



## Joint statement on the Proposal for a Fertilising Product Regulation ahead of EP Plenary discussion on 23/10

The co-signatories welcomed the proposal of the 'Fertilising Products Regulation' as part of the Circular Economy Package, released by the EU Commission on 17 March 2016. We welcome in particular 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 marked fertilising products on the harmonised EU market.

Therefore, we actively followed the Parliament's work on the EC proposal. While we appreciate the extensive discussions on this file in Parliament, we regard several elements included in the report as tabled for discussion in the Plenary on 23/10 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 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' rather than the one proposed by the [JRC Report](#) on "End of Waste Criteria for Biodegradable Waste", the latter which should serve as the main, scientifically justified reference document;
- The proposed **limit value for lead (Pb)** of 20 mg Pb/kg;

We therefore call upon the MEPs to consider **making the necessary changes** to these points in the report, following the suggestions below, in order to achieve the common objective of **ensuring that recycled bio-waste and other secondary raw materials become part of CE marked fertilising products, simultaneously reducing the environmental impact of waste and making use of a valuable resource**.



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

Please find below our recommendations with regard to several points of the final report of the IMCO Committee, published on 25 July 2017. We urge Members of the Committee to consider making the necessary changes to these points, and the related amendments in order to ensure that the goal of promoting the increased use of recycled nutrients will be achieved.

- **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 undermining the definition of waste and explicitly the definition for bio-waste as given in Directive 2008/98/EC. A clear reference to Directive 2008/98/EC is needed in the definition for CMC 2, in order to make it absolutely clear that plant materials as defined as 'bio-waste' do not come under 'CMC 2' or 'CMC 4' and therefore do not require processing under controlled conditions such as those required for component materials according to 'CMC 3' (compost) or 'CMC 5' (digestate other than energy crop digestate).

**Therefore, we urge:**

- 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 as raw material for CMC 2.

- **Specified Input list for CMC3 and CMC 5 is needed**

*Covering amendments 239 & 257*

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

**Therefore, we urge:**

- 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***

Furthermore, we call for the same heavy metal thresholds for all 'Product Function Categories' in the proposal of the Fertilising Products Regulation and we recommend that the limit values as proposed in the [JRC report 2014](#) 'End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate)' are abided by. These limit values were analysed and set taking 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 gardens and parks) as recycled organic materials from being placed on the European market as fertilising products. 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, we urge:**

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

The co-signatories trust that this joint statement will receive the appropriate attention.

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#### 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. ECN represents more than 3,000 experts and plant operators with a biological waste treatment capacity above 30 million tonnes.

#### About FEAD

FEAD is the European federation representing the private waste and resource management industry across Europe. FEAD's members are national waste management associations covering 19 Member States, Norway and Serbia. Our companies play a key role in the transition to a circular economy by producing resources which can be re-injected in the economy and by supplying energy.

#### About Municipal Waste Europe

Municipal Waste Europe is the European umbrella association representing public responsibility for waste. The members are national public waste associations and similar national or regional associations. They are committed to sustainable waste management that minimises the impact of waste on the environment and promotes resource efficiency, taking into account local conditions.