

Date: 28/08/2014	Documents: <b>PPT 1: 'Essential safety requirements for fertilising materials'</b> <b>PPT 2: 'Essential quality and labelling requirements for fertilising materials'</b>
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Date: 28.08.2014

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Slide	PPT Presentation (Title)	Text line/Paragraph/Table/ Figure (e.g. Table 1, Last sentence of 3 <sup>rd</sup> paragraph)	Type of comment <sup>1</sup>	Comment (justification for change) (e.g. The meaning of the sentence is ambiguous, please clarify.)	Proposed change (e.g. Replace the sentence with the following one: "..."; Add the following definition for the new term XYZ: "...")
	PPT 1: Essential safety requirements for fertilising materials: including the comments that the COM received		Ge	<p>It is extremely difficult to provide meaningful comments on the proposed safety and quality requirements when it is not clear as yet how the EU Fertiliser Regs will be implemented across Europe and what impact they will have on national regulatory controls applying to 'waste' and 'product' composts and digestates.</p> <p>The DG ENTR needs to provide clarity with a matter of urgency on whether composts and digestate produced in the European Countries:</p> <ul style="list-style-type: none"> <li>• will have to comply with the new EU fertiliser regs 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;</li> <li>• they will only have to comply with the new EU fertiliser regs 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</li> </ul>	<b>DG ENTR to confirm that composts and digestates produced in a specific European Country only have to comply with the new EU Fertiliser Regs if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media. If this is not the case, the DG ENTR should provide clarity on how the EU Fertiliser Regs will apply to composts and digestates produced and traded in each European Country.</b>

<sup>1</sup> **1 Type of comment:**

**ge** = general. Please note that the objective of this consultation is to contrast the accuracy of the background data collected. Political statements without appropriate argumentation will not be considered.

**te** = technical/specific

**ed** = editorial/typographic. Please note that editorial corrections of layout and English language are not necessary as this will be done on the final version.

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			<p>country as Soil Improvers, Organics Fertilisers or Growing Media; OR</p> <ul style="list-style-type: none"> <li>they will only have to comply with the new EU fertiliser regs if they are intended to be placed in the market in other European Countries as Soil Improvers, Organics Fertilisers or Growing Media;</li> </ul> <p>Flexibility should be allowed to Member States to continue to market composts and digestates non-complaint with the EU Fertiliser Regs on their national markets (either the waste regime or as national product).</p>	<p><b>We urge the Commission to clarify the relation between the future EU Fertiliser Regs and national product or waste regulations for compost and digestate.</b></p>
2	PPT 1: Essential safety requirements for fertilising materials: including the comments that the COM received	Item 2: ... fears that the current list would not be sufficiently concerning products from waste. Large support for EU EoW for various products	<p>Ge</p> <p>ECN has fully supported the work of JRC IPTS on EoW criteria for biodegradable waste subjected to biological treatment. 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.</p> <p>Until today different analytical methods occur and with regard to the EU Fertiliser Regs, where fertilisers (inorganic/organic), soil improvers and growing media (waste derived / non-waste derived) will be regulated, these initiatives on harmonisation (CEN standardisation, EoW regulation) has to follow up and taken into consideration.</p> <p>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:</p> <ul style="list-style-type: none"> <li>the selection on input materials from which</li> </ul> <p>te</p>	<p>We urge the DG ENTR to follow up the harmonisation process in the future EU Fertiliser Regs and to take the already available information from the EoW discussion process and the CEN 'Horizontal' standardisation process into consideration. Analytical methods for inorganic fertiliser (CEN/TC 260) might not be suitable for organic fertilisers. It should be clarified to which analytical method the proposed parameters of each category correspond.</p> <p>We urge the DG ENTR to liaise with CEN and the corresponding Technical committees (TC 260, TC 223, TC 400 etc.) to figure out the most appropriate analytical method for the different categories.</p> <p>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 process that resulted in the release of the JRC End of Waste Proposals for composts and digestates. Numerous issues were raised by different stakeholders and important negotiations took place during this process. These should not be ignored, but should be used to inform this process.</p> <p>We are in favour to include such a <b>positive list of suitable input materials</b> for organic fertilisers, soil improvers and growing media in the EU Fertiliser Regs.</p> <p>Minimum quality criteria taken in isolation are not sufficient to guarantee that only high quality composts and digestate are traded as fertilisers. These need to be integrated with additional requirements such as sampling and testing at specified frequencies, process and quality management systems</p>

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				<p>composts and digestates are made;</p> <ul style="list-style-type: none"> <li>the development and implementation of a quality management system for the production of composted and digested materials to ensure these materials are consistently fit for purpose;</li> <li>regular sampling and testing of composts and digestates at recognised labs to verify compliance with the minimum quality criteria; and</li> <li>requirements to maintain traceability throughout the production process, e.g.</li> </ul> <p>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.</p> <p>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.</p> <p>Regardless of what quality and safety criteria are specified in the EU Fertiliser Regs, 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.</p> <p>If EU EoW criteria for compost and digestate won't be established, we propose to implement in the EU Fertiliser regulation</p> <ul style="list-style-type: none"> <li>defined criteria (e.g. heavy metal and hygienic thresholds according to EoW standard or ECN-QAS for compost and digestate)</li> </ul>	<p>requirements etc. The same applies to all other types of fertilisers</p> <p>In our opinion it's not sufficient to implement only some limit values for heavy metals or hygiene parameters instead of EoW. For waste derived products we need independent surveillance done by quality assurance schemes.</p> <p>If EoW won't be established, we propose instead:</p> <ul style="list-style-type: none"> <li>Definition of thresholds values like proposed,</li> <li>A positive list of suitable input materials, <b>and</b></li> <li>In addition the obligation to participate in a quality assurance scheme (e.g. ECN-QAS) for confidence!</li> </ul>
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				<u>and</u> <ul style="list-style-type: none"> <li>the obligation to take part in an independent quality assurance scheme</li> </ul>	
2	PPT 1	Item 3 National regulation for non-complying products	te/ge	Flexibility should be allowed to Member States to continue to market composts and digestates non-complaint with the EU Fertiliser Regs on their national markets (either the waste regime or as national product).  What is about sewage sludge and sewage sludge compost?	We still need national regulations for non-complying products.  Taking over the proposed JRC IPTS EoW criteria for compost and digestate into the EU Fertiliser Regs will exclude the application of sewage sludge on agricultural land. The question is, will it still possible to apply sewage sludge as organic fertiliser on agricultural land?
2	PPT 1	Item 4 Treat Cu and Zn differently	te	Cu and Zn are micro nutrients	Only labelling
2	PPT 1	Item 5 Max. limit values according to application rates per ha	te	Different limit values for mineral, organic fertilisers, soil improvers, liming materials and growing media	We support the same limit values for all categories! Application rates should be regulated on national level.
3	PPT 1	Line 1 Cd	te	Support: Option B	Cd 1,5 mg/kg DM
5	PPT 1	Table organic fertilisers	te	Limit values Option B proposes that a limit level is set for Arsenic (As): What would the technical reason for this inclusion?  Organic fertilisers and soil improver do not contain Chromium VI because Chromium VI is not stable in organic substances. Therefore, the total content of Chromium is the right criterion  In general we agree on the proposed limit values for	We support option A Exclude As, as per option A  Exclude Cr VI, instead Cr total – 100 mg/kg dm (adapted to EoW) or delete Cr as parameter.

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			<p>heavy metals of Option A.</p> <p>In respect to regional variations (background contaminations), there should be the possibility that national regulations allow higher values for specific heavy metals, which can be used on the national territory as fertilisers, soil improvers or growing media. As an example for UK composts the limit of 120/150 mg Pb /kg dm, which is too stringent. The UK compost quality data show that:</p> <ul style="list-style-type: none"> <li>• the 90th percentile is 164ppm and the 95th is 199ppm for compost samples of EoW composts. This reflects the later withdrawal of lead from petrol in the UK.</li> <li>• Out limit level is 200 mg/Kg dm for lead and a value of 150 will pose problems in the UK and could lead to a significant reduction in the utilization of compost in the UK.</li> </ul> <p>PAH: There is no evidence that organic pollutants occur in relevant amounts in compost and digestate based on source separated input materials</p> <p>As already highlighted during the JRC process to develop EoW for composts and digestates, the analytical and sampling costs of PAH16 in compost and digestate are not justifiable in terms of the environmental risk posed by the amounts found in composts and digestates. There is no evidence that organic pollutants occur in relevant amount in compost and digestate based on source-segregated wastes. The analytical and sampling costs of organic pollutants (also only for the parameter PAH16) in compost and digestate for mandatory measurement are not justifiable in the relation to the environmental risk. They would be prohibitively expensive and would adversely affect the competitiveness of Europe's compost and digestate market.</p> <p>If this concern relates to composts and digestates made from sewage sludges or mixed municipal wastes, then a</p>	<p>National derogations of limit values for specific heavy metals should be respected, if any higher background contamination occurs. These materials should be only allowed for national applications, outside the EU fertiliser regime, under a national quality protocol. Such a compost or digestate shall not be marketed as EU Fertiliser or EU Soil improver.</p> <p>In general we do not agree with setting limit values for organic pollutants, namely PAH16.</p> <p>Including a positive list of suitable input materials will restrict the parameter list of environmental and safety criteria.</p>
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				<p>differentiation should be made in terms of the limit levels applied based on the input materials the fertiliser are made from.</p> <p>It is essentially for the evaluation of organic fertilisers, soil improvers and growing media to differ between the used feedstock and its origin, e.g. digestate produced from agricultural sources like manure, energy crops and harvesting residues and compost and digestate from source separated bio-waste are based on defined input materials.</p>	
5	PPT 1	Table organic fertilisers	Te	<p>If limit levels are specified for parameters, then analytical methods that must be used to carry out the measurements and check compliance with the limit levels must be specified and must be accredited/validated test methods.</p>	<p>Include reference to analytical methods to be used for the measurements</p>
6	PPT 1	Pathogens	te	<p>In ABPR this limit value is used to control the hygienisation effect after pasteurisation process. It's not used for final product control.</p> <p>Furthermore it exist an exception of 5000 CFU/g in 5 trials what is not included in the slide. There should not be different or additional requirements to ABP regulation in a new EU Fertiliser Regulation. The best approach would be to refer directly to the demands of the ABPR regulation</p> <p>The ABP regulation (EU) No. 142/2011 of February 2011 demands analysis of Salmonella and E.Coli or Enterococcae for organic fertiliser from cat 3 materials or processed manure. Digestate from manure and energy crops have the status of unprocessed manure and do not have to be analysed for E.Coli and Salmonella. This should not be changed not to disturb the market if raw manure furthermore can be placed on the market without analyses.</p>	<p>Refer directly to ABPR, or include the same requirements as in ABPR.</p>
7	PPT 1	Table	te	<p>The DG ENTR has proposed to include a limit level for stones. What is the rationale behind this inclusion?</p> <p>Compost are commonly sieved with a mesh size of 10 -</p>	<p>There is no need to define a limit value for stones. Delete stones as parameter.</p> <p>The proposed limit level of 2% dm will pose and could lead to a</p>

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40 mm. Setting a limit value for stones > 5 mm is not feasible and a 2 % limit level far too stringent.

In **Germany** stones are defined >10mm (not 5 mm);

Max. content of stones >10mm is 5%;

A content of more than 2% stones < 5mm won't impair the use of compost in gardening!

In **UK** the PAS 100 and PAS 110 specifications set the following limit levels:

PAS 100:

- stones > 4 mm < 8 % mass/mass of air dry sample in compost grades other than mulch; and
- stones > 4 mm < 10 % mass/mass of air dry sample in mulch grades.

PAS 110:

The limit levels are set on fresh matter basis and are linked to the application rate (dictated by the tot-N content of the digestate).

The limit levels for physical contaminants and stones in UK's compost and digestate are as follows:

Physical contaminants in WD/SL/SF											
Total nitrogen (N)	kg/t	Less than 1	1 to 1.9	2 to 2.9	3 to 3.9	4 to 4.9	5 to 5.9	6 to 6.9	7 to 7.9	8 to 8.9	9 or more
Total stones	kg/t	3.2	6.4	9.6	12.8	16	19.2	22.4	25.6	28.8	32
Total physical contaminants (excluding stones)	kg/t	0.04	0.07	0.11	0.14	0.18	0.22	0.25	0.29	0.32	0.36

significant reduction in the utilization of compost and digestate in Europe. Stones are only regulated in some few member states in Europe.

The statistics below are drawn from UK's more recent compost quality dataset (155 compost samples of EoW certified composts produced in the UK). This shows that the 90th percentile is 6.71% mass/mass of air dry sample

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				and the 95th percentile is 8.21%. 61% of the samples (94 samples out of 155) would fail to meet the proposed limit level.  Stones > 4 mm (mass/mass of air dry sample) Median 2.58 Mean 3.27 Standard deviation 3.01 Mean + 1 S.D. 6.28 Percentile (75th) 4.81 Percentile (90th) 6.71 Percentile (95th) 8.21	
8	PPT 1	Table	te	Option A	In general we do not support a sub-category on organic-mineral fertilisers.
9	PPT	Table	te	See remark slide 6	In general we do not support a sub-category on organic-mineral fertilisers.
10	PPT 1	Line 2	te	See remark slide 7	There is no need to define a limit value for stones. Delete stones as parameter.  The proposed limit level of 2% dm will pose and could lead to a significant reduction in the utilization of compost and digestate in Europe. Stones are only regulated in some few member states in Europe.
12	PPT 1	Table	te	Same comments as for organic fertilisers (slide 5)  No limit for As.	We support Option A
13	PPT 1	pathogens	te	See remark to slide 6	
14	PPT 1	Line 2	te	See remark to slide 7	There is no need to define a limit value for stones. Delete stones as parameter.  The proposed limit level of 2% dm will pose and could lead to a significant reduction in the utilization of compost and digestate in Europe. Stones are only regulated in some few member states in



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					Europe.
15 and 16	PPT1	Liming materials and growing media	te	<p>Option A should give the same limit values as for organic fertilisers and soil improvers</p> <p>There needs to be harmonised safety limit levels for all categories. There are currently several discrepancies/inconsistencies between the limit proposed for the different categories.</p> <p>Cd: Option B is different from the Option B proposed for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Hg: Option B is different from the Option B proposed for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Ni is allowed at a much higher level (90 mg/Kg dm) than for organic fertilisers and soil improvers. What is the rationale behind this discrepancy?</p> <p>Pb: Option A is different from that proposed for organic fertilisers and soil improvers.</p> <p>Comments for As, and CrVI and stones are as for comments made on organic fertilisers and soil improvers.</p>	<p>Limit levels for the different categories need to be harmonised, unless a technical, robust justification is given that support different limit levels for different categories.</p> <p>Setting different limit values for the different categories with regard to compost, which can be marketed as compost or organic fertiliser, doesn't make sense. Therefore we plead for an own-category 'COMPOST' with clearly defined limit values and quality and labelling criteria.</p>
18	PPT 1	Table: Limit level for weed seeds	Te	Why is this limit level included only in this category? What is the rationale behind this inclusion?	Please remove limit level for weed seeds
<b>PPT2: Essential quality and labelling requirements for fertilising materials</b>					
2	PPT 2: Essential quality and labelling	Item 1 low nutrient content	Ge/te	<p>This will depend on the type of material and its source. Contaminants from composts and digestates made from source-segregated biodegradable wastes, applied at application rates in line with good agricultural practice and Nitrate Vulnerable Zones regulations are unlikely to be present at levels which will cause contaminant levels in the soil to increase.</p> <p>Use of composts and digestates do not only enhance soil</p>	We plead for the introduction of a separate category "COMPOST" because it is impossible to draw a scientifically and practice orientated demarcation line between organic fertilisers and soil improvers.

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				<p>nutrient supply but also organic matter levels. Compost is an excellent source of organic matter. Using it will improve soil organic matter (OM) levels, help retain water during dry spells and improve infiltration during periods of heavy rainfall.</p> <p>Also, there are soils with already high nutrient content which will benefit from application of low nutrient organic fertilisers (e.g. soils already high in phosphate should not be enriched with additional phosphate as this may erode into inland surface water and adversely affect their quality).</p> <p>In case of compost we have a fertilisation with nutrients and also with organic matter. The benefit is not only nutrition!</p> <p>In line with the precautionary limit values and good practice application rates of compost or digestate the content of contaminants in soil won't increase.</p>	
3	PPT 2: Product categorisation	Item 1: categorisation according to fresh matter	Ge/te	<p>In order to compare dry matter content is helpful.</p> <p>Product categorisation have to be based on dry matter, to have a clear view on the content of nutrients, heavy metals etc. Else wise a change of the values would be easily possible adjusting the water content. All product categorisation have to be based on dry matter to ensure coherent classification!</p>	Categorisation according to dry matter content. Labelling according to fresh matter (as delivered to the customer).
3	PPT 2	Item 2:	te	<p>In order to avoid that a product could belong to different categories the threshold must be defined at a level that will be reached for at least 90% of the product every time. In case of compost the level of actual threshold for nutrients is rather high. According to the input material and variation over the year the category could change from month to month (Organic fertiliser or organic soil improver).</p>	We plead for the introduction of a separate category "COMPOST" because it is impossible to draw a scientifically and practice orientated demarcation line between organic fertilisers and soil improvers.
15, 16 and 17	PPT2	Table including quality requirements	Te	<b><u>Overall, it is absolutely crucial that any limit levels set in the EU Fertiliser Regs have been informed by appropriate scientific evidence and that an impact</u></b>	<p><b>Clarity needs to be provided on how the proposed limit levels have been derived</b></p> <p>Clarity needs to be provided on how the natural variability in</p>

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			<p><b><u>assessment evaluating the impact of such limit levels on the materials falling within the scope of the regulation has been undertaken.</u></b></p> <p><u>Option A</u></p> <ul style="list-style-type: none"> <li>• There is no clarity on how these limit levels have been derived and whether they are supported by robust scientific evidence.</li> <li>• Also there seems to be no relation between the quality requirements specified in option and those specified in option B.</li> <li>• A limit level for organic nitrogen should not be set, as this could exclude digestate materials which are characterised by high readily available nitrogen, but low organic nitrogen. One of the main benefits of digestates is their content of readily available nitrogen which will become available in the year of application. In contrast, compost has the majority of its nitrogen present in an organic form, which will slowly become available over a period of months or years. In summary, it depends on the product and there should only an obligation to declare the value, as opposed to having a minimum level.</li> <li>• <b><u>The thresholds for nutrients are too high and may exclude composts and digestates characterised by lower nutrient levels. If compost and digestate are to be classed as organic fertilisers under the EU Fertiliser regs, then we need to ensure these levels are appropriate. The N, P, and K content must be set sufficiently low to allow for these materials.</u></b></li> </ul> <p>The content of nutrients will vary hugely depending on the types of input materials /</p>	<p>composts and digestates will be dealt with under the proposed new regulations (how can products which are naturally as variable as composts and digestates be labelled in such a way that they can be of most use to potential users)</p> <p><u>Option A</u></p> <ul style="list-style-type: none"> <li>• Do not include a limit value for Organic Nitrogen</li> <li>• The thresholds for nutrients are set too high. If kept, these need to be revised and lowered. We proposed the following Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm which would enable composts and digestates to fall under this category</li> <li>• A clear definition of solid and fluid/liquid needs to given</li> <li>• Water soluble K<sub>2</sub>O should be replaced with total K<sub>2</sub>O</li> <li>• Remove minimum level for dry matter content</li> </ul> <p><u>Option B</u></p> <ul style="list-style-type: none"> <li>• Do not include a limit value for Organic Nitrogen</li> <li>• The thresholds for nutrients are set too high. If kept, these need to be revised and lowered. We proposed the following Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm which would enable composts and digestates to fall under this category</li> <li>• A clear definition of solid and fluid/liquid needs to given</li> <li>• Water soluble K<sub>2</sub>O should be replaced with total K<sub>2</sub>O</li> <li>• Remove minimum level for dry matter content</li> <li>• Remove minimum level for organic carbon</li> <li>• Remove Granulometry only for powder form</li> </ul>
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				<p>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.</p> <p>Based on most recent set of data on compost quality from R.E.A. (UK): 64% of compost samples would fail to meet this limit level for Tot N (i.e. they have a total nitrogen content of less than 1.5% dm). 50% of compost samples would fail to meet this limit level for Tot Phosphate (i.e. they have a total phosphate content of less than 0.5% dm).</p> <p>If minimum levels have to be specified for organic fertilisers, the following revised limit values could be fulfilled by quality assured composts from source-separated biodegradable wastes: Total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm.</p> <p>If a material is to be sold as a fertiliser, there is normally a requirement to prove that the main fertiliser nutrients in it vary (in terms of content) by a maximum percentage (e.g. 5% variability). There is no mention of this, but this is one of the main problems with organic materials being classed officially as "fertilisers" in the past. How is this natural variability going to be dealt with under the proposed new regulations? How can products which are naturally as variable as composts and digestates be labelled in such a way that they can be of most use to potential users?</p> <ul style="list-style-type: none"> <li>• It is not clear how 'solid' and 'fluid' fertilisers are</li> </ul>	
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16/17				<p>defined. In the agricultural sector solid is normally a material that is stackable, namely capable of being stacked in a heap (normally with a mass fraction of at least 15 – 23%).</p> <ul style="list-style-type: none"> <li>• Not clear why the K<sub>2</sub>O is expressed as water soluble, while P<sub>2</sub>O<sub>5</sub> is not. The minimum nutrient required should be specified as totals. Water soluble K<sub>2</sub>O can be calculated from total K<sub>2</sub>O based on available estimates of water soluble K<sub>2</sub>O available for composts and digestates.</li> </ul> <p><u>Option B:</u></p> <ul style="list-style-type: none"> <li>• <b>There is no clarity on how these limit levels have been derived and whether they are supported by robust technical evidence.</b></li> <li>• A limit on dry matter should not be included – it should be a matter for declaration. Certain 40% dry matter is completely inadequate, as it is excessively high. The dry matter content of composts and digestates will vary significantly from batch to batch and will be affected by the weather conditions. Normally in the agricultural sector a distinction is made between stackable and non-stackable materials, The former have normally a dry matter content of at least 15%. However dry matter should not be set as a minimum level.</li> <li>• A limit level for organic nitrogen should not be set, as this is not necessary (total nitrogen is sufficient and is what is required under the Nitrate Directive) and could exclude digestate materials which are characterised by high readily available nitrogen, but low organic nitrogen. The main benefit of digestates is its content of readily available nitrogen which will become available in the year of application. In contrast, compost has</li> </ul>	
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				<p>the majority of its nitrogen present in an organic form, which will slowly become available over a period of months or years. In summary, it depends on the product and there should only an obligation to declare the value, as opposed to a limit level.</p> <ul style="list-style-type: none"> <li> <b>The thresholds for nutrients are excessively high and will exclude composts and digestates characterised by lower nutrient levels. <u>If compost and digestate are to be classed as organic fertilisers under the EU Fertiliser regs, then we need to ensure these levels are appropriate. The N, P, and K content must be set sufficiently low to allow for these materials.</u></b> </li> </ul> <p>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.</p> <p>The feedback below is based on the most recent set of data for quality assured composts (PAS 100) and digestates (PAS 110) by R.E.A. (UK):</p> <p><b>Composts:</b> 100% of compost samples (126 out of 126 samples) have total Nitrogen content below the proposed minimum level of 2% (on a fresh weight basis).</p> <p><b>Digestates:</b></p> <ul style="list-style-type: none"> <li> <b>17%</b> (6 out 35 samples) of solid digestate samples in our database has a total Nitrogen content below the minimum level of 2.5% (on a         </li> </ul>	
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				<p>fresh weight basis) proposed for solid organic fertilisers</p> <ul style="list-style-type: none"> <li>• <b>100%</b> of liquid digestate samples (124 samples) in our dataset has a total Nitrogen content below the minimum level of 2% (on a fresh weight basis) proposed for solid organic fertilisers, so all liquid digestate would be completely excluded by the category 'organic fertilisers' if the proposed minimum levels were going to be specified in the final regs. This shows how important is to review previous quality data and ensure any set minimum levels are fully justified and supported by robust evidence;</li> <li>• Not clear why the K<sub>2</sub>O is expressed as water soluble, unlike with P<sub>2</sub>O<sub>5</sub> which is not. Minimum required should be specified as totals.</li> <li>• There is no need to introduce a minimum level for dry matter – it should only be left for declaration</li> <li>• Not clear where 15% organic Carbon comes from? 13% of our compost samples would fail to achieve this value. We would be confident with a level of 10% for composts</li> <li>• 'Granulometry only for powder form' is not relevant for composts and digestates.</li> </ul>	
15-29	PPT 2		ge	<p>Differentiation between organic fertiliser and soil improver:</p> <p>What will be dealt with organic products that come short with nutrients to be an organic fertiliser, but are lacking the organic matter for a soil improver?</p>	<p>We still plead for the introduction of a separate category "COMPOST" because it is impossible to draw a scientifically and practice orientated demarcation line between organic fertilisers and soil improvers.</p> <p>Any gap between organic fertilisers and soil improvers shall be avoided. Therefore it is necessary to set a low organic matter content for soil improvers (15 %) and low nutrient contents for organic fertilisers (total Nitrogen: 0.5% dm; total Phosphate: 0.25% dm and total Potash: 0.3% dm).</p>

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18	PPT 2	Head line; Table	te	<p>What means technical characteristics? Labelling requirements? Characteristics for declaration?</p> <p>Usually total nitrogen and ammonium nitrogen are determined and declared. There is no need to determine ureic nitrogen and organic nitrogen.</p> <p>Although about 50% of P<sub>2</sub>O<sub>5</sub> are usually linked to organic matter, the whole content of P<sub>2</sub>O<sub>5</sub> will become available to plants over the fertilising period. It is sufficient to declare P total.</p> <p>Contained K<sub>2</sub>O is usually nearly 100 % water soluble in organic fertiliser. Due to these facts there is no need to determine and declare additionally the water soluble content</p> <p>Water soluble content of micro-nutrients? Magnesium and other micronutrients are usually applied after leaf diagnosis in liquid form as foliar fertilizer. Organic fertilisers are used as soil fertilizer with very low amounts of micronutrients and therefore no need for declaration.</p> <p>Organic Matter only declaration</p> <p>Nutrient contents should generally be referred to the dry matter for the ability to compare with other fertiliser and to ensure coherent product classification.</p> <p>pH, dry matter, Total P, N, and K plus ammoniacal nitrogen and organic matter are normally required for declaration. There is no need to place any additional requirements in terms of parameter declaration, although these could be requested by an end user for specific applications.</p> <p>Available P and K can be estimated based on available literature (e.g. RB209 fertiliser manual <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69469/rb209-fertiliser-manual-110412.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69469/rb209-fertiliser-manual-110412.pdf</a>).</p>	<p>Optional declaration or labelling instead of technical characteristics in the head line</p> <p>Delete ureic nitrogen.</p> <p>Change to P total</p> <p>Delete water-soluble K</p> <p>No need for declaration.</p> <p>Change: Expressed as % to the dry matter</p> <p>Remove any parameters for declaration other than pH, dry matter, Total P, N, and K plus ammoniacal nitrogen and organic matter</p>
20	PPT2	Organic fertiliser	Te	<ul style="list-style-type: none"> <li>The first and third bullet points in this slide</li> </ul>	Move the content of this slide into compulsory information



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		– Optional identification		should be under compulsory information not optional	
21	Essential quality and labelling requirements	Title	ge	Do we really need a subcategory organo-mineral fertilisers?  It is not clear, what is the purpose of this category and how this will affect composts and digestates.	No further sub-category on organo-mineral fertilisers.  Clarify, what is the purpose of the organo-mineral fertiliser category?
29	Essential quality and labelling requirements	2nd table, 1st-3rd line	te	Nutrient contents should generally be referred to the dry matter for the ability to compare with other fertiliser and to ensure coherent product classification.	Change on total packaged weight to “on dry matter”
29	PPT 2		te	If a minimum level of organic matter is to be specified for this category, then we consider that the proposed minimum of 15% (on a dry matter basis) is not too low and should be kept. This will enable all quality composts and digestates produced in the Europe to be fall under this category.  Stability index: What is the rationale behind the inclusion of a limit level for stability. What would be the purpose of including it? Consistency should be kept across the different categories; if stability is not a concern for other organic materials, why should it be a concern for soil improvers? When compost is applied as soil improver, stability should not be a concern. This parameter was the subject of several discussions between the JRC, Member States and other Stakeholders during the drafting of the JRC-IPTS End of Waste criteria for composts and digestates. There are no consistent methods to determine stability.  Comment to industry proposal:  Corg: There is no need for a minimum organic Carbon content; minimum organic matter content should be sufficient; according to the most recent dataset of compost quality data from R.E.A. UK, 58% of the UK quality composts would have organic carbon content	Not more than 15% organic matter!  No stability index.

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			<p>below the proposed level of 9 % on a fresh matter level). Given that most composts are sold/traded/supplied as soil improvers, this level is inadequate and should be removed. Separated fibre digestate could be traded / used as a soil improver and could have a lower Corg content because of the transformation of carbon into methane during the digestion process.</p> <p>Contained K<sub>2</sub>O is usually nearly 100 % water soluble in organic fertiliser. Due to these facts is sufficient to declare K<sub>2</sub>O total.</p> <p>Granulometry for powder form is not relevant to this category;</p> <p>Dry matter: A limit on dry matter should not be included – it should be a matter for declaration. Certain 40% dry matter is completely inadequate, as it is excessively high. The dry matter content of composts and digestates will vary significantly from batch to batch and will be affected by the weather conditions. Normally in the agricultural sector a distinction is made between stackable and non-stackable materials, the former have normally a dry matter content of at least 15%. However dry matter should not be set as a minimum level.</p>	
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