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Background

The process of the revision of the Annex III gives us all the unique opportunity to correct those provisions which were set incorrectly in the past and which implementation proved to be problematic. Particularly controversial is the limit for P in livestock manure applied to agricultural land to be used simultaneously with the limit for N without providing a necessary flexibility in application. It turned out to be in opposition to agricultural practice in many countries – members of HELCOM, including Poland.

While generally there are no objections to the limit for N (the limit for N of the same value – 170 kg/ha/year – has been imposed also by the EU regulations), the validity of the limit for P (25 kg/ha/year) to be used together with the limit for N can be questioned. The EU regulations did not impose the limit for P. There are no convincing scientific arguments that can be provided for setting this particular value of the limit.

The limit for P (25 kg/ha/year) in manure applied to agricultural land is problematic and unrealistic because in many cases the amount of manure calculated with the use of this limit is too low to deliver sufficient amount of nutrients to sustain a balanced plant production. It results primarily in lack of sufficient amount of N, which is far below the allowable limit of 170 kg/ha/year. Both limits are strictly inter-related. In other words, application of P in livestock manure within the limit (25 kg/ha/year) entails reduction of the amount of manure that can be applied (in many cases in half) and, as a consequence, the amount of N available for plants from manure is reduced much below certain level required by a particular plant and it is usually much below the N limit (170 kg/ha/year) which is introduced by the EU regulations. The lack of sufficient amount of N available for plants from manure has a negative impact on soil fertility, plant growth and increases demand for mineral fertilisers.

In order to maintain crop yield at expected level and to obtain a correct field nutrient balance, farmer is forced to use mineral fertilisers instead. Otherwise, decrease in plant yield may worsen relation between their investments and profits resulting in a financial loss. However, replacing nutrients from manure with nutrients from mineral fertilisers seems to be contrary to one of the principles of nutrient recycling strategy being currently developed by HELCOM (to replace mineral fertilisers with manure) and closing the nutrient cycle (to use livestock manure as much as possible within the farm within safe limits) which all EU member states will obliged to implement as a key part of circular economy concept. Dealing with a surplus of manure, gained as a result of applying the limit for P, means substantial additional costs for farmers: a) they would need to obtain more agriculture land to dispose surplus of manure, b) build more storage facilities, c) be involved in processing and transporting of manure, which constitutes an additional burden for the
environment (which in turn is contrary to the idea of a number of EU regulations) – it is proven that processing and transportation of manure contribute to nutrient emission especially to the atmosphere.

It was agreed that the process of the revision of the Annex III is not supposed to weaken already existed provisions, however, keeping unrealistic and very difficult to implement provisions for the sake of keeping it can be counter-productive to one of main aims of the Helsinki Convention which is to reduce nutrient input to the Baltic Sea from agricultural sources. There is a substantial risk that those provisions in the shape as they are now will remain on paper without implementation and public perception of HELCOM among farmers will further deteriorate. Incorrect and unrealistic parts of the Annex III should, therefore, be adjusted in order to make way for the regulation to become usable and effective in all Baltic Sea countries. In case of it is not possible to remove the limit for P altogether, then it is highly desirable to calculate it on the basis of multi-year-period rather than 1-year-period, for example 5 years, which would give farmers desirable flexibility in carrying out a reasonable long term manure management. At the same time, it is worth noting, that a new formulation of the Annex III does not exclude possibility for countries – members of HELCOM to apply more strict practice in this regard as they see fit.

At the same time, together with setting the limit for P for multi-year-period, it is important to provide a farmer with the possibility for derogation in certain circumstances taking into account soil characteristics, soil nutrient status (namely, if it is a P-poor soil or P-rich one), agricultural practices and crop types. Such approach would also ease a move towards a circular economy facilitating utilisation of livestock manure produced within the farm (the limit for P, as it is now, limits livestock manure utilisation, while, at the same time, mineral fertilisers can be applied up to the level of plant requirements).

All Polish relevant scientific institutes and governmental bodies (Institute of Soil Science and Plant Cultivation - State Research Institute, Institute of Technology and Life Sciences, National Research Institute of Animal Production, National Chemical-Agricultural Station, Agricultural Advisory Centre) agree: the limit for P in its current formulation as it is specified in the Annex III is unfavourable for agricultural practice in Poland as a significant part of agricultural land in this country is characterised by soil with low content of P and organic matter, thus, in order to ensure a proper and effective nutrient management, the limit for P in livestock manure applied to agricultural land needs rather to be calculated on the basis of multi-year-period.

Action requested

The Meeting is invited to consider argumentation for maintaining multi-year-period limit for P together with the possibility for derogation and adopt proposed amendments.
Working draft for Regulation 2 Item 7

*New working draft (not agreed)*

[...] The amount of nutrients in livestock manure applied to agricultural land, including excreta from grazing livestock, should as a general rule not exceed an amount containing:

- 170 kg total nitrogen per hectare per year
- 25 kg phosphorus per hectare per year on average over a 5-year-period.

Subject to the precondition of preventing nutrient losses to sensitive environment and avoiding nutrient surplus by taking soil characteristics, soil nutrient status, agricultural practices and crop types into account, more specific, national or regional rules may derogate from these general application rates.

*Original text*

[...] The amount of livestock manure applied to the land each year including by the animals themselves should not exceed the amount of manure containing:

- 170 kg/ha nitrogen
- 25 kg/ha phosphorus

with a view to avoiding nutrient surplus, taking soil characteristics, agricultural practices and crop types into account.