

Input on phosphonates

2 June 2014 Fertilisers Working Group

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With regard to **Agenda item 4(b) Problem of phosphonate in EC fertilisers (German request)**

- The Commission's discussion paper on this topic is limited to an interpretation of the legal/regulatory situation as it exists today. However, EBIC is concerned about the potential negative impacts of overly strict interpretations with regard to biostimulants effects of phosphonate, which are scientifically demonstrated effects, but not yet recognized by European law. (EBIC can provide scientific literature supporting these claims.) Where such products are accommodated at national level, it is often under the national fertilizer law(s).
- EBIC is concerned that until the future fertilizing materials regulation enters into application in ~5 years, there will effectively be a moratorium on biostimulants containing phosphites, even if they make no PPP claims and are not used in ways that are similar to those that have demonstrated fungicidal effects.
- EBIC is also concerned about a phenomenon that has been observed of some member states considering that any substance listed as a PPP active ingredient cannot be placed on the market for other purposes, which contradicts the principle of dual use. The most flagrant case at the moment is Spain where companies have recently received letters informing them of the need to withdraw from the market any product containing seaweed extracts that have not been registered as PPP products. Not only does this principle violate the principle of dual use, it seems inexplicable given the complex, multicomponent nature of seaweed and plant extracts. A generalization of this practice would require the following substances – among many others – to be forbidden as fertilizers: urea, iron sulphate, boron/boric acid, micro-organisms with clear fertilizing properties such as Trichoderma, and seaweed. Obviously, this is not a sensible position.
- A dogmatic approach to forbidding other uses of substances registered as PPP active ingredients also has the potential perverse effect of restricting competition: large companies could feasibly register biostimulants substances as PPP actives under the current situation in order to prevent small and medium enterprises from being allowed to use them in biostimulants products authorized under national fertilizer laws.
- **EBIC urges the Member States to take a coordinated and pragmatic approach to dealing with biostimulants products that fall into the “dual use” category during the transitional period until the future fertilizing materials regulation is in place.**
- **EBIC understands and shares concerns about abuse of the legal void that exists until the new regulation is in place. That is why we have asked DG Enterprise to hold a joint workshop on designing and testing practical measures to manage biostimulants that contain dual-use substances (and micro-organisms).**
- To take the example of MRLs, labelling to inform farmers that products contain substances that should be taken into account when managing residues, etc. would be one possible management measure.