

## PROPOSAL FOR A FERTILISING PRODUCT REGULATION

### ECN's recommendations on the Proposal for a Fertilising Product Regulation

The European Compost Network (ECN) welcomes the proposal of the 'Fertilising Products Regulation' as part of the Circular Economy Package, released by the European Commission on 17 March 2016. ECN general agrees with the EC's proposal to include source separated bio-waste and other secondary raw materials in the scope of the Regulation and to lay down rules for making them available as CE fertilising products on the harmonised EU market.

Regrettably, some important aspects in relation to the market of compost and digestate and its uses haven't been considered in full in the Commission proposal, and should therefore be improved by the co-legislators. These include the following aspects:

- **A full harmonisation of the heavy metal content in the different product function categories is needed.** The limit values should be based on the JRC Report 'End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestates): technical proposal' (2014). These limit values were examined taking the overall environmental and health impacts into account. **In particular, the lowering of the value for Lead (Pb) (as proposed in some amendments tabled in the ENVI Committee) will exclude compost and digestate from being placed on the European market as fertilising products.** This is in strong contradiction to the overall goal to boost the recycling of nutrients and to develop a circular economy in Europe.

**Therefore, ECN urges:**

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

**Therefore, ECN urges:**

- ) The Council WP on Technical Harmonisation (Fertilisers) to ensure that the requirements of all relevant product function categories for organic fertiliser (PFC 1 (A) and (B)), organic soil improver (PFC 3 (A)) and growing media (PCF 4) in Annex I, Part II are expressed on a 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'.** 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:**

- ) The Council WP on Technical Harmonisation (Fertilisers) 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.

- **A specified input list for 'Compost -CMC 3' and 'Digestate – CMC 5' is needed,** including all suitable non-contaminated biodegradable materials from source separation. There is a need to include non-contaminated food and feed processing sludges as well. Restricting the production of compost (CMC3) and digestate (CMC5) to defined and source separated input materials will minimise the risk of possible contaminations. **Therefore, there is no need to set a limit value for the criteria PAH16 for CMC 3 and CMC 5.**

**Therefore, ECN urges:**

- ) The Council WP on Technical Harmonisation (Fertilisers) to establish a specified input list for 'Compost -CMC 3' and 'Digestate – CMC 5' and to delete the limit value for PAH16 for CMC 3 and CMC 5.

- With regard to the **conformity assessment procedure (Module D1)**, which will apply for compost and digestate from waste-derived materials, the proposed accreditation of national quality assurance organisations through a notifying authority will lead to **a very high administrative burden** which will be **impossible to implement for many of the**

smaller composting/AD plants throughout Europe. In addition, these measures will unnecessarily increase the costs for placing soil improvers and organic fertilisers from compost and digestate on the market.

**Therefore, ECN urges:**

- ) The Council WP on Technical Harmonisation (Fertilisers) to remove any overregulation with regards to the conformity assessment procedure for compost and digestate to ensure these can be implemented by smaller composting/AD plants and do not lead to unnecessary increases in costs.

As MEPs in the European Parliament's ENVI & AGRI committees have not fully taken on board these important suggestions in their amendments to the Commission's proposal, ECN calls on the MS experts in the Council's Working Party on Technical Harmonisation (Fertilisers) to strongly consider examining these aspects in the Council's positioning on the file.

**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.