

Proposal for a revised Fertilising Products Regulation

**CDG Environment and Climate
Change**

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From a Linear Economy...

**NATURAL
RESOURCES**

TAKE

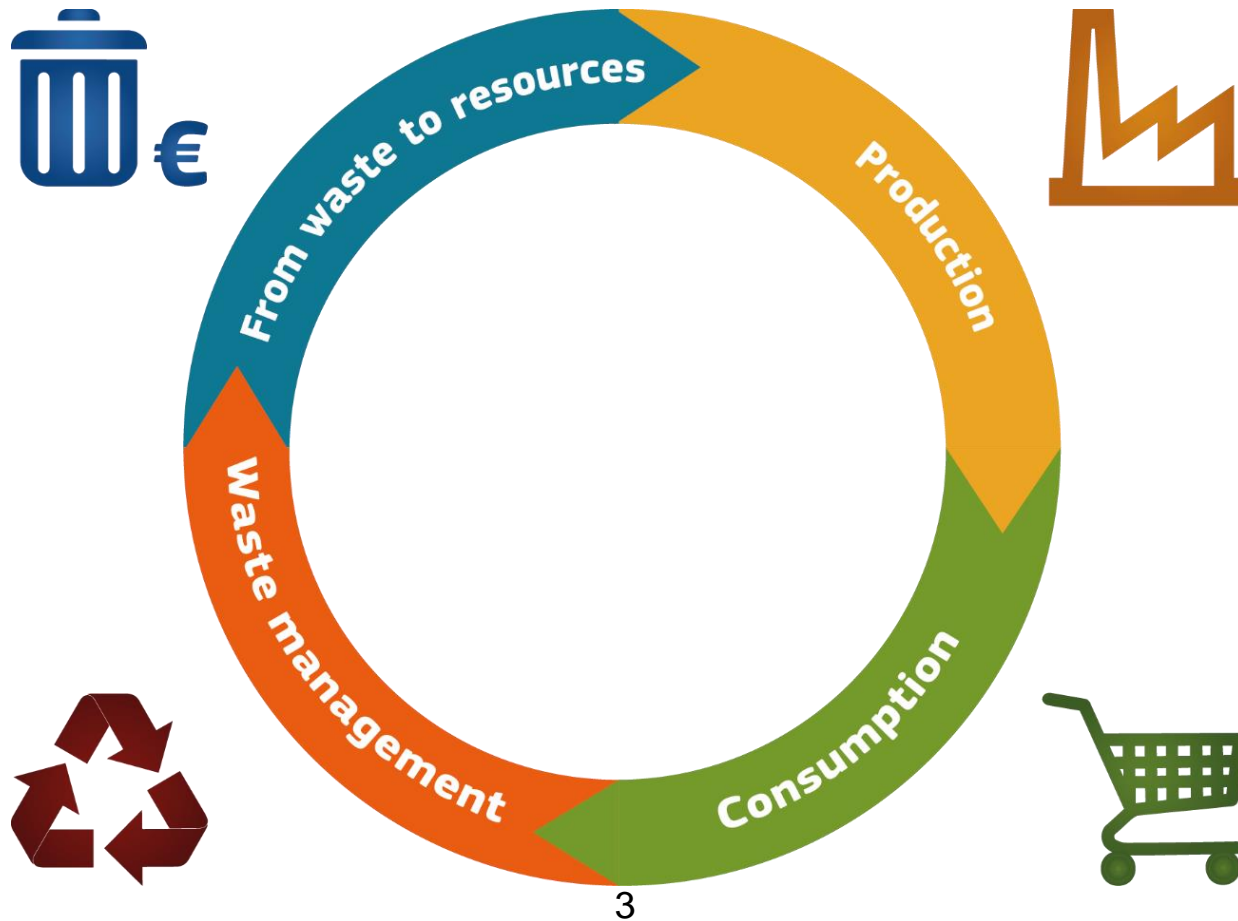
MAKE

DISPOSE



**WASTE
WASTE
WASTE**

...to a Circular Economy



Why revising Fertilisers Regulation?

- **High dependency on imported critical raw materials**
- **Difficulties bringing recycled nutrients to the market**
- **Fragmented market for organic fertilisers = competitive disadvantage vis-à-vis inorganic fertilisers**
- **The EU livestock industry to survive global competition**
- **Farmers' choice is limited at EU level.**

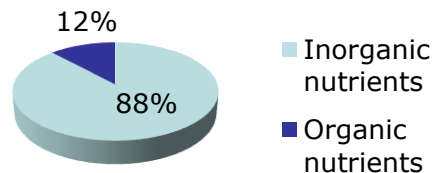


Commission Vice-President Jyrki Katainen, responsible for Jobs, Growth, Investment and Competitiveness (17 March 2016): *"Very few of the abundant bio-waste resources are transformed into valuable fertilising products. Our farmers are using fertilisers manufactured from imported resources or from energy-intensive processes although our industry could valorise these bio-wastes in recycled nutrients. This Regulation will help us turn problems into opportunities for farmers and businesses."*

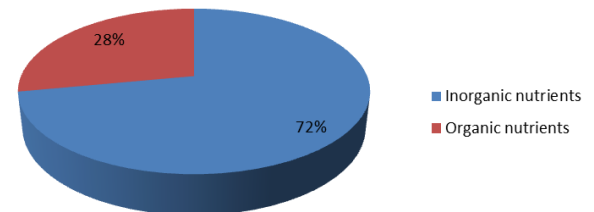
The "vision"

- **Making Fertilisers more sustainable:**
 - **Safety (REACH, limits for contaminants, recovery rules...)**
 - **Promote recycling of nutrients vs. "energy or resource-intensive" products**
- **Boost the market for secondary raw materials**
- **Stimulate new value chains (involving farmers or cooperatives), industrial symbiosis**

P2O5 in 2015



P2O5 consumption in 2025 excluding raw manure



What is the Fertilisers Proposal about?

- **Toolbox for allowing organic fertilisers to circulate freely on the single market**
- **Progressive inclusion of material categories**
- **Products derived from animal by-products leave ABPR controls**
- **Products derived from waste leave waste controls**
- **Processed products easier to transfer from vulnerable zones**

What is the proposal not about?

- **Use of fertilisers is not regulated**
- **Nitrates directive remains applicable**
- **Definitions under nitrates directive remain unchanged**
- **Scope is not open to any resource !**
- **Complementary actions to support industrial production is necessary**

Regulation proposal for CE marked Fertilising Products :

Circular, optional, inclusive, flexible, protective,
adaptable, proportionate/realistic and informative

1. Optional harmonisation
2. All-encompassing scope
3. New Legislative Framework
4. Focus on environmental performance, limit values
5. Dynamics: safeguard mechanism, adaptability of rules to new concerns, new secondary raw materials
6. Extended and more informed choice for users (labelling)

Closing the loop between organic waste and fertilisers

The benefits of the proposed EU regulation

Circular

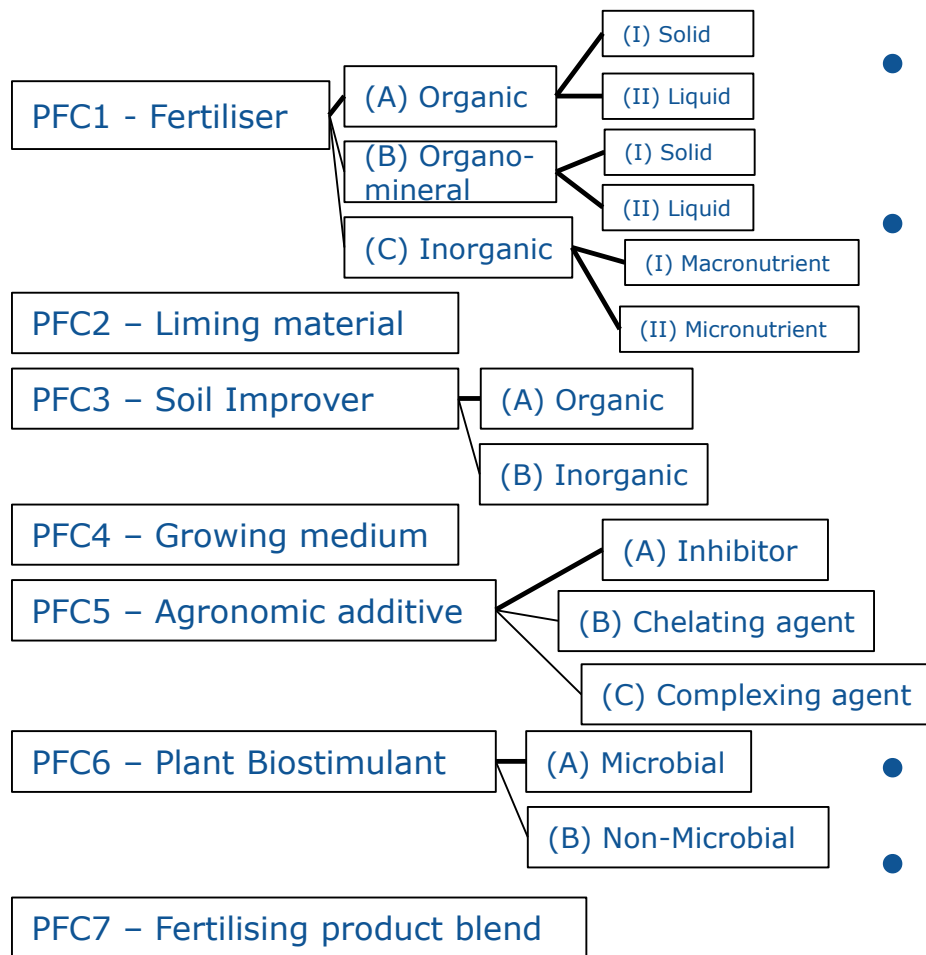


Optional

1. Optional harmonisation

- Member States may allow other fertilisers on their markets without the CE marking
- Political choice of new COM driven by subsidiarity principle
- Ambitious and realistic choice to harmonise rules for products :
 - where scientific consensus exists,
 - where need to freely circulate exists
- Less market disruptive: CE-products compete with national ones
- Costs savings regarding administrative burdens to be expected were not radically favour full harmonisation option

2. All- encompassing scope



- 7 product categories covering all plant nutrition needs
- Break-through for:
 - Waste-derived products (from digestates and composts)
 - Plant biostimulants (bordering Plant protection products)
- Level playing field
- Open to additional sourcing

3. New legislative framework

- Generic safety and quality requirements
- Standards
- Conformity assessment procedures
- Why is this preferred option?
 - Flexibility , less administrative costs, adaptability compared to current type-listing or even ingredients listing

Protective

Flexible
Proportionate

But proposal is not a "straight" NLF as:

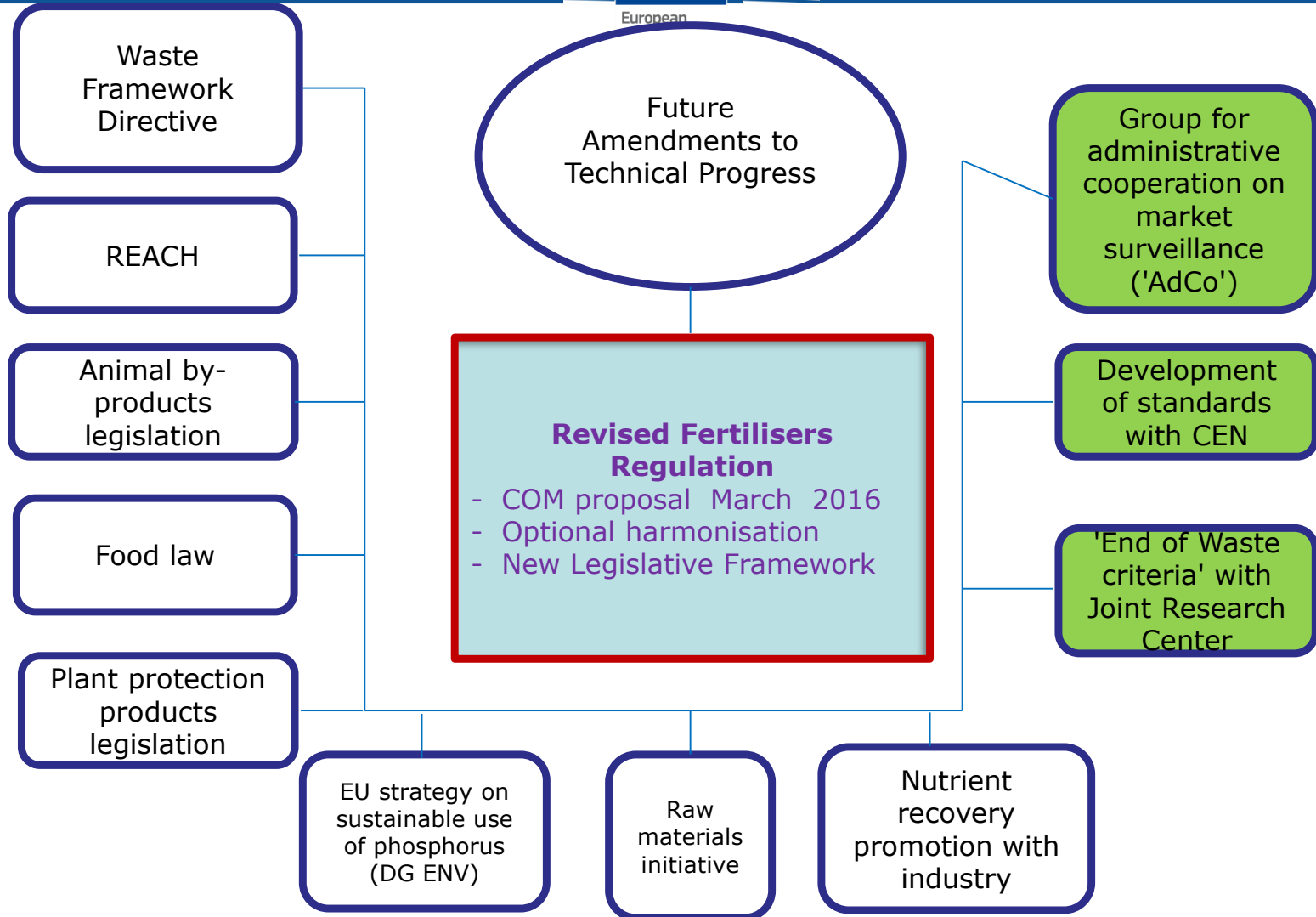
- Exhaustive list of component material categories
- Administrative control of compliance is not uniform but adapted to level of concern of product/component categories

4. Environmental performance, limit values

- Double safety net : REACH registration (where relevant) + limit values for known contaminants
- Limit values are based on:
 - Specific scientific support (e.g. compost+digestate) < JRC
 - Cadmium :
 - Specific IA report
 - 2 scientific opinions (CSTEE 2002+SCHER 2015): safe limit has evolved from 20 to 80 mg/kg P₂O₅ due to evolution of use pattern of phosphate fertilisers
 - Limits proposed: 60/40/20 are justified by precautionary principle: cadmium is a contaminant !
 - National limit values : realistic and technically feasible ("state of the art")

5. Dynamics/adaptability of the proposal

- Scope was "limited" to PFCs/CMCs where realistic safety and quality standards available
- Scope will be more and more inclusive (on-going works with JRC, plastic mulches, plant biostimulants): mechanisms to adapt the annexes (delegated acts) to technical progress (sustainable chemicals)
- If new safety concerns arise, reactivity to new risks (delegated acts), safeguard mechanisms



6. Extended and more informed choice for users

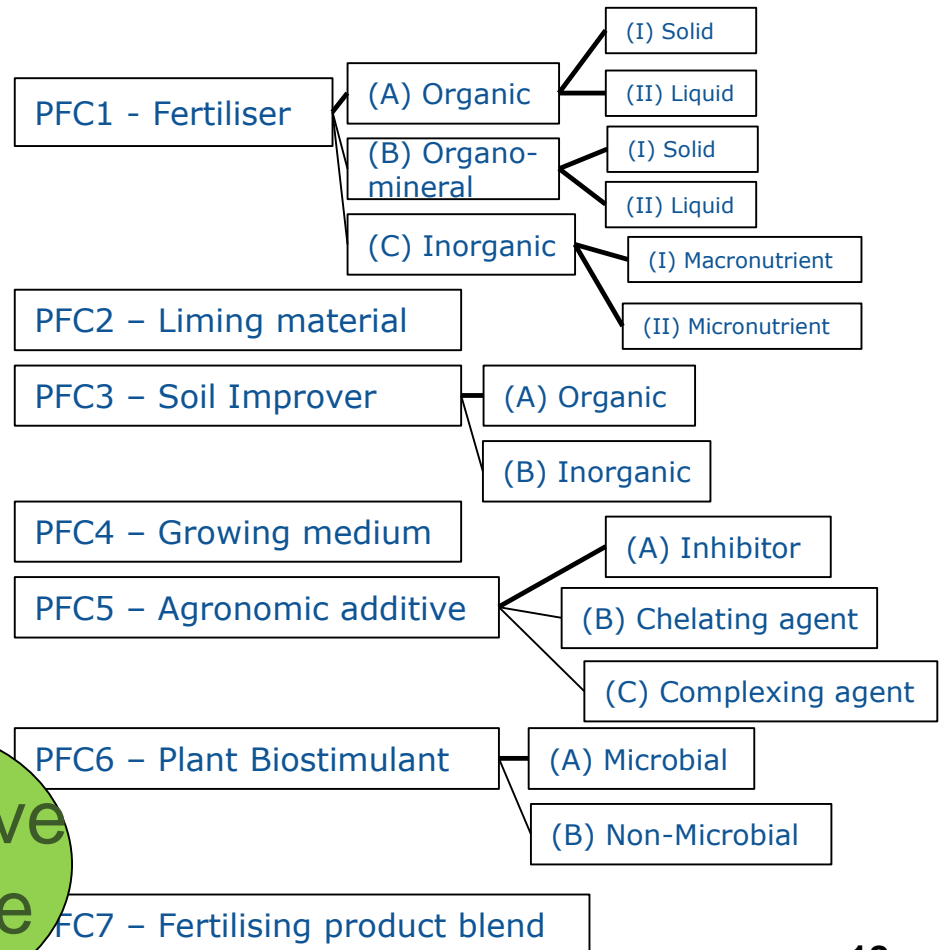
- Users choice will be extended: mineral vs. organic, national vs. CE-marked, blends (rules defined)
- More informed users choice through labelling:
 - Declared content of nutrients
 - Chemical nature of nutrients → sustainable use
 - Fairer functionality claim: plant biostimulant vs. PPP
 - Sustainability claims : to be developed
- Competition on quality/servitisation will serve users' demand₁₇

Exhaustive list of component material categories ('CMC')

- CMC 1: Non-polymer virgin materials
- CMC 2: Simple plant parts or extracts
- CMC 3: **Compost**
- CMC 4: Energy crop digestate
- CMC 5: Other **digestate**
- CMC 6: Food industry by-products
- CMC 7: Micro-organisms
- CMC 8: Agronomic additives
- CMC 9: Nutrient polymers
- CMC 10: Other polymers
- CMC 11: Animal By-products

Inclusive
Flexible

Exhaustive list of product function categories ('PFC')



Illustrative example :

how to obtain a CE Mark for organic fertiliser (PFC 1(A))
composed of compost (CMC 3)

Main product requirements:

Compliance with recovery rules for compost (material purity + stability)

Limits for heavy metal contaminants

Minimum content of nutrients and organic carbon

Label must include:

- Components above 5%
- Content of nutrients and organic carbon

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how to obtain a CE Mark for organic fertiliser (PFC 1(A))
composed of compost (CMC 3)

Conformity assessment:

Module D1 is applicable

**Manufacturer operates a quality system under
surveillance of notified body**

**Quality system includes input material inspection
and output material sample testing**

**CE marking indicates of the identification number of
the notified body**

Waste Framework Directive & Animal By-products Regulation

- Legal certainty !
- CE-marked compliant fertilising products cease being waste (Article 18)
- ABPR allows fertilisers to reach the end-point in the manufacturing chain (Article 45)

Conclusion

- **Level playing field, scale up industrial production of organic fertilisers**
- **Eliminating the regulatory barriers for placing on the market**
- **Use will remain regulated at national level**