

28 August 2014

ECN general remarks on the essential safety, quality and labelling requirements for fertilising materials

ECN welcomes the initiative of the Commission to broaden the scope of the future Fertilisers Regulation by covering organic fertilisers, soil improvers and growing media with the aim to facilitate the trade of fertilisers, soil improvers and growing media across Europe. With regard to the EU Circular Economy Package and the Resource Efficiency Strategy we fully support the approach to include fertilisers, soil improvers and growing media produced from recycled organic materials (bio-waste, biodegradable waste) into the future regulation, but we would like to raise some general remarks and questions, which need to be clarified in first place.

Scope of future EU fertiliser regulations

In respect to waste-derived products (compost and digestate from bio-based, compost-based growing media, sewage sludge compost e.g.) there is a need to clarify how the future Fertiliser Regulations will cover these products, if no EU End-of-Waste Criteria are in place?

The DG ENTR needs to provide clarity with a matter of urgency on whether composts and digestate produced in the European Countries:

- will have to comply with the new EU fertilisers regulation regardless of the national EoW regulations for composts and digestates, or regardless of the national waste regulatory controls for the application of composts and digestates with waste status;
- they will only have to comply with the new EU fertilisers regulation if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media and if they are intended to be traded within the country as Soil Improvers, Organics Fertilisers or Growing Media; OR
- they will only have to comply with the new EU fertilisers regulation if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media.

We urge the Commission to clarify the relation between the future EU Fertilisers Regulation and national product (fertiliser) or waste regulations for compost and digestate.

Harmonisation is needed

Since the beginning (in 2001) ECN has been involved in the discussion on setting up a European Bio-waste Directive and has followed up all initiatives for harmonising the legislative approaches and the European market for bio-waste derived products. We took part in the CEN standardisation process for analytical methods in respect to soil improvers and growing media (CEN TC 223) and as well in the standardisation project 'HORIZONTAL' with the goal to develop harmonised standards for soils, sludges and treated bio-waste.

Until today different analytical methods occur and with regard to the EU Fertilisers Regulation, where fertilisers (inorganic/organic), soil improvers and growing media (waste derived / non-waste derived) will be regulated, these initiatives on harmonisation (CEN standardisation) has to follow up and taken into consideration.

We urge the DG ENTR to follow up the harmonisation process in the future EU Fertilisers Regulation and to liaise with CEN and the corresponding Technical Committees (TC 260, TC 223, TC 400 e.g.) to figure out the most appropriate analytical methods for the different categories.

Safety and environmental criteria

The Fertilisers Regulation will include safety and environmental criteria for fertilising materials which refer only to the limit values set in the JRC-IPTS proposal. All technical aspects (positive list for suitable input materials, process requirements and application rates) are not included. For ECN it is crucial, how the safety of the products and their use can be guaranteed under the Fertilisers Regulation?

ECN has fully supported the work of JRC IPTS on EoW criteria for biodegradable waste subjected to biological treatment. With regard to the EoW regulation we would like to stress that the JRC-IPTS technical proposals for EoW for composts and digestate are not only restricted to minimum quality criteria for these materials, but they also propose setting additional requirements, such as:

- selection on input materials from which composts and digestates are made;
- development and implementation of a quality management system for the production of composted and digestated materials to ensure these materials are consistently fit for purpose;
- regular sampling and testing of composts and digestates at recognised labs to verify compliance with the minimum quality criteria; and
- requirements to maintain traceability throughout the production process, e.g.

In addition, the JRC proposals set a positive list of suitable input materials from which EoW composts and digestates can be made to ensure the quality of final product.

It is now proposed by the DG ENTR that the minimum quality criteria specified in the JRC-IPTS technical proposals for EoW for composts and digestates are taken in isolation and set as a requirement for organic fertilisers and soil improvers, without any of the other additional requirements that were specified in the JRC proposals.

Regardless of what quality and safety criteria are specified in the EU Fertilisers Regulation, minimum quality criteria in isolation are not regarded to be sufficient. These need backing up with additional requirements such as for sampling and testing at a specified frequency, implementation of a quality management system and process requirements.

We urge the DG ENTR to liaise with the JRC-IPTS to have an exchange with DG ENV about all the issues raised during the End-of-waste process on biodegradable materials that resulted in the release of the JRC End of Waste Proposals for composts and digestates and to clarify the relation between End-of waste Regulation and the future EU Fertilisers Regulation.

We recommend to include a positive list of suitable input materials for organic fertilisers, soil improvers and growing media in the EU Fertilisers Regulation.

We recommend that all organic fertilisers, organic soil improvers and growing media produced from waste materials should be supervised by independent quality assurance.

Own category 'Compost'

As mentioned in several previous submissions it is crucial to classify compost to one of the proposed categories (organic fertiliser/ organic soil improver) is not possible. In any case compost delivers soil improvement and plant nutrients.

Compost is a humus product which in any case delivers **both effects** to the soil-plant system:

(i) - **soil improvement** (liming effect, improving water retention and drainage, reducing erosion, increasing buffer capacity, increasing pore-space and aggregation, increasing soil biodiversity and microbiological transformation processes among others)

and

(ii) **plant / soil nutrition** (delivery of plant nutrients at varying organically bound (total) and soluble levels; but to a greater extent plant nutrition is facilitated rather via the organo-mineral exchange / sorption complexes than by direct plant uptake of mineral elements such as P, K, Mg, Mn, S etc.)

Across Europe compost is **applied as organic fertiliser and/or soil improver** depending upon the relevant national legislation in place in each member state. Attempting to classify compost in a single category seems likely to negatively influence the compost market across Europe.

Therefore we still recommend to set up an own category 'COMPOST' where both functions of the materials are covered and declared.

Nutrient content depends on input material

The content of nutrients will vary hugely depending on the types of input materials / feedstocks from which composts and digestates are made. In addition seasonal fluctuations in the input materials received at composting and anaerobic digestion (AD) sites as well as fluctuations in the composting and AD process duration and the product storage period prior to application means that the levels of nutrients can vary significantly throughout the year.

For avoiding any gap between organic fertilisers and soil improvers there is a need to set minimum nutrient values for “organic fertilisers” and maximum nutrient values for “soil improvers” with an overlapping range.

In this range the producer or distributor can decide on the purpose of the product, how it should be declared. This will be helpful to consider the different national interests and established marketing concepts for organic materials.

Presentation of essential safety, quality and labelling criteria

The European Compost Network ECN has followed up the revision of the EU Fertiliser Regulation since the beginning of the discussion in the specific working groups in 2012. We are a bit confused and afraid about the new proposals which were, besides the results from the fertiliser working groups, integrated in the presentations on essential safety, quality and labelling requirements presented at the Fertiliser Working Group meeting 02/06/2014. In addition to the general remarks, where we really urge DG ENTR provide clarity, we have attached a table with detailed comments on the presentations ‘Essential safety requirements for fertilising materials’ (PPT1) and ‘Essential quality and labelling requirements for fertilising materials’.

Annex

140828_EC_N_summarised comments_EU Fertiliser Regulation_Essential requirements_final

About ECN

The European Compost Network ECN e.V. is the leading European membership organisation promoting sustainable recycling practices in composting, anaerobic digestion and other biological treatment processes of organic resources. The European Compost Network serves as central resource and network for the organic waste recycling sector in Europe, as well as the emerging bio-based economy.

ECN’s vision is a Europe in which all organic resources are recycled to land sustainably and/or used to generate renewable energy to benefit the global and local environment, to contribute towards sustainable agriculture, improve human health and benefit European market. To achieve this, effective recycling in all member states should be built on separately collected organic wastes, trained operators for biological processing. Involved processes should be monitored within an independent quality assurance scheme in order to manufacture quality compost and digestate that can be applied to land safely.