date of application of this Regulation]: 20***

Amendment

deleted

mg/kg phosphorus pentoxide (P₂O₅),

Or. en

Amendment 49

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) – paragraph 2 – point a – point 2 – indent 3

Text proposed by the Commission

Amendment

• *As of [Publications office, please insert the date occurring twelve years after the date of application of this Regulation]: 20 mg/kg phosphorus pentoxide (P₂O₅),* *deleted*

Or. en

Amendment 50

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (i) – paragraph 2 – indent 7

Text proposed by the Commission

Amendment

- *1% by mass of total sodium oxide (Na₂O).* - *the quantity between 1% to 10 % by mass of total sodium oxide (Na₂O).*

Or. en

Justification

Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as a maximum limit.

Amendment 51

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 2

Text proposed by the Commission

Amendment

- *3% by mass of total phosphorus* - *5% by mass of total phosphorus*

pentoxide (P₂O₅),

pentoxide (P₂O₅),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 52

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 3

Text proposed by the Commission

- 3% by mass of total potassium oxide (K₂O),

Amendment

- 5% by mass of total potassium oxide (K₂O),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 53

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 4

Text proposed by the Commission

- 1,5% by mass of total magnesium oxide (MgO),

Amendment

- 2% by mass of total magnesium oxide (MgO),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 54

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 5

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1,5% by mass of total calcium oxide (CaO),	- 2% by mass of total calcium oxide (CaO),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 55

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 6

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1,5% by mass of total sulphur trioxide (SO ₃), or	- 5% by mass of total sulphur trioxide (SO ₃), or

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use

of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 56

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (a) (ii) – paragraph 2 – indent 7

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1% by mass of total sodium oxide (Na ₂ O).	- <i>the quantity between 1% to 10%</i> by mass of total sodium oxide (Na ₂ O).

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 57

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1,5% by mass of total nitrogen (N),	- 3% by mass of total nitrogen (N),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 58

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 2

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1,5% by mass of total phosphorus pentoxide (P ₂ O ₅),	- 3% by mass of total phosphorus pentoxide (P ₂ O ₅),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 59

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 3

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 1,5% by mass of total potassium oxide (K ₂ O),	- 4% by mass of total potassium oxide (K ₂ O),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 60

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 4

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 0,75% by mass of total magnesium oxide (MgO),	- 4% by mass of total magnesium oxide (MgO),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 61

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 5

<i>Text proposed by the Commission</i>	<i>Amendment</i>
- 0,75% by mass of total calcium oxide (CaO),	- 2% by mass of total calcium oxide (CaO),

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 62

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 6

Text proposed by the Commission

Amendment

- **0,75%** by mass of total sulphur trioxide (SO₃), or

- **5%** by mass of total sulphur trioxide (SO₃), or

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 63

Proposal for a regulation

Annex I – part II – PFC 1(C) (I) (b) (ii) – paragraph 2 – indent 7

Text proposed by the Commission

Amendment

- **0,5%** by mass of total sodium oxide (Na₂O).

- ***the quantity between 0,5% to 5%*** by mass of total sodium oxide (Na₂O).

Or. en

Justification

The proposed limits are the same as those in the current regulation. These limits should be maintained in the new proposal because a lower nutrient quantity would imply a greater use of mineral fertilisers. An increase of the minimum limits is also fundamental to promote a more efficient use of fertilisers at low doses and to prevent an increase in CO₂ emissions (linked to the transport of raw materials). Sodium is not only a nutrient but also a phytotoxic element, especially in clay soils and, for this reason, it is necessary to set a maximum limit. In light of this fact, a threshold of 10% should be added as maximum limit.

Amendment 64

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 1

Text proposed by the Commission

Amendment

1. An organic soil improver shall

1. An organic soil improver shall

consist exclusively of material of solely biological origin, excluding **material** which is fossilized or embedded in geological formations.

consist exclusively of material of solely biological origin, **including peat, leonardite and lignite, but** excluding **other materials** which **are** is fossilized or embedded in geological formations.

Or. en

Justification

It is also very important to facilitate the production of peat, leonardite and lignite based fertilisers. These natural matrices increase the nutrient efficiency of organic fertilisers, which is advantageous for farmers and without any detrimental consequences from an environmental point of view. The exclusion of these matrices could encourage the use of ineffective fertilisers which would be detrimental for farmers.

Amendment 65

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 2 – indent 4

Text proposed by the Commission

- Nickel (Ni) **50** mg/kg dry matter,
and

Amendment

- Nickel (Ni) **70** mg/kg dry matter,
and

Or. en

Justification

The nickel limit is too low for compost based organic soil improvers, especially in areas where the soil is naturally rich in nickel.

Amendment 66

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 3 – point a

Text proposed by the Commission

(a) Salmonella spp. shall be **absent in a 25 g sample of the CE marked fertilising product.**

Amendment

(a) **The absence of** Salmonella spp. **and the maximum presence of Escherichia coli and Enterococcaceae shall be demonstrated in accordance with the standards laid down in chapter I, section 2 d) of Annex XI to Regulation (EU) No. 142/2011.**

Justification

Salmonella, Escherichia coli and Enterococcaceae are very dangerous bacteria in terms of human and animal health and they could be present in untreated fertilisers based on animal by-products. For this reason, it should be specified that these fertilisers should respect the restrictive standards provided by the Animal By Product Regulation (Regulation (EC) No 142/2011). In addition, since both points refer to the same argument, that is the bacteria population monitoring, the text has been merged in order to simplify and clarify it.

Amendment 67

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass:

deleted

- *Escherichia coli, or*
- *Enterococcaceae.*

This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.

Or. en

Amendment 68

Proposal for a regulation

Annex I – part II – PFC 3(A) – paragraph 5

Text proposed by the Commission

Amendment

5. Organic carbon (C) shall be present in the CE marked fertilising product by at least 7.5% by mass.

5. Organic carbon (C) shall be present in the CE marked fertilising product by at least 7.5% by mass **and the nutrients shall be present in the following maximum quantities:**

- **2,5% by mass of total nitrogen (N),**

- 2% by mass of total phosphorus pentoxide (P_2O_5), or
- 2% by mass of total potassium oxide (K_2O).

Or. en

Justification

Soil improvers aim to improve soils' physical characteristics and not increase nutrients. To prevent the fraudulent use of these products, it is necessary to introduce maximum limits of nutrients authorised in order to clearly differentiate between fertilisers and soil improvers.

Amendment 69

Proposal for a regulation

Annex I – part II – PFC 3(B) – paragraph 1

Text proposed by the Commission

1. An inorganic soil improver shall be a soil improver other than an organic soil improver.

Amendment

1. An inorganic soil improver shall be a soil improver other than an organic soil improver, **and include mulch films made with polymer complying with the requirements of points 3 and 4 of CMC 11 in Annex II and intended to be placed on the soil in situ to protect its structure, suppress weed growth, reduce soil moisture loss, or prevent erosion.**

Or. en

Justification

Mulch films used in agricultural practices preserve and improve the physical and chemical characteristics of soils. For this reason, these products should be included as inorganic soil improvers in the text of the new Regulation.

Amendment 70

Proposal for a regulation

Annex I – part II – PFC 4 – paragraph 3

Text proposed by the Commission

3. Salmonella spp. shall be **absent in a 25 g sample of the CE marked fertilising**

Amendment

3. **The absence of Salmonella spp. and the maximum presence of**

product.

Escherichia coli and Enterococcaceae shall be demonstrated in accordance with the standards laid down in chapter I, section 2 d) of Annex XI to Regulation (EU) No. 142/2011.

Or. en

Justification

Salmonella, Escherichia coli and Enterococcaceae are very dangerous bacteria in terms of human and animal health and they could be present in untreated fertilisers based on animal by-products. For this reason, it should be specified that these fertilisers should respect the restrictive standards provided by the Animal By Product Regulation (Regulation (EC) No 142/2011). In addition, since both points refer to the same argument, that is the bacteria population monitoring, the text has been merged in order to simplify and clarify it.

Amendment 71

Proposal for a regulation Annex I – part II – PFC 4 – paragraph 4

Text proposed by the Commission

Amendment

4. None of the two following types of bacteria shall be present in the CE marked fertilising product in a concentration of more than 1000 CFU/g fresh mass: **deleted**

(a) Escherichia coli, or

(b) Enterococcaceae.

This shall be demonstrated by measuring the presence of at least one of those two types of bacteria.

Or. en

Amendment 72

Proposal for a regulation Annex I – part II – PFC 5 – heading

Text proposed by the Commission

Amendment

PFC 5: Agronomic additive

PFC 5: Additive

Justification

In addition to agronomic additives there is also a category called technological additives, which aim to improve the production processes and the efficiency of products, which results in benefits from an environmental point of view. For this reason, the PFC 5 category should be renamed “additive”, in order to include both agronomic and technological additives. This change requires an adjustment of the classification of the other categories.

Amendment 73

Proposal for a regulation
Annex I – part II – PFC 5

Text proposed by the Commission

Amendment

An agronomic additive shall be a CE marked fertilising product intended to be added to a product providing plants with nutrient, with the intention to improve that product's nutrient release patterns.

deleted

Or. en

Amendment 74

Proposal for a regulation
Annex I – part II – PFC 5 (Aa) (new)

Text proposed by the Commission

Amendment

PFC 5(Aa): Agronomic additive

An agronomic additive shall be a CE marked fertilising product, intended to be added to a product, that has a proven effect on the transformation and/or plant-availability of different forms of mineral or mineralised nutrients, or to be added to the soil with the intention to improve that nutrient uptake by plants or to reduce nutrient losses.

Or. en

Justification

This proposal would clarify the definition of agronomic additive, in order to avoid fraudulent behaviors and, at the same time, to privilege the introduction of innovative products.

Amendment 75

Proposal for a regulation

Annex I – part II – PFC 5(B) (I a) (new)

Text proposed by the Commission

Amendment

PFC 5(B)(Ia): Denitrification inhibitor

1. A denitrification inhibitor shall reduce the formation of nitrous oxide (N₂O) by slowing down or blocking the conversion of nitrate (NO₃) to dinitrogen (N₂) without influencing the nitrification process as described in PFC 5 (A) (I). It leads to the increased availability of nitrate to the plant and a reduction of N₂O emissions.

2. The effectiveness of the method referred to in paragraph 1 can be assessed by measuring nitrous oxide emissions in gas samples collected in a suitable measuring device and measuring the amount of N₂O of that sample in a gas chromatograph. The water content of the soil also needs to be recorded.

Or. en

Justification

The new Regulation does not include denitrification inhibitors. Denitrification inhibitor are substances necessary to prevent atmospheric pollution and to reduce the formation of dinitrogen from products such as livestock manure and bio-digestate

Amendment 76

Proposal for a regulation

Annex I – part II – PFC 5 (B) – paragraph 1 – indent 1

Text proposed by the Commission

Amendment

- has two or more sites that donate electron pairs to a central transition metal

- has two or more sites that donate electron pairs to a central transition metal

cation (zinc (Zn), copper (Cu), iron (Fe), manganese (Mn), magnesium (Mg), calcium (Ca) or cobalt (Co)), and which

cation (zinc (Zn), copper (Cu), iron (Fe), manganese (Mn), magnesium (Mg), calcium (Ca) or cobalt (Co)) **or an alkaline earth cation (magnesium (Mg), calcium (Ca))** and which

Or. en

Justification

These changes would make the wording more precise from a chemical point of view. Calcium and magnesium are as defined “alkaline earth metals”.

Amendment 77

Proposal for a regulation

Annex I – part II – PFC 5 (B) – paragraph 1 – indent 2

Text proposed by the Commission

Amendment

- is large enough to form a five- or six- membered **ring** structure.

- is large enough to form a five- or six- membered structure.

Or. en

Justification

The distribution of atoms of chelating agents are not able to make “ring structures”.

Amendment 78

Proposal for a regulation

Annex I – part II – PFC 5 (B) – paragraph 2 – point 1 – introductory part

Text proposed by the Commission

Amendment

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ in a dossier containing

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁷ **unless it is covered by paragraph 1 of Article 2 of that Regulation and as such is excluded from the scope of this Regulation** , in a dossier containing

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

³⁷ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within

the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Or. en

Justification

It is very important to add this specification to avoid misunderstandings in relation to the REACH Regulation (Regulation (EC) No 1907/2006). Some chelating agents are classified as “non-isolated intermediates” (that are substances that during synthesis are not intentionally removed from the equipment in which the synthesis takes place) and article 2 of the REACH Regulation specifies that those substances are excluded from its scope.

Amendment 79

Proposal for a regulation

Annex I – part II – PFC 5 (B) – paragraph 3

Text proposed by the Commission

3. *After 3 days in standard Hoagland solution at pH 7 and 8, the CE marked fertilising product shall remain stable.*

Amendment

3. *Where a micro-nutrient is present in a chelated form, the pH range guaranteeing acceptable stability of the chelated fraction shall be stated.*

Or. en

Justification

Since European soils are very different, also in terms of pH characteristics, the strict definition proposed in the new Regulation could prevent farmers from making optimal choices for their fields.

Amendment 80

Proposal for a regulation

Annex I – part II – PFC 5 (C) – paragraph 1

Text proposed by the Commission

1. A complexing agent shall be an organic substance intended to enhance

Amendment

1. A complexing agent shall be an organic substance intended to enhance

nutrients' *long-term* availability to plants, which can form a flat or steric structure with one di or three valent transition metal cation.

nutrients' *long-term* availability to plants, which can form a flat or steric structure ***bounded*** with one di or three valent transition ***or alkaline earth*** metal cation.

Or. en

Justification

These modifications would make the text clearer from a chemical point of view. Complexing agents can bond with “alkaline earth metals”, moreover the distribution of atoms of chelating agents are not able to make “flat or steric structure”. It is essential to modify the progressive classification.

Amendment 81

Proposal for a regulation

Annex I – part II – PFC 5 (C) – paragraph 2 – point 1 – introductory part

Text proposed by the Commission

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ in a dossier containing

Amendment

The substance shall have been registered pursuant to Regulation (EC) No 1907/2006,³⁸ ***unless it is covered by paragraph 1 of Article 2 of that Regulation and as such is excluded from the scope of this Regulation,*** in a dossier containing

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

³⁸ In the case of an additive recovered in the European Union, this condition is fulfilled if the additive is the same, within the meaning of Article 2(7)(d)(i) of Regulation (EC) No 1907/2006, as a substance registered in a dossier containing the information here indicated, and if information is available to the fertilising product manufacturer within the meaning of Article 2(7)(d)(ii) of Regulation (EC) No 1907/2006.

Or. en

Justification

It is very important to specify this to avoid misunderstandings in relation to the REACH Regulation (Regulation (EC) No 1907/2006). Some complexing agents are classified as “non-

isolated intermediates” (that are substances that during synthesis are not intentionally removed from the equipment in which the synthesis takes place) and article 2 of the REACH Regulation specifies that those substances are excluded from his application field.

Amendment 82

Proposal for a regulation

Annex I – part II – PFC 5 (Ca) (new)

Text proposed by the Commission

Amendment

PFC 5(Ca): TECHNOLOGICAL ADDITIVE

A technological additive shall be a CE marked fertilising product, intended to be added to a product, that has a proven effect on production, storage and/or use efficiency, or on aspect, with the aim to improve the intrinsic characteristics of the product.

Or. en

Justification

Without technological additives it would not be possible to carry out some very important activities. These products include for example anti-caking agents, defoaming agents, anti-dust agents, dyes and rheological agents (used to maintain the solid particles in suspension inside a liquid). Technological additives provide benefits from an environmental point of view.

Amendment 83

Proposal for a regulation

Annex I – part II – PFC 6 – paragraph 1

Text proposed by the Commission

Amendment

1. A plant biostimulant shall be a CE marked fertilising product stimulating plant ***nutrition processes independently of the product's nutrient content with the sole aim of improving one or more of the following characteristics of the plant:***

1. A plant biostimulant shall be a CE marked fertilising product ***which is composed of substances, micro-organisms and/or other materials, and is stimulating processes in the plant or surrounding growing environment that improve plant nutrition processes, general plant vigour and/or plant tolerance to abiotic stress, with the effect of improving plant quality traits and/or yield.***

Justification

This amendment aims to improve the definition of biostimulants.

Amendment 84**Proposal for a regulation****Annex I – part II – PFC 6 (A) – paragraph 1***Text proposed by the Commission*

1. A microbial plant biostimulant shall consist ***solely*** of a micro-organism or a consortium of micro-organisms referred to in Component Material Category 7 of Annex II.

Amendment

1. A microbial plant biostimulant

a) shall consist of a micro-organism or a consortium of micro-organisms referred to in Component Material Category 7 ***of Annex II;***

b) ***microorganisms or a consortium of microorganisms different from those provided under point a), can be used as component material categories as long as they comply with the requirements set out in the CMC 7 category of Annex II.***

Justification

The new Regulation provides a very limiting and generic positive list of allowed microorganisms, despite the fact that the fertilisers industry has made some substantial progress in terms of innovation. Also having a positive list is very problematic because trade secrets would be lost. A registration process could be envisaged where a company could submit to an EU agency (eg. EFSA or ECHA) information relating to product efficiency, and public safety and environmental protection. In addition, it is necessary to avoid the creation of excessively burdensome procedures and registration costs.

Amendment 85**Proposal for a regulation****Annex I – part II – PFC 6 (A) – paragraph 3**

Text proposed by the Commission

Amendment

3. *Salmonella* spp. shall be **absent in a 25 g or 25 ml sample of the CE marked fertilising product.**

3. **The absence of *Salmonella* spp. and the maximum presence of *Escherichia coli* and *Enterococcaceae* shall be demonstrated in accordance with the standards laid down in chapter I, section 2 (d) of Annex XI, to Regulation (EU) No. 142/2011.**

Or. en

Justification

Salmonella, Escherichia coli and Enterococcaceae are very dangerous bacteria in terms of human and animal health and they could be present in unno treated fertilisers based on animal by-products. For this reason, it should be specified that those fertilisers should must respect the restrictive standards provided by the Animal By Product Regulation (Regulation (EC) No 142/2011). In addition, since both points refer to the same argument, that is the bacteria population monitoring, the text has been merged in order to simplify and clarify it.

Amendment 86

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 4

Text proposed by the Commission

Amendment

4. *Escherichia coli* shall be absent in a 1 g or 1 ml sample of the CE marked fertilising product.

deleted

Or. en

Amendment 87

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 5

Text proposed by the Commission

Amendment

5. *Enterococcaceae* must not be present in the CE marked fertilising product by more than 10 CFU/g fresh mass.

deleted

Amendment 88

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 10

Text proposed by the Commission

10. Aerobic plate count shall not exceed 10^5 CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.

Amendment

10. ***In the case of in vitro production,*** aerobic plate count shall not exceed 10^7 CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is an aerobic bacterium.

Or. en

Justification

The UFC unit is too low and could damage the qualitative level of some biostimulant products with high microbial loads. In vitro production techniques are used for most soil micro-organisms.

Amendment 89

Proposal for a regulation

Annex I – part II – PFC 6 (A) – paragraph 11

Text proposed by the Commission

11. Yeast and mould count shall not exceed 1000 CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is a fungus.

Amendment

11. ***In the case of in vitro production,*** yeast and mould count shall not exceed 1000 CFU/g or ml sample of the CE marked fertilising product, unless the microbial biostimulant is a fungus.

Or. en

Amendment 90

Proposal for a regulation

Annex II – part I – subheading 6

Text proposed by the Commission

Amendment

CMC 6: Food *industry* by-products

CMC 6: Food *chain* by-products

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Amendment 91

Proposal for a regulation

Annex II – part II – CMC 2 – paragraph 1

Text proposed by the Commission

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone ***only physical, mechanical or biochemical processing. That process may include further concentration, purification and/or blending, provided that the chemical nature of the components is not intentionally altered by chemical and/or microbial processes.***

Or. en

Justification

The EC proposal should be made more comprehensive because the range of vegetal extracts and relative extraction processes, that have been used for many years and/or have been patented, is higher. With the amendment proposed, the recovery of some vegetal extracts of paper industry will be guaranteed. This activity is totally in line with Circular Economy concept.

Amendment 92

Proposal for a regulation

Annex II – part II – CMC 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. A CE marked fertilising product

1. A CE marked fertilising product

may contain substances and mixtures, other than³⁹

³⁹ The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.

may contain substances and mixtures, ***including technical additives***, other than³⁹

³⁹ The exclusion of a material from CMC 1 does not prevent it from being an eligible component material by virtue of another CMC stipulating different requirements. See, for instance, CMC 11 on animal by-products, CMCs 9 and 10 on polymers, and CMC 8 on agronomic additives.

Or. en

Amendment 93

Proposal for a regulation Annex II – part II – CMC 1 – paragraph 2

Text proposed by the Commission

All the substances incorporated into the CE marked EU fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, ***in a dossier containing***

(a) the information provided for by Annex VI, VII and VIII of Regulation (EC) No 1907/2006, and

(b) a chemical safety report pursuant to Article 14 of Regulation (EC) No 1907/2006 covering the use as fertilising product,

unless explicitly covered by one of the registration obligation exemptions provided for by ***Annex IV to that Regulation or by points 6, 7, 8, or 9 of Annex V to that Regulation.***

Amendment

All the substances incorporated into the CE marked EU fertilising product, in their own or in a mixture, shall have been registered pursuant to Regulation (EC) No 1907/2006, unless explicitly covered by one of the registration obligation exemptions provided for by ***Article 2 of that Regulation.***

Or. en

Justification

Imposing the REACH 10t-100t data requirements for all would mean significant additional costs, and make it difficult to develop and market products in low volumes, which is often the case with innovative products. This provision would also be problematic for manufacturers purchasing substances produced in quantities below 10t, as the buyer would become responsible for conducting the tests. That transfers the responsibility for safety evaluation in a way that is counter to the spirit of REACH. Furthermore, the proposal excludes some important exemptions to REACH obligations, such as natural polymers, which are included in Article 2.

Amendment 94

Proposal for a regulation Annex II – part II – CMC 2 – paragraph 1

Text proposed by the Commission

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone ***no other processing than cutting, grinding, centrifugation, pressing, drying, freeze-drying or extraction with water.***

Amendment

1. A CE marked fertilising product may contain plants, plant parts or plant extracts having undergone ***only physical, mechanical or biochemical*** processing. ***That process may include further concentration, purification and/or blending, provided that the chemical nature of the components is not intentionally modified/altere d by chemical and/or microbial processes.***

Or. en

Justification

The EC proposal should be made more comprehensive because the range of vegetal extracts and relative extraction processes, that have been used for many years and/or have been patented, is broader. With the amendment proposed, the recovery of some vegetal extracts from paper industry will be guaranteed. This activity is totally in line with the Circular Economy concept.

Amendment 95

Proposal for a regulation Annex II – part II – CMC 2 – paragraph 2

Text proposed by the Commission

2. For the purpose of paragraph 1, plants are understood to include algae ***and***

Amendment

2. For the purpose of paragraph 1,

exclude blue-green algae.

plants are understood to include algae.

Or. en

Justification

Blue-green algae based products have been used by the farmers for many years, with clear benefits for the crops.

Amendment 96

Proposal for a regulation

Annex II – part II – CMC 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Plant extracts and materials other than those specified in paragraphs 1 and 2 of the CMC 2 category, as well as components structurally similar and functionally identical to components found in plants, shall fall under the CMC 1 category.

Or. en

Amendment 97

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) aflatoxins must be under the detection limit in a compost sample.

Or. en

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 98

Proposal for a regulation

Annex II – part II – CMC 3 – paragraph 6 – point a – indent 2

Text proposed by the Commission

Amendment

- Criterion: maximum **25** mmol
O₂/kg organic matter/h; or

- Criterion: maximum **50** mmol
O₂/kg organic matter/h; or

Or. en

Justification

The oxygen uptake is a stability criteria aimed to evaluate the environmental impact of compost (e.g. inadequate sanitification, smell, pathogens presence, etc...). This amendment makes this evaluation criteria more effective.

Amendment 99

Proposal for a regulation

Annex II – part II – CMC 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) Any material referred to in points
(a)-(b) that has previously been digested.

(c) Any material referred to in points
(a)-(b) that has previously been digested
without any traces of aflatoxins.

Or. en

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 100

Proposal for a regulation

Annex II – part II – CMC 5 – paragraph 1 – point e – introductory part

Text proposed by the Commission

Amendment

(e) Any material listed in points (a)-(d)
that

(e) Any material ***without aflatoxins***
listed in points (a)-(d) that

Or. en

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animal health.

Amendment 101

Proposal for a regulation

Annex II – part II – CMC6 – paragraph 1 – point c

Text proposed by the Commission

(c) vinasse, i.e. a viscous by-product of the fermentation process of molasses *into ethanol, ascorbic acid or other products.*

Amendment

(c) vinasse, i.e. a viscous by-product of the fermentation process of molasses.

Or. en

Amendment 102

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) any other material or substance that has been approved for incorporation in food or animal feed.

Or. en

Justification

The EC proposal should be made more comprehensive because the range of food chain by-products, that have been used for many years, is broader (e.g. sugar factories or fruit juice producers by-products, grinding panels of olives, etc...). This activity is totally in line with the Circular Economy concept.

Amendment 103

Proposal for a regulation

Annex II – part II – CMC 6 – paragraph 2 – point 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) all substances shall contain aflatoxins under the detection limit.

Or. en

Justification

Aflatoxins are chemical substances produced by fungi and they are very dangerous for human and animals health.

Amendment 104

Proposal for a regulation

Annex II – part II – CMC 7 – introductory part

Text proposed by the Commission

Amendment

A CE marked fertilising product may contain micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced, ***which***

Micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced may be presumed to be safe for incorporation into a CE-marked fertilising product if they fall into one of the following three cases:

(a) are one of the following micro-organisms:

- ***Azotobacter spp.***
- ***Mycorrhizal fungi***
- ***Rhizobia***
- ***Azospirillum spp.***

(b) subject to appropriate data protection and data licensing requirements, any micro-organism (or consortium of micro-organisms) that is allowed for any of the following uses:

- ***incorporation into a ‘foodstuff’ as defined in Article 2 of Regulation (EC) No 178/2002 or is allowed to be used in the processing of any such foodstuff, including cultures that are considered to be ‘traditional food ingredients’ within the meaning of Regulation (EC) No***

178/2002 of the European Parliament and of the Council;

- use as a feed additive as indicated by inclusion in the European Union Register of Feed Additives pursuant to Regulation (EC) 1831/2003;

- use as a plant protection active ingredient under Regulation (EC) No 1107/2009 or as a biocide under Regulation (EU) No 528/2012^{1a},

(c) any micro-organism (or consortium of micro-organisms) that has been evaluated as being safe for use as a biostimulant using relevant common specifications or harmonised standards adopted in accordance with Regulation (EU) No 1025/2012^{1b} that detail acceptable thresholds and analytical methods for safety criteria including those outlined in Article 42 of this Regulation.

^{1a} Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

^{1b} Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

Or. en

Justification

The proposed definition of micro-organisms limits a large number of techniques and processes currently used to produce microbial products. Furthermore, such a restrictive listing of production processes does not favour innovation. As long as safety and quality is ensured, there should be no reason to limit the scope of the category on the basis of production process. Micro-organisms that have already been approved for use in the food chain should be eligible for use in biostimulant products.

Amendment 105

Proposal for a regulation

Annex II – part II – CMC 7 – indent 1

Text proposed by the Commission

Amendment

- *have undergone no other processing than drying or freeze-drying and* *deleted*

Or. en

Amendment 106

Proposal for a regulation

Annex II – part II – CMC 7 – indent 2

Text proposed by the Commission

Amendment

- *are listed in the table below:* *deleted*
Azotobacter spp.
Mycorrhizal fungi
Rhizobium spp.
Azospirillum spp.

Or. en

Amendment 107

Proposal for a regulation

Annex II – part II – CMC 7 (a) (new)

Text proposed by the Commission

Amendment

Micro-organisms other than those specified in point (a) of the first subparagraph may be used only on the authorisation of EFSA.

Such an authorisation shall be granted only after the submission of a technical dossier that:

- ensures the health, the low environmental impact and the agronomic value of micro-organisms; and***
- contains all information provided in point 2 of Article 42 of this Regulation.***

Or. en

Justification

The proposal penalises farmers and the fertilisers industry because the commercialisation of microbial biostimulants will be restricted to a limited and generic list of micro-organisms. A positive list might decrease R&D activities as companies will not be able to protect their intellectual property rights. Therefore if a microbial biostimulant is not included in the list, it should be possible for a company to submit to the competent authorities (e.g. EFSA or ECHA) information concerning the efficiency and safety of the product. In addition, it is necessary to avoid the creation of excessively burdensome procedures and registration costs.

Amendment 108

Proposal for a regulation Annex II – part II – CMC 8 – paragraph 3

Text proposed by the Commission

Amendment

3. A CE marked fertilising ***product may contain*** a compliant nitrification inhibitor, as referred to in PFC 5(A)(I) of Annex I, only if at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) forms ammonium (NH₄⁺) and urea (CH₄N₂O).

3. CE marked fertilising ***products containing*** a compliant nitrification or denitrification inhibitor may be added to an organic fertiliser or be applied to soil to improve the nutrient distribution pattern.

Or. en

Justification

These changes are necessary for reasons linked to the addition of denitrification inhibitors in the PFC 5 category of Annex I. The denitrification inhibitor are substances necessary to prevent atmospheric pollution and to reduce the formation of dinitrogen from products such as livestock manure and bio-digestate.

Amendment 109

Proposal for a regulation

Annex II – part II – CMC 8 – paragraph 4

Text proposed by the Commission

4. A CE **marked** fertilising product may contain a compliant **urease** inhibitor, as referred to in PFC 5(A)(II) of Annex I, only if **at least 50% of the total nitrogen (N) content of the fertilising product consists of the nitrogen (N) form urea (CH₄N₂O).**

Amendment

4. A CE **marked** fertilising product may contain a compliant **denitrification** inhibitor as referred to in PFC 5(A) (II) of Annex I, only if **it contains nitrogen in any form.**

Or. en

Justification

These changes are necessary for reasons linked to the addition of denitrification inhibitors in the PFC 5 category of Annex I. The denitrification inhibitor are substances necessary to prevent atmospheric pollution and to reduce the formation of dinitrogen from products such as livestock manure and bio-digestate.

Amendment 110

Proposal for a regulation

Annex II – part II – CMC 8 a (new)

Text proposed by the Commission

Amendment

CMC 8a: Natural polymers

A natural polymer is a substance meeting the following criteria:

- over 50 percent of the weight for that substance consists of natural polymer molecules; and**
- the amount of polymer molecules presenting the same molecular weight**

must be less than 50 percent of the substance.

- the purpose of the polymerisation is to control the release of nutrients from one or more of the monomer substances.

Or. en

Justification

Cellulose, chitin, lignin, hemicellulose etc...are natural polymers meeting high quality standards and are used as raw materials for the production of organic and organo-mineral fertilisers. This category can be classified taking into consideration the biological origin and the number of monomers constituents. Because the new Regulation does not include this category, we would propose that it be added. This definition, moreover, is based on ECHA's standard definition for polymers. The addition of this new category would require the modification of the progressive number classifications.

Amendment 111

Proposal for a regulation

Annex II – part II – CMC 9 – paragraph 3

Text proposed by the Commission

3. The polymers shall not contain formaldehyde.

Amendment

3. The polymers shall not contain **free** formaldehyde.

Or. en

Justification

Formaldehyde is toxic only if this substance is in a free form. Otherwise the commercialisation of methylene urea (an important nitrogen based fertiliser that is widely used in agriculture and gardening) could be compromised at international level, despite the fact that it does elicit any of the concerns linked to formaldehyde.

Amendment 112

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) to be converted into a mulch film complying with the requirements of points 3 and 4 of CMC 11.

Justification

Because mulch film improves the physical and chemical soil characteristics, it is important to introduce this film as an inorganic soil improver in the new Regulation.

Amendment 113**Proposal for a regulation****Annex II – part II – CMC 10 – paragraph 2 – introductory part***Text proposed by the Commission*

2. As of [Publications office, please insert the date occurring *three* years after the date of application of this Regulation], the following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum 24 months, in a biodegradability test as specified points (a)-(c) below.

Amendment

2. As of [Publications office, please insert the date occurring *five* years after the date of application of this Regulation], the ***Commission shall adopt delegated acts in accordance with Article 43, supplementing this Regulation by proposing the criteria for the conversion of the polymeric carbon in controlled release fertilisers to CO₂ in accordance with Article 42. The*** following criterion shall be complied with: The polymer shall be capable of undergoing physical, biological decomposition, such that most of it ultimately decomposes into carbon dioxide (CO₂), biomass and water. It shall have at least 90 % of the organic carbon converted into CO₂ in maximum 24 months, in a biodegradability test as specified points (a)-(c) below. ***The biodegradability test shall be conducted as specified in points (a)-(c) below.***

Or. en

Justification

Please see the justification for the next amendments

Amendment 114**Proposal for a regulation****Annex II – part II – CMC 10 – paragraph 2 – point a**

Text proposed by the Commission

Amendment

(a) The test shall be conducted at 25°C ± 2°C.

(a) The test shall be conducted at 25°C ± 2°C **for a maximum period of 24 months;**

Or. en

Justification

Controlled release fertilisers are important fertilisers for gardening purposes (ornamental plants, golf courses and football). The new Regulation proposes to apply the same degradability criteria of mulch film, that are very different materials from the polymers used to coat the controlled release fertilisers. The amendments proposed takes in account the necessity of specifying new degradability criteria only for this category of fertilisers. The JRC should undertake new analyses and tests and, consequently, the Commission should comment on the results.

Amendment 115

Proposal for a regulation

Annex II – part II – CMC 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. On [Publications office, please insert the date of application of this Regulation] the Commission's Joint Research Centre shall start a programme setting standards for degradability testing under normal and accelerated conditions for polymers mentioned under point (a) of paragraph 1. That programme will evaluate the impact of environmental, climatic and soil conditions on degradability.

Or. en

Justification

Please see the justification for the next amendment

Amendment 116

Proposal for a regulation

Annex II – part 2 – CMC 10 – point 2 b (new)

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Text proposed by the Commission

Amendment

2b. *On [Publications office, please insert the date occurring three years after the date of application of this Regulation] the Commission shall prepare an impact assessment on the introduction of a degradability requirement for polymers other than nutrient polymers mentioned in point (a) of paragraph 1, prior to setting criteria.*

Or. en

Justification

Please see the justification for the next amendment.

Amendment 117

Proposal for a regulation Annex II – part II – CMC 11

Text proposed by the Commission

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 having reached the end point in the manufacturing chain ***as determined in accordance with that Regulation, which*** are listed in the table below and as specified therein:

Amendment

A CE marked fertilising product may contain animal by-products within the meaning of Regulation (EC) No 1069/2009 ***including hydrolysed proteins as defined in point 2 of Chapter A of Annex II of Regulation (EC) No 999/2001^{1a}.***

Animal by-products having reached the end point in the manufacturing chain are listed in the table below and as specified therein:

^{1a} Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).

Justification

Animal by-products (ABP) are subject to strict rules laid down in Regulation (EC) No 1069/2009. This regulation specifies specific safety and traceability requirements for the use of ABP-based fertilisers to prevent the misuse of these products that could pose risks to human and animal health and the environment (in particular BSE transmission). Since the World Organisation for Animal Health has classified many EU Member States as having a negligible BSE risk status, it is vital to grant free access to the internal market also to ABP-based products that have not reached the end point, when in compliance with the health regulations.

Amendment 118**Proposal for a regulation****Annex III – part 1 – paragraph 2 – point b***Text proposed by the Commission*

(b) The quantity of the CE marked fertilising product, indicated by mass **or** volume;

Amendment

(b) The quantity of the CE marked fertilising product, indicated by mass **and optionally by volume at 20 °C**;

Or. en

Justification

In order to promote correct information about the concentration of the products and avoid any misinterpretation, it is essential to specify that the declaration of nutrients is compulsory by mass unit and optional for the volume measurement. The expression of the volume value at 20° C is an international convention recognized by chemistry experts.

Amendment 119**Proposal for a regulation****Annex III – part 1 – paragraph 2 – point e a (new)***Text proposed by Commission**Amendment*

(ea) in the case of any product containing material originating from organic wastes or by-products, which has not been through a process which has destroyed all organic materials (e.g. combustion in conformity with the conditions of Article 6 of the Directive 2000/76/EC^{1a} or dissolution in

concentrated acid or alkali, or equivalent), the label will specify which wastes and by-products have been used and a batch number or production time series number. This number shall refer to the traceability data held by the producer and which identifies the individual sources (farms, factories, etc) of each organic waste/by-product used in the batch/time series. The Commission shall publish, after a public consultation and within 2 years of the entry into force of this Regulation, specifications for the implementation of this provision, which will enter into force after 3 years after the publication of the specifications.

^{1a} Directive 2000/76/EC of the European Parliament and of the Council of 4 December 2000 on the incineration of waste (OJ L 332, 28.12.2000, p. 91).

Or. en

Justification

It is necessary to ensure the traceability of products containing organic contaminants, that are potentially dangerous for human health. With the goal of obtaining high-level standards of safety for consumers, the traceability should be mandatory for all products containing some contaminants like, for example, sludge, manure and food waste, because the final product may contain significant traces of drugs, pathogens or other undesired genetic materials.

Amendment 120

Proposal for a regulation Annex III – part 1 – paragraph 4

Text proposed by the Commission

4. Where the CE marked fertilising product contains animal by-products within the meaning of Regulation (EC) No 1069/2009 other than manure, it shall carry the following user instruction: 'Farmed animals shall not be fed, either directly or by grazing, with herbage from land to

Amendment

4. Where the CE marked fertilising product contains animal by-products within the meaning of **point 2 (b)(xi) of Chapter II of Annex VIII of Regulation (EU) No 142/2011** other than manure, it shall carry the following user instruction: 'Farmed animals shall not be fed, either directly or

which the product has been applied unless the cutting or grazing takes place after the expiry of a waiting period of at least 21 days.'

by grazing, with herbage from land to which the product has been applied unless the cutting or grazing takes place after the expiry of a waiting period of at least 21 days.' ***Those instructions are required for bulk goods and for packaging heavier than 50 kg (big bags up to 1000 kg and tanks up to 1000 l). These instructions are not required for animal by-products based fertilisers containing exclusively hydrolysed proteins as specified in point A (iv), Chapter II of Annex IV to Regulation (EC) No 999/2001 and which are therefore suitable for feeding livestock.***

Or. en

Amendment 121

Proposal for a regulation Annex III – part 1 – paragraph 5

Text proposed by the Commission

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation (EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed.

Amendment

5. Where the CE marked fertilising product contains a substance for which maximum residue limits for food and feed have been established in accordance with Regulation (EEC) No 315/93, Regulation (EC) No 396/2005, Regulation (EC) No 470/2009 or Directive 2002/32/EC, the instructions referred to in paragraph 2(c) shall ensure that the intended use of the CE marked fertilising product does not lead to the exceedance of those limits in food or feed. ***Where the CE marked fertilising product is allowed to be used in organic agriculture according to Regulation (EC) No 889/2008^{1a}, it shall carry the phrase "allowed in organic farming in accordance with Regulation (EC) No 889/2008".***

^{1a} Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the

implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

Or. en

Justification

In order to improve the information for the final user, it is necessary to label appropriately the products allowed for organic farming.

Amendment 122

Proposal for a regulation

Annex III – part 2 – PFC 1 (A) – paragraph 1 – point b

Text proposed by the Commission

b. the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na;

Amendment

b. the declared nutrients magnesium (Mg), calcium (Ca), sulphur (S) or sodium (Na), by their chemical symbols in the order Mg-Ca-S-Na **when the quantity is over 1 %**;

Or. en

Justification

These kinds of nutrients are able to improve the nutritional status and physiological activities of the plant only if they are applied above a certain threshold. Fixing a minimum threshold above which these nutrients can be declared on the label, would avoid misleading products entering the market. The declaration of the above mentioned nutrients must be allowed exclusively if they exceed the 1% threshold.

Amendment 123

Proposal for a regulation

Annex III – part 2 – PFC 1 (A) – paragraph 1 – point d – indent 1

Text proposed by the Commission

- **minimum amount of** organic nitrogen (N), followed by a description of the origin of the organic matter used;

Amendment

- organic nitrogen (N), followed by a description of the origin of the organic matter used;

Justification

It is unclear why the manufacturer must declare the minimum organic nitrogen content. It is more correct that the label shows the real nutrient content that must be over the minimum limit set out by this Regulation. The only declaration of the minimum content could foster abuse and reduce transparency.

Amendment 124**Proposal for a regulation****Annex III – part 2 – PFC 1 (A) – paragraph 1 – point d a (new)***Text proposed by the Commission**Amendment*

(da) the following optional information elements may be present:

- various form of organic nitrogen (e.g. organic nitrogen soluble in the water);

- total amminoacids under and over 10 000 Da;

- racemization grade of free amino acids;

- extractable carbon, humic carbon, fulvic carbon.

Or. en

Justification

In order to provide more information to farmers, the producers may add other technical specifications useful for agricultural purposes.

Amendment 125**Proposal for a regulation****Annex III – part 2 – PFC 1 (B) – point 1 – point d – indent 1***Text proposed by the Commission**Amendment*

*- **minimum amount of** organic nitrogen (N), followed by a description of the origin of the organic matter used;*

- organic nitrogen (N), followed by a description of the origin of the organic matter used;

Or. en

Justification

It is unclear why the manufacturer must declare the minimum organic nitrogen content. It is more correct that the label shows the real nutrient content, that must be over the minimum limit set out by this Regulation. The only declaration of the minimum content could foster abuse and reduce transparency.

Amendment 126

Proposal for a regulation

Annex III – part 2 – PFC 1 (B) – point 1 – point d – indent 3 a (new)

Text proposed by the Commission

Amendment

- ***Nitrogen (N) in the form of cyanamide nitrogen;***
- ***Nitrogen (N) in the form of urea condensate with aldehydes.***

Or. en

Justification

The EC proposal does not provide the possibility of declaring some nitrogen forms. This information is essential to fully understand the nature of the products.

Amendment 127

Proposal for a regulation

Annex III – part 2 – PFC 1 (B) – point 1 – point e a (new)

Text proposed by the Commission

Amendment

- (e a) the following optional information elements may be present:***
- ***various form of organic nitrogen (e.g. organic nitrogen soluble in the water);***
 - ***total amino acids under and over 10 000 Da;***
 - ***racemization grade of free amino acids;***
 - ***extractable carbon, humic carbon, fulvic carbon***

Or. en

Justification

In order to provide more information to the farmers, the producers may also add other technical specifications useful for agricultural purposes.

Amendment 128

Proposal for a regulation

Annex III – part 2 – PFC 1 (B) – point e b (new)

Text proposed by the Commission

Amendment

*(e b) if biuret content is <0,2%, the phrase "poor in biuret" may be added;
If chloride content is <2%, the phrase "poor in chloride" may be added;*

Or. en

Justification

Biuret and chloride are phytotoxic above these thresholds.

Amendment 129

Proposal for a regulation

Annex III – part 2 – PFC 1(B) (I) – title of the right-hand column of the table

Text proposed by the Commission

Micronutrient	Intended for use on crops or grassland	<i>Intended for horticultural use</i>
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Amendment

Micronutrient	Intended for use on crops or grassland	<i>Other uses</i>
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Or. en

Amendment 130

Proposal for a regulation

Annex III – part 2 – PFC 1 (C) (I) – point 1 – point a

Text proposed by the Commission

Amendment

(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K;

(a) the declared nutrients nitrogen (N), phosphorus (P) or potassium (K), by their chemical symbols in the order N-P-K. ***The declared nitrogen content is given by the sum of ammoniacal N, nitric N, ureic N, N from urea formaldehyde, N from isobutylidene diurea, N from crotonylidene diurea and N from cyanamide.***

Phosphorus fertilisers must fulfil the following minimum solubility levels to be plant-available, otherwise they cannot be declared as phosphorus fertilisers:

– water solubility: minimum level 40% of total P,

– solubility in neutral ammonium citrate: minimum level 75% of total P,

– solubility in formic acid (only for soft rock phosphate): minimum level 55% of total P.

Or. en

Justification

In order to improve the clarity of the label, it is necessary to specify all the nitrogenous forms of the total nitrogen and the phosphorus solubility value. In particular, in order to optimise the absorption of phosphorus by the plants, which depends only on the soluble fraction from roots, it is necessary to establish the declared solubility level of Manure phosphate.

Amendment 131

Proposal for a regulation

Annex III – part 2 – PFC 1 (C) (I) – point 1 – point d – indent 4

Text proposed by the Commission

Amendment

- Nitrogen (N) from ***urea formaldehyde***, isobutylidenediurea, crotonylidenediurea;

- Nitrogen (N) from ***methylene urea***, isobutylidenediurea, crotonylidenediurea;

Or. en

Justification

It is necessary to change the term “urea formaldehyde” in “methylene urea”. This is due to the fact that the term “formaldehyde” generates confusion and misinterpretation with regard to this product that, in fact, does not contain any traces of the chemical formaldehyde. Formaldehyde is one of the basic products used for the production of this fertiliser but it is not present in the final product. It is now clear that the term methylene urea is the most appropriate because it represents the product polymer without the presence of the monomers (formaldehyde).

Amendment 132

Proposal for a regulation

Annex III – part 2 – PFC 1 (C) (I) (a) – point 3 – point c

Text proposed by the Commission

(c) powder, where at least 90% of the product can pass through a sieve with a mesh of **10** mm, or

Amendment

(c) powder, where at least 90% of the product can pass through a sieve with a mesh of **1** mm, or

Or. en

Justification

The value indicated in the text is wrong. The sieves efficiently used for the granular products cannot be wider than 1 mm.

Amendment 133

Proposal for a regulation

Annex III – part 2 – PFC 1 (C) (I) (b) – point 2

Text proposed by the Commission

2. The nutrient content shall be indicated as a percentage by mass **or** volume of the CE marked fertilising product.

Amendment

2. The nutrient content shall be indicated as a percentage by mass **and optionally also by volume at 20 °C** of the CE marked fertilising product.

Or. en

Justification

In order to promote correct information about the concentration of the products and avoid any misinterpretation by the farmers, it is essential to specify that the declaration of nutrients is compulsory by the mass unit and optional for the volume measurement. Expressing the volume value at 20 ° C is an international convention recognised by chemistry experts.

Amendment 134

Proposal for a regulation

Annex III – part 2 – PFC 1(C) (I) (a) – point 5– title of the right-hand column of the table

Text proposed by the Commission

Micronutrient	Intended for use on crops or grassland	<i>Intended for horticultural use</i>
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Amendment

Micronutrient	Intended for use on crops or grassland	<i>Other uses</i>
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Or. en

Amendment 135

Proposal for a regulation

Annex III – part 2 – PFC 3 – indent 3

Text proposed by the Commission

Amendment

- ***Total nitrogen (N) content;*** ***deleted***

Or. en

Justification

The only purpose of soil improvers is to improve the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 136

Proposal for a regulation

Annex III – part 2 – PFC 3 – indent 4

Text proposed by the Commission

Amendment

- ***Total phosphorus pentoxide (P₂O₅)*** ***deleted***

content;

Or. en

Justification

The only purpose of soil improvers is to improve the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 137

**Proposal for a regulation
Annex III – part 2 – PFC 3 – indent 5**

Text proposed by the Commission

Amendment

- *Total potassium oxide (K₂O)* *deleted*
content;

Or. en

Justification

The only purpose of soil improvers is to improve the physical and chemical soil structure and not to release nutrients. Providing the possibility to declare nutrients content could encourage inappropriate uses of these products.

Amendment 138

**Proposal for a regulation
Annex III – part 2 – PFC 6 – point b**

Text proposed by the Commission

Amendment

(b) *manufacturing and* expiry date; (b) manufacturing and *in the case of microbial biostimulants also the* expiry date;

Or. en

Justification

Farmers should be aware that the expiration date regarding bio-stimulant products only refers to those containing micro-organisms (as they are the only ones susceptible to deterioration). Moreover, the inclusion on the label of detailed recommendations about the size of the nozzles and distribution pressure is unnecessary. These kinds of recommendations

for the correct use of the products could potentially be harmful, since these applications are inextricably linked to the environmental conditions in which the products are used.

Amendment 139

Proposal for a regulation Annex III – part 2 – PFC 6 – point g

Text proposed by the Commission

(g) any relevant instructions related to the efficacy of the product, including soil management practices, chemical fertilisation, incompatibility with plant protection products, ***recommended spraying nozzles size and sprayer pressure.***

Amendment

(g) any relevant instructions related to the efficacy of the product, including soil management practices, chemical fertilisation, incompatibility with plant protection products.

Or. en

Justification

Farmers should be aware that the expiration date regarding bio-stimulant products only refers to those containing micro-organisms (as they are the only ones susceptible to deterioration). Moreover, the inclusion on the label of detailed recommendations about the size of the nozzles and distribution pressure is unnecessary. These kinds of recommendations for the correct use of the products could potentially be harmful, since these applications are inextricably linked to the environmental conditions in which the products are used.

Amendment 140

Proposal for a regulation Annex III – part 3 – PFC 1(B) – table

Text proposed by the Commission

Permissible tolerance for the declared content of forms of inorganic macronutrient						
N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25% of the declared content of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± 25% of the declared content of those nutrients up to a maximum of 1,5 percentage points in absolute terms.			± 25% of the declared content up to a maximum of 0,9 percentage points in absolute terms

Amendment

Permissible tolerance for the declared content of forms of inorganic macronutrient						
N	P ₂ O ₅	K ₂ O	MgO	CaO	SO ₃	Na ₂ O
± 25% of the declared content of each of the nutrient forms present up to a maximum of 2 percentage point in absolute terms			± 25% of the declared content of each of those nutrients up to a maximum of 1,5 percentage points in absolute terms.		± 25% of the declared content up to a maximum of 0,9 percentage points in absolute terms	

Or. en

Justification

To clarify the text of the proposal. This amendment makes it clear that the tolerance of ± 25% applies to each nutrient.

Amendment 141

**Proposal for a regulation
Annex III – part 3 – PFC 4 – table**

Text proposed by the Commission

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
pH	± 0,7 at the time of manufacture ± 1,0 at any time in the distribution chain
Quantity by volume (litres or m ³)	- 5% relative deviation at the time of manufacture - 25% relative deviation at any time in the distribution chain
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5% relative deviation at the time of manufacture - 25% relative deviation at any time in the distribution chain
Quantity (volume) determination of pre-	- 5% relative deviation at the time of

shaped GM	manufacture - 25% relative deviation at any time in the distribution chain
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture ± 75% relative deviation at any time in the distribution chain

Amendment

Forms for the declared nutrient and other declared quality criteria	Permissible tolerances for the declared parameter
Electric conductivity	± 50% relative deviation at the time of manufacture
pH	± 0,7 at the time of manufacture
Quantity by volume (litres or m ³)	- 5% relative deviation at the time of manufacture
Quantity (volume) determination of materials with particle size greater than 60 mm	- 5% relative deviation at the time of manufacture
Quantity (volume) determination of pre-shaped GM	- 5% relative deviation at the time of manufacture
Water-soluble nitrogen (N)	± 50% relative deviation at the time of manufacture
Water-soluble phosphorus pentoxide (P ₂ O ₅)	± 50% relative deviation at the time of manufacture
Water-soluble potassium oxide (K ₂ O)	± 50% relative deviation at the time of manufacture

Or. en

Justification

Growing media are organic products exposed to physical, chemical and microbiological

degradation, with consequent alterations of their characteristics. These changes can take place at any stage in the distribution chain and depend on the different conditions and periods of storage. The producer is responsible for his own product only until the sale of the product to the consumer. For this reason the extension of the permissible tolerance control along the supply chain could be misleading. The company should be liable until the product is sold.

Amendment 142

Proposal for a regulation

Annex III – part 3 – PFC 6 – title of the left side of the table

Text proposed by the Commission

Amendment

Declared content in g/kg or g/l at 20°C

Declared content *as specified in point (e) of paragraph 2 of Part I of this Annex* at 20°C-25°C

Or. en

Justification

This amendment makes the Commission's text more complete. The use of 25°C is standard practice in some countries.