

FRENCH REPUBLIC

Ministry of Agriculture and Food
Sovereignty

Order of establishing the maximum permissible levels of metal trace elements and organic trace compounds added to the soil when fertilisers are used

NOR:

The Minister for Agriculture and Food Sovereignty, the Minister for the Economy, Finance and Industrial and Digital Sovereignty, the Minister for the Ecological Transition, Biodiversity, Forests, Marine Affairs and Fisheries, the Minister for Health and Access to Healthcare

Having regard to Regulation (EC) 852/2004 of the European Parliament and of the Council of 29 April 2004, as amended, on the hygiene of foodstuffs;

Having regard to the Environmental Code, in particular Articles L511-1, L511-2, L541-4-3, R211-1 and R541-8 thereof;

Having regard to the Rural and Maritime Fishing Code, in particular Article L255-16 thereof;

Having regard to Decree No 80-478 of 16 June 1980, as amended, implementing Article L412-1 of the Consumer Code concerning fertilisers and cultivation substrates;

Having regard to Decree No xxx of xxx establishing the agronomic performance and safety criteria for fertilisers and growing media;

Having regard to opinions 2020-SA-0146 of 28 January 2020 and 2021-AST-0120 of 2 November 2021 of the National Agency for Food, Environmental and Occupational Health and Safety;

Having regard to the release of the draft Order to the public from xxx to xxx 2023 with a view to their participation, in accordance with Article L123-19-1 of the Environmental Code,

Hereby order:

Article 1

Persons responsible for placing a Category A1 or A2 fertiliser on the market shall ensure that the conditions of use make it possible, in the case of fertilisation using that material alone, to

comply with the values set out in Annex I for each metal trace element and organic trace compound.

The annual inputs of metal trace elements contained in a fertiliser, as referred to in Table 1 in Annex I, may be exceeded, within the limits of their respective one-off inputs, provided that the frequency of use of the fertiliser is adjusted so that the average of the inputs of the most limiting metal trace element does not exceed the value of the reference annual flow over the period between each application. The reference annual flow of a metal trace element or an organic trace compound shall correspond to its maximum input by mass on one hectare of soil in a given calendar year.

Professional users of Category A1 or A2 fertilisers shall ensure compliance with the values set out in Annex I for the inputs of these materials over a given surface area.

Article 2

Producers of Category B2 fertilisers shall ensure compliance with the values set out in Annexes II and III when supplying materials in this category.

By way of derogation, inputs of the following materials, when applied as fertilisers, shall not be subject to the obligation referred to in the first subparagraph:

- soils resulting from the washing of plants;
- non-hazardous dredging sediments that meet the requirements laid down in [the relevant guides published on the official websites of the Ministries of Environment and Agriculture ‘Agricultural use of dredging sediments: criteria for environmental and agricultural soil acceptability.’].

Article 3

The annexes to this Order shall be amended after consultation with ANSES.

Article 4

The Director-General for Risk Prevention, the Director-General for Biodiversity and Water, the Director-General for Competition Policy, Consumer Affairs and Fraud Control, the Director-General for Economic Performance, the Director-General for Health and the Director-General for Food shall be responsible, each within the scope of their respective competences, for the implementation of this Order, which shall be published in the *Official Journal* of the French Republic.

Article 5

This Order shall be published in the Official Journal of the French Republic.

Done on [].

The Minister for the Economy, Finance and
Industrial and Digital Sovereignty

Eric Lombard

The Minister for the Ecological
Transition, Biodiversity, Forests, Marine
Affairs and Fisheries

Agnès Pannier-Runacher

The Minister for Agriculture and Food
Sovereignty

Annie Genevard

The Minister for Health and Access to
Healthcare

Yannick Neuder

ANNEX I

Table 1 – Maximum permissible inputs of metal trace elements for a Category A1 or A2 fertiliser

	Reference annual flow (g/ha)	Only for a professional user One-off input (g/ha) with frequency of use adapted accordingly
As	90	270
Cd	2	6
Cr	600	1 800 ⁽¹⁾
Cu	1 000	3 000
Hg	10	30
Ni	300	900 ⁽²⁾
Pb	900	2 700
Zn	3 000	6 000

(1) Except for the specific designations of fertilisers produced and used on Reunion Island that comply with Standard NF U44-051: 4 950 g/ha. Only for A2.

(2) Except for the specific designations of fertilisers produced and used on Reunion Island that comply with Standard NF U44-051: 3 000 g/Ha. Only for A2.

Table 2 – Maximum permissible inputs of organic trace compounds for a Category A1 or A2 fertiliser

		Reference annual flow (g/ha)
Polycyclic aromatic hydrocarbons (PAHs)	Fluoranthene	6
	Benzo[b]fluoranthene	4
	Benzo[a]pyrene	2
Polychlorobiphenyls (PCB)	Sum of the six congeners PCB 28, 52, 101, 138, 153, 180	1.2

ANNEX II

Table 1 – Maximum permissible inputs of metal trace elements for a Category B2 fertiliser

	Reference annual flow (g/ha)	One-off input (g/ha) with the input frequency adjusted accordingly
As	90	270
Cr	600	1 800 ⁽¹⁾
Cu	1 000	3 000
Hg	10	30
Ni	300	900 ⁽²⁾
Pb	900	2 700
Zn	3 000	6 000

(1) Except for organic soil improvers originating exclusively from volcanic soils on Reunion Island for use exclusively on sugar cane crops grown on Reunion Island and on public green spaces on Reunion Island: 4 950 g/ha.

(2) Except for organic soil improvers originating exclusively from volcanic soils on Reunion Island for use exclusively on sugar cane crops grown on Reunion Island and on public green spaces on Reunion Island: 3 000 g/ha.

‘Public green spaces’ means vegetated public areas, to the exclusion of any area in which plants are grown for human or animal consumption.

Table 2 – Maximum permissible inputs of organic trace compounds for a Category B2 fertiliser

		Reference annual flow (g/ha)
Polycyclic aromatic hydrocarbons (PAHs)	Fluoranthene	6
	Benzo[b]fluoranthene	4
	Benzo[a]pyrene	2
Polychlorobiphenyls (PCB)	Sum of the six congeners PCB 28, 52, 101, 138, 153, 180	1.2

ANNEX III

Table 1 – Maximum permissible inputs of cadmium for a Category B2 fertiliser.

Start date of the period in question	End date of the period in question	Reference annual flow (g/ha)	One-off input (g/ha) with the input frequency adjusted accordingly	Total input over the period in question (g/ha)
Entry into force	31/12/2029	10	15	30
01/01/2030	31/12/2032	5	10	15
As of 01/01/2033	/	2	6	/