



## FEFANA Position

On

### Proposed Directive of the European Parliament and of the Council on the protection of groundwater against pollution

#### Special emphasis: Prevention of discharge in the environment of trace elements

FEFANA considers that the proposal for the prevention of inputs of hazardous substances in the environment (Article 6 of the proposed Directive) is too far reaching in the case of certain products listed in Annex VIII of Directive 2000/60, in particular for substances also used as feed additives. The mandate given to the Member States to classify substances as hazardous if so decided is not acceptable from an Industry point of view, as it may impair predictability and a harmonised approach to implementation.

The authorisation of additives in animal nutrition is based on an in-depth evaluation of the safety of use of the additive for the animal, human health and the ENVIRONMENT, including groundwater. Therefore, FEFANA proposes that there should be an exemption for feed additives. Furthermore, such additives are necessary for feed and animal production. We therefore propose that the use of substances listed in Annex VIII of Directive 2000/60 of feed additives should be exempted from the measures mentioned in Article 6 (a). FEFANA supports however the general idea of further imposing in the guidelines, for example in the authorisation of feed additives, the need for in-depth risk evaluation in terms of further protection for groundwater but this should be proportionate to intended use and potential risk.

#### Amendment proposal

Current wording	FEFANA Proposal
<p>In order to achieve the objective of preventing or limiting inputs of pollutants into groundwater, established in accordance with Article 4(1)(b)(i) of Directive 2000/60/EC, Member States shall ensure that the programme of measures established in accordance with Article 11 of that Directive includes:</p> <p>(a) all measures necessary to aim to prevent inputs into groundwater of any hazardous substances. In identifying such substances, Member States shall in particular take account of hazardous substances belonging to the families or groups of pollutants referred to in points 1 to 6 of Annex VIII to Directive 2000/60/EC, as well as of substances</p>	<p>In order to achieve the objective of preventing or limiting inputs of pollutants into groundwater, established in accordance with Article 4(1)(b)(i) of Directive 2000/60/EC, Member States shall ensure that the programme of measures established in accordance with Article 11 of that Directive includes:</p> <p>(a) all measures necessary to aim to prevent inputs into groundwater of any hazardous substances. In identifying such substances, Member States shall in particular take account of hazardous substances belonging to the families or groups of pollutants referred to in points 1 to 6 of Annex VIII to Directive 2000/60/EC, as well as of substances</p>

<p>belonging to the families or groups of pollutants referred to in points 7 to 9 of that Annex, where these are considered to be hazardous;</p> <p>(b) for pollutants listed in Annex VIII to Directive 2000/60/EC which are not considered hazardous, and any other non-hazardous pollutants not listed in that Annex considered by Member States to present an existing or potential risk of pollution, all measures necessary to limit inputs into groundwater so as to ensure that such inputs do not cause deterioration of good groundwater chemical status, do not cause any significant and sustained upward trends in the concentrations of pollutants in groundwater, and do not otherwise cause pollution of groundwater. Such measures shall take account of established best practice, including the Best Environmental Practice and Best Available Techniques specified in the relevant Community legislation.</p> <p>For the purpose of establishing measures referred to in points (a) or (b), Member States may, as a first step, identify the circumstances under which the pollutants listed in Annex VIII to Directive 2000/60/EC, in particular essential metals and their compounds referred to in point 7 of that Annex, are to be considered hazardous or non-hazardous.</p>	<p>belonging to the families or groups of pollutants referred to in points 7 to 9 of that Annex, where these are considered to be hazardous;</p> <p>(b) for pollutants listed in Annex VIII to Directive 2000/60/EC which are not considered hazardous, and any other non-hazardous pollutants not listed in that Annex considered by Member States to present an existing or potential risk of pollution, all measures necessary to limit inputs into groundwater so as to ensure that such inputs do not cause deterioration of good groundwater chemical status, do not cause any significant and sustained upward trends in the concentrations of pollutants in groundwater, and do not otherwise cause pollution of groundwater. Such measures shall take account of established best practice, including the Best Environmental Practice and Best Available Techniques specified in the relevant Community legislation.</p> <p><b>The use of substances listed in Annex VIII to Directive 2000/60/EC, which are authorized as additives in animal nutrition, after evaluation of environmental risk within the framework of Regulation No 1831/2003 and its guidelines, shall be considered as non-hazardous.</b></p> <p>For the purpose of establishing measures referred to in points (a) or (b), Member States may, as a first step, identify the circumstances under which the pollutants listed in Annex VIII to Directive 2000/60/EC, in particular essential metals and their compounds referred to in point 7 of that Annex, are to be considered hazardous or non-hazardous.</p>
<i>Justification</i>	
<p><i>Some trace elements (notably copper and zinc) are essential for animal production and their use shall therefore not be prohibited by the application of the proposed Directive. However, it is clear that discharge of such substances should be limited. And a thorough risk assessment and use under well defined controlled conditions as stipulated at the authorization of the additive should ensure this. This therefore ensures that these substances are regulated to fulfill the requirement of this proposed Directive.</i></p>	

## Background

The use of trace elements is regulated by Regulation No 1831/2003 on additives in animal nutrition, where the safety of use of the additive on the environment is one of the key points for the authorisation. Recently, the use of copper and zinc salts has been limited based on a thorough environmental risk assessment, especially regarding ground water.

The Regulation No 1831/2003 foresees a re-evaluation of all existing feed additives (Article 10). This re-evaluation is linked to a rapid publication of guidelines for the assessment of feed additives. Guidelines for feed additives are currently being reviewed by the Commission and the Member States and FEFANA would propose that these new guidelines take into account the relevant environmental legislative framework, including the current proposal.

The use of trace elements is essential for animal nutrition and welfare and should therefore be continued taking into account safety of the animals, human and environment. The use of these additives is regulated under strict conditions and after adapted risk evaluation. As part of the assessment evaluates the safety of use of the additives for the environment and groundwater in particular, FEFANA therefore considers that the impact of the use of these additives on the environment can be managed through the authorisation conditions and shall not fall under the general conditions of the proposed directive.

In order to ensure coordinated and adapted evaluation, FEFANA proposes that the level of evaluation of substances listed in the Annex VIII of Directive 2000/60 should be more demanding than for other types of feed additives. In a formal way, FEFANA considers that when a substance listed in this Annex, it should immediately follow the requirement of Phase II of the environmental risk from feed additives.