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BDE Comments on the Revised Fertiliser Regulation

The BDE welcomes the possibility to comment on the two new PowerPoint presentations that were compiled by the European Commission as a result of the last Fertiliser Working Group meeting on the 2nd of June 2014. The PowerPoint presentations include safety (ppt 1) and quality & labelling (ppt 2) requirements.[1]

This paper summarises the main concerns of the German manufacturer and distributor industry of organic fertilisers and organic soil improvers due to most recent developments.

Agreement on the scope required

The BDE sees an urgent need to find an agreement on the scope of the future Fertiliser Regulation, before further discussions on details of parameters and limits continue.

In the organic fertilisation, primarily the following two waste streams are critically discussed: sewage sludge and mixed municipal solid waste (MSW).
For sewage sludge, two main legal acts (Waste Framework Directive, Sewage Sludge Directive) exist in the EU, which allow and stipulate material recycling. In the revision of the Fertiliser Regulation, this aspect should be taken into account and a closer linkage to the waste legislation should be realised.
With regard to mixed MSW, the situation is more complex as only a few Member States still produce fertilisers or soil improvers thereof. A regulation, that allows residues from mechanical-biological treatment of MSW to be marketed european-wide as EU fertilisers, would be very unlikely to find a majority in the Council. Thus, the BDE is against this option.

In order to provide for a clear scope, the BDE is in favour of an input or positive list. After defining the scope, relevant quality and safety parameters should be identified as well as limits should be set.

Definite information on the possibility of national regulations needed

The necessity for national regulations is closely related to the scope of the new fertiliser regulation. If, for example, sewage sludge is excluded from the scope, a national regulation will be needed to implement the EU-provision (Sewage Sludge Directive) and to allow the agricultural use of this valuable organic phosphate fertiliser. If sewage sludge is covered by the EU fertiliser regulation, quality and safety requirements must be discussed anew.

The reason behind is that the currently selected parameters (taken from EoW) were developed for a completely different application. The original application would allow that materials outside the EoW-standard could still be used as organic fertiliser or soil improver with, as a matter of course, additional

[1] ppt 1: Essential safety requirements for fertiliser materials. ppt 2: Essential quality and labelling requirements for fertilising materials. Both presentations include contributions from MS and industry.

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consideration of provisions from the waste legislation. This option seems not to exist in the last-mentioned considerations.

Besides, the originally developed EoW-criteria inlcuded more than a simple adoption of heavy metal limits in the end products. Only a total package consisting of a list of suitable input materials, a process control for hygienisation, observing the heavy metal concentration levels, and the establishment of a quality assurance system, would have provided an opportunity to cease compost and fermentation products from the waste status.

There is a need for a mandatory clarification to which extend national rules may be implemented. The BDE considers national rules as necessary to make optimal use of the resource potential of fertilisers from the circular economy.

Definition of organo-mineral fertiliser and of solid/liquid fertiliser necessary

The BDE would like to encourage the European Commission again to clearly define some terms and definitions. Only then, discussions that have been going on for months, for instance on nutrient contents, can be concluded. In particular, the BDE sees a need for a definition of "organo-mineral fertiliser" and "solid/liquid fertiliser".

In Germany, organo-mineral fertilisers are only considered as such if mineral (inorganic) components are supplied externally. Composts, although they naturally contain mineral soil components, are always considered as pure organic fertiliser. Also in the future, the BDE sees compost either as a pure organic fertiliser or organic soil improver.

To ensure a correct and consistent classification to one fertiliser type, there is a need for a basic definition with regard to its status (liquid or solid). In Germany, a fertiliser is considered liquid with a dry matter content of less than 15 percent.

Adjust nutrient contens in fertilisers and soil improvers

Minimum nutrient contents are closely associated with the product types and can only be set based on a clear definition of the respective product (see also comment above).

In doing so, the required nutrient contents should always refer to the dry matter content in order to ensure product comparability. Also, there should not be any different requirements for liquid and solid fertilisers (cf. ppt 2 slides 15-17).

In the whole dicussion on nutrient contents, compost has an exeptional position. Across Europe, it is applied as both organic fertiliser and organic soil improver, depending on the national legislation in each member state. Compost naturally comes with the unique feature of basic fertilisation and soil improvement which should be recognised in the new EU regulation. The BDE therefore fosters an own

product category for compost. Alternatively, there should be an overlap of the nutrient contents set for organic fertilisers and organic soil improvers.

This overlap is especially useful as the nutrient content of composts often lies just in the now proposed border area with the consequence, that one batch of a treatment plant might be soil improver and the other batch might be organic fertiliser, although almost the same nutrients are included and the same input material treated.

Minimum nutrient content of the organic fertiliser should therefore be lowered to 1% N, 0.3% P2O5 and 0.5% K2O based on dry substance. At the same time the maximum nutrient content of organic soil improvers could be limited to 3% of the dry matter.

In the context of product categorisation, the BDE would like to draw the attention to the importance of the entry in the brackets "individual values qualify the product as organic fertilizer" (cf. ppt 2 slide 15). Without this note, its marketing as a single nutrient fertiliser or as a double nutrient fertiliser would not be possible. The reference, that not always all three nutrient levels must be achieved, is of utmost importance and must be kept.

For example one can consider compost from source separated biowaste which is, with low nitrogen contents, marketed as PK fertiliser. This possibility needs to remain under future EU law also.

Special consideration of phosphate-rich fertilisers

For phosphate-containing inorganic fertilisers, the EU proposal envisages a derogation in the cadmium limit if the fertiliser contains more than 5% P2O5 ("to be determined", ppt 1 slide 3). A similar scheme only exists for organo-mineral fertilisers but is not intended for organic fertilisers.

The BDE does not share this point of view which is also incomprehensible for environmental and resource protection reasons. At least from the systematic stance, the same rules need to be applied to all fertilising products, otherwise such requirements lead to unintended competitive distortions on the account of the circular economy (cf. ppt 1 slides 3, 5, 8, 12, 16).

Adapt the impurity stones to practice

Without any earlier discussion in the Working Groups, a new parameter on impurities has been added. The proposal of 2% at a maximum of stones larger than 5 mm is impractical and not applicable. Composts are for example typically marketed in a sieve cut of 15-20 mm. Additionally, stones do not pose any risks.

The BDE suggests a complete deletion of this requirement. If one criterion needs to be taken, a value of 5% at a maximum of stones over 10 mm may serve as a guide (cf. ppt 1 slides 7, 10, 14, 19).

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