



FEAD position on the revised Fertilisers Regulation in view of the EP vote in Plenary session

September 2017

General

FEAD welcomes the extension of the scope of the Fertilisers Regulation to organic fertilisers and the Commission's attempt to create a level-playing field between organic and inorganic fertilisers. Organic fertilisers contribute to a more circular economy: for example through phosphorus recovery they reduce the need for primary raw materials and thereby also lower greenhouse gas emissions.

The draft Regulation offers opportunities to increase end-user confidence in waste-derived fertilisers, by granting them product status and laying down EU-wide safety, quality and labelling requirements.

Optional harmonisation

FEAD supports the optional harmonisation approach as a way of easing the regulatory burden for cross-border trade of organic fertilisers without damaging existing well-functioning domestic markets.

Definition:

It is of crucial importance that the coherence between the Waste Framework Directive (2008/98/EC) and the Revised Fertilisers Regulation is ensured when referring to bio-waste. The European Parliament needs to make sure that there is a clear reference to the Waste Framework Directive in the definition for CMC 2. Such reference will avoid any confusion that 'bio-waste' could be used as component materials 'CMC 2' or 'CMC 4' without being processed under controlled conditions as required according to 'CMC 3 (compost) or 'CMC 5' (other digestate than energy crop digestate).

- *Amendments 65, 228, 239, 242 and 257*

Safety and quality requirements

Organic matter:

The proposal requires organic carbon to be present in organic fertilisers by at least 15% by mass for solid organic fertilisers and 7.5% for organic soil improvers. According to the agronomic features of these two materials, this should rather be the other way around: the main benefit of soil improvers is not as a fertiliser but to add organic matter to soil. Organic soil improvers are richer in organic carbon than organic fertilisers.

Moreover, FEAD recommends setting a minimum organic matter requirement rather than having a minimum requirement for organic carbon. The organic matter content has been established for a long time and is sufficient.

Limit values for Lead:

We consider that the limit values proposed in the Revised Fertiliser Regulation should be based on the findings of the 2014 JRC Report “*End-of-waste criteria for biodegradable waste subjected to biological treatment (compost & digestate)*”. The values suggested in the JRC Report have already been thoroughly discussed and taken into account overall environmental and health impacts. On the contrary, the limits suggested by the IMCO Committee of 20 mg Pb/kg does not seem to be based on any evidence. Maintaining this low limit will lead to the exclusion of most of the biowaste based fertilising products from the Regulation.

- *Amendments: 111 and 180*

Hygienisation

- Aflatoxin:

There is no evidence of any risk of aflatoxin in the different categories of fertilisers. The aflatoxin limit suggested by the European Parliament comes from existing restrictions in the food industry and is not relevant here. Composts are not meant to be eaten. Safety requirements should be based on the results of the 2014 JRC Report and rely on evidence-based assessments: Annex V of the 2014 JRC Report does not mention aflatoxin. In addition, there are no aflatoxins limit at national level for fertilisers.

- *Amendments: 255*

- Enterococcaceae:

FEAD members consider that the European Parliament should remove the Enterococcaceae limit value for organic fertilisers and organic soil improvers. This parameter is not relevant to measure the hygienisation unit as enterococcaceae is subject to regrowth. FEAD position is that operators should be given the option to measure either salmonella or e-coli.

- *Amendments: 113 and 181*

Use of delegated acts

The draft regulation allows the Commission to adopt delegated acts to amend the annexes. FEAD believes that the feasibility of such measures needs to be checked by experts from the Member States, who are best informed about the situation on the ground. We therefore strongly advocate for these measures to be dealt with as implementing acts, allowing a Member States experts' committee to examine and if necessary amend the Commission proposal, as was the case under the regulatory procedure with scrutiny. This will ensure better and more practicable regulation.

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 18 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. They add value through innovative and cost-efficient collection, sorting, and recycling of secondary raw materials. In doing so, they play a key role in achieving the best economic and environmental outcomes.

FEAD members represent about 3,000 companies with activities in all forms of waste management. These companies employ over 320,000 people who operate around 2,400 recycling and sorting centres, 1,100 composting sites, 260 waste-to-energy plants and 900 controlled landfills. Our companies have an approximate 60% share in the household waste market and handle more than 75% of industrial and commercial waste in Europe. Their combined annual turnover is approximately € 75 billion.