

February 8, 2018

Subject: Revision of the Fertilisers Regulation (EC) No 2003/2003 – Trilogue negotiations

Attention to: Members of the Council of the European Union and Members of the European Parliament

Dear Madame/Sir,

The European Commission's proposed fertilizer regulation – which among others aims to better protect human health and the environment by reducing exposure to lead, arsenic, chromium and mercury as well as cadmium – is at a crossroads: the start of the trilogue discussions between the Commission, the European Parliament and the Council. Although clear scientific and economic support for the proposal has been shared across the different stakeholders, opposition remains intact. **It is therefore the purpose of this letter to remind the members of Parliament/Council of the potential risks of inaction and the goals of the regulation.**

Safer Phosphates™ (SPhos) is a network committed to improving the environmental footprint of phosphate-based mineral fertilizer use. It was formed to develop and share knowledge on the subject, improving our common understanding of the potential risks and actions that support food security and sustainable agriculture.

The SPhos network would like to **reiterate its support** for:

1. The European Commission's proposal to limit Cadmium (Cd) values in phosphate fertilizers to **a maximum of 20 mg/kg P₂O₅**, in order to protect the longer-term wellbeing of EU consumers.
2. The **right for consumers to know** what is in the fertilizers they are using, through **clear labelling** of ingredients assuring the lack of contamination.

While the Parliament is largely in agreement with the original proposal, the Council has expressed an opposing opinion. This proposes a unique limit of 60 mg Cd/kg P₂O₅, allowing for individual states to keep stricter standards within their borders, if they wish. **SPhos is concerned by this development, as it does not follow outcomes presented by:**

1. Römken et al. (2017), namely that limit values need be <20 mg/kg P₂O₅ in grassland and arable soils and 0 mg/kg P₂O₅ in arable soils only to prevent further accumulation
2. Smolders (2017), which outlines that the average Cd content in EU fertilizers (n≅400) was already 32 mg Cd in 2014. Therefore, a limit of 60 or 40 mg Cd only, with all member states gradually adapting to this limit, would actually worsen the current situation.

SPhos observes further that the recommendations made by Council **do not fulfil the goals of the of new regulation**, which are to:

1. **Harmonize EU law**, creating a single common market to assure commerce between member states, and
2. **Act in the best interest of the European supranational welfare.** This includes the interests of several stakeholders, including: taxpayers, who need to pay for environmental externalities; farmers, who have the right to demand access to high-quality fertilizers and greater transparency to secure soil health and the marketability of their farm products; consumers of crops produced on EU soils to secure access to safe foods and their health - in line with increasing numbers of maximum limits for heavy metals in food/food standards

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set by Codex Alimentarius (WHO/FAO); and those members of the industry/circular economy who are promoting a viable, innovative and competitive agri-food sector.

As such, it may well be that comfort and convenience will determine the final limit. Among the interested political leaders, scientists, industry players and the public at large, there exists a right to know how the information commissioned, offered and made available to the EU during the process is playing out in the decision-making process and traded-off. A similar level of transparency and scrutiny should be expected in the political process as is demanded from scientific and economic data.

SPhos remains committed to support the European institutions by providing relevant information¹ and by promoting action options to reduce Cd accumulation in soils. We stress, again, that the proposal to introduce maximum Cd limits on a progressive basis (60/40/20) will have limited and justifiable impact on EU producers and the jobs that they offer. Moreover, as decadmiation is both technically and economically feasible, the gradual tightening of limits would offer any supplier not meeting the required standards today sufficient operating space to adjust.

Yours sincerely,

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¹ E.g. 2017 Policy Primer: „8 misconceptions about proposed EU limits for Cd – A clarifying note“. Available at <https://www.saferphosphates.com/news/8-misconceptions-about-proposed-eu-limits-for-cadmium-a-clarifying-note>