



# Draft Fertilising Products Regulation

## EBIC's 3 Main Concerns

16 November 2016  
Scotland House | Brussels

### Concern 1: Several provisions of the regulation undermine the desired innovation

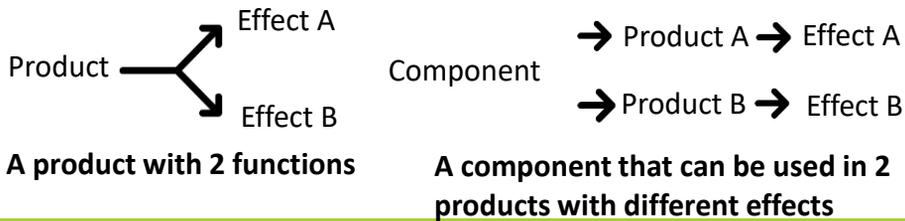
- Add recital language referencing the recently adopted Directive on trade secrets (which hadn't been finalized when the draft fertilizing products regulation was published)
- Ensure that key raw materials currently used safely are included in the regulation (CMC 2, CMC 6, CMC 7, CMC 11 and new category for natural (plant-derived) polymers, not to mention peat, lignite and leonardite)
- Positive lists only work for commodities, not R&D-based components. (It is unfair competition to expect innovators to share outcome of research with companies that don't invest/share costs.)

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## Concern 2: Need to distinguish between components & products

EU legislation already recognises that **components may have different effects depending on how they are used** e.g. urea and copper sulphates are plant protection active ingredients and used as fertilisers



**Product = Formulation (ingredients & relative concentrations) + conditions of use (e.g. crop(s), application method, timing, etc.) + packaging/labelling, etc.**

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## Why does this distinction matter?

- Important for innovation
- Important to avoid commoditization
- As research into “softer” plant protection products finds new uses for more and more common substances, the list of active ingredients will continue to grow, eroding the possibility to use substances for other effects in the absence of this principle

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### Concern 3: Companies need a pathway for commercialising more effective and even safer microbial biostimulants

- The preliminary list **only contains 4 microorganisms** whereas many more are used in biostimulants that are already on the market
- The process COM foresees for updating the list would only be appropriate for microorganisms in the public domain as it would **force companies to share the results of their privately funded research with competitors.**

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### 1<sup>st</sup> MO proposal

- Modify the introductory text of CMC7 which currently lists which microorganisms “may be contained” in fertilising products to say “The following micro-organisms, including dead or empty-cell micro-organisms and non-harmful residual elements of the media on which they were produced, may be considered safe for use in plant biostimulants:”
- Differentiates safety evaluation from justification of claim which must be conducted at the product level

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## 2<sup>nd</sup> MO proposal

Add the following categories of “safe” MOs as lines in the CMC7 table, cross-referencing\* the appropriate EU legislation:

- Microorganisms allowed to be incorporated in or used in the processing of foodstuffs or microorganisms registered as feed additives, microorganisms registered as biocides (provided in each case that a distinct biostimulant function can be demonstrated for the product)
- Any microorganism (or consortium of microorganisms) that has been evaluated as being safe for use as a biostimulant using relevant common specifications (Art. 13) or harmonised standards (Art. 12)

7 \* Subject to appropriate data protection rules



## For more information

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Thank you