



Federal Ministry
of Food
and Agriculture

Plant Protection and / or Biostimulation – a Regulatory Point of View



PPP – Plant Protection Products

Regulation (EC) No 1107/2009 defines PPP (Article 2):

- products, in the form in which they are supplied to the user
- consisting of or containing active substances, safeners or synergists
- and intended for one of the following uses:

... PPP ...

→ protecting plants or plant products against all harmful organisms or preventing the action of such organisms,

unless the main purpose of these products is considered to be for reasons of hygiene rather than for the protection of plants or plant products

→ influencing the life processes of plants, such as substances influencing their growth, other than as a nutrient

... PPP ...

- preserving plant products, in so far as such substances or products are not subject to special Community provisions on preservatives
- destroying undesired plants or parts of plants, except algae unless the products are applied on soil or water to protect plants
- checking or preventing undesired growth of plants, except algae unless the products are applied on soil or water to protect plants

Biostimulants – at present, substances or products with various definitions

- European Commission
- EBIC
- Industry
- Scientific community
- ...

→ but ...

Proposal

for a regulation of the European Parliament
and of the Council laying down rules
on the making available on the market
of EU marked fertilising products
amending Regulations (EC) No 169/2009
and (EC) No 1107/2009

→ Interinstitutional file 2016/0084 (COD), Brussels 7th November 2016

Biostimulants – related to fertilisation

- Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes.
- Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products.
- Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009.

Biostimulants – definition

- Regulation (EC) No 1107/2009 is amended as follows:
- (1) Article 2(1) (b) is replaced by the following:
 - "(b) influencing the life processes of plants, such as substances influencing their growth, other than as a nutrient or a plant biostimulant;"
- (2) in Article 3, the following point is added:
 - "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 characteristics of the plant:
 - (a) nutrient use efficiency;
 - (b) tolerance to abiotic stress;
 - (c) quality traits."

→ “**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 *characteristics of the plant:*

- (a) **nutrient use efficiency**
- (b) **tolerance to abiotic stress**
- (c) **quality traits**

Product Function Category (**PFC**) 6 – plant biostimulants

A microbial plant biostimulant

B non-microbial plant biostimulant

→ When the new regulation will enter into force, national regulations will not be replaced, however full harmonisation is still under discussion and could be prepared.

(5) *Contrary to most other product harmonisation measures in Union legislation, Regulation (EC) No 2003/2003 does not prevent non-harmonised fertilisers from being made available on the internal market in accordance with national law and the general free movement rules of the Treaty. In view of the very local nature of certain product markets, this possibility should remain.*

→ Will it be possible that products can be both PPP and biostimulant?

(15) *Certain substances, mixtures and micro-organisms, commonly referred to as plant biostimulants, are not as such nutrients, but nevertheless stimulate plants' nutrition processes. Where such products aim solely at improving the plants' nutrient use efficiency, tolerance to abiotic stress, or crop quality traits, they are by nature more similar to fertilising products than to most categories of plant protection products.*

Such products should therefore be eligible for CE marking under this Regulation and excluded from the scope of Regulation (EC) No 1107/2009 of the European Parliament and of the Council. Regulation (EC) No 1107/2009 should therefore be amended accordingly.

→ Will it be possible that products can be both PPP and biostimulant?

→ **NO**

(16) *Products with one or more functions, 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.*

Article 4 – Product requirements

1. A EU fertilising product shall

- (a) meet the requirements set out in **Annex I** for the relevant product *function category*;
- (b) meet the requirements set out in **Annex II** for the relevant *component material category* or categories;
- (c) be labelled in accordance with the *labelling requirements* set out in **Annex III**.

Article 42 – Amendments of Annexes

(2) Micro-organisms

Where the Commission amends Annex II in order to add new micro-organisms or strains of micro-organisms to the component material category for such organisms, it shall do so, after having verified which strains of the additional micro-organisms are fulfilling the provisions [...], on the basis of the following data:

- (a) name of the micro-organism
- (b) taxonomic classification of the micro-organism: genus, species, strain and procurement method
- (c) ...

...

- (d) scientific literature reporting about safe production, conservation and safe use of the micro-organism
- (e) taxonomic relation to micro-organisms species fulfilling the requirements for a Qualifies Presumption of Safety as established by the European Food Safety Authority
- (f) information on the production process
- (g) information on the identity and residue levels of residual intermediates, toxins or microbial metabolites in the component material
- (h) natural occurrence, survival an mobility in the environment

Component Material Category 7: Micro-organisms

An EU-fertilising product belonging to product function category 6(A) [PFC 6(A): microbial plant biostimulants] 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

- have undergone no other processing than drying or freeze-drying and
- are listed in the table below.

Azotobacter spp.

Mycorrhizal fungi

Rhizobium spp.

Azospirillum spp.