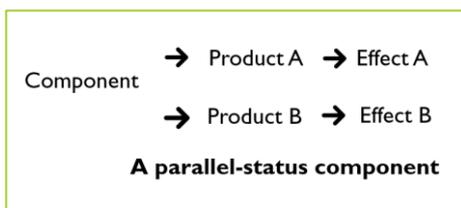


28 February 2017

**The draft fertilising products regulation must ensure a clear boundary between fertilising products and plant protection products, while acknowledging that they may have some common ingredients.**

The same substance may fulfill different functions, depending on the context. This simple principle is at the root of the wide range of products sold today using different combinations of the same materials and substances. The same principle applies to agricultural inputs: although they may share some ingredients, they provide different functions to crops and farmers.

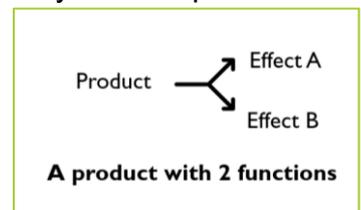
Several factors work together to determine what a product's function is:



- the claim(s) being made (i.e. the primary function);
- relative concentration of components and their exact combination;
- the timing, dose and placement of application;
- the crop it is applied to, and
- other parameters.

In addition, **it is conventional to distinguish between the primary function of the product, which provides its commercial interest, and secondary, weak effects that are not commercially viable.**

Because terms like “dual-use component” and “dual-use product” are often confused, we suggest using clearer language. “Parallel-status components” are components that may be incorporated into products with different functions. Depending on the product function, the regulatory pathway (i.e. status) is different. This is **in contrast with “double-function products”** that are sold with two or more intended functions under different regulatory frameworks. **Products with a weak, secondary effect that is not claimed are not double-function products.**



### **Components with multiple functions recognised under different regulations**

The table on the next page shows some well-known components recognised to have different functions, depending on the product.

Other such substances include calcium oxide, calcium carbonate, citric acid, lactic acid, and acetic acid.

Within plant protection, there is even recognition that active ingredients may be used as co-formulants, in which case, they become subject to REACH requirements. Examples are maltodextrin, rape seed oil and chitosan.

At least one company has had to withdraw a biostimulant containing citric acid because it is registered as a plant protection active ingredient. Most people know citric acid as lemon juice.

**What we are asking is that biostimulant components receive fair and equitable treatment in line with this long history of practice. The stakes are high. Failure to get the nuances right can preempt innovation: As more “common substances” are registered as active ingredients, fewer would be available for other uses, effectively giving “squatter’s rights” to companies having registered the substances, even when they are not covered by patents.**

<b>Component</b>	<b>Fertiliser</b>	<b>Biostimulant</b>	<b>Plant protection / biocide</b>	<b>Cosmetics</b>	<b>Other</b>
<i>Amino acids / hydrolyzed proteins</i>	Italy*, Spain (organic fertilizer)	Italy	EU (attractant)		
<i>Iron sulphate</i>	EU (micronutrient)		EU (herbicide)		
<i>Sodium octoborate</i>	EU (micronutrient)		EU (biocide)		
<i>Urea</i>	EU (nutrient)		EU (herbicide, attractant)	EU	
<i>Copper compounds</i>	EU (micronutrient)		EU (bactericide, fungicide)		
<i>Seaweed extracts &amp; powders</i>	Italy, Spain, France (organic fertilizer)		EU (plant growth regulator)	EU	EU (food & feed)
<i>Blood meal</i>	Italy, France (organic fertilizer)		EU (repellent)		
<i>Trichoderma</i>	Italy (mixed with mycorrhizae)		EU (fungicide)		
<i>Maltodextrin</i> <i>Sodium bicarbonate</i> <i>Potassium bicarbonate</i> <i>Rape seed oil</i>			EU		EU (use as a co-formulant for plant protection products subject to REACH)
<i>Chitosan</i>		Chitin, a natural polymer from which chitosan is derived, has biostimulant properties	EU		EU (use as a co-formulant for plant protection products subject to REACH)

\* The country name or "EU" indicates the jurisdiction(s) that recognise this effect.