13/09/2017

Recommendations on the Proposal for a Fertilising Product Regulation ahead of EP Plenary discussion on 03/10

The European Compost Network (ECN) welcomed the proposal of the 'Fertilising Products Regulation" as part of the Circular Economy Package, released by the EU Commission on 17 March 2016, in particularly the inclusion of recycled bio-waste and other secondary raw materials in the scope of the Regulation and the laying down of rules for making them available as CE fertilising products on the harmonised EU market.

Therefore, ECN actively followed the Parliament's work on the EC proposal. While ECN appreciates the extensive discussions on this file in the EP, we regard several elements included in the report as tabled for discussion in the Plenary on 03/10 as **incompatible** with the overall **objective to increase the use of recycled nutrients from organic resources.** If adopted as such, the report would lead to the **exclusion of bio-waste materials including garden and park waste for CE marked fertilising products**, and thus would position the Parliament against overall Circular Economy goals.

The report currently contains the following **aspects which conflict** with the objective to encourage the **use of innovative organic fertilisers** (created from recycled bio-waste and other secondary raw materials):

- The **contradiction of the definition of waste**, and in particular bio-waste as defined in the Directive 2008/98/EC and as foreseen in the amendment thereof;
- The **absence of a defined list of input materials** for compost – CMC 3' and for 'Digestate – CMC 5' in contrast to the one proposed by the JRC Report on "End of Waste Criteria for Biodegradable Waste" which should serve as the main and well justified reference document;
- The proposed **limit value for lead** (Pb) of 20 mg Pb/kg;
- The **inclusion of a limit value for 'Escherichia coli / Enterococcaceae'** for organic fertiliser, organic soil improver and growing media;
- The **lack of recognition** that limit values for minimum nutrient and organic carbon content should be expressed on **dry matter basis**.

ECN therefore calls upon the MEPs to consider **making the necessary changes** to these aspects in the report, following the suggestions below, in order to fulfil the shared objective of **ensuring recycled bio-waste and other secondary raw materials to be part of CE fertilising products**.

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13/09/2017

Reconsideration of EP amendments to avoid exclusion of bio-waste materials for CE marked fertilising products

Please find below ECN recommendations with regards to several aspects as part of the final report of the IMCO Committee, published on 25 July 2017. We recommend MEPs to consider making the necessary changes to these aspects, and the related amendments, in order to ensure that the goal to promote the increased use of recycled nutrients will be reached.

- **Contradiction with reference to Directive 2008/98/EC**

  Covering amendments 65, 228, 239, 242 & 257

Our main concern in relation to recovered waste materials, is that with the component material category for 'non-processed or mechanically processed plants, plant parts or plant extracts' (CMC 2) might lead to undermine the definition of waste and explicitly the definition for bio-waste as given in Directive 2008/98/EC. A clear reference to the Directive 2008/98/EC in the definition for CMC 2 is needed in order to exclude plant materials as defined as 'bio-waste' from being used as component materials 'CMC 2' or 'CMC 4' without being processed under controlled conditions as required for component materials according to 'CMC 3 (compost) or 'CMC 5' (other digestate than energy crop digestate).

Therefore, ECN urges:

- Members of the European Parliament to ensure a clear differentiation between waste materials according to the definition of bio-waste in Directive 2008/98/EC and plant material as described raw material for CMC 2.

- **Specified Input list for CMC 3 and CMC 5 is needed**

  Covering amendments 239 & 257

With regard to the input materials for compost 'CMC 3' and digestate 'CMC 5' we stress that a defined input list is needed, detailing the eligible feedstock for the production of compost and digestates. This in order to give legal certainties for producers of CE marked products. As a guidance, waste codes could be of additional added value (although these are not binding). A guidance document should contain more detailed clarification on the types and origin of source separated organic waste that is eligible as input material. A good starting point is the input list provided as Table 14 (p. 161) in the JRC report 2014 on End of Waste Criteria for Biodegradable Waste.

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Therefore, ECN urges:

- Members of the European Parliament to vote for specified input lists for 'Compost- CMC 3' and 'Digestate – CMC 5) as given in Table 14 (p. 161) in the JRC report 2014 on End of Waste Criteria for Biodegradable Waste.

- **Limit value of 20 mg for Lead not reliable**

  Covering amendments 111, 125, 137, 173, 180, 183 & 186

In addition, we call for the same heavy metal thresholds for all 'Product Function Categories' in the proposal of the Fertilising Products Regulation and we recommend to abide by the limit values as proposed in the JRC report 2014 'End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate)'. These limit values were examined taking the overall environmental and health impacts into account. Lowering these values, as proposed for lead (Pb) from 120 mg Pb/kg to 20 mg Pb/kg, **will exclude bio-waste (including green-waste** from garden and parks) as recycled organic materials from being placed as fertilising product on the European market. Analysis of 3.345 compost samples under the German RAL quality assurance shows that the mean value for lead is 28 mg Pb/kg. Taking the natural background values of soils and sediments into account, such a strict threshold value is unlikely to be achieved.

Therefore, ECN urges:

- Members of the European Parliament to ensure full harmonisation of the heavy metal limit values across the different product function categories, and ensure that these levels are in accordance with available JRC research.

- **Only the values as expressed on dry matter basis should be regarded as relevant for the classification of product function categories.**

  Covering amendments 115-122, 123-128 & 177-181

A differentiation between an organic fertiliser and a soil improver based on the criteria of 'minimum nutrient content (organic carbon)' can only be done on dry matter basis. For reason of comparability of the requirements and classification of fertilising products in the different product function categories, the dry matter basis is indispensable.

Furthermore, the threshold for 'organic carbon' should be given in 'organic dry matter' and should then be 15 % (dry matter) organic matter. This is the commonly used threshold between soil material and an organic soil improver or organic fertiliser. If this threshold is expressed as

'organic carbon'– equivalent to ca. 26% organic dry matter, this would exclude a considerable number of composts from bio-waste.

Therefore, ECN urges:

- Members of the European Parliament to ensure that the requirements of all relevant product function categories for organic fertiliser (PFC 1 (A) and (B)) and organic soil improver (PFC 3 (A)) in Annex I, Part II are expressed on a dry matter basis.
- Members of the European Parliament to ensure that the minimum threshold for organic fertilisers as well as organic soil improver is set at 15% organic dry matter. If there is a clear preference for using 'organic carbon' as criterion, this should be accordingly set at 9% (dry matter basis)

- **The criteria 'Escherichia coli / Enterococcaceae' should be deleted as a limit value for the product function categories 'Organic fertiliser - PFC 1 (A)', 'Organic soil improver - PFC 3 (A)' and 'Growing media -PFC 4'.**

  Covering amendments 113, 126, 181 & 187

These two criteria were originally established as test parameters for assessing the hygienisation/sanitisation function of a hygienisation unit, to be measured directly after withdrawal from the hygienisation unit. Setting these parameters for the finalised product gives no information on the effectiveness of the hygienisation unit, as in natural circumstances E. coli or Enterococcaceae are subject to regrowth (without degrading the product quality). For the final product assessment, the appropriate parameter for hygiene aspects is Salmonella.

Therefore, ECN urges:

- Members of the European Parliament to remove the 'Escherichia coli / Enterococcaceae' limit value of PFC 1 (A) and (B), PFC 3 (A) and PFC 4 as they have no function for the end-product.

We would look forward to provide you with more detailed (technical) information on our recommendations. Please let us know if this information would be helpful for you by contacting info@compostnetwork.info**.**

About ECN

The **European Compost Network** (ECN) is the leading European membership organisation promoting sustainable recycling practices by composting and anaerobic digestion of organic resources and guarding over the quality and safe use of the recovered organic fertilisers/soil improvers.

The European Compost Network is a membership organisation with 66 members from 28 European countries. Members include all European bio-waste organisations and their operating plants, research, policy making, consultants and authorities. ECN represents 20 bio-waste organisations from 13 European countries, 26 companies producing bio-based products, 6 environmental NGOs, 11 academic (research) institutes in environmental, agricultural and natural sciences and three environmental agencies. Through its member organisations, ECN represents more than 3,000 experts and plant operators with a biological waste treatment capacity above 30 million tonnes.